



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक ४५]

बुधवार, डिसेंबर २१, २०२२/अग्रहायण ३०, शके १९४४

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असाधारण क्रमांक ९५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Labour Laws (Amendment) Bill, 2022 (L. A. Bill No. XXXIII of 2022), introduced in the Maharashtra Legislative Assembly on the 21st December 2022, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXXIII OF 2022.

A BILL

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

WHEREAS it is expedient further to amend the Maharashtra Industrial Relations Act, the Maharashtra Labour Welfare Fund Act, the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969, the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 and the Maharashtra Workmen's Minimum House-rent Allowance Act, 1983, for the purposes hereinafter

XI of 1947.
XL of 1953.
Mah. XXX of 1969.
Mah. LVIII of 1981.
Mah. XXIII of 1988.

भाग आठ-९५-१.
एचबी-२४८७-१.

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

CHAPTER I

PRELIMINARY.

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

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA INDUSTRIAL RELATIONS ACT.

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

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

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA LABOUR WELFARE FUND ACT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER IV

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

Mah.
XXX of
1969.

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

Amendment of
section 3 of
Mah. XXX of
1969.

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

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

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

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

Amendment of
section 27 of
Mah. XXX of
1969.

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

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

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

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

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

Compounding
of offences.

“ 27-1A. (1) Any offence of contravention of any of the provisions of any scheme punishable under the scheme, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by the Chairman of the concerned Board, for a sum of fifty per cent., of the maximum fine provided for such offence, in such manner, as may be prescribed: XI of 1947.

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

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

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

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

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

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

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

CHAPTER V

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

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

Amendment of section 3 of Mah. LVIII of 1981.

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

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

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

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

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

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

Amendment of section 27 of Mah. LVIII of 1981.

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

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

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

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

Compounding of offences.

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

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

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

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

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

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

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

CHAPTER VI

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

Amendment of
section 10 of
Mah. XXIII
of 1988.

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

Mah.
XXIII of
1988.

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

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

STATEMENT OF OBJECTS AND REASONS

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

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

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

3. The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 19th December 2022.

SURESH KHADE,

Minister for Labour.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

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

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

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

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