



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष ९, अंक १७]

गुरुवार, जुलै २७, २०२३/श्रावण ५, शके १९४५

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असाधारण क्रमांक ३५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the **27th July, 2023** is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

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.

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 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.

CHAPTER II

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

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;

(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 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;

(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;

(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:—

“(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.

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 :—

“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.

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.

“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.

(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.

(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 an appeal within the period of thirty days, extend the said period by a further period of thirty days:

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.

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.

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.

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. 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.

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.

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. 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.

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

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”),—

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;”;

(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:—

“(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;”.

Amendment of section 3 of Mah. LVIII of 1981.

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:—

“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.

Amendment of section 5 of Mah. LVIII of 1981.

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:—
 “(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.
- Amendment of section 8 of Mah. LVIII of 1981.
- 22.** In section 14 of the Private Security Guards Act,—
 (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 principal employer.”;
 (2) sub-section (4) shall be deleted.
- Amendment of section 14 of Mah. LVIII of 1981.
- 23.** Section 15 of the Private Security Guards Act shall be deleted.
- Deletion of section 15 of Mah. LVIII of 1981.
- 24.** In section 18 of the Private Security Guards Act, in *Explanation*, for the word “fourteen” the word “eighteen” shall be substituted.
- Amendment of section 18 of Mah. LVIII of 1981.
- 25.** After section 18 of the Private Security Guards Act, the following section shall be inserted, namely:—
- Insertion of section 18A of Mah. LVIII of 1981.
- “**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 :
- 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.”.

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 “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.

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.

Vidhan Bhavan :
Mumbai,
Dated the 27th July, 2023.

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