

In pursuance of Clause (3) Articles 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. SAG-2016/C.R.182/LAB-5, dated 9/6/2016 is hereby published under the authority of the Governor.

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

(V.M. Bharose)

Deputy Secretary (Labour) to Government of Maharashtra

NOTIFICATION

**Industries, Energy and Labour Department,
Mantralaya, Mumbai – 400 032.**

Dated 9/6/2016

Maharashtra No. SGA-2016 / C.R.182 / LAB-5:- Whereas certain Security Guards
Private whose names are mentioned in Column (2) of Schedule I appended hereto
Security (hereinafter referred to as “the said Security Guards”), employed in Mumbai
Guards with the Principal Employer mentioned in Column (4) of the said Schedule I,
(Regulation of employed by M/s.-----
Employment ----- applied for grant of exemption, under Section 23 of the
& Welfare Maharashtra Private Security Guards (Regulation of Employment & Welfare)
Act, 1981 Act, 1981 (Mah. LVIII of 1981) from the operation of all provisions of the said
Act and the Maharashtra Private Security Guards (Regulation of Employment
and Welfare) Scheme, 2002 (hereinafter referred to as “the said Scheme”);

And Whereas the Government of Maharashtra, after consultation with the Advisory Committee and after verification of the benefits enjoyed by the said Security Guards is of the opinion that they are in enjoyment of benefits, which are on the whole not less favourable to them than the benefits provided by and under the said Act and the said Scheme;

Now, therefore, in exercise of powers conferred by Section 23 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981, the Government of Maharashtra hereby exempts the said Security Guards from operations of all provisions of the said Act and the said Scheme, for a period of three years from the date of publication this notification in Official Gazette, subject to conditions specified in Schedule II appended hereto.

SCHEDULE – II

Condition to be followed by the Employer Agency and Principal Employer

1. **Police Verification** : Police Verification Certificates regarding antecedent of the guards as well as the employer of such guard is necessary. Licence under the Private Security Agency (Regulation) Act, 2005 is also compulsory on the part of Employer Agency.
2. **Training** : Adequate training shall be imparted to the Security Guards before they are deployed.
3. **Educational Qualifications, Physical Fitness and other requirements** : Educational, physical and othe requirements for the Security Guards shall be as Follows :

Minimum Educational Qualification : 8th Standard Passed.

Physical Requirements : (A) 1. Height - 162 c.m.

2. Weight - 50 kg.

3. Chest - 79 c.m. (Without Expansion) and
84 c.m.(On Expansion)

4. Sight - If wearing glasses, the glass should
Not have excess number.

(B) In case of tribal candidates, there will relaxation
Of 5 c.m. in height and 2 c.m. in chest.

4. **Benefits** : Benefits for Security Guards shall be as follows :

(a) **Uniform** : Two pairs in a year.

(b) **Shoes** : One pair of leather shoes in a year.

(c) **Rainy and Winter Uniform** : (Once in two years) Raincoat, Trousers and Cap,
Woolen Coat and Pant

5. **Wages and other statutory Benefits** : Exempted Security Guard shall open his account in a Nationalised Bank and agency shall give crossed cheque to each Security Guard equivalent to his earned wages by 7th of every month. Statement showing details of wages paid in Form "C" shall be submitted to the Security Guards Board by 10th of every month.
The Agency shall give the following benefits to the Security Guards.

Ex-Gratia : 10% of wages

Gratuity : 4% of wages

Leave with wages : 6% of wages

Paid Holidays : 1% of wages

Contribution to be deposited with the Competent Authorities in respect of various statues such as Provident Fund, E.S.I. etc. applicable to the Principal Employer, shall be

deposited by the Agency with such authority & challan thereof be submitted to the Board for information . The Security Guards Agency should give regular receipt to the Guard and submit a consolidated report of the abovesaid transactions to the Government, the Commissioner of Labour and the Security Guards Board every six months. In case of default, the Agency shall be held responsible and shall be liable for cancellation of exemption.

6. **Overtime Allowance** : Overtime Allowance should not be less than double the rates of wages existing at that time on the analogy of the Security Guards deployed by the Security Guards Board. The ultimate responsibility in this respect lies on the concerned Principal Employer.

It is the responsibility of the Principal Employer to pay wages and provide benefits to the Security Guards. The Principal Employer, in turn, shall ensure that the guards deployed at his establishment are getting wages and benefits not less favourable than those available under the Scheme.

7. **Filling of Returns** :

- (a) **Quarterly Return** :

Agency to submit quarterly return to the Government, the Commissioner of Labour and Board in the first week of first month of the quarter (January, April, July and October) in respect of employment of Security Guards in Form "A" appended hereto.

- (b) **Half Yearly Return** :

(1) Half Yearly Return in Form "B" appended hereto shall be submitted by the Agency in respect of Guards engaged, who have left and newly recruited to the Government, the Commissioner of Labour and Board.

(2) The Security Guard Agency should make regular contribution of employees' Provident Fund and ESIC of the concerned Security Guards and give regular Receipts to the guard and submit a consolidated report of the above said transaction to the Government, the Commissioner of Labour and the Security Guards Board every six months.

(3) The Security Guard Agency should submit proof of the previous contributions of employees' Provident Fund and ESIC within a period of three months from the date of publication of this Notification to the Government. Otherwise, the exemption given to the concerned Security Guards will be cancelled.

- (c) **Annual Return** : Every Agency shall submit at Annual Return of Income Tax, P.F., E.S.I. duly certified by Chartered Accountant, in Form-D on or before 30th of June of every year to the Government and the Board, alongwith copies of challans and other details.

8. **Enrollment of the Agency with the Board** : The Agency should get itself enroll with the Board according to the provisions of Clause 13 (2) of the Maharashtra Private Security Guards (Regulation of Employment & Welfare) Scheme, 2002, as an employer agency and shall register exempted Security Guards under Clause 14 (3) of the Scheme applying in the

Form devised by the Board by paying prescribed registration fee within a period of one month from the date of issuance of this Notification.

9. **Registration of Principal Employer of Employer Agency** : The Principal Employer who is engaging exempted Security Guards of the Agency shall get register with the Board as provided under Clause 13 (1) (a) of the Scheme within 15 days from date of exempted Notification, applying in the Form devised by the Board by paying prescribed registration fee.
10. **Enrollmen Fees** : While getting itself registered with the Board, the Agency should pay Registration fee to the Board as per Clause 17 of Maharashtra Private Security Guards (Regulation of Employment & Welfare) Scheme, 2002 within stipulated time.
11. **Registered Office** : Every Agency shall have registered office which shall be notified to the Government, Commissioner of Labour and the Board. In case of change in address or change in name, the same shall be informed to the Government and to the Board alongwith documentary proof thereof within a period of 15 days from such change, so as to Government can issue Notification in respect thereof. Board shall take note of such changes after issuance of the Notification.
12. **Allotment of Guards** : The Agency shall not allot their Security Guards to such Principal Employers who are registered with the Board. If agency deploys its Security Guards to such Principal Employer in that case exemption will be cancelled.
13. **Issue of Identity Cards/Attendance Card** : Every Agency shall issue identity card, attendance card to Security Guards and Officers engaged and deployed by them.
14. **Payment of Legal Dues** : Whenever a Security Guard leaves his job, it is obligatory on the part of the agency to pay all the legal dues to him and copy of the records thereof shall be submitted to the Board including gratuity and other legal dues.
15. **Employment with one Principal Employer at a time** : Every Agency shall also ensure that its Security Guards shall not work for more than one Principal Employer at a time.
16. If any Security Guard is asked to work beyond the radius of 50 kms. From his place of residence, the Employer Agency shall pay an allowance @ 20% of total emoluments of such Security Guard.
17. The Agency and Principal Employer is liable to abide with any other terms and conditions, which may be imposed in favour of Security Guard by the Government of Maharashtra or Board in future.
18. The Exempted Security Guard Agency should pay levy @ 3% to the Board per month on wages paid to the Security Guards on or before 10th of every month. The agency should start paying such levy within the period of 1 month from the date of exemption Notification.
The employer agency who persistantly makes default in remitting the amount of

3% levy within the time limit specified as above, shall further pay by way of penalty, surcharge @ 10% of the amount to be remitted.

19. In case, the principal employer discontinues the exempted Security Guards due to expiry of agreement or due to any reason, in that case, the agency shall submit the details of such Principal Employers and the Security Guards to the Board within 7 days from such discontinuation. In such case the registration of the said Principal Employer shall stand cancelled. The agency shall also submit the details of Security Guards who have left the services due to any reason alongwith details of the Principal Employers to the Board and concerned Police Station within **7 (Seven)** days. On receipt of the above details Board will cancel the registration of such exempted guards.
20. From the amount of the payment made by the Principal Employer to the Security Agency, the Security Guards will be paid at least an amount which has been fixed by the Board towards the wages and all the statutory benefits towards Provident Fund, E.S.I.C., Payment of Bonus, leave with wages, leave on national holidays etc. or the same shall be the amount equivalent to 56% of the gross payment made by the Principal Employer to the Security Agency, whichever is higher.
21. The Principal Employer will pay to the agency on a prorata basis for the reliever who would be relieving the Security Guard in case of his weekly off or the amount paid to the reliever shall be 10% of the basic wages, or whichever is higher.
22. The amount of levy to be deposited to the Security Guards Board, the cost of training of the Security Guards, the cost of supervision, administration of profits of the agency the total cost of which will not exceed more than 30% of the total amount paid by the Principal Employer to the agency.
23. The Service Tax will be levied on the total mandatory cost mentioned herein above at the rate which is in force at any given point of time.
24. In addition to this uniform will be provided to the Security Guards. For this purpose an amount of 4% per annum should be delineate.
25. Wages of the Security Guards will be paid not later than 7th of every next month.

Breach of any of above conditions by the employer agency shall make employer agency liable for cancellation or revocation of the exemption granted under this notification.

It shall be the responsibility of the Principal Employer to see that the terms, conditions and rules are followed scrupulously and in case the agency fails to grant the benefits to the exempted Security Guards as per the conditions of Notification the Principal Employer will be held responsible to pay the same to the exempted Security Guards.

FORM 'A'

Quarterly Return to be filed by the aAgency

Quarterly Return for the months

Date :

(January – March
April – June
July – September
October – December)

Name and Address of the Agency :

Notification No. and Date :

Registration No. of Agency with the Board :

Serial Number (1)	Number and Address of the Principal Employer (2)	Location of Security Guards deployed (3)	Namw and Category of the Guards (4)

Authorised Signatory

(Name and Designation)

FORM 'B'

Half Yearly Return to be submitted by Security Guards Agency

**Period of Return : January to June /
July to December**

Date :

Name and Address of the Agency :

Notification No. and Date :

Registration No. of Agency with the Board :

Serial No.	Name & Address of Principal Employer	Total No. of Security Guards engaged Categorywise	No. of Security Guards who have left the Security Guards Agency Categorywise	No. of Security Guards Newly Recruited Categorywise
1	2	3	4	5

Authorised Signatory

(Name and Designation)

FORM 'C'

Statement to be submitted to the Security Guards Board regarding disbursement of wages.

Disbursement of wages for the month of :

Name and Address of the Principal Employer :

Name of the Bank (Branch and Address) :

Serial No. (1)	Name of the Security Guard (2)	No. and Date of the Cheque (3)	Amount (4)

Authorised Signatory

(Name and Designation)

FORM 'D'

Annual Return to be submitted by Security Guards Agency

Period of Annual Return :

Date :

Name and Address of the Agency :

Notification No. and Date :

Registration No. of Agency with the Board :

Serial No.	Months (April to March)	Total No. of Security Guards engaged	Total Wages Paid to the Security Guard	The wages on which the P.F. contribution is deducted	3% Levy Submitted to the Board
(1)	(2)	(3)	(4)	(5)	(6)

Authorised Signatory

(Name and Designation)

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

(N. D. Thorve)

Section Officer.

To be publish in the Maharashtra Government Gazette, Part-I-L. Extra Ordinary, dated the / / and to be returned with 25 copies of the print to Government and 25 copies of the print may be sent directly to the Commissioners of Labour, Mumbai.

The Principal Secretary (Labour) has been given the consent to publish this Notification in the Official Gazette.

(N. D. Thorve)

Section Officer.

Copy to :-

- 1) The Labour Commissioner, Bandra Kurla complex, kamgar bhavan, Bandra (E.), Bandra, Mumbai-400051.
- 2) The Chairman, Security Guard Board Brihan Mumbai & Thane Dist. Central Office-D 301/E 301, Sanpada Railway Station Complex, Sanpada, Navi Mumbai-4000703.
- 3) The Police Commissioner, Mumbai
- 4) The Director, M/s. Peregrine Garding Pvt. Ltd., Shop No. 08, B Santha Mukta Co. Housing Society, Aarey Road, Peru Baug, Goregaon East, Mumbai – 400063
- 5) Select file, Lab-5

