

L. A. BILL No. XXXIII OF 2022.

A BILL

*further to amend the Maharashtra Industrial Relations Act, the
Maharashtra Labour Welfare Fund Act, the Maharashtra Mathadi,
5 Hamal and other Manual Workers (Regulation of Employment and
Welfare) Act, 1969, the Maharashtra Private Security Guards
(Regulation of Employment and Welfare) Act, 1981 and the
Maharashtra Workmen's Minimum House-rent Allowance
Act, 1983.*

XI of 10 **WHEREAS** it is expedient further to amend the Maharashtra Industrial
1947. Relations Act, the Maharashtra Labour Welfare Fund Act, the Maharashtra
XL of 1953. *Mathadi, Hamal* and other Manual Workers (Regulation of Employment and
Mah. Welfare) Act, 1969, the Maharashtra Private Security Guards (Regulation of
XXX of 1969. Employment and Welfare) Act, 1981 and the Maharashtra Workmen's
Mah. LVIII of 1981. 15 Minimum House-rent Allowance Act, 1983, for the purposes hereinafter
XXIII of 1988.

appearing; it is hereby enacted in the Seventy-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

Short title. **1.** This Act may be called the Maharashtra Labour Laws (Amendment) Act, 2022. 5

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA INDUSTRIAL RELATIONS ACT.

Amendment of section 104 of XI of 1947. **2.** In section 104 of the Maharashtra Industrial Relations Act (hereinafter, in this Chapter, referred to as “the Industrial Relations Act”), 10 XI of 1947. for the words “with imprisonment of either description for a term which may extend to three months, or with fine or with both”, the words “with a fine which shall not be less than five lakhs rupees but which may extend to ten lakhs rupees” shall be substituted.

Amendment of section 106 of XI of 1947. **3.** In section 106 of the Industrial Relations Act, in sub-section (2), for 15 the words, letters and figures “with imprisonment which may extend to three months or for every day on which the contravention continues with fine which may extend to Rs. 5,000 or with both”, the words “with a fine of five lakhs rupees and for every day on which the contravention continues with a fine of five thousand rupees” shall be substituted. 20

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA LABOUR WELFARE FUND ACT.

Amendment of section 17A of XL of 1953. **4.** In section 17A of the Maharashtra Labour Welfare Fund Act 25 XL of 1953. (hereinafter, in this Chapter, referred to as “the Labour Welfare Fund Act”),—

(1) for clauses (a) and (b), the following clauses shall be substituted, namely :—

“(a) for the first offence, with fine which may extend to one 30 lakh rupees;

(b) for the second or subsequent offence, with fine which may extend to two lakh, rupees : ”;

(2) in the proviso, for the words “fifty rupees” the words “five thousand rupees” shall be substituted. 35

Insertion of new section 17C in XL of 1953. **5.** After section 17B of the Labour Welfare Fund Act, the following section shall be inserted, namely :—

Compound- ing of offences. **“ 17C.** (1) The offence punishable under section 17A may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by the Welfare Commissioner, for a sum of 40 fine provided for such offence, in such manner, as may be prescribed.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date—

(a) of commission of a similar offence which was earlier compounded ;
or

(b) of commission of similar offence for which such person was earlier convicted.

5 (3) The Welfare Commissioner shall exercise the powers to compound an offence, subject to the direction, control and supervision of the State Government.

(4) Every application for the compounding of an offence shall be made in such form and manner, as may be prescribed.

10 (5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the Welfare
15 Commissioner in writing, to the notice of the Court before whom the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) No offence punishable under the provisions of this Act shall be
20 compounded except under and in accordance with the provisions of this section.”.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MATHADI, HAMAL AND OTHER MANUAL WORKERS (REGULATION OF EMPLOYMENT AND 25 WELFARE) ACT, 1969.

Mah.
XXX of
1969.

6. In section 3 of the Maharashtra *Mathadi, Hamal* and other Manual
Workers (Regulation of Employment and Welfare) Act, 1969 (hereinafter, in
this Chapter, referred to as “the *Mathadi, Hamal* and other Manual Workers
Act”), for sub-section (3), the following sub-section shall be substituted,
30 namely :—

Amendment of
section 3 of
Mah. XXX of
1969.

“(3) The scheme may further provide that,—

(i) a first contravention of any provision thereof shall, on conviction, be punished with fine which may extend to such amount as may be specified (but in no case exceeding five lakhs rupees);

35 (ii) for second or subsequent contravention of any provision thereof shall, on conviction, be punished with fine, which may extend to such amount as may be specified (but in no case exceeding ten lakhs rupees) ; and

40 (iii) if the contravention is continued after conviction, with a further fine which may extend to five thousand rupees for each day on which the contravention is so continued.”.

Amendment of
section 27 of
Mah. XXX of
1969.

7. In section 27 of the *Mathadi, Hamal* and other Manual Workers Act,—

(1) for the words “five hundred rupees” the words “five lakhs rupees” shall be substituted;

(2) for the words “one hundred rupees” the words “five thousand rupees” shall be substituted.

Insertion of
new section
27-1A in Mah.
XXX of 1969.

8. After section 27 of the *Mathadi, Hamal* and other Manual Workers Act, the following section shall be inserted, namely :—

Compounding
of offences.

“ **27-1A.** (1) Any offence of contravention of any of the provisions of any scheme punishable under the scheme, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by the Chairman of the concerned Board, for a sum of fifty per cent., of the maximum fine provided for such offence, in such manner, as may be prescribed:

XI of
1947.

Provided that, such amount of composition shall be credited to the administrative account of the concerned Board established for the purpose of administration of that Board.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of three years from the date,—

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(a) of commission of a similar offence which was earlier compounded ;
or

(b) of commission of similar offence for which such person was earlier convicted.

(3) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(4) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the Chairman of the concerned Board, referred to in sub-section (1), in writing, to the notice of the Labour Court or the Industrial Court, before whom the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(5) No offence punishable under the scheme shall be compounded except under and in accordance with the provisions of this section.”.

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CHAPTER V

AMENDMENTS TO THE MAHARASHTRA PRIVATE
SECURITY GUARDS (REGULATION OF EMPLOYMENT AND
WELFARE) ACT, 1981.

Mah. 5
LVIII of
1981. **9.** In section 3 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (hereinafter, in this Chapter, referred to as “the Private Security Guards Act”), for sub-section (3), the following sub-section shall be substituted, namely :—

Amendment
of section 3 of
Mah. LVIII of
1981.

“(3) The Scheme may further provide that,—

10 (i) a first contravention of any provision thereof shall, on conviction, be punished with fine which may extend to such amount as may be specified (but in no case exceeding five lakhs rupees);

15 (ii) for second or subsequent contravention of any provision thereof shall, on conviction, be punished with fine, which may extend to such amount as may be specified (but in no case exceeding ten lakhs rupees); and

 (iii) if the contravention is continued after conviction, with a further fine which may extend to five thousand rupees for each day on which the contravention is so continued.”.

20 **10.** In section 27 of the Private Security Guards Act,—

 (1) for the words “five hundred rupees” the words “five lakhs rupees” shall be substituted;

Amendment
of section
27 of Mah.
LVIII of 1981.

 (2) for the words “one hundred rupees” the words “five thousand rupees” shall be substituted.

25 **11.** After section 27 of the Private Security Guards Act, the following section shall be inserted, namely :—

Insertion of
new section
27A in Mah.
LVIII of 1981.

30 **“27A.** (1) Any offence of contravention of any of the provisions of any Scheme punishable under the Scheme, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by the Chairman of the concerned Board, for a sum of fifty per cent., of the maximum fine provided for such offence, in such manner as may be prescribed:

Compounding
of offences.

35 Provided that, such amount of composition shall be credited to the administrative account of the concerned Board established for the purpose of administration of that Board.

 (2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of three years from the date,—

40 (a) of commission of a similar offence which was earlier compounded ;
 or

 (b) of commission of similar offence for which such person was earlier convicted.

45 (3) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(4) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the Chairman of the concerned Board, referred to in sub-section (1), in writing, to the notice of the Court, before whom the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged. 5

(5) No offence punishable under the Scheme shall be compounded except under and in accordance with the provisions of this section.”.

CHAPTER VI

AMENDMENT TO THE MAHARASHTRA WORKMEN'S MINIMUM HOUSE-RENT ALLOWANCE ACT, 1983.

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Amendment of
section 10 of
Mah. XXIII
of 1988.

12. In section 10 of the Maharashtra Workmen's Minimum House-rent Allowance Act, 1983,—

Mah.
XXIII of
1988.

(1) in sub-section (1), for the words “with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both”, the words “with fine which may extend to ten lakhs rupees” shall be substituted ; 15

(2) in sub-section (2), for the words “with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, the words “with fine which may extend to ten lakhs rupees” shall be substituted. 20

STATEMENT OF OBJECTS AND REASONS

The State Government has, upon request of the Government of India, undertaken a comprehensive review of all State Acts and Rules framed thereunder to eliminate the risk of imprisonment for citizens for minor violations with the objective of enhancing Ease of Doing Business and Ease of Living of Citizens.

2. For the above purposes, the State Government had constituted a Committee of Secretaries under the Chairmanship of Additional Chief Secretary (Industries) to recommend deletion or mitigation of existing imprisonment provisions or providing for compounding of offences in the Maharashtra State Acts or Rules framed thereunder after consultation with the concerned administrative Department and authorities or institutions thereunder.

Accordingly, after such review, the Government considers it expedient to amend imprisonment provisions contained in sections 104 and 106 of the Maharashtra Industrial Relations Act (XI of 1947), section 17A of the Maharashtra Labour Welfare Fund Act (XL of 1953), sections 3 and 27 of the Maharashtra *Mathadi, Hamal* and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (Mah. XXX of 1969), sections 3 and 27 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (Mah. LVIII of 1981) and section 10 of the Maharashtra Workmen's Minimum House-rent Allowance Act, 1983 (Mah. XXIII of 1988) and to provide for compounding of offences on the lines of the provisions contained in Labour Codes enacted by the Central Government.

3. The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 19th December 2022.

SURESH KHADE,

Minister for Labour.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 5.—Under this clause, which seeks to insert a new section 17C in the Maharashtra Labour Welfare Fund Act, in sub-sections (1) and (4) of section 17C, power is taken to the State Government to prescribe the form of application for and the manner of, compounding of an offence.

Clause 8.—Under this clause, which seeks to insert a new section 27-1A in the Maharashtra *Mathadi, Hamal* and other Manual Workers (Regulation of Employment and Welfare) Act, 1969, in sub-section (1) of section 27-1A, power is taken to the State Government to prescribe the manner of compounding of an offence.

Clause 11.—Under this clause, which seeks to insert a new section 27A in the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981, in sub-section (1) of section 27A, power is taken to the State Government to prescribe the manner of compounding of an offence.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

ANNEXURE TO THE L.A. BILL No. XXXIII OF 2022—
THE MAHARASHTRA LABOUR LAWS (AMENDMENT) BILL, 2022.

(Extracts from the Maharashtra Industrial Relations Act, 1946)

(Mah. XI of 1947)

1. to 103. * * * *

104. Any person who instigates or incites others to take part in, or otherwise acts in furtherance of a lock-out or a closure for which an employer is punishable under section 102 or a strike or a stoppage for which any employee is punishable under section 103, shall on conviction be punishable with imprisonment of either description for a term which may extend to three months, or with fine or with both :

Penalty for instigating etc. illegal strikes lock-outs, closure and stoppages.

Provided that no person shall be punishable under this section where the Court trying the offence is of opinion that in the circumstances of the case a reasonable doubt existed at the time of the commission of the offence about the legality of the strike, lock-out, closure or stoppage, as the case may be.;

Explanation I.—For the purposes of this section, a person who contributes, collects or solicits funds for the purposes of any such strike, lock-out, closure or stoppage shall be deemed to act in furtherance thereof.

Explanation II.—A person shall be deemed to have committed an offence under this section if before an illegal strike, lock-out, closure or stoppage has commenced, he has instigated or incited others to take part in, or otherwise acted in furtherance of such strike, lock-out, closure or stoppage.

105. * * * *

106. (1) * * * *

Penalty for illegal change.

(2) Any employer who contravenes the provisions of section 47 shall, on conviction, be punishable with imprisonment which may extend to three months or for every day on which the contravention continues with fine which may extend to Rs. 5,000 or with both.

(3) * * * *

106A. * * * *

107. to 122. * * * *

122A. * * * *

123. * * * *

123A. * * * *

SCHEDULES. * * * *

(Extracts from the Maharashtra Labour welfare Fund Act)

(Mah. XL of 1953)

1. to 17. * * * *

Penalty for obstructing inspection in discharge of inspector's duties or for failure to produce documents, etc.

17A. Any person who wilfully obstructs an Inspector in the exercise of his powers or discharge of his duties under this Act or fails to produce for inspection on demand by an Inspector any registers, records or other documents maintained in pursuance of the provisions of this Act or the rules made thereunder or to supply to him on demand true copies of any such documents shall, on conviction, be punished—

(a) for the first offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and

(b) for a second or subsequent offences, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, in any case where the offender is sentenced to a fine only, the amount of fine shall not be less than fifty rupees.

17B. * * * *

18. to 23. * * * *

(Extracts from the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969.)

(Mah. XXX of 1969)

1. and 2. * * * *

Schemes for ensuring regular employment of unprotected workers.

3. (1) and (2) * * * *

(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 contravention) or with fine which may extend to such amount as may be specified (but in no case exceeding five hundred rupees in respect of the first contravention, or one thousand rupees in respect of any subsequent contravention) 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. to 26. * * * *

General penalty for offences.

27. 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 by a Labour Court or the Industrial Court, 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.

27A. * * *

28. * * *

SCHEDULE. * * *

(Extracts from the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981.)

(Mah. LVIII of 1981)

1. and 2. * * *

3. (1) and (2) * * *

Scheme for ensuring regular employment of Security Guards.

(3) The Scheme may further provide that a contravention of any provision thereof shall, on conviction, 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 contravention), or with fine which may extend to such amount as may be specified (but in no case exceeding five hundred rupees in respect of the first contravention or one thousand rupees in respect of any subsequent contravention), 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) * * *

4. to 26. * * *

27. Save as otherwise expressly provided in this Act, any person, who contravenes any of the provision 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.

General penalty for offences.

28. to 31. * * *

(Extracts from the Maharashtra Workmen's Minimum House-Rent Allowance Act, 1983.)

(Mah. XXIII of 1988)

1 to 9. * * *

10. (1) Whoever, for the purposes of avoiding any payment to be made by himself under this Act, or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation or false entry in any register, account book or other record shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Penalties for offences.

(2) Any person who contravenes, or makes default in compliance with, any other provision of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

11. to 15.

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**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXXIII OF 2022]

[A Bill further to amend the Maharashtra Industrial Relations Act, the Maharashtra Labour Welfare Fund Act, the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969, the Maharashtra Private Security Guards (Regulations of Employment and Welfare) Act, 1981 and the Maharashtra Workmen's Minimum House-rent Allowance Act, 1983]

**[SHRI SURESH KHADE,
Minister for Labour.]**

**RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.**