

THE PRIVATE SECURITY GUARDS (REGULATION OF EMPLOYMENT AND WELFARE)
SCHEME, 2002

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SCHEDULE

Notification extending the coverage of the Act to Nagpur, Aurangabad, Pune, Nashik and Raigad Districts.

**The Private Security Guards (Regulation of Employment and Welfare)
Scheme, 2002¹**

**INDUSTRIES, ENERGY AND LABOUR DEPARTMENT
Mantralaya, Mumbai 400 032, dated the 12th November, 2002**

NOTIFICATION

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:-

1. Title.- (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].

2. Objects and Application.- (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 Schedule;

1. M.G.G. Pt.II, Ext. dt.12.11.2002.

2. Substituted to read as vide Corrigendum dt. 6th December, 2002. M.g.G. Pt.II, Ext. dt. 6.12.2002 p. 742

3. Added vide Corrigendum dt.6th December, 2002. M.G.G. Pt.II, Ext. dt.6.12.2002 p. 742

(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;

(h) "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 exist 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 levies 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 any 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;

xi) 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 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;

- 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;
- 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;
- 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,-
 - i) make the fullest possible use of registered Security Guards of the Board in the Board pool;
 - ii) provide for the maintenance of records of employment and earnings of registered Security Guards of the Board.
- (f) i) the collection of levy or any other contribution from the registered principal employers under this Scheme;
- 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;
- 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.
- (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;
- (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;
- (i) framing budget annually for submission to the Board on or before the 15th day of February each year.
- (j) maintaining complete service records of all registered Security Guards and record sheet of all registered principal employers;
- (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

(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.

9. Function of Personnel Officer.- 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.

10. Maintenance of registers.- The following registers shall be maintained by the Board, namely:-

(1) **Register of principal employers.-** 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.

(2) **Register of registered employer agency.-** 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.

(3) **Register of Security Guards.-** 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.

11. Classification of registered Security Guards of the Board.- 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.

12. Fixation of number of registered Security Guards of the Board on the registers.- 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.

13. (1) Registration of principal employer.- (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:

Provided that, principal employers who are already registered under the existing scheme shall be deemed to be registered under this Scheme.

(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.

¹[(c) 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:

Provided that, an employer of any establishment coming into existence after the 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.

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| <ol style="list-style-type: none">1. Added by Mah. Govt. Notification SGA No.152002/(91/5)/Lab.5 dt 5.4.20052. Corrected vide G.N. dt.6.6.20053. Added vide Corrigendum dt.6th December, 2002. M.G.G. Pt.II, Ext. dt.6.12.2002 p. 742 |
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(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.- (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.

Explanation.- The criteria for promotion shall ordinarily be –

- (a) Seniority
- (b) Merit and fitness for the category to which promotion is to be made

(c) Record of past service

(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.

16. Medical examination.- (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.

(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.

17. Registration Fee.- (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.

(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.

18. Supply of cards.- (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 devised by the Board.

(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.

(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.

- 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: -
- a) when proceeding on leave for seven days or more;
 - b) when retiring from service;
 - c) on death;
 - d) on termination.
- 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, -
- i) 26th January (Republic Day);
 - ii) 1st May (Maharashtra Day);
 - 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.-** (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.-** (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 payment within such time and in such form as may be specified by the Board:

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.

(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.

(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.

(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.

(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.

(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.

26. Obligations of employer agencies.- (1) Every employer agency shall accept the obligations of the Scheme.

(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.

(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 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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

1. The word "exempted and" del. Vide corrigendum dt. 6th December, 2002. M.G.G. Pt.II, Ext. dt.06.12.2002 p, 724

27. Obligations of principal employers of the employer agencies.-

(1) Every Principal employer of the employer agency shall accept the obligations under the scheme.

(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.

28. Restriction on employment.-

(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.

(2) Notwithstanding the provisions of sub-clause (1),-

(a) where the Secretary is satisfied that,-

(i) the work is emergently required to be done; and

(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:

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;

(b) the Board may, subject of such conditions as it may specify, permit employment of Unregistered Security Guards on a holiday, if work is required to be done on that day, to the extent registered Security Guards of the Board are not available for work;

(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.

(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.

29. Circumstances in which the Scheme cease to apply.- (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.

(2) Nothing in this clause shall affect any obligation incurred or right accrued during any time 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.-

(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.

(2) 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 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.

(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.

(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.

(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.

(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.

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 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;

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.

32. Disciplinary Procedure.-

(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

(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.

(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:-

(a) Give him a warning in writing;

(b) Transfer him within 24 hours;

(c) Suspend him for a period for not exceeding four days;

(d) Deduct wages equivalent to four days wages (Basic + Dearness Allowance);

(e) Withdraw him for a period not exceeding 15 days and place him on the waiting pool of the Board.

(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.

(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:-

(a) Suspended him for a period for not exceeding fifteen days;

(b) Deduct wages equivalent to fifteen days wages;

(c) Withdraw him for a period not exceeding 3 months and place him on the waiting pool of the Board;

(d) Terminate his services after giving him one month's notice or one month's wages, inclusive of Dearness Allowance, in lieu thereof, or;

(e) Dismiss him; or dismiss him and prosecute him.

(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.

(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.

33. Termination of employment.- (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.

(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.

(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.

(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.

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.

35. Appeals by registered Security Guards of the Board.- (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.

(2) A registered Security Guard of the Board who is aggrieved by an order of the Secretary,-

- i) placing him in particular category; or
- ii) refusing registration under clause 14; or
- 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.

(3) Any registered Security Guard of the Guard who is aggrieved by an order under clause 15 may prefer an appeal to the Chairman.

(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;

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.

(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.

36. Appeals by registered principal employers.- (1) A registered principal employer who is aggrieved by an order of the Personnel Officer under clause 32 may appeal to the Chairman.

(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:

Provided that the Appellate Authority may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days.

37. Powers of revision of the Chairman.- 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;

38. Settlement of disputes.- 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.

39. Stay of order in case of certain appeals.- 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.

40. Cost of operating the Scheme and provision for amenities and benefits to the registered Security Guards of the Board.- (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.

The Board may require the registered principal employers to pay the levy retrospectively or prospectively as it may deem fit.

(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.

1. Added vide Corrigendum dt. 6th December, 2002. M.G.G. Pt.IL, Ext. dt.06.12.2002 p. 742

(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.

(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.

(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.

(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.

(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.

41. Provident fund and Gratuity.- (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 (XIX of 1952):

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.

(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.

(3) The Board shall frame rules for payment of gratuity to registered Security Guards of the Board.

(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.

(5) The rules for Provident Fund and Gratuity framed by the Board shall be subject to the previous approval of the State Government.

42. Penalties.- (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 any 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.

(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 be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

43. Repeal and Saving.- 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.

SCHEDULE

- (1) Brihan Mumbai
- (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.

1. M.G.G Pt.IL, Ext. dt.5.12.2005 p. 732.