

MAHARASHTRA ACT NO. LVIII OF 1981

**[The Maharashtra Private Security Guards
(Regulation Of Employment And Welfare) Act, 1981.]**

[This Act received assent of the President on 24th September 1981: assent was first published in the Maharashtra Government Gazette, Part IV, Extraordinary on 25th September 1981.]
Amended by Mah. 28 of 1996 (29-4-1996)2

An Act for regulating the employment of Private Security Guards employed in factories and establishment 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 therefore, and for matters connected therewith.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law for regulating the employment of Private Security guards employed in factories and establishment 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 therefore, and for matters connected therewith, and, therefore, promulgated the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Ordinance, 1981 (Mah. Ord. V of 1981) on the 29th June, 1981;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State legislature; it is hereby enacted in the Thirty – Second Year of the Republic of India as Follows:-

1 Short title, extent, commencement and application

- (1) This Act may be called the Maharashtra Private Security Guards (Regulation of employment and Welfare) Act, 1981.
- (2) It extends to the whole of the State of Maharashtra.
- (3) This Act shall be deemed to have come into force only in Greater Bombay and Thane District on the 29th June, 1981. It shall come into force in any other area of the State on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf for that area, and different dates may be appointed for different areas and for different provisions of this Act.
- (4) It applies to persons who work as Security Guards in any factory or establishment, but who are not direct and regular employees of the factory or the establishment, as the case may be.

2 Definitions

In this Act, unless the context otherwise requires.-

- (1) “agency or agent”, in relation to a Security Guard, means an individual or body of individuals or a body corporate, who or which employees Security Guards in his or its employment on wages and undertakes to execute any security work or watch and ward work on contract, for any factory or establishment by engaging the Security guards in his or its employment, but does not include a sub-agency or sub-agent or the Board;
(1-a) “Advisory Committee” means committee constituted under Section 15;
- (2) “Board” means a Board established under this Act;

- (3) “employer”, in relation to a Security guard in the direct employment of an agency or agent and deployed in a factory or establishment through such agency or agent, means such agency or agent;]
- (4) “establishment” means an establishment as defined in clause (8) of Section 2 of the Bombay Shops and Establishments Act, 1948 (Bom. LXXIX of 1948);
- (5) “Factory” means a factory as defined in clause (m) of Section 2 of the Factories Act, 1948 (LXIII of 1948);
- (6) “Inspector” means an Inspector appointed under Section 16;
- (7) “Prescribed” means prescribed by rules made under this Act;
- (8) “principal employer”, in relation to any class or classes of Security Guards deployed in a factory or establishment by the agency or agent or Board, means the person who has ultimate control over the affairs of the factory or establishment and includes any other person to whom the affairs of such factory or establishment are entrusted whether such person is called Authorised Representative, Manager or by any other name prevailing in the factory or establishment;]
- (9) “Scheme” means a Scheme made under this Act;
- (10) “Security Guard” or “Private Security Guard” means a person who is engaged through any agency or agent or 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) “wages” means all remuneration expressed in terms of money or capable of being so expressed, which would, if the terms of contract of employment express or implied, were fulfilled, be payable to a Security

Guard in respect of security work or watch and ward work done in any factory or establishment, but does not include

- i the value of any house accommodation, supply of light, water, medical attendance, or any other amenity or any service excluded from the computation of wages by general or special order of the State Government;
- ii any contribution paid by the employer 1[or the principal employer, as the case may be,] to any pension fund or provident fund or under any scheme of social insurance and the interest which may have accrued thereon;
- iii any travelling allowance or the value of any travelling concession;
- iv any sum paid to the Security guard to defray special expenses entailed on him by the nature of his employment; or
- v any gratuity payable on discharge.

3	Scheme for ensuring regular employment of Security Guards
1	for the purpose of ensuring an adequate supply and full and proper utilization of Security guards in factories and establishments, and generally for making better provision for the terms and conditions of employment of such workers, the State government may by means of one or more Schemes provide for the registration of 2[principal employers] and Security Guards in any factory or establishment and provide for the terms and conditions of employment of registered Security guards and make provision for the general welfare of such Security Guards.
2	In particular, a Scheme may provide for all or any of the following matters, that is to say,- <ul style="list-style-type: none"> (a) for the application of the Scheme to such classes of registered Security Guards and 3[principal employers], as may be specified therein; (b) for defining the obligations of registered Security Guards and 3[Principal employers], subject to the

fulfillment of which the Scheme may apply to them;

- (c) for regulating the recruitment and entry into the Scheme of Security Guards and the registration of Security Guards and 3[principal employers], 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) for regulating the employment of registered Security Guards and the terms and conditions of such employment including the rates of wages, hours of work, Maternity benefits, Overtime payment, Leave with Wages, provision for gratuity and conditions as to weekly and other holidays and pay in respect thereof;

for providing the time within which registered 1[principal employers] should remit to the Board the amount of wages payable to the registered Security Guards for the work done by such workers; for requiring such 1[Principal employers] who, in the opinion of the Board, make default in remitting the amount of wages in time as aforesaid to deposit with the Board, an amount equal to the monthly average of the wages to be remitted as aforesaid; if at any time the amount of such deposit falls short of such average, for requiring such 1[principal employers] who, persistently make default in making such remittances in time, to pay also, by way of penalty, a surcharge of such amount not exceeding 10 per cent of the amount to be remitted as the Board may determine;
- (f) for securing that, in respect of a period during which employment or full employment is not available to registered Security Guards, though they are available for work, such Security Guards shall, subject to the conditions of the Scheme, receive a minimum guaranteed wages;
- (g) for prohibiting, restricting or otherwise controlling the employment of Security guards to whom the Scheme does not apply, and the employment of Security Guards by 1[principal employers] to whom the Scheme does not apply;
- (h) for the welfare of registered Security Guards covered by the Scheme, in so far as satisfactory provision therefore does not exist apart from the Scheme;
- (i) for health and safety measures in places where the registered Security Guards are engaged, in so far as satisfactory provision therefore is required but does not exist, apart from the Scheme;
- (j) for the constitution of any fund or funds including provident fund for the benefits of registered Security Guards, the vesting of such funds, the payment and contributions to be made to such funds, provisions for provident fund and rates of contribution being made after taking into consideration the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, (XIX of 1952), and the Scheme framed thereunder, with suitable modifications where necessary, to suit the conditions of work of such registered Security Guards and all matters relating thereto;
- (k) for the manner in which the day from which (either prospective or retrospective) and the persons by whom, the cost of operating the scheme is to be defrayed;
- (L) for constituting the persons or authorities who are to be responsible for the administration of the scheme, and the administration of funds constituted for the purposes aforesaid;
- (m) for specifying the powers and duties, which the persons or authorities referred to in clause (e) may exercise or perform, for providing appeals and revision applications against the decisions or orders of such persons and authorities; and for deciding such appeals and applications and for matters incidental thereto;
- (n) for such other incidental and supplementary matters as may be necessary or expedient for giving

effect to the purposes of the scheme.

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) 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 Notwithstanding anything contained in this Act

a on and from the 29th June, 1981, in Greater Bombay and Thane Districts, no principal employer or agency or agent shall dismiss, discharge or retrench or otherwise terminate the appointment of any Security Guard, merely by reason of the employer's liability to register himself under a scheme framed under this section or by reason of any other liability likely to be cast on him under such scheme or by reason of the liability of the security Guard to register himself under such scheme, during the period from the said date upto the date the whole scheme so framed is applied to such employer and security Guard or during the period of one year from the said date, whichever is earlier;

and

b on and from the date on which this Act or any provisions thereof are brought into force in any other area of the State, in that area, no principal employer or agency or agent shall dismiss, discharge or retrench or otherwise terminate the appointment of any Security Guard, merely for any of the reasons specified in Clause (a) during the period from the said date upto the date the whole scheme framed under this section is applied to such employer and Security Guard:

Provided that, nothing contained in this sub-section shall affect the right of the 1 (principal employers), agency or agent to dismiss, discharge or retrench or otherwise terminate the appointment of any Security Guard as a penalty imposed for disciplinary action taken against him.

4 Making variation and revocation of Scheme

(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 *official* Gazette, 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 in to force, unless a period of one month has expired from the date of its publication in the Official Gazette.

(2) The provisions of section 24 of the Bombay General Clauses Act, 1904, (Bom 1 of 1904), shall apply to the exercise of the powers given by sub-section (1) as they apply to the exercise of the powers given by a Maharashtra Act to make rule subject to the condition of previous publication.

5	Disputes regarding application of scheme
	If any question arises whether any scheme applies to any class of security Guards or 1(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	Constitution of Board
	<p>(1) The State Government may, by notification in the <i>Official Gazette</i>, establish a Board to be known by such name as may be specified in the notification for any Security Guard in any area. One or more Boards may be established for one or more classes of Security Guards or for one or more areas.</p> <p>Every such Board shall be a body corporate with the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, and to contract, and may, by that name, sue or be sued.</p> <p>(2) The Board shall consist of members nominated, from time to time, by the State Government representing the 2(principal employers) the Security Guards and the State Government.</p> <p>(3) The members representing the 2[principal employers], and the Security Guards shall be equal in number, and the members, representing the State Government shall not exceed one-third of the total number of members representing 2[principal employers] and Security Guards.</p> <p>(4) The Chairman of the Board shall be one of the members appointed to represent the State Government; nominated in this behalf by the State Government.</p> <p>(5) After nomination of all the members of the Board including the Chairman, the State Government, shall, by notification in the <i>Official Gazzette</i>, publish the names of all the members of the Board.</p> <p>(6) The term of office of members of the Board shall be such as may be prescribed.</p> <p>(7) There shall be paid to every member (not being a member representing the State Government) from the fund of the Board, travelling and daily allowances for attending meetings, of the Board at such rates as may be prescribed.</p> <p>(8) The meetings of the Board and procedure to be followed for the purpose and all matters supplementary or ancillary thereto shall, subject to the approval of the State Government, be regulated by the Board.</p> <p>(9)</p>
7	Power of State Government to appoint Board consisting of one person
	<p>(1) Where by reason of the 1[principal employers] or the Security Guards refusing to recommend persons for representing them on the Board or for any reasons whatsoever it appears to the State Government that it is unable to constitute a Board for Security Guards in accordance with the provisions of Section 6, the State Government may, by notification in the <i>Official Gazette</i>, appoint a suitable person who shall hold office until a Board is duly constituted under Section 6 for such Security Guards.</p> <p>(2) The person so appointed shall be deemed to constitute the Board for the time being, and shall exercise all the powers and perform and discharge all the duties and functions conferred and imposed upon the Board by or under this Act and the Scheme made thereunder. He shall continue in office until the day immediately preceding the date of the first meeting of the Board constituted under Section 6.</p> <p>(3) The person constituting the Board shall receive such remuneration, from the fund of the Board, and the terms and other conditions of his service shall be such as the State Government may determine.</p>
8	Power and duties of Board

	<p>(1) The Board shall be responsible for administering every Scheme and shall exercise such powers and perform and discharge such duties and functions as may be conferred on it by the Scheme.</p> <p>(2) The Board may take such measures as it may deem fit for administering the Scheme.</p> <p>(3) The Board shall submit to the State Government, as soon as may be, after the 1st day of April every year, and not later than the 21st day of October as annual report on the working of the Scheme during the preceding year ending on the 31st day of March of that year. Every report so received shall be laid, as soon as may be after it is received before each house of the State legislature if it is in session, or in the session immediately following the date of receipt of the report.</p> <p>(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.</p>
9	Accounts and audit
	<p>(1) The Board shall maintain proper accounts and other relevant record and prepare an annual statement of accounts including a balance sheet in such form as may be prescribed.</p> <p>(2) The accounts of the Board shall be audited annually by such qualified persons as the State Government may appoint in this behalf.</p> <p>(3) The auditor shall at all reasonable times have access to the books of accounts and other documents of the Board, and may for the purposes of the audit, call for such explanation and information as he may require or examine any member or officer of the Board.</p> <p>(4) The accounts of the board certified by the auditor, together with the audited report thereon, shall be forwarded annually to the State Government before such date as the State Government may specify in this behalf.</p> <p>(5) The Board shall comply with such direction as the State Government may, after perusal of the report of the auditor, think fit to issue.</p> <p>(6) The cost of audit, as determined by the State Government, shall be paid out of the funds of the Board.</p>
10	Disqualifications and removal
	<p>(1) No person shall be chosen as, or continue to be member of the Board who</p> <ol style="list-style-type: none"> a) is a salaried officer of the Board; or b) is an undischarged insolvent; or c) is found to be a lunatic or becomes of unsound mind; or d) is or has been convicted of any offence involving moral turpitude, unless a period of five years has elapsed since the date of his conviction. <p>(2) The State Government may remove from office any member, who –</p> <ol style="list-style-type: none"> a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or b) is absent without leave of the Board for more than three consecutive meetings of the Board.
11	Resignation of office by member

	Any member of the Board may at any time resign his office by writing under his hand addressed to the State Government, and his office shall, on acceptance of resignation, become vacant.
12	Vacancy to be filled as early as possible
	In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the Board shall forthwith communicate the occurrence to the State Government, and the vacancy shall be filled, as far as possible within ninety days from the date of the occurrence of the vacancy, and the person nominated to be fill in the vacancy shall hold office so long only as the member in whose place he is nominated would have hold it if the vacancy had not occurred; Provided that, during any such vacancy, the continuing members may act as if no vacancy has occurred.
13	Proceedings presumed to be good and valid
	No act or proceeding of the Board shall be questioned or invalidated merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.
14	Determination of moneys due from employers, 1[principal employer] and Security Guards
	<p>(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 1[principal employer] or Security Guards 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.</p> <p>(2) The Board or such officer conducting the inquiry under sub – section (1) shall, for the purposes of such inquiry, have the same powers as are vested in a Court under the code of Civil Procedure, 1908 (V of 1908) for trying a suit in respect of the following matters, namely :-</p> <ol style="list-style-type: none"> a) enforcing the attendance of any person or examining him on oath; b) requiring the discovery and production of documents; c) receiving evidence on a affidavit; d) issuing commission for the examination of witnesses; and any such inquiry shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228, and for the purpose of Section 196 of the Indian Penal Code, 1860 (XLV of 1860). <p>(3) No order determining the sum due from any employer 1[principal employer] or Security Guard shall be made under sub-section (1), unless the employer 1[principal employer] or Security Guard, as the case may be, is given a reasonable opportunity of representing his case.</p> <p>(4) An order made under this section shall be final and shall not be questioned in any Court.</p> <p>(5) Any sum determined under this section may, if such sum is in arrears, be recovered as an arrear of land revenue.</p>
15	Advisory Committees
	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 provision of this Act to any particular class of Security Guards and 2[principal employer] as the Advisory

	<p>Committee may itself consider to be necessary or as the State Government may refer to it for advice.</p> <p>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;</p> <p>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.</p> <p>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.</p> <p>4 The State Government shall publish in the Official Gazette the names of the members of the Advisory Committee.</p> <p>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.</p> <p>6 The term of office of members of the Advisory Committee shall be such as may be prescribed.</p> <p>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.</p>
16	Inspectors and their powers
	<p>(1) The Board may appoint such persons as it thinks fit to be Inspectors possessing the prescribed qualifications for the purposes of this Act or any Scheme and may define the limits of their jurisdiction.</p> <p>(2) Subject to any rules made by the State Government in this behalf, an Inspector may</p> <ul style="list-style-type: none"> a) enter and search at all reasonable hours, with such assistants as he thinks fit, any premises or place, where Security Guards are employed or work is given out to Security Guards in any factory or establishment, for the purpose of examining the register, record of wages or notices required to be kept or exhibited under any scheme, and require the production thereof, for inspection; b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is a Security Guard employed therein or a Security Guard to whom work is given out therein; c) require any person giving any work to Security Guard or to a group of Security Guards to give any information, which is in his power to give, in respect of the names and addresses of the persons to whom the work is given, and in respect of payments made, or to be made, for the said work; d) seize or take copies of such registers, records of wages or notices or portions thereof, as he may consider relevant, in respect of an offence under this Act or any Scheme, which he has reason to believe has been committed by an employer 2[or principal employer]; and (e) exercise such other powers as may be prescribed; Provided that, no one shall be required under the provisions of this section to answer any question or make any statement tending to incriminate himself. <p>(3) Every Inspector appointed under this Section shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal code, 1860 (XIV of 1860).</p>

17	Cognizance of offences
	<p>(1) No court shall take cognizance of any offence made punishable by a scheme or of any abetment thereof, except on a complaint in writing made by an Inspector or by a person specially authorised in this behalf by the Board or the State Government.</p> <p>(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (II of 1974), an offence made punishable by a scheme or an abetment thereof shall be triable only by a Metropolitan magistrate or a magistrate of the first class.</p>
18	Prohibition of employment of children
	<p>No child shall be required or allowed to work as Security Guard. <i>Explanation.-Child means a person who has not completed fourteen years of age.</i></p>
19	Application of Workmen’s Compensation Act to Security Guards
	<p>The provisions of the workmen’s Compensation Act, 1923, and the rules made thereunder, shall mutatis mutandis apply to the registered security guards employed in any factory or establishment; and for that purpose they shall be deemed to be workmen within the meaning of that Act; and in relation to such workmen, employer shall mean where a Board makes payment of wages to any such workmen, the Board, and in any other case, the 1[principal employer] as defined in this Act.</p>
20	Application of Payment of Wages Act to Security Guards
	<p>(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (IV of 1936) (hereinafter referred to in this section as “the said Act”), the State Government may, by notification in the Official Gazette, direct that all or any of the provisions of the said Act and the rules made thereunder shall apply to all or any class of registered Security Guards employed in any factory or establishment, with the modification that in relation to registered Security Guards, employer shall mean, where a Board makes payment of wages to any such Guards, the Board; and in any other case, the 2[principal employer] as defined in this Act; and on such application of the provisions of the said Act, an Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of such provisions of the said Act within the local limits of his jurisdiction.</p> <p>(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).</p>
21	Application of Maternity benefit Act to Women Security guards
	<p>Notwithstanding anything contained in the Maternity benefits Act, 1961 (53 of 1961) (hereinafter referred to in this section as “the said Act”), the State Government may, by notification in the Official Gazette, direct that all or any of the provisions of the said Act and the rules made thereunder shall apply to registered women Security Guards employed in any factory or establishment; and for that purpose, they shall be deemed to be women within the meaning of the said Act; and in relation to such women, employer shall mean, where a Board makes payment of wages to such women, the Board, and in any other case, 1[principal employer] as defined in this Act; and on such application of the provisions of the said Act, an Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of enforcement of such provisions of the said Act within the local limits of his jurisdiction.</p>

22	Rights and privileges under other laws not affected in certain cases
	<p>Nothing contained in this Act shall affect any rights or privileges, which any registered Security Guard employed in any factory or establishment is entitled to on the date on which this Act comes into force, under any other law, contract, custom or usage applicable to such Security Guard, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act and the Scheme;</p> <p>Provided that, such Security Guard shall not be entitled to receive any corresponding benefit under the provisions of this Act and the Scheme.</p>
23	Exemptions
	<p>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 2[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 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.</p>
	3[* * * * *]
	4[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	Inquiry into working of the Board
	<p>(1) The State Government may, at any time, appoint any person to investigate or inquire into the working of any Board or Scheme and submit a report to the State Government in that behalf</p> <p>(2) The Board shall give to the person so appointed all facilities for the proper conduct of the investigation or inquiry, and furnish to him such documents, accounts or information in possession of the Board as he may require.</p> <p>(3) Any person so appointed to investigate or inquire into the working of any Board or Scheme may exercise all the powers of an Inspector appointed under this Act.</p>
25	Supersession of the Board
(1)	If the State Government, on consideration of the report referred to in sub-section (1) of Section 24 or otherwise, is of the opinion –
	<p>a that the Board is unable to perform and discharge its duties and functions; or</p> <p>b that the Board has persistently made default in the performance and discharge of its duties and functions or has exceeded or abused its powers, the State government may, by notification in the <i>Official Gazette</i>, supersede the board and reconstitute it in the prescribed manner, within a period of twelve months from the date of supersession. The period of supersession may be extended by the State Government for sufficient reasons by a like notification by not more than six months:</p> <p>Provided that, before issuing a notification under this sub-section on any of the ground mentioned in clause (b), the State government shall give a reasonable opportunity to the Board to show cause why it</p>

	should not be superseded, and shall consider the explanations and objections, if any, of the Board.
(2)	After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act and any Scheme shall be exercised, performed and discharged by the State Government or by such officer or officers as the state Government may appoint for this purpose.
(3)	When the Board is superseded, the following consequences shall ensue, that is to say:-
	<ul style="list-style-type: none"> a all the members of the Board shall, as from the date of publication of the notification under sub-sections(1), vacate their office; b all the powers, duties and functions, which may be exercised, performed or discharge by the Board shall, during the period of supersession, be exercised, performed or discharged by such person or persons as may be specified in the notification; c all funds and other property vesting in the Board shall, during the period of supersession, vest in the State Government; and on the reconstitution of the Board, such funds and property shall revert in the Board.
26	Contracting out
	Any contract or agreement, whether made before or after the commencement of this Act, whereby a registered Security Guard relinquishes any right conferred by or any privilege or concession accruing to him under this Act or any Scheme, shall be void and of no effect, in so far as it purports to deprive him of such right or privilege or concession.
27	General penalty for offences
	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 extent to one hundred rupees per day for every day during which such contravention continues.
28	Protection of action taken under this Act
	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	Power to make rules
	<ul style="list-style-type: none"> (1) The power to make rules under this Act shall be exercised by the state Government, subject to the condition of previous publication and by notification in the <i>Official Gazette</i>. (2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules, consistent with this Act generally to carry out the purposes of this Act.
30	Schemes and rules to be laid before State legislature
	Every Scheme and every rule made under this Act shall be laid as soon may be after it is made, before each House of the State legislature, while it is in session, for a total period of thirty days which may be comprised in

one session or two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the scheme or the rule, or both Houses agree that the Scheme or the rule should not be made and notify such decision in the *Official Gazette*, the Scheme or the Rule as the case may be shall thereafter from the date of publication of such notification, have effect only in such modified form or be of no effect as the case may; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that Scheme or Rule.

31 Repeal of Mah. Ord. V of 1981 and Saving

- (1) The Maharashtra Private Security Guards (Regulation of Employment and Welfare) Ordinance, 1981 (Mah. Ord. V of 1981), is hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken (including any notification issued, rules, scheme or an order made) under the said Ordinance, shall be deemed to have been done, taken, issued or made as the case may be, under the corresponding provision of this Act.

<p>The Private Security Guards (Regulation of Employment and Welfare) Scheme, 2002¹</p>
<p>INDUSTRIES, ENERGY AND LABOUR DEPARTMENT Mantralaya, Mumbai 400 032, dated the 12th November, 2002</p>
<p>NOTIFICATION</p>
<p>No. SGA.152002/(91/5) LAB-5.- In exercise of the powers conferred by sub-section (1) of Section 4 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (Mah.LVIII of 1981); and of all other powers enabling it in that behalf, the Government of Maharashtra, after consultation with the Advisory Committee, hereby amends the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 as required by sub-section (1) of said Section 4, of the said Act, namely:-</p>
<p>1 Title</p> <ul style="list-style-type: none"> 1) This Scheme may be called The Private Security Guards (Regulation of Employment and Welfare) Scheme, 2002. 2) 2[It shall deem to be that, this Scheme came into force from 12th November 2002].
<p>2 Objects and Application</p> <ul style="list-style-type: none"> 1 Objects The objects of the Scheme are,- to regulate employment of Private Security Guards employed in factories and establishment, and to make better provisions for their terms and conditions of employment and welfare through the establishment of a Board therefore and for matters connected therewith; 2 Application

This Scheme shall apply to the **registered Security Guards of the Board** and the **Security Guards in the employment of an employer agency** deployed in any factory or establishment and **employer agencies** and **registered principal employers**, 3[in the State of Maharashtra.] in the areas specified in the Schedule appended hereto.

3 Interpretation

- 1 In this Scheme, unless the context otherwise requires,-
- 2 “Act” means the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (Mah. LVIII of 1981),-
 - a) “Appointed Day” means the day of commencement of the Scheme;
 - b) “Board” means the Security Guards Board for Brihan Mumbai and Thane District constituted under section 6 of the Act for the areas specified in this
 - c) “Board Pool” means a list or register of registered Security Guards maintained by the Board but shall not include directly employed Security Guards and the Security Guards registered in the register of “other pool”;
 - d) “Chairman” means Chairman of the Board;
 - e) “Employer agency” means an employer agency within the meaning of the term “Employer” as defined in section 2(3) of the Act which directly employs Security Guards and supplies them to principal employer for deploying in his factory or establishment and whose security guards are granted exemption by the Government;
 - f) “Other pool” means a list of register of exempted Security guards of the employer agencies registered with the Board, maintained by the Board;
 - g) “Personnel officer” means the personnel officer appointed by the Board under Clause 4; Pool Security Guard” means a Security Guard whose name is entered in the Board pool or other pool, as the case may be;
 - i) “register of employer agency” means the register of employer agency as defined in entry (e), registered with the Board maintained by the Board under the Scheme;
 - j) “register of principal employers” means the register of principal employers maintained by the Board under the Scheme;
 - k) “register of Security Guards” means the register of registered Security Guards of the Board and the Security Guards of the employer agency registered with the Board, maintained under the Scheme;
 - l) “register of principal employer” means the principal employer whose name is for the time being entered in the register of principal employer maintained by the Board;
 - m) “registered Security Guard of the Board” or “Security Guards of the employer agencies registered with the Board” means a person whose name is for the time being entered in the register of Security Guards;
 - n) “rules” means the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Rules, 1981.

3 Words and expressions used but not defined in the Schedule shall have the meaning assigned to

them in the Act.

4 Secretary, Personnel Officer and other servants of the Board

The Board may appoint a Secretary, a personnel Officer and such other officers and servants on such conditions of services as it deems fit:

Provided that no post, the maximum salary of which exclusive of allowances is Rs.5,500 and above per month shall be created, and no appointment to such post shall be made, by the Board except with the previous approval of the State Government:

Provided further that the previous approval of the State Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

5 Functions of the Board

- 1) The Board may take such measures as it may consider desirable for carrying out the objective of administering the Scheme set out in clause 2 including measure for –
 - i) ensuring the adequate supply and the full and proper utilization of registered Security Guards of the Board for the purpose of facilitating and doing security work or watch and ward work in any factory or establishment.
 - ii) determining and keeping under review the number of registered Security Guards of the Board from time to time, on the registers or records and the increase or reduction to be made in the number of registered Security Guards of the Board;
 - iii) keeping, adjusting and maintaining the registered principal employers, registers, entering there in the name of any registered principal employer in accordance with the provisions of this Scheme;
 - iv) keeping, adjusting and maintaining from time to time, such registers or records as may be necessary of registered Security Guards of the Board including any registers, or records of registered Security Guards of the Board who are temporarily not available for work and whose absence has been approved by the Board; And where circumstances so require, removing from any registered or record the name of any registered Security guard of the Board either at his own request or in accordance with the provisions of the Scheme;
 - v) grouping or re-grouping of all registered Security Guards of the board into such group as may be determined by the Board and reviewing the grouping of any registered Security Guards of the Board on the application of a registered Security Guard of the Board;
 - vi) making provision, subject to availability of funds, for welfare of registered Security Guards of the Board including medical services in so far as such provision does not exists apart from this Scheme;
 - vii) recovering from registered principal employers contribution in respect of the expenses of this Scheme, wages levy and other contributions under this Scheme;
 - viii) disbursing of wages and other allowances to registered Security Guards of the Board;
 - ix) making provision subject to availability of funds for the health and safety measures in places where Security Guards of the Board are employed in so far as such provision does not exist apart

from this Scheme;

- x) maintaining and administering the Security Guards of the Board welfare fund recovering from all the registered principal employers contribution towards the fund when such fund is constituted in accordance with the rules of the fund;
 - xi) maintaining and administering provident fund and gratuity fund for registered Security Guards of the Board in the Board pool when such funds are constituted;
 - xii) making adequate infrastructure to provide for the physical training facilities for the registered Security Guards of the Board;
 - xiii) Sanctioning the creation of posts, the maximum salary of which exclusive of allowances is below Rs.5,500 per month and to make appointment to such post.
- 2) The property, fund and other assets vesting in the Board shall be held and applied by it subject to the provisions and for the purposes of this Scheme.
- 3) The Board shall have and maintain its own fund to which shall be credited,-
- a) all monies received by the Board from the State Government;
 - b) all fees, wages and levis received by the Board under this Scheme;
 - c) all monies received by the Board by way of sale and disposal of properties and other assets;
 - d) interest on investment in securities and deposits, rents and all monies received by the Board in any other manner or from and other source.
- 4) All monies forming part of the funds shall be kept in saving account or fixed deposit account with any nationalized bank. Such accounts shall be operated by such officers of the Board as may be authorized by the Board.
- Explanation.- for the purpose of this sub-clause, "nationalized bank" means a bank specified in column 2 of the first schedule to the Banking companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and also to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980)
- 5) The Board may, with the previous permission of the State Government borrow money from open market or otherwise with a view to provide itself with adequate resources.
- 6) The Board may, accept deposits on such conditions as it deems fit from persons, authorities or establishments with whom it has to transact any business.
- 7) The Board shall make provision for such reserve and other denominated funds as may be provided in this Scheme.
- 8) The Board shall have the authority to spend such sums as it thinks fit for the purpose authorized under this Scheme from and out of the general fund of the Board or from the reserve and other funds as the case may be.
- 9) The Board shall cause the proper account to be kept of the cost of operating this Scheme and all

receipts and expenses under this Scheme.-

10) The Board shall submit to the State Government.-

- a) as soon as may be, after the first day of April, in every year and not later than the 31st day of October, an annual report on the working of the Scheme during the preceding year ending the 31st of March, together with an audited balance-sheet; and
- b) copies of proceeding of the meeting of the Board.

11) The Board may,-

- i) fix the number of Security Guards of the Board to be registered under the various categories;
- ii) increase or decrease the number of registered Security Guards of the Board in any category on the register from time to time as may be necessary after a periodical review of the register and anticipated requirements;
- iii) sanction the temporary registration of a specified number of Security Guards of the Board in any category for specific periods which shall not be more than 5% of the prescribed total registered Security Guards of the Board by following procedure of registration of Security Guards;
- iv) device forms; records registers, statements and the like required for administration of the Scheme;
- v) determine the wages, allowances and other conditions of service including age of retirement of all the pool;
- vi) determine the manner of disbursement of wages and other allowances of all the Security Guards and the Security Guards of the employer agencies registered with the Board. The Payment of all Security Guards shall be made through cheque;
- vii) fix the rate of levy under Clause 40
- viii) sanction the annual budget;
- ix) subject to the provisions of clause 4, appoint a Secretary, the Personnel Officer and other staff of the Board;
- x) Make recommendation to the State Government about any modification in the Scheme;
- xi) settle disputes between registered principal employers and registered Security Guards of the Board;
- xii) subject to such conditions as it thinks fit, delegate in writing to the Chairman, Secretary or to any other officer of the Board any of its functions under this Scheme;
- xiii) to ensure that Employees State Insurance Scheme is made applicable to all the Security Guards.

6 Annual Estimate

The Chairman shall at a special meeting to be held before the end of February in each year lay before the Board, the annual budget of the Scheme for the year commencing on the first day of April then next ensuing in such details and forms as the Board may from time to time specify. The Board shall consider the estimate so presented to it and shall within four weeks of its presentation sanctions the

same either unaltered or subject to such alteration as it may deem fit.

7 Responsibilities and duties of Chairman

Without prejudice to the powers and functions of the Board, the Chairman shall be generally responsible for satisfactory execution of this Scheme and shall have powers to execute the decisions of the Board subject to its directions and particulars,

- a) to ensure that the decisions of the Board in regard to the adjustment of the registers of Security Guards are carried out expeditiously;
- b) to ensure that the sanctions for temporary registration of Security Guards are carried out without delay;
- c) to supervise and control the working of this scheme;
- d) to take suitable steps, if any irregularities are detected by him or brought to his notice;
- e) to regulate the recruitment and entry into, and the discharge from the Scheme of registered Security Guards of the Board and the allotment of registered Security Guards of the Board in the Board pool to the registered principal employers;
- f) to ensure that the provisions of this Scheme in regard to transfer and promotion of registered Security Guards of the Board are carried out;
- g) to constitute medical boards when required;
- h) to ensure that conditions laid down in this scheme for the registration of principal employers are complied with by them;
- i) to ensure that all forms, registers, returns and documents, devised by the Board are properly maintained;
- j) to take disciplinary action against registered Security Guards of the Board and registered principal employers in accordance with the provisions of this Scheme;
- k) to deal with appeals from the registered Security guards and registered principal employers under clauses 35 and 36;
- l) discharge all function relating to disciplinary action against registered principal employers and registered Security Guards of the Board to the extent permitted under clauses 32;
- m) to take suitable steps to give or make available adequate physical training, security training and fire fighting training to the registered Security Guards of the Board;

8 Functions of Secretary

Without prejudice to the powers and functions of the Board and the Chairman, the Secretary shall perform duties imposed on him by this Scheme in the discharge of his duties and in particular be responsible for,-

- a) keeping, adjusting and maintaining the register of registered principal employers;
- b) keeping, adjusting and maintaining from time to time, such registers or records, as may be necessary of registered Security Guards of the Board and the Security Guards of employer agency registered with the Board including any registers or records of registered Security Guards of the Board and the Security Guards of employer agency registered with the Board who are temporarily

	<p>not available for work and whose absence has been approved by the Board and where the circumstances require removing from any registers or records the name of any registered Security Guard of the Board either at his request or in accordance with the provisions of this Scheme;</p> <p>c) the employment and control of registered Security Guards of the Board, who are available for work, when they are not otherwise employed in accordance with this Scheme;</p> <p>d) the grouping or re-grouping of registered Security Guards of the Board in suitable Board's pool in accordance with the instructions received from the Board in such groups as may be determined by the Board;</p> <p>e) The allotment of registered Security guards of the Board in the Board pool who are available for work to registered principle employers and for this purpose the Secretary shall,-</p> <p style="padding-left: 20px;">i) make the fullest possible use of registered Security Guards of the Board in the Board pool;</p> <p style="padding-left: 20px;">ii) provide for the maintenance of records of employment and earnings of registered Security Guards of the Board.</p> <p>f) i) the collection of levy or any other contribution from the registered principal employers under this Scheme;</p> <p style="padding-left: 20px;">ii) the collection from registered Security Guard of the Board of contribution to the provident fund, insurance fund or any other fund which may be constituted under the Scheme;</p> <p style="padding-left: 20px;">iii) the payment to each registered Security Guard of all earnings lawfully due to him from the registered principal employer and the payment to such Security Guards of all monies payable by the Board in accordance with the provisions of this scheme.</p> <p>g) appointing, subject to budget provisions, such officers and servants, from time to time, as may be authorized by the Board or the chairman to appoint;</p> <p>h) the keeping of proper accounts of the cost of operating this scheme and of all receipts and expenses under it and making and submitting to the Board and Annual Report and Audited Balance Sheet and profit and loss accounts statement;</p> <p>i) framing budget annually for submission to the Board on or before the 15th day of February each year.</p> <p>j) maintaining complete service records of all registered Security Guards and record sheet of all registered principal employers;</p> <p>k) authorizing the employment of unregistered Security Guards in case registered Security Guards are not available for work in the Board pool or in such other circumstances as the Chairman may approve; and</p> <p>l) such other function as may, from time to time, subject to the provisions of this Scheme, be assigned to him by the Board or the Chairman.</p>
	<p>9 Function of Personnel Officer</p>
	<p>The personnel officer shall assist the secretary in the discharge of his duties and shall in particular carry out the functions assigned to him by clauses 32 of this Scheme.</p>
	<p>10 Maintenance of registers</p>

	<p>The following registers shall be maintained by the Board, namely</p> <p>1 Register of principal employers</p> <p>There shall be a register of employers in the form devised by the Board wherein the names, addresses and other details of the principal employers of the Board, registered under the Scheme shall be entered.</p> <p>2 Register of registered employer agency</p> <p>There shall be a register of employer agencies registered with the Board, in form devised by the Board, wherein the names, addresses and other details of the employer agencies under the Scheme shall be entered.</p> <p>3 Register of Security Guards</p> <p>There shall be a register of registered Security Guards of the Board and register of Security Guards of employer agencies registered with the Board in the form devised by the Board wherein the names, addresses and other details of the registered Security Guards of the Board, and Security Guards of the employer agencies registered with the Board, shall be maintained.</p>
	<p>11 Classification of registered Security Guards of the Board</p>
	<p>The Board shall arrange for the classification of the registered Security Guards of the Board in suitable categories as may be determined by it from time to time.</p>
	<p>12 Fixation of number of registered Security Guards of the Board on the registers</p>
	<p>Before the commencement of registration in any category, the Board shall determine the number of the registered Security Guards of the Board required in that category in consultation with the registered principal employers.</p>
	<p>13 1 Registration of principal employer</p> <p>a) Every principal employer who engages registered Security Guards of the Board or Security Guards of employer agencies, whose Security Guards are granted exemption by the Government, in his establishment, shall get himself registered with the Board, by applying in the form devised by it:</p> <p>Provided that, principal employers who are already registered under the existing scheme shall be deemed to be registered under this Scheme.</p> <p>b) The registered principal employers of the Board on appointed day shall continue to be principal employers of the Board and the employer agencies whose Security Guards are granted exemption, shall be strictly prohibited to provide their Security Guards to such principal employers.</p> <p>¹c) Every 2[Principal employer] who had engaged Private Security Guards before the commencement of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) (Amendment) Scheme, 2005 shall get himself registered with the Board, by applying in the form devised by the Board, within Fifteen Days from the date of commencement of the said Scheme:</p> <p>Provided that, an employer of any establishment coming into existence after the</p>

commencement of the said Scheme shall apply for registration within a period of one month from the date of commencement of his business.]

2 Registration of employer agency

Every employer agency which has directly employed private Security Guards or class or classes of Security Guards for deployment to various establishments and 3[factories] to whose security guards, the State Government has granted exemption, from operation of all or any of the provisions of the Act or Scheme by issuing notification under section 23 of the Act, shall get itself registered with the Board within 15 days from the date of publication of the exemption notification by applying in the form devised by the Board, along with the number of Security Guards on its rolls.

3 Notwithstanding anything contained in sub-clause (2)

Directorate General Resettlement, Government of India, Ministry of Defense, New Delhi, recognized sponsored employer agencies which employ only ex-service man as Security Guards, shall register with the Board with Police verification certificate of the Security Guards enrolled with them for exemption.

14 Registration of existing and new Security Guards

- 1 a) Any person who desires to work as Security Guard shall, after following the procedure prescribed for selection as a Security Guard of the Board and on his selection as a Security Guard, apply for registration to the Board in the form devised by it.

Provided that, Security Guards who are already registered under the existing scheme, shall be deemed to be registered under this scheme.

- b) The qualifications for new registration shall be such as may be specified by the Board having regard to local conditions, physical fitness, capacity or experience. No person other than a citizen of India shall be eligible for registration, provided that a Gurkha who is a citizen of Nepal and was employed as Security Guard in the State of Maharashtra as on the appointed day shall be eligible for registration.

- 2 Notwithstanding any provision of this scheme, where the Board is of the opinion that a registered Security Guard of the Board has secured his registration by furnishing false information in his application or by withholding any information by required therein or where it appears that a Security Guard has been registered improperly or incorrectly, the Board may direct the removal of his name from the register:

Provided that, before giving any such direction, the Board shall give such Security Guard an opportunity of showing cause why the proposed direction should not be issued.

- 3 Registration of Security Guards of employer agency.- Every Security Guard who is exempted from the operation of or any of the provision of the Act or Scheme by issuing notification under section 23 of the Act shall get himself registered with the Board, within two months from date of publication of such notification by applying in the form devised by the Board.

- 4 No eligible Security Guard shall be denied registration on the grounds of domicile, or the prescribed

	age. In the absence of any authentic proof of age, the medical certificate issued by an authorized government medical Hospital shall be deemed as final and conclusive evidence of age.
15	Promotion and transfer of registered Security Guards of the Board
	<p>1 A vacancy (other than casual vacancy) in any category of registered Security Guard of the Board in a pool register shall ordinarily be filled by promotion of a registered Security Guard of the Board from the next lower category.</p> <p>Explanation.- The criteria for promotion shall ordinarily be –</p> <ul style="list-style-type: none"> a Seniority b Merit and fitness for the category to which promotion is to be made c Record of past service <p>2 A registered Security Guard of the Board who is deployed with the registered principal employer of the Board shall be transferred at regular intervals as per guidelines of the Board, and a maximum of 1/3rd of the registered Security Guards of the Board deployed with the registered principal employer may be transferred every year.</p>

16	Medical examination
	<p>1) ¹[Before registration, every Security Guard has] to undergo, free of charge, a medical examination for physical fitness by a medical officer nominated by the Chairman for this purpose. A Security Guard found medically unfit by medical officer may apply in writing to the chairman and simultaneously deposit with him such fees as may be specified in this behalf for examination by a Medical Board. On receipt of such a request, the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a Security Guard who is medically unfit shall not be entitled to registration.</p> <p>2) If the Chairman deems it necessary so to do, he may require a Security Guard to undergo, free of charge, a medical examination by a Medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final and if a Security Guard is found permanently unfit by a Medical Board, the Chairman shall terminate his service forthwith.</p>
17	Registration Fee
	<p>1) A registration fee of rupees one hundred shall be paid to the Board by each Security Guard at the time of registration / enrollment under the Scheme.</p> <p>2) A registration fee of rupees one thousand shall be paid by each principal employer as well as employer agency at the time of registration under this Scheme.</p>
18	Supply of cards
	<p>1 Every registered Security Guard of the Board shall be supplied with an identity card by the Board and an attendance card and wage slips by the registered principal employer in the forms</p>

	<p>devised by the Board.</p> <p>2 In case of loss of identity card, a fresh identity card will be issued to the registered Security Guard of the Board concerned on payment of such amount as may be fixed by the Board.</p> <p>3 It will be obligatory on the part of exempted security guard to obtain identity card duly approved which shall be sealed with serial number and authority and signed by Security Board.</p>
19	Service records for registered Security Guard of the Board
	A service record for every registered Security Guard shall be maintained in a form to be specified by the Board which shall contain among other things, a complete record of disciplinary actions taken against the Security Guard, promotions, commendations for good work etc. and such other matters as the Board may think fit.
20	Record sheets for registered principal employers
	The personnel Officer shall maintain a record sheet in respect of each registered principal employer in a form to be devised by the Board which shall contain, among other things, a complete record of disciplinary action taken against the registered principal employer.
21	Surrender of identity cards
	A Registered Security Guard of the Board shall surrender his identity card to the Board in the following circumstances, namely:-
	<p>a) when proceeding on leave for seven days or more;</p> <p>b) when retiring from service;</p> <p>c) on death;</p> <p>d) on termination.</p>
22	Disappointment money
	When a Registered Security Guard of the Board in the Board pool presents himself for work and for any reason the work cannot commence or proceed and he is relieved within two hours of his attending for work, he shall be entitled to disappointment money, from the registered principal employer at a rate as may be fixed by the Board as appropriate to the category to which he belongs. A Registered Security Guard of the Board detained for more than two hours shall be paid full wages inclusive of dearness allowance.
23	Holidays
	Each registered Security Guard of the Board shall be entitled in the year to four holidays with pay at such rates as may be specified by the Board under clause 30. Out of the four holidays, three holidays will be on,-
	<p>i) 26th January (Republic Day);</p> <p>ii) 1st May (Maharashtra Day);</p>

	iii) 15th August (Independence Day);
	The fourth holidays shall be decided by the Board:
	Provided that the registered principal employer may require any Security Guard to work in the factory or establishment on all or any of these days, subject to the condition that for such work the Security Guard shall be paid at the overtime rate as may be specified by the Board under clause 30 and substitute holiday.
24	Obligations of registered Security Guards of the Board
	<ol style="list-style-type: none"> 1) Every registered Security Guard of the Board shall be deemed to have accepted the obligations of this Scheme. 2) A Registered Security Guard of the Board in the pool who is available for work shall not engage himself for employment under registered principal employer, unless he is allotted to that principal employer by the Secretary. 3) A Registered Security Guard of the Board in the Board pool who is available for work shall carry out directions of the Board and shall accept employment under any registered principal employer for which he is considered suitable by the Board. 4) A Registered Security Guard of the Board who is available for work when allotted by the Board for employment under a registered principal employer shall carry out his duty in accordance with the directions of such registered principal employer or his authorized representative or supervisor and the rules of the employment or place where he is working. 5) When a Registered Security Guard of the Board, resort to any unlawful and violent method of agitation for redressal of his grievances or reversal of orders, such act on his part shall be deemed to be act of misconduct. 6) No Security Guards of the Board shall engage or associate himself in any activities which will harm the security, discipline or any action which is contrary to the interest of the registered principal employer. 7) Any Security Guard of the Board who has got himself registered with the Board by providing false information or by misleading, shall be for punishment prescribed under clause 42.
25	Obligations of registered principal employers
	<ol style="list-style-type: none"> 1) Every registered principal employer shall accept the obligations of this Scheme. 2) A registered principal employer shall not employ a Security Guard other than a Security Guard who has been allotted to him by the Secretary in accordance with provisions of clause 8(e): Provided that prohibition contained herein not apply to the Security Guards directly employed by registered principal employers. 3) A registered principal employer shall, in accordance with instruction as may be given by the Board, submit all available information of his current and future requirements of Security Guards. 4) A registered principal employer shall disburse to the Security Guard the wages and other allowances directly, if so directed by the Board and send to the Board a statement of such

	<p>payment within such time and in such form as may be specified by the Board:</p> <p>Provided that, if so directed by the Board, a registered principal employer shall remit to the Board the amount of wages and other allowances payable to the Security Guard within such time and in such manner as may be specified by the Board.</p> <p>5) A registered principal employer shall pay to the Board in such manner and at such time as the Board may direct, the levy payable under clause 39(1) and the gross wages due to Security Guards and any other amount due to Security Guard.</p> <p>6) A registered principal employer who makes default in remitting the amount of wages of Security Guards within the time limit specified by the Board, shall, if so required by the Board, deposit with the Board an amount equal to the monthly average of the wages credited by him in the Board during the previous twelve calendar months in order to enable the Board to make payment of wages to Security guards in time. The said amount shall be deposited with the Board within ten days from the date of order of the Secretary of the Board to that effect. If at any time the amount of such deposit falls short of the average of wage for twelve previous calendar months then the principal employer shall make good the deficit amount.</p> <p>7) A Registered principal employer, who persistently makes default in remitting the amount of wages of Security Guards within the time limit specified by the Board, shall further pay by way of penalty a surcharge of such amount not exceeding ten per cent of the amount to be remitted as may be determined by the Board. The said surcharge shall be credited to the Board within ten days from the date of the order of the Secretary of the Board to the effect.</p> <p>8) If a registered principal employer fails to make the payment of any amount due from him to the Board under aforesaid clauses within the time specified by the board the Secretary of the Board shall, without prejudice to the right of the Board to take any other action under the Scheme to which the principal employer may be liable for the said default, serve a notice on the employer to the effect that unless he pays his dues within three days from the date of receipt of the notice the supply of Registered Security Guards to him shall be suspended. On the expiry of the notice period the Secretary shall suspend supply of registered Security Guards to the defaulting principal employer until he pays all the dues.</p> <p>9) A registered principal employer shall keep such records as the Board may require, and shall produce before the Board or such person as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered Security Guard and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.</p>
	<p>26 Obligations of employer agencies</p> <p>1) Every employer agency shall accept the obligations of the Scheme.</p> <p>2) Every employer agency shall file with the Board the list of their registered principal employers and the names and details of the Security Guards employed with them, working with the respective registered principal employers.</p> <p>3) An employer agency, desirous of claiming registration under the provisions of clause 13(2) of the Scheme for all or any class or classes of the Security Guards employed with them and deployed in any factory, establishment shall apply to the Board in the form prescribed by the</p>

	<p>Board alongwith the process fee at the rate of Rs.100 per Security Guard at the time of application for registration and the same amount of fee at the time of renewal of registration after the expiry of the exemption period.</p> <p>4) The employer agency shall deploy the Security Guard employed by it only in the establishment, factories as per the list of the principal employer submitted by such agency to the Board and no other principal employers already registered with the Board.</p> <p>5) Employer agency shall maintain registers and records of Security Guards in their employment, relating to payment of wages and leave and other facilities provided to them under the relevant Acts and the same shall be produced before the Competent Authorities of the board, when so directed by the Board.</p> <p>6) Every Employer agency shall get done the police verification of every Security Guard on its pay-roll, within a week from the date of employing of the Guard.</p> <p>7) No employer agency shall at any time, prescribe or supply to its Security Guards, Uniform which in any way resembles that of the Indian Army, or Police Force or Board.</p> <p>8) Every 1[xxx] employer agency shall comply with the provisions of the Minimum Wages Act, 1948, (XI of 1948); the Payment of Wages Act, 1936, (IV of 1936), the Payment of Gratuity Act, 1972, (XXXIX of 1972); the Employee's Provident Fund, Miscellaneous Provisions Act, 1952, (XIX of 1952); and the Contract Labour (Regulation and Abolition) Act 1970, (XXXVII of 1970); or any other Act as may be applicable to them, for the time being.</p> <p>9) Every employer agency shall make payment to the exempted and registered Security Guards deployed by them, which shall not be less than the wages, other allowances and other benefits which are given to the registered Security Guards of the Board.</p> <p>10) Every employer agency shall submit its Yearly Audit Report to the Government within a period of six months after the end of financial year.</p>
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27	Obligations of principal employers of the employer agencies
	<p>1) Every Principal employer of the employer agency shall accept the obligations under the scheme.</p> <p>2) The principal employer of employer agency shall submit all information regarding employment of Security Guards through employer agency, to the Board. In case the employer agency fails to comply with any of the directions of the Board, then the ultimate liability to comply with such directions shall lie on the registered principal employer in whose establishment or factory such Security Guards supplied by the such defaulting employer agency are deployed.</p>
28	Restriction on employment
	<p>1 Every registered principal employer may either engage for employment Security Guards registered with the Board or the Security Guards of the employer agency registered with the Board or may employ any person who is a direct employee of such employer.</p> <p>2 Notwithstanding the provisions of sub-clause</p> <p>a) where the Secretary is satisfied that</p>

	<p>(i) the work is emergently required to be done; and</p> <p>(ii) it is not reasonably practicable to obtain registered Security Guard of the Board for that work; the Secretary may, subject to any limitation imposed by the Board, allow a registered principal employer to employ a Security Guard who is not a Registered Security Guard of the Board:</p> <p>Provided that, whenever unregistered Security Guards have to be employed, the Secretary shall obtain, if possible, the prior approval of the chairman to the employment of such Security Guards and where this is not possible, shall report to the Chairman, with 24 hours, the full circumstances under which such Security Guards were employed and the Chairman shall duly inform the Board and State Advisory committee of such employment in its next meeting;</p> <p>b) the Board may, subject of such conditions as it may specify, permit employment of Unregistered Security Guards on a holiday, if wok is required to be done on that day, to the extent registered Security Guards of the Board are not available for work;</p> <p>c) in the cases referred to in items (a) and (b), the persons so employed as aforesaid by a registered principal employer shall, for the purpose of sub-clauses (4), (5) and (6) of clause 25 and of clause 30, be treated in respect of that work, as if he was a registered Security Guards of the Board.</p> <p>(3) A registered Security Guard of the Board in the Board pool may, provided he fulfills fully his obligations under clause 24, take up employment elsewhere on those days on which he is not allotted work by the Board.</p> <p>2 Registration of employer agency</p> <p>Every employer agency which has directly employed private Security Guards or class or classes of Security Guards for deployment to various establishments and 3[factories] to whose security guards, the State Government has granted exemption, from operation of all or any of the provisions of the Act or Scheme by issuing notification under section 23 of the Act, shall get itself registered with the Board within 15 days from the date of publication of the exemption notification by applying in the form devised by the Board, along with the number of Security Guards on its rolls.</p> <p>3 Notwithstanding anything contained in sub-clause (2)</p> <p>Directorate General Resettlement, Government of India, Ministry of Defense, New Delhi, recognized sponsored employer agencies which employ only ex-service man as Security Guards, shall register with the Board with Police verification certificate of the Security Guards enrolled with them for exemption.</p>
29	<p>Circumstances in which the Scheme cease to apply</p> <p>1 This Scheme shall ceases to apply to a registered Security Guards of the Board and Security Guards of the employer agency with the Board when his name has been removed from the register or record in accordance with the provisions of this Scheme.</p> <p>2 Nothing in this clause shall affect any obligation incurred or right accrued during any time</p>

	when a person was a registered Security Guards of the Board and the Security Guards of the employer agency registered with the Board.
30	Wages allowances and other conditions of service of security Guards of the Board
	<p>1 Without prejudice to the provisions of any award, it shall be unless otherwise specifically provided for in this Scheme, an implied condition of the contract between a registered principal employer that the rates allowance and overtime, hours of work rest intervals, leave with wages and other conditions of service including supply of uniforms, boots, torches, batteries,. Etc. necessary for the proper and efficient execution of their duties, shall subject to the provisions of sub-clauses (2), (3), (4), (5) and (6) of this clause, be such as may be fixed by the Board for each category of registered Security Guards of the Board.</p> <p>For the purpose of fixing rates of wages, allowances and overtime, house of work, rest intervals leave with wages and other conditions of service (hereinafter collectively referred to as “the conditions of service”) for the registered Security Guards of the Board or for revising or modifying the same, the Board shall call upon the Associations of principal employers and Associations or Trade Unions of Security Guards covered by this</p> <p>2 Scheme to make such representations as they may think fit, as respect the conditions of service which may be fixed or revised or modified under this Scheme in respect of registered Security Guards of the Board, if there is no such Association of principal Employers and Association or Unions of Security Guards then such representations from registered principal employers and Security Guards of the Board may be invited on a notice published in such manner as the Board may think it.</p> <p>3 Every such representation shall be in writing and shall be made within such period as the Board may specify and shall state the conditions of service which in the opinion of the person making the representation would be reasonable having regard to the capacity of the principal employers to pay the same or comply with or to any other circumstances which may seem relevant to the person making the representation.</p> <p>4 The Board shall take into account the representations aforesaid, if any, and after examining all the material placed before it, shall fix or revise or, as the case may be, modify the relevant conditions of service of registered Security Guards of the Board.</p> <p>5 In fixing revising or, as the case may be modifying the conditions of service of the registered Security Guards of the Board, the Board shall have regard to the cost of living, the prevalent conditions of service in comparable employment in the local area, the capacity of the registered principal employers to pay and pay other circumstances which may seem relevant to the Board.</p> <p>6 The Conditions of service fixed, revised or as the case may be modified by the Board shall take effect prospectively or retrospectively from such date as the Board may decide. The decision of the Board shall be communicated to the registered Security Guards and the registered principal employers in such manner as the Board thinks fit.</p>
31	Disbursement of wages and other allowances to registered Security Guards of the Board
	The wage and other allowances payable to the registered Security Guards of the Board every month by the registered principal employer shall be remitted by the registered principal

	<p>employers by cheque to Secretary, of the Board, within such time after the end of the month, as may be specified by the Board. The Secretary thereupon shall arrange to disburse the wages and other dues, if any to the registered Security Guards of the Board on specified days every month subject to deductions, if any, recoverable from them under the Scheme;</p> <p>Provided that the Board may, if it thinks fit, and subject to such conditions as may be laid down by it, allow a registered principal employer to pay directly to the Security Guards the wages and other allowances after making such deductions as may be authorized and recoverable from them under the Scheme, within such time and in such manner as may be specified by the Board.</p>
	<p>32 Disciplinary Procedure</p>
	<p>1) (i) On receipt of the information, whether on a complaint or otherwise, that a registered principal employer has failed to carry out the provisions of the Scheme the Personnel Officer shall investigate the matter and on being satisfied in that behalf give him a warning in writing, or</p> <p>ii) Where in his opinion, a higher penalty is merited, the Personnel Officer shall report the case to the Chairman who may then cause such further investigation to be made as he may deem fit and censure registered principal employer and record the censure in his record sheet.</p> <p>2) A registered Security Guards of the Board in the Board pool who fails to comply with any of the provisions of this Scheme or commits any act of indiscipline or misconduct may be reported in writing to the Personnel Officer who may after investigating the matter, impose any of the following penalties namely:-</p> <p>a) Give him a warning in writing;</p> <p>b) Transfer him within 24 hours;</p> <p>c) Suspend him for a period for not exceeding four days;</p> <p>d) Deduct wages equivalent to four days wages (Basic + Dearness Allowance)</p> <p>e) Withdraw him for a period not exceeding 15 days and place him on the waiting pool of the Board.</p> <p>3) Where in the opinion of the Personnel Officer, a higher punishment than that provided in sub-clause (2) is merited he shall report the case to the Chairman.</p> <p>4) On receipt of the written report from the Personnel Officer under sub-clause (3) or from employer or any other person that a registered Security Guard in the pool has failed to comply with any of the provisions of this Scheme or has committed an act of indiscipline or misconduct or has been inefficient in any other manner, the Chairman may make or cause to be made such further investigation as he may deem fit and thereafter take any of the following steps as regards the Security Guard concerned, that is to say, he may impose any of the following penalties:-</p> <p>a) Suspended him for a period for not exceeding fifteen days;</p> <p>b) Deduct wages equivalent to fifteen days wages;</p> <p>c) Withdraw him for a period not exceeding 3 months and place him on the waiting pool of the Board;</p>

	<p>d) Terminate his services after giving him one month's notice or one month's wages, inclusive of Dearness Allowance, in lieu thereof, or;</p> <p>e) Dismiss him; or dismiss him and prosecute him.</p> <p>5) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.</p> <p>6) During the tendency of investigations under sub-clauses (2) and (4) above, the registered Security Guards of the Board concerned may be suspended by the Chairman.</p>
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33 Termination of employment

	<p>1) The employment of registered Security Guards of the Board in the Board pool shall not be terminated except in accordance with the provisions of this Scheme.</p> <p>2) A registered Security Guard of the Board in the Board pool shall not leave his employment in the pool with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen day's wages inclusive of dearness allowance in lieu thereof.</p> <p>3) The Personnel Officer shall on a complaint received from the registered Principal employer that a registered Security Guard of the Board employed by such employer, is physically or mentally unfit as a Security Guard, on being satisfied about the genuineness of the complaint,. and send such Security Guard for medical examination to the Medical Officer of the Government Hospital and on receipt of the medical report, the Personnel Officer shall forward the cases to the Board for taking appropriate action in the matter.</p> <p>4) When the employment of a registered Security Guard of the Board in the Board pool with the Board has been terminated, under sub-clauses (1) and (2), his name shall forthwith be removed from the register or record by the Board.</p>
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34 Deletion of names of Security Guards of Employer agency registered with the Board

	The employer agency shall intimate the names of the terminated Security Guards within seven days of such termination with reasons, to the Board and the nearest police station.
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35 Appeals by registered Security Guards of the Board

	<p>1) Save as otherwise provided in this clause, a registered Security Guards of the Board in the Board pool who is aggrieved by an order passed by an authority under clause 32 may prefer an appeal against the order of the Personnel Officer to the Chairman and against the order of the Chairman to the State Government.</p> <p>2) A registered Security Guard of the Board who is aggrieved by an order of the Secretary,-</p> <p>i) placing him in particular category; or</p> <p>ii) refusing registration under clause 14; or</p> <p>iii) requiring him under clause 24 (4) to undertake any work which is not of the same category to which he belongs may prefer an appeal to the Chairman.</p> <p>3) Any registered Security Guard of the Guard who is aggrieved by an order under clause 15</p>
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	<p>may prefer an appeal to the Chairman.</p> <p>4) No appeal shall lie where due notice has been given of the removal of the name of a registered Security Guards of the Board from the register or record in accordance with the instructions of the Board if the ground of removal in that the registered Security Guard of the Board falls within a class of description of registered Security Guard of the Board whose names are to be removed from the register or record in order to reduce the size thereof;</p> <p>Provided that an appeal shall lie to the Chairman Where the registered Security Guards of the Board alleges that he does not belong to the class description of registered Security Guards of the Board referred to in the instruction of the Board.</p> <p>5) Every appeal referred to in sub-clauses (1), (3) or (4) shall be in writing and preferred within fourteen days of the date of receipt of the order appealed against : Provided that the Appellate Authority may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days.</p>
36	Appeals by registered principal employers
	<p>1) A registered principal employer who is aggrieved by an order of the Personnel Officer under clause 32 may appeal to the Chairman.</p> <p>2) Every appeal referred to in sub-clause (1) shall be in writing the preferred within fourteen days of the receipt of the order appealed against:</p> <p>Provided that the Appellate Authority may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days.</p>
37	Powers of revision of the Chairman
	<p>Notwithstanding anything contained in this Scheme, the Chairman in case of an order passed by the Personnel Officer under clause 32 may at any time call for the record of any proceeding in which the personnel officer has passed the order for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he may think fit;</p>
38	Settlement of disputes
	<p>Whenever Board desires that any dispute raised by the registered principal employer or employer agency or the Board or the registered Security Guards shall be heard by a panel of officers under the chairmanship of Security to the Governments of Maharashtra.</p>
39	Stay of order in case of certain appeals
	<p>Where an appeals is made by a registered Security Guards of the Board in accordance with the provisions of clause 35 against an order of termination of service on one month's notice the Appellate Authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.</p>

40	Cost of operating the Scheme and provision for amenities and benefits to the registered Security Guards of the Board
	<p>1) The cost of operating this Scheme and for providing different benefits, facilities and amenities to the registered Security Guards of the board as provided in the Act and under this Scheme, shall be defrayed by payment made by the registered principal employers to the Board. Every registered principal employer shall pay to the Board such amount by way of levy in respect of registered Security Guards of the Board allotted to and engaged by him as the Board may, from time to time, specify by public notice or written order to the registered principal employers and in such manner and at such time as the Board may direct.</p> <p>The Board may require the registered principal employers to pay the levy retrospectively or prospectively as it may deem fit.</p> <p>2) As 1[Principal] employer to whom this Scheme applies shall pay the levy as specified by the Board, from time to time, from the date from which the Scheme applies to him irrespective whether he gets himself registered within the time limit laid down in clause 13 of this Scheme or any time thereafter.</p> <p>3) In determining what payments are to be made by the registered principal employers under sub-clause (1), the Board may fix different rates of levy for different categories of registered Security Guards of the Board provided that, the levy shall be special that the same rate of levy will apply to all registered principal employers who are in like circumstances.</p> <p>4) The Board shall not sanction any levy exceeding fifty per cent of the total wage bill without the prior approval of the State Government.</p> <p>5) A registered principal employer shall on demand make a payment to the Board by way of deposit or provide such other security for the due payment of the amount referred to in sub-clause (1) as the Board may consider necessary.</p> <p>6) The Secretary shall furnish, from time to time, to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of this Scheme.</p> <p>7) If a registered principal employer fails to make the payment due from him under sub-clause (1) within the time specified by the Board the Secretary shall serve a notice on the principal employer to the effect that unless he pays his dues within three days from the date of receipt of the notice, the supply of registered Security Guards of the Board to him shall be suspended. On the expiry of the notice period the Secretary shall suspend the supply of registered Security Guards of the Board to a defaulting principal employers until he pays his dues.</p>
41	Provident fund and Gratuity
	<p>1) The Board shall frame and operate rules providing for Contributory Provident Funds, for registered Security Guards of the Board. The rules shall provide for the rate of contribution, the manner and method of payment and such other matters as may be considered necessary so however, that the rate of contribution is not less than the rate specified under the Employees Provident Funds and Miscellaneous Provisions Act, 1952</p>

	<p>(XIX of 1952):</p> <p>Provided that, pending the framing of the rules, it shall be lawful for the Board to fix the rate of contribution and the manner and method of payment thereof.</p> <p>2) In framing rules for the contributory Provident Fund, the Board shall take into consideration the provisions of the Employees Provident funds and Miscellaneous Provisions Act, 1952 (XIX of 1952), as amended from time to time and the Scheme made thereunder for any establishment.</p> <p>3) The Board shall frame rules for payment of gratuity to registered Security Guards of the Board.</p> <p>4) In framing rules for the payment of gratuity to registered Security Guards of the Board shall take into consideration the provisions of the Payment of Gratuity Act, 1972 (XXXIX of 1972), as amended from time to time.</p> <p>5) The rules for Provident Fund and Gratuity framed by the Board shall be subject to the previous approval of the State Government.</p>
42	Penalties
	<p>1) Whoever contravenes the provisions of clause 13, 24(7), 25, 26, 27 or 28 shall on conviction be punished with imprisonment for a term of three months or with fine which may extend to rupees five hundred or with both, where such contravention is a first contravention; and with imprisonment for a term of six months or with fine which may extend to rupees one thousand or with both, where such contravention is nay subsequent contravention. If the contravention is continued further after conviction he shall be punished with a further fine which may extend to one hundred rupees for each day on which the contravention is so continued.</p> <p>2) Where an offence under the Act and the Scheme made thereunder has been committed by the employer agency and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of the proprietor, Partner, Director, Manager, Secretary or other Officer of the employer agency, such Proprietor, Manager, Secretary, partner, Director or any Officer shall also deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>
43	Repeal and Saving
	<p>The Private Security Guards (Regulation of Employment and Welfare) Scheme, 1981 is hereby repealed. Provided that anything done or any action taken under any provision of the Scheme so repealed shall in so far as it is not inconsistent with the provisions of this Scheme, be deemed to have been done or taken under the corresponding provisions of the Scheme.</p>

SCHEDULE

1	Brihan Mumbai
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2	Thane District
	By order and in the name of the Governor of Maharashtra

NOTIFICATION
MAHARASHTRA PRIVATE SECURITY GUARDS
(REGULATION OF EMPLOYMENT AND WELFARE) ACT, 1981
December 5.2002

No.SGA.1595/(2854)Lab-5.- In exercise of power conferred by sub-section (3) of Section 1 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (Mah.LVIII of 1981) (hereinafter referred to as the "said act"), the Government of Maharashtra, hereby appoints the 5th day of December 2002, to be the date on which all the provisions of the said Act shall come into force in the areas of Nagpur, Aurangabad, Pune, Nashik and Raigad Distrits.

By order and in the name of the Governor of Maharashtra,

S.C.Tadvi,
Desk Officer.