

Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982

TAMILNADU

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Act 33 of 1982

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Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982) Statement of Objects and Reasons - Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982). - For Statement of Objects and Reasons, please see Part IV-Section 1, page 168 of the Tamil Nadu Government Gazette Extraordinary, dated the 27th May 1982. Statement of Objects and Reasons - Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 1993 (Tamil Nadu Act 26 of 1993). - The Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982), provides for regulating the employment of manual workers employed in certain scheduled employments and the conditions of their work and security of their employment. The Government have now decided to formulate a scheme for the welfare of manual workers in the employment in construction or maintenance of dams, bridges, roads or in any building operations which is one of the scheduled employment. With this object in view, it is proposed to levy as contribution towards the fund to be constituted for the benefit of the said manual workers under a scheme framed under section 3 of the Act, a sum at such per cent not exceeding one per cent of the estimated cost of the building or construction work, as may be notified by the Government. The said sum shall be collected by the local authority concerned at the time of sanction of building permit from the person who applies for a building permit. In respect of construction work other than building-work, every person who undertakes any construction work or in charge of the construction work shall be liable to pay the said sum as contribution to the said Fund. The sum so collected shall be remitted to the Board to be established, in respect of the manual workers referred to above, under section 6 of the Act for being credited to the said fund. The said Board shall administer the fund to provide welfare measures contemplated in the scheme referred to above in accordance with such scheme. It has, therefore, been decided to amend the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982, accordingly.² The Bill seeks to give effect to the above decision. Published in Part IV-Section 1, page 103 of the Tamil

Nadu Government Gazette Extraordinary, dated the 30th April 1993. Statement of Objects and Reasons - Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 1998. - The Government have constituted in G.O. (Misc) No. 126, Labour and Employment Department, dated 27th August 1997, two tripartite committees to study the problems and issues of unorganised workers engaged in the employments which are covered by the provisions of labour enactments as well as the employments not covered by labour enactments and to make suitable suggestions. The said committees have made certain recommendations to the Government in their common report, dated 6th February 1998. After examining the said recommendations the Government considered it necessary to amend the expression, "manual worker" occurring in clause (10) of section 2 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982) so as to include self-employed worker and to make new provision providing for the contribution to a Fund for the benefit of manual workers in the employments under a scheme framed under the said] Act other than those employed in construction or maintenance of dams, bridges, roads or in any building operations in. respect of whom a scheme has already been framed under the said Act. The Government have accordingly decided to amend the said Act, suitably.2. The Bill seeks to give effect to the above decision. Published in Part IV-Section 1, page 359 of the Tamil Nadu Government Gazette Extraordinary, dated the 27th November 1998. Statement of Objects and Reasons - Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2003. - Section 6(1) of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982) provides for the establishment of Boards, for any scheduled employment in any area and that one or more Boards may be appointed for one or more scheduled employments and for one or more areas. However, there is no enabling provision in the said Act for the amalgamation of Boards in the public interest or for securing the proper management of any Board when the Government are satisfied that such amalgamation is necessary.2. The Government have decided to amend the said Act to make provision for amalgamation of Boards.3. The Bill seeks to give effect to the above decision. Published in Part IV-Section 1, page 253 of the Tamil Nadu Government Gazette Extraordinary, dated the 3rd November 2003. Statement of Objects and Reasons - Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2006. - Sub-section (1) of section 6 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982), empowers the Government to establish one or more Boards for one or more employment specified in the Schedule to that Act for administering the Scheme made under that Act by the Government for the said scheduled employment. Sub-section (3) of the said section 6 provides that the Board shall consist of members nominated, from time to time, by the Government representing the employers, the manual workers and the Government. Sub-section (4) of the said section 6 provides that the members representing employers and manual workers shall be equal in number, and the members representing the Government shall not exceed one third of the total number of members representing employers and manual workers.2. In many of the scheduled employment, there is no employer and employee relationship and the manual workers engaged in those scheduled employment are mostly self-employed. In these circumstances, the Government considered that the provisions contained in sub-section (3) of the said section 6 is sufficient for the purpose and accordingly decided to omit sub-section (4) of section 6 of the said Act.3. The Bill seeks to give effect to the above decision. Published in Part IV-Section 1, page 128 of the Tamil Nadu Government Gazette

Extraordinary, dated the 24th August 2006. Statement of Objects and Reasons - Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2007 (Tamil Nadu Act 10 of 2007). - Section 29 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982) provides for modifying any item of the Schedule or add to the Schedule to the said Act by the Government, by notification, after giving not less than three months notice of its intention so to do. By the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Second Amendment Ordinance, 2001 (Tamil Nadu Ordinance 1 of 2001), the said section 29 was substituted by a new section which enabled the Government to modify any item of the Schedule or add to the Schedule to the said Act without giving such notice. The said Ordinance was not replaced by an Act of the Legislative Assembly. Therefore, the provisions of the said section 29 as so substituted by the said Ordinance ceased to operate on and from the 2nd July 2001. Now, the Government have decided to make a provision enabling the Government to modify any item of the Schedule or add to the Schedule to the said Act without giving notice, by amending the said Act suitably for the purpose. 2. The Bill seeks to give effect to the above decision. Published in Part IV-Section 1, page 71 of the Tamil Nadu Government Gazette Extraordinary, dated the 9th May 2007. Received the assent of the President on 1st June 1982 and first published in the Tamil Nadu Government Gazette Extraordinary, dated the 5th June 1982. An Act for regulating the employment of manual workers employed in certain employments in the State of Tamil Nadu and the conditions of their work and security of their employments and for certain other matters connected therewith. BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982. (2) It extends to the employments specified in the Schedule. (3) It shall come into force on such date as the State Government may, by notification, appoint; and different dates, may be appointed for different areas, for different employments and for different provisions of this Act.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1) "Advisory Committee" means an Advisory Committee constituted under section 15; (2) "Board" means a Board established under section 6; (3) "child" means a person who has not completed sixteen years of age; (4) "contractor", in relation to a manual worker, means a person who undertakes to execute any work for an establishment by engaging such workers on hire or otherwise, or who supplies such workers either in groups, gangs or as individuals and includes a sub-contractor, an agent, or a maistry; (5) "employer", in relation to any manual worker engaged by or through contractor, means the principal employer and, in relation to any other manual worker, the person who has ultimate control over the affairs of the establishment and includes any other person to whom the affairs of such establishment are entrusted, whether such person is called an agent, manager or is called by any other name prevailing in the scheduled employment; (6) "establishment" means any place or premises including the precincts thereof, in which or in any part of which any scheduled employment is being or is

ordinarily carried on;(7)"family", in relation to an employer, means the spouse, son, daughter, father, mother, brother or sister of such employer who lives with him and is wholly dependent on him;(8)"Government" means the State Government;(9)"Inspector" means an Inspector appointed under section 16;(10)"manual worker" means a person who is engaged or to be engaged directly or through any agency, in any scheduled employment whether for wages or not, to do manual work in any scheduled employment, and includes any person not employed by any employer or a contractor, but working with the permission of, or under agreement with the employer or contractor and a person who is given raw materials by an employer or a contractor for making or altering or for any work, [and a person who directly engages himself in any scheduled employment, but does not include any member of the family of an employer or any employee who is in the enjoyment of benefits by or under the Employees' State Insurance Act, 1948 (Central Act XXXIV of 1948) or the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Central Act XIX of 1952)] [Substituted for the words 'and registered as such manual workers under this Act, but does not include any member of the family of an employer' by the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 1998 (Tamil Nadu Act 60 of 1998).];(11)"principal employer" means an employer who engages manual workers by or through a contractor in any scheduled employment;(12)"scheduled employment" means any employment specified in the schedule wherein any manual work is undertaken by the manual worker or any process or branch of manual work forming part of such employment;(13)"scheme" means a scheme made under this Act;(14)"wages" means all remunerations expressed in terms of money or capable of being so expressed which would, if the terms of contract of employment, express or implied were fulfilled, be payable to a manual worker in respect of work done in any scheduled employment, but does not include-(i)the value of any house accommodation, supply of light, water, medical attendance, or any other amenity or any service excluded from the computation of wages by general or special order of the Government;(ii)any contribution paid by the employer to any pension fund or provident fund or under any scheme of social insurance and the interest which may have accrued thereon;(iii)any travelling allowance or the value of any travelling concession;(iv)any sum paid to the manual worker to defray special expenses entailed on him by the nature of his employment; or(v)any gratuity payable on discharge.

3. Scheme of ensuring regular employment of manual workers.

(1)For the purpose of ensuring an adequate supply and full and proper utilisation of manual workers in scheduled employments, and generally for making better provision for the terms and conditions of employment of such workers, the Government may, by means of a scheme, provide for the registration of employers and manual workers in any scheduled employment or employments, and provide for the terms and conditions of work of manual workers, and make provision for the general welfare in such employments.(2)In particular, a scheme may provide for all or any of the following matters, that is to say,-(a)for the application of the scheme to such classes of manual workers and employers, as may be specified therein;(b)for defining the obligations of manual workers and employers subject to the fulfilment of which the scheme may apply to them;(c)for regulating the recruitment and entry into the scheme of manual workers and the registration of such workers and employers, including the maintenance of registers, removal, either temporarily or permanently, of names from the registers, and provision for appeal against such removal to the prescribed authority,

and the imposition of fees for registration;(d)for regulating the employment of manual workers and the terms and conditions of such employment, including rates of wages, hours of work, maternity benefit, overtime payment, leave with wages, provision for gratuity and conditions as to weekly and other holidays and pay in respect thereof;(e)for securing that, in respect of period during which employment or full employment is not available to manual workers though they are available for work, such manual workers will, subject to the conditions of the scheme, receive a minimum wage;(f)for prohibiting, restricting or otherwise controlling the employment of manual workers to whom the scheme does not apply, and the employment of manual workers by employers to whom the scheme does not apply;(g)for the welfare of manual workers covered by the scheme in so far as satisfactory provision therefor, does not exist, apart from the scheme;(h)for health and safety measures in places where the manual workers are engaged, in so far as satisfactory provision therefor, is required, but does not exist, apart from the scheme;(i)for the constitution of any fund or funds including provident fund for the benefit of manual workers, the vesting of such funds, the payment and contributions to be made to such funds [provision for provident fund and rates of contribution being made after taking into consideration the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Central Act XIX of 1952) and the scheme framed thereunder with suitable modifications, where necessary, to suit the conditions of work of such manual workers] and all matters relating thereto;(j)for the manner in which, and the persons by whom, the cost of operating the scheme is to be defrayed, including any contributions to the fund by employers and manual workers and the rate of such contributions;(k)for appointing the persons or authorities who are to be responsible for the administration of the scheme, and for the administration of funds constituted for the purposes aforesaid;(l)for such incidental and supplementary matters, as may be deemed necessary or expedient for giving effect to the purposes of a scheme.(3)The scheme may further provide that a contravention of any provision thereof shall be punished with imprisonment for such term as may be specified (but in no case exceeding three months in respect of a first contravention or six months in respect of any subsequent contraventions), or with fine which may extend to such amount as may be specified (but in no case exceeding five hundred rupees in respect of a first contravention, or one thousand rupees in respect of any subsequent contraventions) or with both imprisonment and fine and if the contravention is continued after conviction with a further fine which may extend to one hundred rupees for each day on which the contravention is so continued.

4. Making variation and revocation of.

- The Government may, after consultation with the Advisory Committee, by notification [xxx] [The words 'and subject to the condition of previous publication' were omitted by section 4 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2001 (Tamil Nadu Act 2 of 2001).] make one or more schemes for any scheduled employment or group of scheduled employments, in one or more areas specified in the notification; and in like manner add to, amend, vary or substitute another scheme for, any scheme made by it:[First proviso was omitted by section 4 of the Tamil Nadu Manual "Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2001 (Tamil Nadu Act 2 of 2001).]Provided further that, the Government may,-(a)if it considers necessary, or(b)if a demand or request is made by a majority of the employers or workers in any other scheduled employment, that the provisions of any scheme so made for any

scheduled employment or any part thereof should be applied to such other scheduled employment, the Government may, after consulting the employers and workers in such other scheduled employment, by notification, apply the provisions of such scheme or part thereof to such other scheduled employment, with such modifications, if any, as may be specified in the notification.

5. Disputes regarding application of the scheme.

- If any question arises whether any scheme applies to any class of manual workers or employers, the matter shall be referred to such authority as may be prescribed in this behalf and the decision of such prescribed authority made after consultation with the Advisory Committee on the question shall be final.

6. Establishment of Board .

(1)The Government may, by notification, establish a Board to be known by such name as may be specified in the notification for any scheduled employment in any area. One or more Boards may be appointed for one or more scheduled employments, and for one or more areas.(2)Every such Board shall be a body corporate with the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, and to contract, and may by that name sue or be sued.(3)The Board shall consist of members nominated, from time to time, by the Government representing the employers, the manual workers, and the Government.(4)Omitted by the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Employment) Amendment Act, 2006 (Tamil Nadu Act 30 of 2006):(5)The chairman of the Board shall be one of the members appointed to represent the Government, nominated in this behalf by the Government.(6)After nomination of all the members of the Board including the chairman, the Government shall, by notification, publish the names of all the members of the Board.(7)The term of office of members of the Board shall be such as may be prescribed.(8)The meetings of the Board and procedure to be followed for the purpose and all matters supplementary or ancillary thereto shall, subject to the approval of the Government, be regulated by the Board itself.

6A. [Amalgamation of Boards. [Inserted by the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2003 (Tamil Nadu Act 32 of 2003).]

(1)Where the Government are satisfied that it is necessary in the public interest or for the purpose of securing the proper management of any Board, that two or more Boards should be amalgamated, the Government may formulate a proposal for amalgamation and shall publish such proposal in the Tamil Nadu Government Gazette and in not less than one Tamil daily newspaper having wide circulation in the State.(2)Any member of the Board concerned, any manual worker registered under any scheme administered by such Boards or any other person likely to be affected, may, within thirty days from the date of publication of the proposal for amalgamation in the Tamil Nadu Government Gazette or in the Tamil daily newspaper, whichever is later, file objection or suggestion to the proposed amalgamation before the Government.(3)The Government may, after considering

the objections and suggestions, if any, pass an order approving or modifying the proposal or pass such other order as they deem fit. The order shall specify the constitution and authorities of the Board and shall contain the duties, liabilities and obligations of such Board and such other incidental, consequential and supplemental provisions as may, in the opinion of the Government, be necessary to give effect to the order.(4)Every order made under sub-section (3) shall be published in the Tamil Nadu Government Gazette.(5)On and from the date of order of amalgamation, the assets, liabilities, properties, rights and interests and the records, registers and other documents of the Boards so amalgamated shall stand transferred to the amalgamated Board.]

7. Power of Government to appoint one-man Board.

(1)Where by reason of employers or manual workers in any scheduled employment refusing to nominate persons for representing them on the Board or for any reasons whatsoever, it appears to the Government that it is unable to establish a Board for such scheduled employment in accordance with the provisions of section 6, the Government may, by notification, appoint a person who shall hold office until a Board is duly established under section 6 for such scheduled employment.(2)The person so appointed shall be deemed to constitute the Board for the time being, and shall exercise all the powers and perform and discharge all the duties and functions conferred and imposed upon the Board by or under this Act. He shall continue in office until the day immediately preceding the date of the first meeting of such Board.(3)The person constituting the Board shall receive such remuneration from the fund of the Board, and the terms and other conditions of service shall be such as the Government may determine.

8. Powers and duties of the Board.

(1)The Board shall be responsible for administering a scheme, and shall exercise such powers and perform such functions as may be conferred on it by the scheme.(2)The Board may take such measures as it may deem fit for administering the scheme.(3)Notwithstanding anything contained in any other law, the Board may nominate persons or officers who would be competent to act on behalf of any manual worker to initiate action for making any claim under any law or rules made thereunder or award or settlement made under any such law and appear on behalf of the manual workers in such proceedings.(4)Notwithstanding anything contained in section 36 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Board may nominate persons or officers who would be competent to act in an industrial dispute raised individually under section 2-A or collectively under section 2(k) of the said Act to represent the workers in any conciliation proceeding or proceedings before Labour Courts, Industrial Tribunal or National Tribunal or before an Arbitrator under section 10-A of the said Act, if the Board has been authorised by the manual workers.(5)The Board shall submit to the Government as soon as may be, after the first day of April every year, the annual report on the working of the scheme during the preceding year ending on thirty-first March of that year. Every report so received shall be laid as soon as may be after it is received before each House of the State Legislature if it is in session, or in the session immediately following the date of receipt of the report.(6)In exercise of the powers and discharge of its functions, the Board shall be bound by such directions as the Government may, for reasons to be stated in writing, give to it, from time to time.

8A. [Contribution to fund for benefit of manual workers in the employment in construction or maintenance of dams, bridges, etc. [Inserted by the Tamil Nadu Act 26 of 1993.]

(1)Notwithstanding anything contained in any law for the time being in force or in any agreement,-(a)every person who makes an application for building permit for any building work to a local authority shall be liable to pay the local authority concerned, in addition to the fee for the building permit; and(b)every person who undertakes or is in charge of, any construction [work other than the building work referred to in clause (a) shall be liable to pay, a sum at such per cent not exceeding one per cent of the total estimated cost of the building or construction work proposed to be constructed, as may be fixed by the Government by notification, as contribution to the fund constituted for the benefit of manual workers in the employment in construction or maintenance of dams, bridges, roads or in any building operations, under a scheme framed under section 3.(2)Notwithstanding anything contained in any law for the time being in force, every local authority shall, while sanctioning the building permit, collect the sum specified in clause (a) of sub-section (1), in such manner as may be prescribed.(3)(a)Notwithstanding anything contained in any law for the time being in force, every application made to any local authority for building permit, shall also be accompanied by a detailed estimated cost of the building proposed to be constructed for which a building permit is applied for.(b)The detailed estimate referred to in clause (a) shall be certified by such authority as may be prescribed as to the correctness of such estimate.(4)Every local authority referred to in clause (a) and every person referred to in clause (b) of sub-section (1) shall, within such period as may be prescribed, remit the sum collected or liable to pay, as the case may be, under the said sub-section (1), to the Board established under section 6 in respect of the manual workers in the employment in construction or maintenance of dams, bridges, roads or in any building operations, in such manner as may be prescribed, for being credited to the Fund constituted for the benefit of the said workers under a scheme framed under section 3.(5)(a)The provisions of this section shall apply to-(i)the City of [Chennai];(ii)the City of Madurai; and(iii)the City of Coimbatore, on the date of the commencement of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 1993.(b)The Government may, by notification, direct that this section shall apply on such date as may be specified in the notification to the local area comprised in-(i)any municipal town;(ii)any township; or(iii)any panchayat.Explanation. - For the purposes of this section,-(a)"local authority" means-(i)the Municipal Corporation of [Chennai] [Substituted for the words 'Madras' by city madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)], Madurai, Coimbatore or any other Municipal Corporation that may be constituted under any law for the time being in force; or(ii)a municipal council constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); or(iii)a Township Committee constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) or the Mettur Township Act, 1940 (Tamil Nadu Act XI of 1940) or the Courtallam Township Act, 1954 (Tamil Nadu Act XVI of 1954) or the Bhavani Sagar Township Act, 1954 (Tamil Nadu Act XXV of 1954) or under any other law for the time being in force; or(iv)a panchayat constituted under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958);(b)"person" includes-(i)[the Central Government, the Central Government Undertakings, any State Government or Union Territory Administration;] [Substituted for '(i) any State Government or Union Territory

Administration;' by Act No. 17 of 2014, dated 2.9.2014.](ii)a local authority including a Panchayat Union Council; and(iii)an individual, a family, a firm, a company or an association or body of individuals, whether incorporated or not.]

8B. [Contribution to hind for benefit of manual workers other than those employed in construction or maintenance of dams, bridge, roads, or in any building operations. [Inserted by the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 1998 (Tamil Nadu Act 60 of 1998).]

(1)Notwithstanding anything contained in any law for the time being in force or any agreement, but save as otherwise provided in section 8-A,-(a)every employer other than an employer operating a motor transport for carrying passengers or goods by roads, employing manual worker in any scheduled employment, shall be liable to pay, [to the respective Board established under section 6, for any scheduled employment, other than the scheduled employment in construction or maintenance of dams, bridges, roads, or in any building operations, a sum at such rate, in such manner and within such time, as specified in the scheme].(b)every employer operating any motor transport for carrying passengers or goods by roads, shall be liable to pay, in addition to the tax payable by him under the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974) (hereafter in this section referred to as the said Act), a sum at such rate not exceeding one per cent of the tax payable by him under the said Act, as may be fixed by the Government by notification;(c)every manual worker in any scheduled employment other than the scheduled employment in construction or maintenance of dams, bridges, roads in any building operations, [shall pay a sum, at such rate, in such manner and within such time, as specified in the scheme in respect of such scheduled employment] [Substituted for the words 'shall pay a sum of rupees twenty per month in such manner and within such time as may be specified in the scheme' by the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2001 (Tamil Nadu Act 2 of 2001).].(d)the Government may, from time to time, make grants to the Board on such terms and conditions as the Government may, in each case, determine,as contribution to the Fund constituted for the benefit of manual workers in the scheduled employments under a scheme framed under this Act, other than those employed in construction or maintenance of dams, bridges, roads or in any building operations.(2)Notwithstanding anything contained in any law for the time being in force, every officer appointed under the said Act shall, while collecting the tax under the said Act, also collect the sum specified under sub-section (1) and remit such sum [within such time as maybe prescribed] [Substituted for the words 'within ninety days from the date of collection of such sum' by the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2001 (Tamil Nadu Act 2 of 2001).] to the Board referred to in sub-section (1), in such manner as may be specified in the scheme.(3)Any sum paid under sub-section (1) or remitted under sub-section (2) shall be credited to the Fund constituted for the benefit of the manual workers, under a scheme framed under this Act, other than those employed in construction or maintenance of dams, bridge, roads or in any building operation.]

9. Accounts and audit.

(1)The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance-sheet in such form as may be prescribed.(2)The accounts of the Board shall be audited annually by such qualified person as the Government may appoint in this behalf.(3)The auditor shall, at all reasonable times, have access to the books of accounts and other documents of the Board, and may, for the purposes of the audit-, call for such explanation and information as he may require or examine any member or officer of the Board.(4)The accounts of the Board certified by the auditor, together with the audited report thereon shall be forwarded annually to the Government before such date as the Government may specify in this behalf.(5)The Board shall comply with such directions as the Government may after perusal of the report of the auditor, think fit to issue.(6)The cost of audit, as determined by the Government, shall be paid out of the funds of the Board.

10. Disqualifications and removal.

(1)No person shall be chosen as, or continue to be, a member of the Board who-(a)is a salaried officer of the Board; or(b)is or at any time has been adjudged insolvent; or(c)is found to be a lunatic or becomes of unsound mind; or(d)is or has been convicted of any offence involving moral turpitude.(2)The Government may remove from office any member who-(a)is or has become subject to any of the disqualifications mentioned in sub-section (1); or(b)is absent without leave of the Board for more than three consecutive meetings of the Board.

11. Resignation by members.

- Any member of the Board may, at any time, resign his office by writing under his hand addressed to the Government, and his office shall, on acceptance of resignation by the Government, become vacant.

12. Filling up of vacancy.

- In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the Board shall forthwith communicate the occurrence to the Government and the vacancy shall be filled not later than ninety days from the date of the occurrence of the vacancy, and the person nominated to fill in the vacancy shall hold office so long only as the member in whose place he is nominated would have held it if the vacancy had not occurred:Provided that during any such vacancy, the continuing members may act as if no vacancy has occurred.

13. Proceedings presumed to be good and valid.

- No act or proceedings of the Board shall be questioned or invalidated merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.

14. Recovery of dues to the Board.

(1) On an application made by the Board for the recovery of arrears of any sum payable to it under this Act or any scheme and on its furnishing a statement of accounts in respect of such arrears, the Collector may, after making such inquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears. (2) A certificate by the Collector shall be final and conclusive as to the arrears due. The arrears stated to be due therein shall then be recovered as arrears of land revenue by the Collector and remitted to the Board.

15. Advisory Committee.

- The Government may constitute an Advisory Committee to advise upon such matters arising out of the administration of this Act or any scheme made under this Act or relating to the application of the provisions of this Act to any particular class of manual workers and employers, or coordination of the work of various Boards, as the Advisory Committee may itself consider to be necessary or as the Government may refer it for advice. (2) The members of the Advisory Committee shall be appointed by the Government and shall be of such number and chosen in such manner as may be prescribed: Provided that the Advisory Committee shall include unequal number of members representing employers, manual workers and the Legislature of the State and members representing the Government not exceeding one-fourth of its total number of members. (3) The Chairman of the Advisory Committee shall be one of the members appointed to represent the Government nominated in this behalf by the Government. (4) The Government shall publish in the Tamil Nadu Government Gazette the names of all the members of the Advisory Committee. (5) The meetings of the Advisory Committee and procedure to be followed for the purpose shall be regulated according to rules made under this Act. (6) The term of office of members of the Advisory Committee shall be such as may be prescribed.

16. Inspectors.

(1) The Board may appoint such persons as inspectors, as it thinks fit to be Inspectors possessing the prescribed qualifications for the purposes of this Act or of any scheme and may define the limits of their jurisdiction. (2) Subject to any rules made by the Government in this behalf, an Inspector may—(a) enter and search, at all reasonable hours, with such assistants as he thinks fit, any premises or place where manual workers are employed or work is given out to manual workers in any scheduled employment, for the purpose of examining any register, record of wages or notices required to be kept or exhibited under any scheme, and require the production thereof, for inspection; (b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe is a manual worker employed therein or a manual worker to whom work is given out therein; (c) require any person giving any work to manual worker or to a group of manual workers to give any information, which is in his power to give, in respect of the names and addresses of the persons to whom the work is given, and in respect of payments made, or to be made, for the said work; (d) seize or take copies of such registers, records of wages or notices or portions thereof as he may consider relevant, in respect of an offence under this Act or scheme, which he has reason to believe has been committed by an employer; and (e) exercise such other powers as may be

prescribed: Provided that no one shall be required under the provisions of this section to answer any question or make any statement tending to incriminate himself. (3) Every Inspector appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1980).

17. Information required by the Inspector.

- The employer of an industrial premises shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provision of this Act, or the rules made thereunder has been complied with or whether any order of an Inspector has been duly carried out. Any demand by an Inspector of any such information, if made during the course of an inspection, shall be complied with forthwith if the information is available in the industrial premises or if made in writing shall be complied with, within seven days of receipt thereof.

18. Prohibition of employment of children.

- No child shall be required or allowed to work in any scheduled employment.

19. Cognizance of offences.

- No Court shall take cognizance of any offence made punishable by a scheme or of any abetment thereof except on a complaint in writing made by an Inspector or by a person specially authorised in this behalf by the Board or Government within three months of the date on which the alleged commission of the offence came to the knowledge of the Inspector: Provided that if the offence consists of disobeying a written order made by the Inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

20. Application of Workmen's Compensation Act, 1923 to manual workers.

- The provisions of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923) and the rules made, from time to time thereunder, shall mutatis mutandis apply to manual workers employed in any scheduled employment to which this Act applies, and for that purpose, they shall be deemed to be workmen within the meaning of that Act; and in relation to such workmen, employer shall mean where a "Board makes payment of wages to any such workmen, the Board, and in any other case, the employer as defined in this Act.

21. Application of the Payment of Wages Act, 1936 to manual workers.

- Notwithstanding anything contained in the Payment of Wages Act, 1936 (Central Act IV of 1936), the Government may, by notification, direct that all or any of the provisions of the said Act or the rules made thereunder shall apply to all or any class of manual workers employed in any scheduled employment to which this Act applies, with the modification that in relation to manual workers, employer shall mean where a Board makes payment of wages to such worker, the Board, and in any

other case, the employer as defined in this Act; and on such application of the provisions of the said Act, an Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of such provisions of the said Act within the local limits of his jurisdiction.(2)The Government may, by a like notification, cancel or vary any notification issued under sub-section (1).

22. Application of the Maternity Benefit Act, 1961 to manual workers.

- Notwithstanding anything contained in the Maternity Benefit Act, 1961 (Central Act 53 of 1961), the Government may, by notification, direct that all or any of the provisions of the said Act or the rules made thereunder shall apply to manual women workers, employed in any manual scheduled employment to which this Act applies; and for that purpose," they shall be deemed to be women within the meaning of the said Act and in relation to such women, employer shall mean where a Board makes payment of wages to such women, the Board, and in any other case, the employer as defined in this Act; and on such application of the provisions of the said Act, an Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of enforcement of such provisions of the said Act within the local limits of his jurisdiction.

23. Application of the Minimum Wages Act, 1948 to manual workers.

- Notwithstanding anything contained in the Minimum Wages Act, 1948 (Central Act XI of 1948), the provisions of that Act shall apply to the manual workers employed in any scheduled employment, as if the employments specified in the schedule to this Act had been specified in the schedule to the said Central Act.

24. Rights and privileges under other laws not affected in certain cases.

- Nothing contained in this Act shall affect any rights or privileges, which any manual worker employed in any scheduled employment is entitled to, on the date on which this Act comes into force, under any other law, contract, custom or usage applicable to such worker, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act and the scheme: Provided that such worker will not be entitled to receive, any corresponding benefit under the provisions of this Act and the scheme.

25. Exemptions.

- The Government may, in consultation with the Advisory Committee, by notification and subject to such conditions and for such period as may be specified in the notification, exempt from the operation of all or any of the provisions of this Act or any scheme made thereunder, all or any classes of manual workers employed in any scheduled employment in any establishment or part of any establishment of any scheduled employment, if in the opinion of the Government, all such manual workers or such class or classes of workers, are in the enjoyment of benefits which are on the whole not less favourable to such manual workers than the benefits provided by or under this Act or any scheme framed thereunder: Provided that the Government may, by notification, at any

time, for reasons to be specified, rescind the aforesaid notification.

26. Enquiry into working of the Board.

(1)The Government may, at any time, appoint any person to investigate or enquire into the working of any Board or scheme and submit a report to the Government in that behalf.(2)The Board shall give to the person so appointed all facilities for the proper conduct of the investigation or inquiry, and furnish to him such documents, accounts or information in possession of the Board as he may require.(3)Any person so appointed to investigate or inquire into the working of any Board or scheme may exercise all the powers of an Inspector appointed under this Act.

27. Supersession of the Board.

- If the Government, on consideration of the report referred to in sub-section (1) of section 26 or otherwise, is of the opinion-(a)that the Board is unable to perform its functions; or(b)that the Board has persistently made default in the discharge of its functions or has exceeded or abused its powers,the Government may, by notification, supersede the Board and reconstitute it in the prescribed manner, within a period of twelve months from the date of supersession. The period of supersession may be extended for sufficient reasons by a like notification by not more than six months:Provided that before issuing a notification under this sub-section on any of the grounds mentioned in clause (b), the Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded, and shall consider the explanations and objections, if any, of the Board.(2)After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be exercised and performed by the Government, or by such officer or officers as the Government may appoint for this purpose.(3)When the Board is superseded, the following consequences shall ensue, that is to say:-(a)all the members of the Board shall, as from the date of publication of the notification under sub-section (1), vacate their office;(b)all the powers and functions, which may be exercised or performed by the Board, shall during the period of supersession, be exercised or performed by such persons as may be specified in the notification;(c)all funds and other property vesting in the Board shall, during the period of supersession, vest in the Government and on the reconstitution of the Board, such funds and property shall revert in the Board.

28. Contracting out.

- Any contract or agreement, whether made before or after the commencement of this Act, whereby a manual worker relinquishes any right conferred by or any privilege or concession accruing to him under this Act or any scheme, shall be void and of no effect in so far as it purports to deprive him of such right or privilege or concession.

29. [Power to amend Schedule. [Substituted by Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 2007 (Tamil Nadu Act 10 of 2007).]

- The Government may modify any item of the Schedule or add to the Schedule any employment in respect of which it is of opinion that the provisions of this Act should apply and the provisions of this Act shall, thereupon, apply to such employment as modified or added.]

30. Penalty.

- Save as otherwise expressly provided in this Act, any person, who contravenes any of the provisions of this Act or any rule made thereunder shall, on conviction, be punished, with fine, which may extend to five hundred rupees, and in case of continued contravention thereof, with an additional fine which may extend to one hundred rupees per day for every day during which such contravention continues.

31. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the Government or the Board or the Chairman Secretary, or any member of the Board or Advisory Committee, or any Inspector or any other officers of the Board for anything which is in good faith done or intended to be done in pursuance of this Act, or any scheme or any rule or order made thereunder.

32. Power to make rules.

(1)The Government may make rules for carrying out all or any of the purposes of this Act.(2)(a)All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.(3)Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of [the Legislative Assembly] [Substituted for the expression 'both Houses of Legislature' by paragraph 3(2) of the Tamil Nadu Adaptation of Law Order, 1987.], and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the expression 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule or notification should not be made or issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.The Schedule[See section 2(12)]Employment in connection with loading, unloading, stacking, packing, carrying, weighing, measuring or such other manual work including work preparatory or incidental to such operations:-(a)in any market or shop or depot, or factory or warehouse or godown or any other establishment;(b)in docks not being employment of a dock worker within the meaning of Dock Workers (Regulation of Employment) Act, 1948 (Central Act IX of 1948);(c)in railway yards and goods sheds of manual workers who are not employed by Railway Authorities;(d)in any market under the control of Market Committees constituted under the Tamil Nadu Agricultural Produce Markets Act, 1959 (Tamil Nadu Act 23 of 1959)1.

- 2. Employment in connection with loading of goods into public transport vehicles or unloading of goods therefrom and any other operation incidental or connected thereto.**
- 3. Employment in connection with loading, unloading and carrying of food-grains into godowns, sorting and cleaning of food-grains, filling food-grains in bags, stitching of such bags and such other work incidental and connected thereto.**
- 4. Employment in salt pans.**
- 5. Employment in fishing industry.**
- 6. Employment in toddy tapping.**
- 7. Employment in boat working.**
- 8. Employment in timber industry.**
- 9. Employment in coir industry.**
- 10. Employment in construction or maintenance of dams, bridges, roads or in any building operations.**
- 11. Employment in stone breaking or stone crushing.**
- 12. Employment in tannaries and leather manufactory.**
- 13. [Employment in Automobile Workshop.**
- 14. Employment in Appalam Munufactory**
- 15. Employment in Bleaching and Dyeing.**
- 16. Employment in Bullock-Cart Driving.**
- 17. Employment in Bricks and Tiles Manufactory.**

- 18. Employment in Construction of Pandals**
- 19. Employment in Cooking Food**
- 20. Employment in coconut peeling.**
- 21. Employment in Collection of Forest Produce.**
- 22. Employment in Catering Establishments**
- 23. Employment in Cashew nut Industry.**
- 24. Employment in Driving Auto rickshaws and Taxi.**
- 25. Employment in Distribution of Liquid Petroleum Gas Cylinders.**
- 26. Employment in Driving Cycle Rickshaws.**
- 27. Employment in Engineering Works.**
- 28. Employment in Fire and Match Works.**
- 29. Employment in Folding Textiles Goods.**
- 30. Employment in Footwear and Leather Goods Manufactory.**
- 31. Employment in Gunny Industry.**
- 32. Employment in Gold and Silver Articles Manufactory.**
- 33. Employment in Handlooms and Handlooms Silk Weaving.**
- 34. Employment in Incense sticks Manufactory.**
- 35. Employment in Laundries and Washing Clothes.**
- 36. Employment in Neera tapping.**

- 37. Employment in Nib - making.**
- 38. Employment in Flour Mills, Oil Mills, Dhall Mills and Rice Mills.**
- 39. Employment in Printing Presses.**
- 40. Employment in Power - loom Industry.**
- 41. Employment in Private Security Services.**
- 42. Employment in Plastic Industries.**
- 43. Employment in Pottery Works.**
- 44. Employment in Rag - Picking.**
- 45. Employment in Hair Dressing and Beauty Parlour.**
- 46. Employment in Street - vending.**
- 47. Employment in Sago Industry.**
- 48. Employment in Synthetic Gem Cutting.**
- 49. Employment in Sericulture**
- 50. Employment in shops and establishments**
- 51. Employment in Tailoring**
- 52. Employment in Tree climbing**
- 53. Employment in Tin Containers Manufactory.**
- 54. Employment in Vessels Manufactory.**
- 55. Employment in Wood Working Units.**

56. Employment in Domestic works]. [Inserted by G. O. Ms. No. 96, Labour and Employment (N-I), dated the 21st August 1998.]

57. [Employment in Cycle Repairs] [Added by G.O. Ms. No. 8,L& E., dated the 25th January 2000.]

58. [Employment in Agriculture.] [Added by G.O. Ms. No. 8,L& E., dated the 25th January 2000.]

59. [Employment in Sculpture] [Added by G.O. Ms. No. 181, dated the 22nd November 2000.]