



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष ११, अंक ५(२)]

बुधवार, मार्च १९, २०२५/फाल्गुन २८, शके १९४६

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असाधारण क्रमांक ६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on 19th March, 2025 is published under Rule 113 of the Maharashtra Legislative Council Rules :—

L. C. BILL No. III OF 2025.

A BILL

further to amend the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969.

Mah. XXX of 1969. WHEREAS it is expedient further to amend the Maharashtra *Mathadi*, *Hamal* and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 for the purposes hereinafter appearing; it is hereby enacted in the Seventy-sixth Year of the Republic of India as follows :—

1. This Act may be called as the Maharashtra *Mathadi*, *Hamal* and other Manual Workers (Regulation of Employment and Welfare) (Amendment) Act, 2025. Short title.

Substitution
of the words
“Manual
Workers” for
the words
“Manual
Workers” in
Mah. XXX of
1969.
Amendment
of section 2 of
Mah. XXX of
1969.

2. Throughout the Maharashtra *Mathadi Hamal* and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (hereinafter referred to as “the principal Act”) including the long title, preamble and short title, for the words “Manual Workers”, wherever they occur, the words “Manual Workers” shall be substituted.

3. In section 2 of the principal Act,—

(1) in clause (2), for the words “any work” the words “any manual work” shall be substituted;

(2) in clause (3), after the words “worker engaged” the words “ to execute any manual work” shall be inserted;

(3) after clause (6), the following clause shall be inserted, namely :—

“(6A) “manual work” means any type of physical work carried out by humans without any help or support or assistance of any type of machines and includes manual loading, unloading, stacking, carrying, weighting and measuring work in scheduled employments;”;

(4) in clause (7), after the word “workers” the words “ to execute any manual work” shall be inserted;

(5) for clause (11), the following clause shall be substituted, namely :—

“(11) “unprotected worker” means a *mathadi*, *hamal* or other manual worker, who is engaged or to be engaged to do manual work in any scheduled employment; and of the age of eighteen years and above and upto the age of sixty-five years, and thereafter if certified to be physically fit for such work by the medical practitioner authorized by the Government; but does not include,—

(a) any worker (except a worker who is engaged or to be engaged to do manual work) employed by employer or principal employer in manufacturing process area or stacking and storage area of any establishment, industry or factory, or where the process is being carried out through mechanical procedure or machines or through automated processing in any establishment, industry or factory;

(b) the members of an employer’s family;”;

(6) in clause (12), for the words “manual work” the words “manual work” shall be substituted.

Amendment
of section 3 of
Mah. XXX of
1969.

4. In section 3 of the principal Act, in sub-section (2), for clause (c), the following clause shall be substituted, namely :—

“(c) for regulating the recruitment and entry into the scheme of unprotected workers, and the registration and cancellation of registration of unprotected workers and employers, including the maintenance of registers and waiting list of unprotected workers, removal, either temporarily or permanently, of names from the registers and waiting list, and the imposition of fees for registration;”.

5. In section 4 of the principal Act, in sub-section (1), in the second proviso, in clause (b), for the word “workers”, at both the places where it occurs, the words “unprotected workers” shall be substituted. Amendment of section 4 of Mah. XXX of 1969.

6. In section 13 of the principal Act,—

Amendment of section 13 of Mah. XXX of 1969.

(1) in sub-section (1), for the word “worker” the words “unprotected worker” shall be substituted;

(2) in sub-section (3), for the word “worker”, at both the places where it occurs, the words “unprotected worker” shall be substituted;

(3) in the marginal note, for the word “workers” the words “unprotected workers” shall be substituted.

7. In section 14 of the principal Act,—

Amendment of section 14 of Mah. XXX of 1969.

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Notwithstanding anything contained in this Act, if the Advisory Committee is not functional for any reason, then the State Government may issue notification or take decision for implementation of the provisions of this Act without advise or consultation of the Advisory Committee.”;

(2) for sub-section (6), the following sub-section shall be substituted namely:—

“(6)(a) The term of office of members of the Advisory Committee, other than the members representing the State Government, shall be five years from the date of publication of notification of their names in the *Official Gazette*. Such members shall hold office during the pleasure of the Government.

(b) The State Government shall fill the vacancy of members other than the members representing the State Government at the earliest and in any case before expiry of six months from the date of occurrence of such vacancy.”.

8. In section 16 of the principal Act, in the *Explanation*, for the word “fourteen” the word “eighteen” shall be substituted. Amendment of section 16 of Mah. XXX of 1969.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra *Mathadi, Hamal* and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (Mah. XXX of 1969) is enacted for regulating the employment of unprotected manual workers employed in certain employments in the State of Maharashtra, to make provisions, for their adequate supply and proper and full utilization in such employments, and for matters connected therewith.

2. The said Act is being implemented in the State since many years. While implementing the said Act, various issues faced by the employers associations and even trade unions have been brought to the notice of the Government. Therefore, the Government considers it necessary to make certain amendments in the said Act with a view to simplify the procedures under the said Act and to effectively implement the said Act and schemes framed thereunder for regulation and welfare of unprotected workers.

3. The term “unprotected worker” is defined in clause (11) of section 2 of the said Act as a manual worker who is engaged or to be engaged in any scheduled employment and the term “worker” is defined in clause (12) of said section 2 as a person who is engaged or to be engaged directly or through an agency whether for wages or not, to do manual work in any scheduled employment. However, the term ‘manual work’ is not defined in the said Act which has resulted in ambiguity in application of the said Act to the types of work in the scheduled employment. Therefore, the Government considers it necessary to add definition of the term ‘manual work’ in the Act and also to substitute the definition of the term ‘unprotected worker’.

4. Section 14 of the said Act provides that the State Government may constitute an Advisory Committee to advise upon such matters arising out of the administration of the said Act or any schemes made thereunder as the State Government may refer to it for advice. The Advisory Committee consist of representatives of employers, workers, members of State Legislature and members representing the State Government. The term of member other than members representing the State Government is ordinarily three years. In order to facilitate functioning of the Advisory Committee, the Government considers it expedient to amend the said section to provide that the State Government shall fill the vacancy of members other than members representing the State Government at the earliest and in any case before the expiry of six months from the date of occurrence of such vacancy.

It is noticed that, if the Advisory Committee is not functional for some time due to any reason, then the State Government cannot implement various provisions of the said Act or make or vary schemes for want of consultation of the Advisory Committee. Therefore, the Government considers it necessary to amend section 14 of the said Act with a view to provide that Government may issue notifications or take decisions thereunder until the Committee becomes functional.

Therefore, section 14 of the said Act is proposed to be amended, suitably.

5. Section 16 of the said Act provides for prohibition of employment of child *i.e.* a person who has not completed fourteen years of age in any scheduled employment. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986) prohibits employment of adolescent *i.e.* a person who

has completed his fourteenth year of age but has not completed his eighteenth year, in hazardous occupations. In various labour laws the age limit of child has been increased to eighteen years. On the similar lines with a view to prohibit employment of the children below eighteen years of age in any scheduled employment, the Government considers it expedient to increase the said age limit of child from fourteen years to eighteen years.

6. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 18th March 2025.

AKASH FUNDKAR,

Minister for Labour.

Vidhan Bhavan :

Mumbai,

Dated the 19th March, 2025.

JITENDRA BHOLE,

Secretary (1) (I/C),

Maharashtra Legislative Council.