

**LL.B. Three Year Course (Second Year) IVth Semester**

**Paper IV**

**Labour Laws-II (Social Security and Wage Legislation)**

**Dr. Mahendra Kumar**

Unit- II-

**Appointment, Powers and duties of Inspectors**

**Appointment of Inspectors- Section-14**

The **appropriate Government** may, by notification in the Official Gazette, appoint such officers as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits of the jurisdiction within which they shall **exercise their functions under this Act**.

**Powers and duties of Inspectors- Section-15**

An Inspector may, subject to such **restrictions or conditions** as may be prescribed, exercise all or any of the following powers, namely-

(a) enter at all **reasonable times** with such assistants, if any, being persons in the service of the Government or any local or other public authority, as he thinks fit, **any premises or place where woman are employed or work is given to them** in an establishment, for the purposes of examining any registers, records and notices required to be kept or exhibited by or under this Act and required their production for inspection,

(b) examine any person whom he finds in any premises or place and who, he has **reasonable cause to believe, is employed in the establishment**,

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself,

(c) require the employer to give information regarding the names and addresses of women employed, payments made to them, and applications or notices received from them under this Act, and

(d) take copies of any registered and records or notices or any portions thereof.

**Inspectors to be public servants- Section-16**

Every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**Power of Inspector to direct payments to be made- Section-17**

(1) Any woman claiming that-

(a) maternity benefit or any other amount to which she is entitled under this Act and any person claiming that payment due under section 7 **has been improperly withheld,**

(b) her employer has **discharged or dismissed** her during or on account of her absence from work in accordance with the provisions of this Act, **may make a complaint to the Inspector.**

(2) The Inspector may, of his own motion or on receipt of a complaint referred to in sub-section (1), make an inquiry or cause an inquiry to be made and if satisfied that-

(a) payment has been wrongfully withheld, **may direct the payment to be made in accordance with his orders,**

(b) she has been discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Act, **may pass such orders as are just and proper according to the circumstances of the case.**

### **Appeal**

(3) Any person **aggrieved by the decision of the Inspector** under sub-section (2) may, within **thirty days** from the date on which such decision is communicated to such persons, appeal to the prescribed authority.

(4) The decision of the prescribed authority where an appeal has been preferred to it under subsection (3) or of the Inspector where no such appeal has been preferred, **shall be final.**

(5) Any amount payable under this section shall be recoverable by the Collector on a certificate issued for that amount by the Inspector **as an arrear of land revenue.**

### **Forfeiture of maternity benefit- Section-18**

If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of section 6 for any period during such authorised absence, **she shall forfeit her claim to the maternity benefit for such period.**

### **Abstract of Act and rules thereunder to be exhibited- Section-19**

An abstract of the provisions of this Act and the rules made thereunder in the **language or languages of the locality shall be exhibited in a conspicuous place** by the employer in every part of the establishment in which **women are employed.**

### **Registers, etc. - Section-20**

Every employer shall prepare and maintain such **registers, records and muster-rolls** and in such manner as may be prescribed.

### **Penalty**

### **Penalty for contravention of Act by employer- Section-21**

(1) If any employer fails to pay any amount of maternity benefit to a woman entitled under this Act or discharges or dismisses such woman during or on account of her absence from work in accordance with the provisions of this Act, he shall be punishable with imprisonment which shall not be less than **three months** but which may extend to **one year** and with fine which shall not be less than **two thousand rupees** but which may extend to **five thousand rupees**,

Provided that the court may, for **sufficient reasons** to be recorded **in writing**, impose a sentence of **imprisonment for a lesser term** or **fine only in lieu of imprisonment**.

(2) If any employer contravenes the provisions of this Act or the rules made thereunder, he shall, **if no other penalty** is elsewhere provided by or under this Act for such contravention, be punishable with imprisonment which may extend to **one year**, or with fine which may extend to **five thousand rupees**, or **with both**.

Provided that where the contravention is of any provision regarding maternity benefit or regarding payment of any other amount and such maternity benefit or amount has not already been recovered, the court shall, in addition, recover such maternity benefit or amount as if it were a fine and **pay the same to the person entitled thereto**.

#### **Penalty for obstructing Inspector- Section-22**

Whoever fails to produce on demand by the Inspector any register or document in his custody kept in pursuance of this Act or the rules made thereunder or conceals or prevents any person from appearing before or being examined by an Inspector shall be punishable with **imprisonment** which may extend to **one year**, or with **fine** which may extend to **five thousand rupees**, or **with both**.

#### **Cognizance of offences- Section-23**

(1) **Any aggrieved woman**, an **office-bearer of a trade union** registered under the Trade Unions Act, 1926 (16 of 1926) of which such woman is a member or a voluntary organisation registered under the Societies Registration Act, 1860 (21 of 1860) or an **Inspector**, may file a complaint regarding the commission of an offence under this Act in any court of competent jurisdiction and no such complaint shall be filed after the expiry of **one year** from the date on which the offence is **alleged to have been committed**.

(2) No court inferior to that of a **Metropolitan Magistrate** or a Magistrate of the first class shall try any offence under this Act.

#### **Protection of action taken in good faith- Section-24**

No **suit, prosecution or other legal proceeding** shall lie against any person for anything which is in **good faith** done or intended to be done in pursuance of this Act or of any rule or order made thereunder.