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SECURITY GUARDS BOARD FOR BRIHAN MUMBAI & THANE DISTRICT.

(Constituted under Section 6(1) of the Maharashtra private Security Guards
(Regulation of Employment & Welfare) Act, 1981.

Add. : D-301/E-301, Sanpada Railway Station Complex, Sanpada, Navi Mumbai 400 705.

REF. NO. : SGB/2015-

DATE :-

To,
M/s.

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.....

Sub :- The Private Security Guards (Regulation of Employment & Welfare) Scheme, 2002.

Dear Sir,

This has reference to your application for Registration with the Board. Your Factory/Establishment has been registered under Regn. No. You are requested **kindly to quote your Regn. No. while making correspondence with the Board.**

You are aware that this Board is a statutory body, constituted by the Government of Maharashtra, under Section 6(I) of the Maharashtra Private Security Guards (Regulation of Employment & Welfare) Act, 1981, in order to regulate the employment of Private Security Guards employed in Factories and Establishments in Brihan Mumbai & Thane District area and to make better provisions for their terms and conditions of Employment and Welfare and for matters connected therewith.

A Scheme known as the Private Security Guards (Regulation of Employment & Welfare) Scheme, 1981 has been framed under Section 3(1) of the said Act, which is amended in the year 2002. The Board is functioning as per the provisions of the said Act and the Scheme. This Board is a Tripartite body, consisting of representatives from Employers and the Security Guards and the State Government.

As regards the Rules and Regulations and general function of the Board, the details are given below.

1.0 **ALLOTMENT OF REGISTERED SECURITY GUARDS :**

As regards the allotment of registered Security Guards, I have to invite your attention especially to the provisions of Clause 8(e) & 25 (2) of the Scheme. A registered Principal Employer is under obligation to take the services of the registered Security Guards, who are allotted to him by an order of the Secretary of the Board. On administrative ground as well as in the interest of effective security

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arrangement, the Board has decided to make periodic transfers of allotted Security Guards wherever necessary, so that the Security Guards should not develop personal rapport with your own Staff or workers. Accordingly a registered Security Guard allotted to you may be transferred to another Establishment or vice-versa. In such cases, the Principal Employer is requested to comply with the orders as and when issued.

Please note that, if the orders regarding transfers, posting of Security Guards etc. are not complied with by the Registered Principal Employers, the registered security guards who are affected by the action of the Principal Employer, will be entitled to "Disappointment Money" in case, they are not given duties within two hours of reporting to the Establishment of Principal Employer, as provided under Clause 22 of the said Scheme. For this purpose, the Board has passed a Resolution regarding payment of Disappointment Money which reads as under :

"When a registered Security Guard presents himself for work, as per the directions of the Board and for any reason, he is not assigned the work and is relieved within two hours of reporting work, he shall be paid Disappointment Money by the registered principal employer at the rate of half of his ordinary rates of wages."

2.0 REMITTANCE OF WAGES & LEVY THEREON IN RESPECT OF ALLOTTED SECURITY GUARDS:

The Registered Principal Employers of the Board are required to remit the payment of Wages & Levy in respect of allotted Security Guards in such manner and at such time as directed by the Board, as provided under Clause 25 and Clause 31 of the Scheme.

2.1 WAGES : The registered Principal Employers shall pay in respect of categories of registered Security Guards allotted to them at the rates of Wages fixed by the Board from time to time and the same shall be remitted to the Board on or before 4th of the following month, along with Form No.1 devised by the Board, giving details of attendance and Wages earned by the Security Guards. (The Form No.1 is available in the Office of the Board in booklet, containing 100 forms at the cost of Rs.30.00)

The Board has also considered the problem of over time and passed the resolution that, "if any registered Security Guard is required to work excess of limits of daily hours of work, he shall be entitled in respect of over time work, the Wages at twice the ordinary rates of Minimum Wages (Basic Wages + Spl All/D A)".

The registered Employers are therefore requested to pay the wages for over time work at double the normal rates of Minimum Wages (Basic Wages + Spl. All/D A).

The details of present rates of wages fixed by the Board in respect of Security Guards category wise are given on page number 10.

2.2 LEVY : In order to provide different benefits, facilities and amenities to the Registered Security Guards of the Board, as provided in the Act & the Scheme framed there under, the Registered Principal Employers are directed, as provided under Clause 40 of the said Scheme to pay an amount by way of levy in respect of registered Security Guards of the Board allotted and engaged by him as fixed by the

Board from time to time. It has been resolved that the levy under Clause 40 of the said Scheme, to be paid by the registered Employers to the Board, shall be @ 46.75% of the regular Minimum Wages (Basic Wages + Special All/D A), where E.S.I. Scheme is applicable and @43% to those areas which are not covered under E.S.I. Act. As regards the levy on over time wages, only 4.75% additional levy should be remitted on over time wages to cover the commitment on E.S.I. Scheme. The payment of Levy is to be remitted to the Board along with the payment of wages, every month.

<u>ALLOCATION OF LEVY</u>		
<u>Sr. No.</u>	<u>Items</u>	<u>% of Levy</u>
1.	Provident Fund	12.00
2.	Ex-gratia	8.33
3.	Gratuity Fund	4.00
4.	Leave With Wages	6.00
5.	Paid Holidays	1.00
6.	* E.S.I.C.	4.75
7.	Uniform Fund	4.00
8.	Administration Fund	5.00
9.	Misc. Fund	<u>1.67</u>
		<u>46.75%</u>

* (including over time wages, H.R.A. and Conveyance Allowance)

2.3 PROCEDURE OF CALCULATION AND DISBURSEMENT OF WAGES TO THE SECURITY GUARDS

In order to eliminate wasting of time of the Security Guards for coming to the Office of the Board to receive their Monthly payment and to minimize the cash transaction, it has been decided by the Board to disburse the wages to the allotted Security Guards through the Bank. For this purpose, the allotted Security Guards are required to open their individual Saving Accounts in one and the same Branch nearby to their place of posting and they should inform their Account Numbers along with Banker's name, address and branch, to the respective payment counter at the Central Office of the Board.

On receipt of the Cheque of Wages and Levy along with Form No.1 from the Employers, the Board will issue the Banker's Cheque/Demand Drafts in favour of the Bank where the Guards have opened their individual Saving Accounts.

Kindly ensure that the Guards have opened their Bank Accounts and the list of their account numbers along with their names and registration numbers etc. is forwarded to our Accounts Department in time. It is also requested to ensure that the Form No.1 (pay sheet) is filled in properly and accurately and the calculation of payment, wages of over time and levy etc. is made as per the procedure laid down by the Board.

While calculating the payment of Security Guards, the following points should be taken into consideration.

- A) The Wage rates of the Security Guards and the Allowances, payable to them are for full month, including days of weekly off.
- B) In order to arrive at the 'Per Day Rate', the Wage rate should be divided by number of days of the calendar month.

e.g. Wage Rate divided by No. of days of that Calendar Month (i.e. 30, 31 or 28/29 in case of February) = per day rate (say Z)

Now, Wages earned = Z x No. of days worked (including weekly off)
Likewise, the Allowances payable are also to be calculated.

C) While calculating the amount of Levy payable, 46.75% should be charged only on the Minimum Wages (Basic Wages + Spl All/D A) earned and 4.75% should be charged on the House Rent Allowance, Conveyance Allowance, Education Allowance and Extra Duty Wages.

D) The Payment of Wages & Levy should be remitted by two separate cheque i.e. one for Wages and the other for Levy, in favour of "Security Guards Board For Brihan Mumbai & Thane District."

2.4 **RESTRICTION ON MAKING DEDUCTION FROM THE WAGES & LEVY :**

Any sort of deduction from the monthly payment of Wages & Levy in respect of allotted Security Guard, by the Principal Employer is not permissible, unless prior permission of the Board is obtained in writing.

3.00 **PROVIDENT FUND SCHEME :**

As provided under Clause 41 of the Private Security Guards (Regulation of Employment & Welfare) Scheme, 2002 the Board has formulated its own Provident Fund Scheme and the contribution towards the Provident Fund is being credited separately to that account.

Under the said provisions, it is lawful to the Board to regulate its own Provident Fund Scheme and accordingly the Scheme is being operated. The Principal Employers are therefore requested not to make any deduction towards the Provident Fund Contribution in respect of allotted Security Guards.

4.00 **E.S.I. SCHEME :**

The E.S.I. Scheme is made applicable to the registered Security Guards w.e.f. 1.1.1988. Since the contribution towards the E.S.I. also covers the Over Time Wages, H.R.A., and C.A. extra levy @ 4.75% on over time wages should be remitted to the Board in addition to 46.75% levy on regular wages.

5.00 **LEAVE WITH WAGES & PAID HOLIDAYS TO THE SECURITY GUARDS:**

The Guards has to perform the watch and ward duty round the clock. Taking into consideration the nature of working of Security Guards and their frequent transfers & replacements, the Board has decided to make the payment to the Guards @ 1% and 6% in lieu of Paid Holidays and Paid Leave respectively on the total wages earned by them during the financial Year. This amount is disbursed to the registered Security Guards in the Month of May every year. The leave availed by the Security Guards other than weekly off may therefore be treated as Without Pay Leave.

6.00 **UNIFORM & MONSOON WEARS :**

The Board provide two (2) sets of Terry cot (Gray Colour) uniforms including Leather Shoes, once in two years to the registered and allotted Security Staff. In addition to this, the Board provides a set of Monsoon Wears, which includes a Rain Coat, Cap, Gumboots & Sweater once in four years, free of cost.

7.00 LEAVE OF THE SECURITY PERSONNELS :

The allotted Security Personnel who wish to proceed on long leave, has to make an application in the prescribed form, devised by the Board. The said application, duly recommended by the Employer, should be submitted to the Office of the Board. The substitute Security Personnel will be allotted in place of the person proceeding on leave, in case, required by the Management.

8.00 EX-GRATIA :

The Scheme of Ex-gratia is another Welfare measure for the Security Guards, who do not come under the purview of the Payment of Bonus Act. The Board has allocated the contribution @ 8.33% towards Ex-gratia in levy.

9.00 GRATUITY :

Board provides this beneficial retirement Scheme to those Registered Security Guards who fulfill requisite conditions in this behalf.

10.00 MEDICAL BENEFIT:

Medical benefits are given to the Security Guards as per the Board's Resolution, where E.S.I. Act is not applicable.

11.00 WORKMEN COMPENSATION:

The workmen compensation Act is applicable to the Security Guards, which are not covered under E.S.I. Act and Scheme.

12.00 DISCIPLINARY MEASURES IN RESEPECT OF SECURITY GUARDS:

Matters of misconduct or misbehavior by any registered Security Guard should be referred to the Board for necessary investigation and suitable action. Any unilateral withdrawal of a registered allotted Security Guard by the Principal Employer is therefore not permissible and it would amount to the breach of provision of the Scheme.

As per the provisions in Clause 32 of the Scheme, the disciplinary action is taking by the Board on the defaulting Security Personnel on receipt of a complaint.

In the 65th Board Meeting held on 3rd December, 1987, it has been decided that if a Security Guard found sleeping while on duty or not found at his work place at the time of Night Checking by the Inspectors of the Board, the concerned Security Guard will be liable to fine for such misconduct, equivalent of four (4) days wages.

The said resolution is passed with a view to maintain discipline and forward step towards alert Security. However, you are requested to note that any disciplinary measure for imposition of fine will be taken by the Chairman of the Board as per the power vested under Clause 32 of the Scheme and no deduction shall be made for fine at the factory or unit level.

You are therefore requested to invite the attention of all the allotted Security Guards to the circular enclosed herewith, in this connection.

13.00 **DUTIES & RESPONSIBILITIES OF ALLOTTED SECURITY GUARDS :**

As regards the duties and responsibilities of the Security Guards while performing their duties, I am enclosing herewith a copy of the "Office Order" for Security Guards and a copy of Notice regarding the days and time for the disbursement of monthly wages. You are requested to circulate the copy of the Office Order and the Notice among the Security Guards allotted to you for their information.

14.00 **OBLIGATIONS ON REGISTERED PRINCIPAL EMPLOYERS : Clause 25**

Certain obligations have been cast upon the Registered Principal Employers as provided under Clause 25 of the Scheme, which are reproduced below,

- a) Every Registered Employer shall accept the obligation of this Scheme.
- b) A Registered 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 will not apply to Security Guards directly employed by Registered Employers.
- c) A Registered Employer shall in accordance with instructions as may be given by the Board, submit all available information of his current and future requirement of Security Guards
- d) A Registered Employer shall disburse to the Security Guards 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 such form as may be specified by the Board. Provided that, if so directed by the Board, a Registered Employer shall remit to the Board the amount of Wages & other allowances payable to the Security Guards within such time and in such manner as may be specified by the Board.
- e) A Registered Employer who make default in remitting the amount of Wages to 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 month 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 averages of wages for twelve previous calendar months than the employer shall make good the deficit amount.
- f) A Registered Employer, who persistently make 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 10% 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 order of the Secretary of the Board to that effect.

- g) If a Registered 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 Employer may be liable for the said default, serve a notice on the employer to that effect that unless he pays his dues within three days from the 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 security guards to the defaulting employer until he pays all the dues.
- h) A Registered 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 guards and to the work upon which they have been employed and furnish such information relating thereto as may be set out any notice or directions issued by or on behalf of the Board.

15.00 **CLAUSE 40 - COST OF OPERATING THE SCHEME AND PROVISIONS FOR AMENITIES AND BENEFITS TO THE REGISTERED SECURITY GUARDS OF THE BOARD :**

- a) The cost of operating this Scheme and for providing different benefits, facilities and amenities to the registered security guards as provided in the Ordinance and under this Scheme, shall be defrayed by payment made by the registered employers to the Board. Every Registered Employer shall pay to the Board such amount by way of levy in respect
- b) of registered security guards allotted to an engaged by him as the Board may, from time to time, specify by public notice or written order to the registered employers and in such manner at such time as the Board may require the registered employer to pay the levy retrospectively or prospectively as it may deem fit.
- b) An 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 the he gets himself registered within the time limit laid down in Clause 14 of the Scheme or any time thereafter.
- c) In determining what payment are to be made by the registered employers under Sub-Clause (i), the Board may fix different rates of levy for different categories of security guards provided that, the levy shall be so fixed that the same rate of levy will apply to all registered employers who are in like circumstances.
- d) The Board shall not sanction any levy exceeding 50% of the total wage bill without the prior approval of the State Government.
- e) A registered 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 (i) as the Board may consider necessary.

- f) 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.
- g) If a Registered Employer fails to make the payment due from him under Sub-clause (i) within the time specified by the Board the Secretary shall 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 the supply of registered security guards to a defaulting employer until he pays his dues.

16.00 RECOVERY PROCEDURE :

In case, the Registered Principal Employers fail to remit the Wages & Levy thereon in respect of allotted Security Guards, in spite of issuing Notices to them, then the outstanding amount of Payments along with Surcharge/Interest due from them, are recovered as provided under Section 14 of the Act, which is reproduced below.

SECTION 14 OF THE MAHARASHTRA PRIVATE SECURITY GUARDS (REGULATION OF EMPLOYMENT & WELFARE) ACT, 1981.

- a) The Board, or such Officer as may be specified by it in this behalf, may be order, determine any sum due from the Employer or Security Guard under this Act or any Scheme made there under and for this purpose may conduct such enquiry as the Board or such Officer may think to be necessary.
- b) The Board or such Officer conducting the enquiry under Sub-section (i) shall for the purpose of such enquiry have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 for trying a suit in respect of the following matters, viz :
 - 1) Enforcing the attendance of any person or examining him on oath.
 - 2) Requiring the discovery and production of documents.
 - 3) Receiving evident on affidavit.
 - 4) Issuing commissions for the examination of witnesses.
 - 5) Any such enquiry shall be deemed to be a Judicial Proceedings within the meaning as Section 193 & 228 and for the purpose of Section 196 of the Indian Penal Code.
- c) No order determining the sum due from any Employer or Security Guard shall be made under Sub-section (i) unless the Employer or Security Guard, as the case may be, is given a reasonable opportunity of representing his case.
- d) An order made under this action shall be final and shall not be questioned in any Court.
- e) Any sum determined under this Section may, if such sum is in arrears, be recovered as an Arrears of Land Revenue.

17.00 PENALTIES : Clause 42

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 Rs.500.00 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 Rs.1000.00 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 Rs.100.00 for each day on which the contravention is so continued.

Where an offence under the Act and the Scheme made there under 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 deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

18.00 PRESENT RATES OF WAGE AND ALLOWANCES :

Following are rates of Wages and Allowances fixed by the Board in respect of Security Personnel category wise from 15.10.2015.

STATEMENT OF WAGES & ALLOWANCES APPLICABLE FORM 15th OCTOBER, 2015.

Sr. No	Category	*Basic Wages	*Spl. All./ DA	H.R.A.	CA.	WA.	Edu. All	Total Wages & Allowances	Payable Levy	Gross Total of Wages & Levy
1	Security Guard/Lady Searcher	6900.00	2640.60	954.00	900.00	500.00	800.00	12,694.60	4586.20	17280.80
2	Head Guard	7175.00	2640.60	982.00	900.00	500.00	800.00	12,997.60	4716.20	17713.80
3	Security Supervisor	7875.00	2640.60	1052.00	900.00	500.00	800.00	13,767.60	5046.70	18814.30
4	Asstt. Security Officer	8100.00	2640.60	1074.00	900.00	500.00	800.00	14,014.60	5153.00	19167.60
5	Security Officer	8550.00	2640.60	1119.00	900.00	500.00	800.00	14,509.60	5365.50	19875.10
6	Chief Security Officer	9000.00	2640.60	1164.00	900.00	500.00	800.00	15,004.60	5578.00	20582.60

*** Basic Pay + Special Allowance/Dearness Allowance = Minimum Wages**

All Allowances are to paid on pro-rata basis.

All the Registered Employers, who are availing the services of registered Security Guards are therefore, directed to remit the Wages and Allowances along with Levy @ 46.75% on Minimum Wages. All the registered Employers also have to pay levy @ 4.75% on House Rent Allowance, Conveyance Allowance, Education Allowance and Extra Duty Wages towards E.S.I. Contribution. Levy @ 43% on Wages only to be paid, to those areas which are not covered under E.S.I. Act.

SECRETARY
SECURITY GUARDS BOARD FOR
BRIHAN MUMBAI & THANE DISTRICT.
SANPADA, NAVI MUMBAI

OFFICE ORDER FOR THE SECURITY STAFF

1. The Security Staff must report for their duties at least 15 minutes early, so as to take charge properly.
2. The Security Staff shall be in proper and clean uniform and cleanly shaved while on duty.
3. The Security Staff shall behave politely, attentively and in disciplined manner while on duty.
4. No Security Guard shall leave his respective check post unless/otherwise asked by his immediate Superior in the Shift, failing which the Superiors shall be held responsible.
5. The Security Staff shall preserve their Identity Cards, while on duty and while coming to the Office of the Board.
6. No Security Guard shall leave his duty unless the reliever or the next shift Security Guard relieves him.
7. No Security Guard shall proceed on leave or remain absent without prior sanction or intimation to the Management.
8. Leave application shall be forwarded to the Board in prescribed form devised by the Board.
9. Leave application for more than four days shall be submitted through Unit In charge and Management, such application with their recommendation should be sent to the Board at least seven (7) days in advance, so as to make necessary arrangement for substitute. The Security Guard shall proceed on Leave only after confirming sanction of his leave.
10. No Security Guard shall be permitted to report for duties under the influence of the Alcohol. Such case should be reported to the Secretary of the Board forthwith.
11. The Security Staff shall not keep any contact or develop rapport with the direct employees of the Factory/Establishment.
12. The Security Staff shall not accept gifts either in cash or in any other kind from the Parties visiting the Company.
13. The concern shift In charge shall take rounds at certain intervals during his duty hours and shall enter his findings/observations in occurrence or Log Book maintained by the Factory.
14. The Security Staff shall follow the instructions given by the Unit In charge/Superiors and act as per his instructions.
15. Security Guards on duty shall not quarrel or misbehave with anybody. Any act of misbehavior or misconduct will be viewed seriously by the Board and suitable disciplinary action will be taken against the concerned Security Guard.
16. The Security Staff should carry out their duties in accordance with the directions and instructions given by the authorized representative of the Employer.

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NOTICE

All the Registered Security Guards of the Board are hereby informed that the Wages will be disbursed through Banks. The allotted Security Guards are therefore directed to adhere with the following instructions.

- 1) The Security Guards of the same Employers should open their individual Saving Bank Accounts in **Union Bank of India** which is nearby to the place of their posting.
- 2) After opening individual Saving Bank Accounts, they should submit the list of their Account Numbers along with their Name and Registration Numbers to the Board.
- 3) The Cheque of the payment will be distributed from 5th to 12th and thereafter on Tuesday and Friday up to 25th of every month on receipt of Wages and Levy Cheque by the Board.

Distributing timings for the Cheque of payment will be as under :

From 10.30 A.M. to 1.00 P.M.

From 2.00 P.M. to 4.30 P.M.

- 4) Cheque of payment will not be distributed without Identity Card. The Office of the Board will remain closed on all Sundays, 3rd & 4th Saturday of the Month, in addition to the holidays declared by the Board for the Calendar Year.

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