

L. A. BILL No. XXXIV OF 2023.

A BILL

*further to amend the Maharashtra Mathadi, Hamal and other Manual
Workers (Regulation of Employment and Welfare) Act, 1969 and the
5 Maharashtra Private Security Guards (Regulation of Employment and
Welfare) Act, 1981.*

WHEREAS it is expedient further to amend the Maharashtra *Mathadi*,
Mah. XXX *Hamal* and other Manual Workers (Regulation of Employment and Welfare)
of 1969. Act, 1969 and the Maharashtra Private Security Guards (Regulation of
Mah. LVIII 10 Employment and Welfare) Act, 1981, for the purposes hereinafter appearing;
of 1981. it is hereby enacted in the Seventy-fourth Year of the Republic of India, as
follows :—

CHAPTER I

PRELIMINARY

Short title. 1. This Act may be called as the Maharashtra *Mathadi, Hamal* and other Manual Workers (Regulation of Employment and Welfare) and Maharashtra Private Security Guards (Regulation of Employment and Welfare) (Amendment) Act, 2023. 5

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA MATHADI, HAMAL AND
OTHER MANUAL WORKERS (REGULATION OF EMPLOYMENT
AND WELFARE) ACT, 1969. 10

Amendment of section 2 of Mah. XXX of 1969. 2. In section 2 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 Act”),— Mah. XXX of 1969.

(1) before clause (1), the following clause shall be inserted, namely:—

“(a-1) “Authority” means the Maharashtra Unprotected Workers Regulatory Authority constituted under section 5A of this Act;”;

(2) in clause (2), for the words “any work” the words “ any manual work” shall be substituted;

(3) in clause (3), after the words “worker engaged” the words “ to execute any manual work” shall be inserted;

(4) after clause (6), the following clause shall be inserted, namely:—

“(6A) “manual work” means any type of physical work carried out by humans without any help or support or assistance of any type of machines and includes manual loading, unloading, stacking, carrying, weighing and measuring work in scheduled employments;”;

(5) in clause (7), after the word “workers” the words “to execute any manual work” shall be inserted;

(6) in clause (9), the words “or any process or branch of work forming part of such employment” shall be deleted;

(7) for clause (11), the following clause shall be substituted, namely:—

“(11) “unprotected worker” means a *Mathadi, Hamal* or other manual worker, of the age of eighteen years and above and upto the age of sixty years, who is engaged or to be engaged to do manual work in any scheduled employment, directly or through any agency, whether for wages or not, and includes any person not employed by an employer or a contractor, but working with the permission of, or under agreement with the employer or contractor; but does not include,—

(a) any worker employed by employer or principal employer, on a shop floor, or in manufacturing process area or stocking and storage area of any establishment, industry or factory, or where the process is being carried out through mechanical procedure or machines or through automated processing in any establishment, industry or factory; or any worker employed by employer in a shop;

(b) the members of an employer’s family;”;

(8) clause (12) shall be deleted.”.

3. In section 3 of the Mathadi Act, in sub-section (2), for clause (c), the following clause shall be substituted, namely:—

Amendment of section 3 of Mah. XXX of 1969.

“(c) for regulating the recruitment and entry into the scheme of unprotected workers, and the registration and cancellation of registration of unprotected workers and employers, including the maintenance of registers and waiting list of unprotected workers, removal, either temporarily or permanently, of names from the registers and waiting list, and the imposition of fees for registration,”.

4. In section 4 of the Mathadi Act, in sub-section (1),—

Amendment of section 4 of Mah. XXX of 1969.

(1) the words “, after consultation with the Advisory Committee,” shall be deleted;

(2) in the second proviso, for the word “worker”, at both places where they occur, the words “unprotected workers” shall be substituted.

5. For section 5 of the Mathadi Act, the following section shall be substituted, namely :—

Substitution of section 5 of Mah. XXX of 1969.

“5. (1) If any question arises,—

Disputes regarding application of scheme, etc.

(i) whether any scheme applies to any class of unprotected workers or employers;

(ii) whether the worker or class of workers is unprotected worker or class thereof; or

(iii) whether any work or operation or part of work or operation in any establishment is done manually or mechanically;

the matter shall be referred to the Joint Commissioner of Labour (Mathadi), Maharashtra State.

(2) The disputes mentioned in sub-section (1) may be referred by any worker or employer himself or by any legal practitioner authorised in writing by them, in such form and in such manner as may be prescribed.

(3) The Joint Commissioner of Labour (Mathadi) shall while deciding any dispute referred to it under sub-section (1), give an opportunity of hearing to the applicant, the other party and the concerned Board and after such further inquiry, if any, as it may deem necessary, pass an appropriate order in writing, as far as possible within a period of six months from the date of receipt of the reference.

(4) If the Joint Commissioner of Labour (Mathadi), after hearing any reference under this section, is satisfied that any reference filed before it is either malicious or vexatious, it may impose a penalty of not exceeding two thousand rupees.”.

6. After section 5 of the Mathadi Act, the following sections shall be inserted, namely:—

Insertion of new sections 5A and 5B in Mah. XXX of 1969.

“5A. (1) The State Government may, by notification in the *Official Gazette*, constitute an Authority to be known as “the Maharashtra Unprotected Workers Regulatory Authority” to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

Constitution of Maharashtra Unprotected Workers Regulatory Authority.

(2) The Authority shall consist of a Chairperson and four other members appointed by the Government from amongst the officers of the Government and the office of the Commissioner of Labour, Maharashtra State.

(3) The procedure to be followed in meetings of the Authority for transacting its business and quorum thereat shall be such as may be prescribed by rules.

Powers and
functions of
Authority.

5B. The Authority shall exercise the following powers and perform the following functions, namely:—

(a) to supervise the work of the Boards and have administrative and financial control over them; 10

(b) to approve the procurement process as per requirement of all Boards;

(c) to sanction expenditure from funds maintained by the Boards above rupees fifty thousand and to give prior approval to investments of funds of the Boards; 15

(d) to call necessary statements and returns from the Boards as it deems fit;

(e) to scrutinize the resolutions of the Boards and if it deems fit require them to revise the same; 20

(f) to decide the establishment related matters of officers and staff working on the establishment of the Boards;

(g) to implement the recruitment process of officers and staff of the Boards and to specify their conditions of services, with the prior approval of the Government; 25

(h) to monitor all facilities provided under this Act and schemes made thereunder for registered unprotected workers;

(i) to ensure that the Boards shall submit to the Government an annual report and audited accounts within time stipulated under this Act; 30

(j) to give suggestions to the Government to formulate policies for unprotected workers;

(k) such other powers and functions as may be prescribed.”.

Amendment
of section 7 of
Mah. XXX of
1969.

7. In section 7 of the Mathadi Act,—

(1) for sub-section (2), the following sub-section shall be substituted, namely:— 35

“(2) The Board may, subject to the supervision and direction of the Authority, take such measures as it may deem fit, for administering the scheme.”;

(2) in sub-section (4), for the words “the State Government” the words “the Authority or the State Government” shall be substituted. 40

Amendment
of section 13
of Mah. XXX
of 1969.

8. In section 13 of the Mathadi Act,—

(1) in sub-section (1), for the word “worker” the words “unprotected workers” shall be substituted;

(2) to sub-section (1), the following proviso shall be added, namely :— 45

“Provided that, the Board shall not entertain any application for determination of any such sum due from any employer or

principal employer after lapse of six months from the allotment of unprotected worker or group of unprotected workers to such employer or principal employer.”;

(3) sub-section (4) shall be deleted.

5 **9.** Section 14 of the Mathadi Act shall be deleted.

Deletion of section 14 of Mah. XXX of 1969.

10. In section 16 of the Mathadi Act, in the *Explanation*, for the word “fourteen” the word “eighteen” shall be substituted.

Amendment of section 16 of Mah. XXX of 1969.

11. After section 16 of the Mathadi Act, the following section shall be inserted, namely:—

Insertion of new section 16A in Mah. XXX of 1969.

10 **“16A.** (1) Any person aggrieved by an order passed by the Joint Commissioner of Labour (Mathadi) under sub-section (3) of section 5, may within thirty days from the date of the receipt of such order, file an appeal before the State Government.

Appeals.

15 (2) Any person aggrieved by an order of the Board or such officer as may be specified by it in that behalf, under sub-section (1) of section 13, determining any sum due from any employer or unprotected worker under this Act or any Scheme made thereunder, may file an appeal to the Labour Court, within a period of thirty days from the date of receipt of an order.

20 (3) Any person aggrieved by an order of the Board refusing registration under the Act as per the provisions of the scheme may file an appeal to the Authority within a period of thirty days from the date of receipt of order:

25 Provided that, the Appellate Authorities under sub-sections (1), (2) and (3), may, if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal within the period of thirty days, extend the said period by a further period of thirty days:

30 Provided further that, the Appellate Authorities under sub-sections (1), (2) and (3), may, after giving the parties a reasonable opportunity of being heard, confirm, modify or reverse any order or the decision of the Joint Commissioner of Labour (Mathadi) Board or Officer appointed by it, as the case may be, against which appeal is filed before it.”.

12. In section 19 of the Mathadi Act, in sub-section (2), the words “, only if the Advisory Committee so advises,” shall be deleted.

Amendment of section 19 of Mah. XXX of 1969.

35 **13.** In section 22 of the Mathadi Act, the words “, after consulting the Advisory Committee,” shall be deleted.

Amendment of section 22 of Mah. XXX of 1969.

40 **14.** In section 27A of the Mathadi Act, for the words “State Government or the Board or the Chairman, Secretary or any member of the Board or the Advisory Committee, or any Inspector or any other officer of the Board” the words “State Government or its officers or Authority or the Board or the Chairman, Secretary, or any member of the Board or any Inspector or any other officer of the Board” shall be substituted.

Amendment of section 27A of Mah. XXX of 1969.

Substitution of
SCHEDULE
appended to
Mah. XXX of
1969.

15. For SCHEDULE appended to the Mathadi Act, the following SCHEDULE shall be substituted, namely :—

“ SCHEDULE

(See section 2(9))

1. Employment in Cloth and Cotton Markets or shops in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work. 5

2. Employment in docks in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations, but does not include employment of a Dock Worker within the meaning of the Dock Workers (Regulation of Employment) Act, 1948. 10 9 of 1948.

3. Employment in Grocery Markets or shops in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work. 15

4. Employment in railway yards and goods-sheds in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work preparatory or incidental to such operations by workers who are not employed by Railway Authorities.

5. Employment in connection with loading of goods into public transport vehicle or unloading of goods therefrom. 20

6. Employment in vegetable markets (including onions and potatoes markets) in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting.

7. Employment in markets or subsidiary markets established under the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work. 25 Mah. XX of 1964.

8. Employment in connection with the 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. 30

9. Employment in establishment engaged in loading, unloading, stacking, carrying, weighing, measuring.”. 35

CHAPTER III

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

Amendment
of section 2 of
Mah. LVIII of
1981.

16. In section 2 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”),— 40 Mah. LVIII of 1981.

(1) for clause (1-a), the following clause shall be substituted, namely:—

“ (1-a) “Authority” means the Maharashtra Security Guards Regulatory Authority constituted under section 5A of this Act;” 45

(2) for clause (4), the following clause shall be substituted, namely:—

“(4) “establishment” means an establishment as defined in clause (4) of section 2 of the Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017;”;

(3) after clause (6), the following clause shall be inserted, namely:—

“(6-a) “Labour Court” means a Labour Court constituted under the Maharashtra Industrial Relations Act for any local area, shall also be a Labour Court constituted for that area for the purposes of this Act;”;

(4) for clause (10), the following clause shall be substituted, namely:—

“(10) “Security Guard” or “Private Security Guard” means a person who is engaged through any agency or agent or Board to do security work, watch and ward work, personal security work, traffic control work, escort work in any factory or establishment, but does not include the members of any principal employers family or any person who is a direct employee of the principal employer;”.

17. In section 3 of the Private Security Guards Act, in sub-section (2), for clause (c), the following clause shall be substituted, namely:— Amendment of section 3 of Mah. LVIII of 1981.

“(c) for regulating the recruitment and entry into the Scheme of Security Guards and the registration and cancellation of registration of Security Guards and principal employers and including the maintenance of registers and waiting list of Security Guards, removal or restoration, either temporarily or permanently, of names from the registers and waiting list and the imposition of fees for registration;”.

18. In section 4 of the Private Security Guards Act, in sub-section (1), the words, “after consultation with the Advisory Committee constituted under section 15, and,” shall be deleted. Amendment of section 4 of Mah. LVIII of 1981.

19. For section 5 of the Private Security Guards Act, the following section shall be substituted, namely:— Amendment of section 5 of Mah. LVIII of 1981.

“**5.** (1) If any question arises,—

(i) whether any scheme applies to any class of Security Guards or principal employers; or

(ii) whether the worker or class of workers are Security Guards or class thereof;

the matter shall be referred to the Joint Commissioner of Labour (Mathadi), Maharashtra State.

(2) The disputes mentioned in sub-section (1) may be referred by any Security Guard or principal employer himself or by any legal practitioner authorised in writing by them, in such form and in such manner as may be prescribed.

(3) The Joint Commissioner of Labour (Mathadi) while deciding any dispute referred to it under sub-section (1) shall give an opportunity of hearing to the applicant, the other party and the concerned Board and after such further inquiry, if any, as it may deem consider necessary,

Disputes regarding application of scheme, etc.

Mah. LXI of 2017.

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XI of 1947.

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may pass an appropriate order in writing as far as possible within a period of six months from the date of receipt of the reference.

(4) If the Joint Commissioner of Labour (Mathadi) after hearing any reference under this section is satisfied that any reference filed before it is either malicious or vexatious, it may impose a penalty of not exceeding two thousand rupees.”

Insertion of new sections 5A and 5B in Mah. LVIII of 1981.

20. After section 5 of the Private Security Guards Act, the following sections shall be inserted, namely:—

Constitution of Maharashtra Private Security Guards Regulatory Authority.

“5A. (1) The State Government may, by notification in the *Official Gazette*, constitute an Authority to be known as “the Maharashtra Private Security Guards Regulatory Authority” to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Authority shall consist of a Chairperson and four other members appointed by the Government from amongst the officers of the Government and the office of the Commissioner of Labour, Maharashtra State.

(3) The procedure to be followed in meetings of the Authority for transacting its business and quorum thereat shall be such as may be prescribed by rules.

Powers and functions of Authority.

5B. The Authority shall exercise the following powers and perform the following functions, namely:—

(a) to supervise the work of the Boards and have administrative and financial control over all Boards;

(b) to approve the procurement process as per requirement of all Boards;

(c) to sanction expenditure from funds maintained by the Boards above rupees fifty thousand and to give prior approval to investments of funds of the Boards;

(d) to call necessary statements and returns from the Boards as it deems fit;

(e) to scrutinize the resolutions of the Boards and if it deems fit require them to revise the same;

(f) to decide the establishment related matters of officers and staff working on the establishment of Boards;

(g) to implement the recruitment process of officers and staff of the Boards and to specify their conditions of services, with the prior approval of the Government;

(h) to monitor all facilities provided under this Act and schemes made thereunder for registered Security Guards;

(i) to ensure that the Boards shall submit to the State Government an annual report and audited accounts within stipulated time under this Act;

(j) to give suggestions to the Government to formulate policies for Security Guards;

(k) such other powers and functions as may be prescribed.”

- 21.** In section 8 of the Private Security Guards Act,—
 (1) for sub-section (2), the following sub-section shall be substituted, namely:—
 5 “(2) The Board may, subject to the supervision and direction of the Authority, take such measures as it may deem fit for administering the scheme.”;
 (2) in sub-section (4) for the words “the State Government” the words “the Authority or the State Government” shall be substituted.
- 22.** In section 14 of the Private Security Guards Act,—
 10 (1) to sub-section (1), the following proviso shall be added, namely:—
 “Provided that, the Board shall not entertain any application for determination of any such sum due from any employer or principal employer after lapse of six months from the allotment of Security Guard or group of Security Guards to such employer or
 15 principal employer.”;
 (2) sub-section (4) shall be deleted.
- 23.** Section 15 of the Private Security Guards Act shall be deleted.
- 24.** In section 18 of the Private Security Guards Act, in *Explanation*, for the word “fourteen” the word “eighteen” shall be substituted.
- 25.** After section 18 of the Private Security Guards Act, the following section shall be inserted, namely:—
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- “18A.** (1) Any person aggrieved by an order passed by the Joint Commissioner of Labour (Mathadi) under sub-section (3) of section 5 may within thirty days from the date of the receipt of the order, file an appeal to the State Government.
- (2) Any person aggrieved by an order of the Board or such officer as may be specified by it in that behalf, under sub-section (1) of section 14, determining any sum due from any employer, principal employer or Security Guard under this Act or any Scheme made thereunder, may file an appeal to the Labour Court, within a period of thirty days from the date of receipt of an order.
- (3) Any person aggrieved by an order of the Board refusing registration under the Act as per the provisions of the scheme, may file an appeal to the Authority, within a period of thirty days from the date of receipt of order :
- Provided that, the Appellate Authorities under sub-sections (1), (2) and (3), may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period of thirty days, extend the said period by a further period of thirty days :

Amendment of section 8 of Mah. LVIII of 1981.

Amendment of section 14 of Mah. LVIII of 1981.

Deletion of section 15 of Mah. LVIII of 1981.

Amendment of section 18 of Mah. LVIII of 1981.

Insertion of section 18A of Mah. LVIII of 1981.

Appeals.

Provided further that, the Appellate Authorities under sub-sections (1), (2) and (3), may, after giving the parties a reasonable opportunity of being heard, confirm, modify or reverse the decision of the Joint Commissioner of Labour (Mathadi), Board or officer appointed by it, as the case may be, against which appeal is filed.” 5

Amendment
of section 20
of Mah. LVIII
of 1981.

26. In section 20 of the Private Security Guards Act, in sub-section (2), the words “, only if the Advisory Committee so advises,” shall be deleted.

Amendment
of section 23
of Mah. LVIII
of 1981.

27. In section 23 of the Private Security Guards Act, the words “, after consulting the Advisory Committee,” shall be deleted.

Amendment
of section 28
of Mah. LVIII
of 1981.

28. In section 28 of the Private Security Guards Act, for the words 10
“State Government or the Board or the Chairman, Secretary or any member
of the Board or the Advisory Committee or any inspector or any other officer
of the Board” the words “State Government or its officers or Authority or
the Board or the Chairman, Secretary, or any member of the Board or any
Inspector or any other officer of the Board” shall be substituted. 15

STATEMENT OF OBJECTS AND REASONS

The Maharashtra *Mathadi, Hamal* and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (Mah. XXX of 1969) has been enacted for regulating the employment of unprotected manual workers employed in certain employments in the State of Maharashtra, to make provisions, for their adequate supply and proper and full utilization in such employments, and for matters connected therewith.

The Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (Mah. LVIII of 1981) has been enacted for regulating the employment of Private Security Guards employed in factories and establishments in the State of Maharashtra and for making better provisions for their terms and conditions of employment and welfare through the establishment of a Board therefor, and for matters connected therewith.

2. The said Acts are being implemented in the State since many years. While implementing the said Acts, various issues faced by employers associations and even trade unions have been brought to the notice of the Government. Some of which are non availability of appeal against orders of Boards and disputes regarding applicability of Schemes between two Boards, especially in Mumbai, where scheduled employments wise Boards are notified, etc. Therefore, the Government considers it necessary to make certain amendments in the said Acts with a view to simplify the procedures under the said Acts and to effectively implement the said Acts and Schemes framed thereunder for regulation and welfare of unprotected workers and Private Security Guards.

3. The salient features of the amendments proposed to the said Acts are as follows, namely:—

(a) to bring uniformity and transparency in the functioning of Boards constituted under the Mathadi Act for scheduled employments and Boards constituted under the Private Security Guards Act for Private Security Guards;

(b) to establish Maharashtra Unprotected Workers Regulatory Authority and Maharashtra Private Security Guards Regulatory Authority to regulate and monitor the administrative and financial matters of the said Boards, respectively;

(c) to delete the provisions of constitution of Advisory Committee, as due to timely constitution thereof for various reasons the provisions of the said Acts which requires consultation of the said Committee could not be implemented within time;

(d) to incorporate provisions of appeal against the orders passed in disputes regarding application of Scheme, recovery of dues from employers or workers and refusal to register as workers under the said Acts;

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 26th July, 2023.

SURESH KHADE,
Minister for Labour.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative powers, namely:—

Clause 5.—Under this clause, which seeks to substitute section 5 of the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969, power is taken to the State Government to prescribe the form and manner in which the dispute is referred by the worker or employer himself or by any legal practitioner authorised in writing.

Clause 6.—Under this clause, which seeks to insert new sections 5A and 5B in the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969, power is taken to the State Government to,—

(i) constitute the Maharashtra Unprotected Workers Regulatory Authority, by notification in the *Official Gazette*;

(ii) prescribe the procedure to be followed in meetings of the Authority for transacting the business and quorum thereat;

(iii) prescribe the other powers and functions of the Authority.

Clause 19.—Under this clause, which seeks to substitute section 5 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981, power is taken to the State Government to prescribe the form and manner in which the dispute is referred by the Security Guard or principal employer himself or by any legal practitioner authorised in writing.

Clause 20.—Under this clause, which seeks to insert new sections 5A and 5B in the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981, power is taken to the State Government to,—

(i) constitute the Maharashtra Private Security Guards Regulatory Authority, by notification in the *Official Gazette*;

(ii) prescribe the procedure to be followed in meetings of the Authority for transacting the business and quorum thereat;

(iii) prescribe the other powers and functions of the Authority.

2. The abovementioned proposal for delegation of legislative powers are of normal character.

*ANNEXURE TO THE L.A. BILL NO. XXXIV OF 2023 – THE
MAHARASHTRA MATHADI, HAMAL AND OTHER MANUAL
WORKERS (REGULATION OF EMPLOYMENT AND WELFARE)
AND MAHARASHTRA PRIVATE SECURITY GUARDS (REGULATION
OF EMPLOYMENT AND WELFARE) (AMENDMENT) BILL, 2023.*

[Extracts from The Maharashtra Mathadi, Hamal and other Manual
Workers (Regulations of Employment and Welfare) Act, 1969.]

(Mah. XXX of 1969)

1. ** ** ** **

2. (1) ** ** ** ** Definitions

(2) “contractor”, in relation to an unprotected 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 worker either in groups, gangs (tollis), or as individuals; and includes a sub-contractor, an agent, a mukadam or a tolliwala ;

(3) “employer”, in relation to any unprotected worker engaged by or through contractor, means the principal employer and in relation to any other unprotected 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 ;

(4) to (6) ** ** ** **

(7) “principal employer” means an employer who engages unprotected workers by or through a contractor in any scheduled employment ;

(8) ** ** ** **

(9) “scheduled employment” means any employment specified in the schedule hereto or any process or branch of work forming part of such employment ;

(10) ** ** ** **

(11) “unprotected worker” means a manual worker who is engaged or to be engaged in any scheduled employment ;

(12) “worker” means a person who is engaged or to be engaged directly or through any agency, whether for wages or not, to do manual work in any scheduled employment, and includes any person not employed by an employer or a contractor, but working with the permission of, or under agreement with the employer or contractor ; but does not include the members of an employer’s family ;

(13) ** ** ** **

3. (1) ** ** ** ** Schemes for

(2) In particular, a scheme may provide for all or any of the following matters that is to say—

(a) and (b) ** ** ** ** ensuring
regular
employment
of unprotected
workers.

(5) ** ** ** **

14. (1) The State 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 unprotected workers and employers, or co-ordination of the work of various Boards, as the Advisory Committee may itself consider to be necessary or as the State Government may refer to it for advice. Advisory Committee.

(2) The members of the Advisory Committee shall be appointed by the State Government and shall be of such number and chosen in such a manner as may be prescribed by rules made under this Act :

Provided that, the Advisory Committee shall include an equal number of members representing employers, workers and the Legislature of the State and members representing the State 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 State Government, nominated in this behalf by the State Government.

(4) The State Government shall publish in the *Official 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.

(7) The member of the Advisory Committee (not being a member representing the State Government) shall receive travelling and daily allowances for attending meetings of the Committee at such rates as may be prescribed.

15. ** ** ** **

16. No child shall be required or allowed to work in any scheduled employment. Prohibition of employment of children.

Explanation.— ‘Child’ means a person who has not completed fourteen years of age.

17. to 18. ** ** ** **

19. (1) ** ** ** **

(2) The State Government may, only if the Advisory Committee so advises, by a like notification, cancel or vary any notification issued under sub-section (1). Application of the Payment of Wages Act, 1936, to workers.

20. and 21. ** ** ** **

22. The State Government may, after consulting the Advisory Committee, by notification in the *Official Gazette*, 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 class or classes of unprotected workers employed in any scheduled employment, or in any establishment or part of any establishment of any scheduled employment, if in the opinion of the State Exemptions.

Government all such unprotected workers or such class or classes of workers, are in the enjoyment of benefits which are on the whole not less favourable to such unprotected workers than the benefits provided by or under this Act or any scheme framed thereunder :

Provided that, before any such notification is issued, the State Government shall publish a notice of its intention to issue such notification, and invite objections and suggestions in respect thereto, and no such notification shall be issued until the objections and suggestions have been considered and a period of one month has expired from the date of first publication of the notice in the *Official Gazette* :

Provided further that, the State Government may, by notification in the *Official Gazette*, at any time, for reasons to be specified, rescind the aforesaid notification.

23. to 27. ** ** ** **

Protection of
action taken
under this
Act.

27A. No suit, prosecution or other legal proceedings shall lie against the State 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.

28. ** ** ** **

SCHEDULE

[See section 2(9)]

1. Employment in Iron and Steel Market or shops in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations.

2. Employment in Cloth and Cotton Markets or shops in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations.

3. Employment in docks in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work including work preparatory or incidental to such operations, but does not include employment of a Dock Worker within the meaning of the Dock Workers (Regulation of Employment) Act, 1948.

4. Employment in Grocery Markets or shops, in connection with loading, unloading, stacking carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations.

5. Employment in markets, and factories and other establishments in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations carried on by workers not covered by any other entries in this Schedule.

6. Employment in railway yards and goods-sheds in connection with loading, unloading, stacking, carrying, weighing, measuring or such other work preparatory or incidental to such operations by workers who are not employed by Railway Authorities.

7. Employment in connection with loading of goods into public transport vehicle or unloading of goods therefrom and any other operation incidental and connected thereto.

8. Employment in vegetable markets (including onions and potatoes markets) in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations.

9. Employment in markets or subsidiary markets established under Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, in connection with loading, unloading, stacking, carrying, weighing, measuring, filling, stitching, sorting, cleaning or such other work including work preparatory or incidental to such operations.

10. Employment in Khokha making, and in timber market.

11. Employment in salt pans.

12. Employment in fishing industry.

13. Employment in connection with the loading, unloading and carrying of foodgrains into godowns, sorting and cleaning of foodgrains, filling foodgrains in bags, stitching of such bags and such other work incidental and connected thereto.

14. Employment in establishment engaged in cleaning, sorting, loading, unloading, stacking, carrying, weighing, measuring, stitching, filling of onions or onion bags and such other work including the work preparatory or incidental to such operations.

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

(Mah. LVIII of 1981)

1. ** ** ** **

2. In this Act, unless the context otherwise requires,— Definitions.

(a) ** ** ** **

(1-a) "Advisory Committee" means Committee constituted under section 15 ;Type

(2) and (3) ** ** ** **

(4) "establishment" means an establishment as defined in clause (8) of section 2 of the Bombay Shops and Establishments Act, 1948 ;

(5) to (9) ** ** ** **

(10) "Security Guard" or "Private Security Guard" means a person who is engaged through any agency or agent of Board to do security work or watch and ward work in any factory or establishment but does not include the members of any principal employer's family or any person who is a direct employee of the principal employer ;

(11) ** ** ** **

Scheme for ensuring regular employment of Security Guards.	3. (1)	**	**	**	**
	(2) In particular, a Scheme may provide for all or any of the following matters, that is to say,—				
	(a) and (b)**	**	**	**	**
	(c) for regulating the recruitment and entry into the Scheme of Security Guards and the registration of Security Guards and 3[principal employers and including the maintenance of registers, removal or restoration, either temporarily or permanently, of the names from the registers, and the imposition of fees for registration ;				
	(d) to (n) **	**	**	**	**
	(3) and (4)	**	**	**	**
Making, variation and revocation of Scheme.	4. (1) The State Government may, after consultation with the Advisory Committee constituted under section 15, and, subject to the conditions of previous publication, by notification in the <i>Official Gazette</i> , make one or more Schemes for Security Guards, class or classes of Security Guards in one or more areas specified in the notification; and in like manner add to, amend or vary any Scheme or substitute another Scheme for any Scheme made by it :				
	Provided that, no such notification shall come into force, unless a period of one month has expired from the date of its publication in the <i>Official Gazette</i> .				
	(2)	**	**	**	**
Scheme for ensuring regular employment of Security Guards.	5. If any question arises whether any Scheme applies to any class of Security Guards or principal employers, the matter shall be referred to the State Government, and the decision of the State Government on the question, which shall be taken after consulting the Advisory Committee constituted under section 15, shall be final.				
	6. and 7.	**	**	**	**
Powers and duties of Board.	8. (1)	**	**	**	**
	(2) The Board may take such measures as it may deem fit for administering the Scheme.				
	(3)	**	**	**	**
	(4) In exercise of the powers and performance and discharge of its duties and functions, the Board shall be bound by such directions as the State Government may, for reasons to be stated in writing, give to it, from time to time.				
	9. to 13.	**	**	**	**
Determination of moneys due from employers, principal employer and Security Guards.	14. (1) The Board or such officer as may be specified by it in this behalf may by order, determine any sum due from any employer, principal employer or Security Guard under this Act or any Scheme made thereunder, and for this purpose may conduct such inquiry as the Board or such officer may think to be necessary.				
	(3)	**	**	**	**
	(4) An order made under this section shall be final and shall not be questioned in any Court.				

(5) ** ** ** **

15. (1) The State Government may constitute an Advisory Committee to advise it 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 Security Guards and principal employer as the Advisory Committee may itself consider to be necessary or as the State Government may refer to it for advice. Advisory Committee.

(2) The members of the Advisory Committee shall be appointed by the State Government and shall be of such number and chosen in such manner as may be prescribed :

Provided that, the Advisory Committee shall include an equal number of members representing the 1[principal employers], the Security Guards and the Legislature of the State and the members representing the State Government shall not exceed 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 State Government, nominated in this behalf by the State Government.

(4) The State Government shall publish in the *Official Gazette* the names of the members of the Advisory Committee.

(5) The meeting of the Advisory Committee and procedure to be followed for the purpose shall be regulated according to the rules made under this Act.

(6) The term of office of members of the Advisory Committee shall be such as may be prescribed.

(7) A member of the Advisory Committee (not being a member representing the State Government) shall receive travelling and daily allowances for attending meetings of the Committee at such rates as may be prescribed.

16. and 17. ** ** ** **

18. No child shall be required or allowed to work as a Security Guard. Prohibition of employment of children.

Explanation.—“Child” means a person who has not completed fourteen years of age.

19. ** ** ** **

20. (1) ** ** ** ** Application of Payment of Wages Act to Security Guards.

(2) The State Government may, only if the Advisory Committee so advises, by a like notification, cancel or vary any notification issued under sub-section (1).

21. and 22. ** ** ** **

23. The State Government may, after consulting the Advisory Committee, by notification in the *Official Gazette*, 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 class or classes of Security Guards employed by the agency or agent as may be specified in the notification and deployed] in any factory or establishment or in any class or classes of factories or establishment, if in the opinion of the State Government, all such Security Guards or such class or classes of Security Guards are in the enjoyment of Exemptions.

benefits, which are on the whole not less favourable to such Security Guards than the benefits provided by or under this Act or any Scheme made thereunder :

Provided that, the State Government, may by notification in the *Official Gazette*, at any time, for reasons to be specified, rescind the aforesaid notification.

24. to 27. ** ** ** **

Protection of
action taken
under this
Act.

28. No suit, prosecution or other legal proceedings shall lie against the State Government or the Board or the Chairman, Secretary or any member of the Board or the Advisory Committee or any Inspector or any other officer 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.

29. to 31. ** ** ** **

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXXIV OF 2023.]

**[A Bill further to amend the Maharashtra
Mathadi, Hamal and other Manual Workers
(Regulation of Employment and Welfare)
Act, 1969 and the Maharashtra Private
Security Guards (Regulation of
Employment and Welfare) Act, 1981.]**

[SHRI SURESH KHADE,
Minister for Labour.]

JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.