

## Bill Summary

# The Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) and Maharashtra Private Security Guards (Regulation of Employment and Welfare) (Amendment) Bill, 2023

- The Bill was introduced in the Maharashtra Legislative Assembly on July 27, 2023. It amends two Acts: (i) the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969, and (ii) the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981. The Acts regulate the employment conditions of manual workers and security guards. Key features include:
  - **Employment in certain markets removed from the Mathadi Act:** The Mathadi Act covers workers engaged in activities such as loading, unloading, stacking, or carrying of goods in various markets as scheduled employment. The Bill removes employment in certain markets from the scope of the Mathadi Act. These include: (i) iron and steel markets, (ii) salt pans, (iii) khokha making, and (iv) fishing industry. The Bill also removes activities that are incidental or carried out in preparation for such work in various markets.
  - **Definition of unprotected worker limited:** The Bill changes the definition of an unprotected worker. Under the Mathadi Act, an unprotected worker is defined as a manual worker engaged in scheduled employment. The Bill limits the definition of an unprotected worker to individuals between the ages of 18-60 years, who are mathadis (head loaders), hamals (porter) or other manual workers engaged in scheduled employment. Workers that will be excluded include those employed: (i) in a manufacturing process area, (ii) on a shop floor, (iii) by their family, or (iv) where the process is carried out through mechanical procedure or automated processing.
  - **Authorities constituted to oversee Boards:** Both the Acts empower the state government to constitute Boards for administering schemes for workers. These Boards represent employers, unprotected workers/security guards, and the state government. The Bill constitutes a separate Authority under each Act to: (i) sanction the expenditure and supervise the work of the Boards, (ii) scrutinise resolutions of the Board, and (iii) monitor all facilities provided under the Acts. The Authorities will consist entirely of state government officers.
  - **Advisory Committee to be dissolved:** Under the Acts, the Advisory Committees are constituted to advise the state government upon schemes or administrative matters. These Committees have representation from workers/security guards, employers, members of the legislative assembly and the state government. Under the Mathadi Act, the state government is required to consult with the Committee for deciding whether a certain class of unprotected workers can be exempt from the Act or schemes. The Bill removes all provisions related to these Committees.
  - **Additional decision-making powers of the state government:** The Bill adds that the state government may also decide: (i) whether a worker or a class of workers qualifies as an unprotected worker, and (ii) what qualifies as manual or mechanical work. These matters will be referred to the Joint Commissioner of Labour (Mathadi).
  - **Power to cancel the registration of workers:** Under the Acts, the state government may, through schemes, provide for the registration of unprotected workers and private security guards. The Bill empowers the state government to also cancel their registration.
  - **Amounts due to an unprotected worker:** Under the Mathadi Act, the Board may make an order to determine the amounts due from an employer or worker. The Bill limits the determination of sums to employers and unprotected workers. The Act specifies that the order of the Board will be final, and not be questioned in any Court. The Bill omits the provision regarding finality of the order.

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