

employer shall carry out his duty in accordance with the directions of such registered principal employer or his authorised representative or supervisor and other rules of the employment or place where he is working.

(5) When a Registered Security Guard of the Board, resorts to any unlawful and violent method of agitation for redressal of his grievances or reversal of orders, such act on his part shall be deemed to be act of misconduct.

(6) No Security Guards of the Board shall engage or associate himself in any activities which will harm the security, discipline or any action which is contrary to the interest of the registered principal employer.

(7) Any Security Guard of the Board who has got himself registered with the Board by providing false information or by misleading, shall be for punishment prescribed under clause 42.

25. Obligations of registered principal employers.-(1) Every registered principal employer shall accept the obligations of this scheme.

(2) A registered principal 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 not apply to the Security Guards directly employed by registered principal employers.

(3) A registered principal employer shall, in accordance with instructions as may be given by the Board, submit all available information of his current and future requirements of Security Guards.

(4) A registered principal employer shall disburse to the Security Guard 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 in such form as may be specified by the Board:

Provided that, if so directed by the Board, a registered principal employer shall remit to the Board the amount of wages and other allowances payable to the Security Guard within such time and in such manner as may be specified by the Board.

(5) A registered principal employer shall pay to the Board in such manner and at such time as the Board may direct, the levy payable under clause 39(1) and the gross wages due to Security Guards and any other amount due to Security Guard.

(6) A registered principal employer who makes default in remitting the amount of wage of 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 months 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 average of wages for twelve previous calendar months then the principal employer shall make good the deficit amount.

(7) A registered principal employer, who persistently makes 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 ten per cent 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 the order of the Secretary of the Board to that effect.

(8) If a registered principal 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 principal employer may be liable for the said default, 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 supply of Registered Security Guards to the defaulting principal employer until he pays all the dues.

(9) A registered principal 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 Guard and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.

26. Obligations of employer agencies.-(1) Every employer agency shall accept the obligations of the Scheme.

(2) Every employer agency shall file with the Board the list of their registered principal employers and the names and details of the Security Guards employed with them, working with the respective registered principal employers.

(3) An employer agency, desirous of claiming registration under the provisions of clause 13(2) of the Scheme for all or any class or classes of the Security Guards employed with them and deployed in any factory, establishment shall apply to the Board in the form prescribed by the Board alongwith the process fee at the rate of Rs 100 per Security Guard at the time of application for registration and the same amount of fee at the time of renewal of registration after the expiry of the exemption period.

(4) The employer agency shall deploy the Security Guard employed by it only in the establishment, factories as per the list of the principal employer submitted by such agency to the Board and no other principal employers already registered with the Board.

(5) Employer agency shall maintain registers and records of Security Guards in their employment, relating to payment of wages and leave and other facilities provided to them under the relevant Acts and the same shall be produced before the Competent Authorities of the board, when so directed by the Board.

(6) Every employer agency shall get done the police verification of every Security Guard on its pay-roll, within in week from the date of employing of the Guard.

(7) No employer agency shall at any time, prescribe or supply to its Security Guards, Uniform which in any way resembles that of the Indian Army, or Police Force or Board.

(8) Every ¹[xxx] employer agency shall comply with the provisions of the Minimum Wages Act, 1948, (XI of 1948); the Payment of Wages Act, 1936, (IV of 1936), the Payment of Gratuity Act, 1972, (XXXIX of 1972); the Employee's Provident Funds and Miscellaneous Provisions Act, 1952, (XIX of 1952); and the Contract Labour (Regulations and Abolition) Act, 1970, (XXXVII of 1970); or any other Act as may be applicable to them, for the time being.

(9) Every employer agency shall make payment to the exempted and registered Security Guards deployed by them, which shall not be less than the wages, other allowances and other benefits which are given to the registered Security Guards of the Board.

(10) Every employer agency shall submit its Yearly Audit Report to the Government within a period of six months after the end of financial year.

27. Obligations of principal employers of the employer agencies.-(1) Every Principal employer of the employer agency shall accept the obligations under the scheme.

(2) The principal employer of employer agency shall submit all information regarding employment of Security Guards through employer agency, to the Board. In case the employer agency fails to comply with any of the directions of the Board, then the ultimate liability to comply with such directions shall lie on the registered principal employer in whose establishment or factory such Security Guards supplied by the such defaulting employer agency are deployed.

27-A. Obligation regarding the payment of 56% amount of the gross payment to the exempted security guards.-The Employer Agency shall pay the Security Guards at least an amount which has been fixed by the Board, towards wages and all the benefits given by the Board or an amount equivalent to 56% of the gross payment paid by Principal Employer to the Employer Agency, whichever is higher.

¹ The word "exempted and" del. vide Corrigendum dt. 6th December, 2002, M.G.G. Pt.II., Ext. dt. 6.12.2002 p. 742

In case the Employer Agency fails to make such payment, the Principal Employer shall be liable to make payment as stated above.

28. Restriction on employment.- (1) Every registered principal employer may either engage for employment Security Guards registered with the Board or the Security Guards of the employer agency registered with the Board or may employ any person who is a direct employee of such employer.

(2) Notwithstanding the provisions of sub-clause (1), -

(a) where the Secretary is satisfied that,-

(i) the work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain registered Security Guard of the Board for that work; the Secretary may, subject to any limitation imposed by the Board, allow a registered principal employer to employ a Security Guard who is not a Registered Security Guard of the Board:

Provided that, whenever unregistered Security Guards have to be employed, the Secretary shall obtain, if possible, the prior approval of the Chairman to the employment of such Security Guards and where this is not possible, shall report to the Chairman, within 24 hours, the full circumstances under which such Security Guards were employed and the Chairman shall duly inform the Board and State Advisory Committee of such employment in its next meeting;

(b) the Board may, subject to such conditions as it may specify, permit employment of Unregistered Security Guards on a holiday, if work is required to be done on that day, to the extent registered Security Guards of the Board are not available for work;

(c) in the cases referred to in items (a) and (b), the persons so employed as aforesaid by a registered principal employer shall, for the purpose of sub-clauses (4), (5) and (6) of clause 25 and of clause 30, be treated in respect of that work, as if he was a registered Security Guard of the Board.

(3) A registered Security Guard of the Board in the Board pool may, provided he fulfills fully his obligations under clause 24, take up employment elsewhere on those days on which he is not allotted work by the Board.

29. Circumstances in which the Scheme ceases to apply.- (1) This Scheme shall cease to apply to a registered Security Guards of the Board and Security Guards of the employer agency with the Board when his name has been removed from the register or record in accordance with the provisions of this Scheme.

(2) Nothing in this clause shall affect any obligation incurred or right accrued during any time when a person was a registered Security Guards of the Board and the Security Guards of the employer agency registered with the Board.

30. Wages, allowances and other conditions of service of security Guards of the Board.- (1) Without prejudice to the provisions of any award,

it shall be unless otherwise specifically provided for in this Scheme, an implied condition of the contract between a registered principal employer that the rates, allowance and overtime, hours of work, rest intervals, leave with wages and other conditions of service including supply of uniforms, boots, torches, batteries, etc. necessary for the proper and efficient execution of their duties, shall subject to the provisions of sub-clauses (2), (3), (4), (5) and (6) of this clause, be such as may be fixed by the Board for each category of registered Security Guards of the Board.

(2) For the purpose of fixing rates of wages, allowances and overtime, hours of work, rest intervals, leave with wages and other conditions of service (hereinafter collectively referred to as "the conditions of service") for the registered Security Guards of the Board or for revising or modifying the same, the Board shall call upon the Associations of principal employers and Associations or Trade Unions of Security Guards covered by this Scheme to make such representations as they may think fit, as respects the conditions of service which may be fixed or revised or modified under this Scheme in respect of registered Security Guards of the Board, if there is no such Association of principal Employers and Association or Unions of Security Guards then such representations from registered principal employers and Security Guards of the Board may be invited on a notice published in such manner as the Board may think fit.

(3) Every such representation shall be in writing and shall be made within such period as the Board may specify and shall state the conditions of service which in the opinion of the person making the representation would be reasonable having regard to the capacity of the principal employers to pay the same or comply with or to any other circumstances which may seem relevant to the person making the representation.

(4) The Board shall take into account the representations aforesaid, if any, and after examining all the material placed before it, shall fix or revise or, as the case may be, modify the relevant conditions of service of registered Security Guards of the Board.

(5) In fixing, revising or, as the case may be modifying the conditions of service of the registered Security Guards of the Board, the Board shall have regard to the cost of living, the prevalent conditions of service in comparable employment in the local area, the capacity of the registered principal employers to pay and pay other circumstances which may seem relevant to the Board.

(6) The conditions of service fixed, revised or as the case may be modified by the Board shall take effect prospectively or retrospectively from such date as the Board may decide. The decision of the Board shall be communicated to the registered Security Guards and the registered principal employers in such manner as the Board thinks fit.

31. Disbursement of wages and other allowances to registered Security Guards of the Board.-The wage and other allowances payable to the registered Security Guards of the Board every month by the registered

principal employer shall be remitted by the registered principal employers by cheque to Secretary, of the Board, within such time after the end of the month, as may be specified by the Board. The Secretary thereupon shall arrange to disburse the wages and other dues, if any to the registered Security Guards of the Board on specified days every month subject to deductions, if any, recoverable from them under the Scheme:

Provided that the Board may, if it thinks fit, and subject to such conditions as may be laid down by it, allow a registered principal employer to pay directly to the Security Guards the wages and other allowances after making such deductions as may be authorised and recoverable from them under the Scheme, within such time and in such a manner as may be specified by the Board.

32. Disciplinary Procedure.-(1) (i) On receipt of the information, whether on a complaint or otherwise, that a registered principal employer has failed to carry out the provisions of the Scheme the Personnel Officer shall investigate the matter and on being satisfied in that behalf give him a warning in writing, or

(ii) Where in his opinion, a higher penalty is merited, the Personnel Officer shall report the case to the Chairman who may then cause such further investigation to be made as he may deem fit and censure registered principal employer and record the censure in his record sheet.

(2) A registered Security Guards of the Board in the Board pool who fails to comply with any of the provisions of this Scheme or commits any act of indiscipline or misconduct may be reported in writing to the Personnel Officer who may after investigating the matter, impose any of the following penalties namely:-

- (a) Give him a warning in writing;
- (b) Transfer him within 24 hours;
- (c) Suspend him for a period for not exceeding four days;
- (d) Deduct wages equivalent to four days wages (Basic + Dearness Allowance);
- (e) Withdraw him for a period not exceeding 15 days and place him on the waiting pool of the Board.

(3) Where in the opinion of the Personnel Officer, a higher punishment than that provided in sub-clause (2) is merited he shall report the case to the Chairman.

(4) On receipt of the written report from the Personnel Officer under sub-clause (3) or from employer or any other person that a registered Security Guard in the pool has failed to comply with any of the provisions of this Scheme or has committed an act of indiscipline or misconduct or has been inefficient in any other manner, the Chairman may make or cause to be made such further investigation as he may deem fit and thereafter take any of the following steps as regards the Security Guard concerned, that is to say, he may impose any of the following penalties :-

- (a) Suspend him for a period for not exceeding fifteen days;
- (b) Deduct wages equivalent to fifteen days wages;
- (c) Withdraw him for a period not exceeding 3 months and place him on the waiting pool of the Board;
- (d) Terminate his services after giving him one month's notice or one month's wages, inclusive of Dearness Allowance, in lieu thereof, or;
- (e) Dismiss him; or dismiss him and prosecute him.

(5) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(6) During the tendency (sic pendency) of investigations under sub-clauses (2) and (4) above, the registered Security Guards of the Board concerned may be suspended by the Chairman.

33. Termination of employment.- (1) The employment of registered Security Guards of the Board in the Board pool shall not be terminated except in accordance with the provisions of this Scheme.

(2) A registered Security Guard of the Board in the Board pool shall not leave his employment in the pool with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen days' wages inclusive of dearness allowance in lieu thereof.

(3) The Personnel Officer shall on a complaint received from the registered Principal employer that a registered Security Guard of the Board employed by such employer, is physically or mentally unfit as a Security Guard, on being satisfied about the genuineness of the complaint, and send such Security Guard for medical examination to the Medical Officer of the Government Hospital and on receipt of the medical report, the Personnel Officer shall forward the cases to the Board for taking appropriate action in the matter.

(4) When the employment of a registered Security Guard of the Board in the Board pool with the Board has been terminated, under sub-clauses (1) and (2), his name shall forthwith be removed from the register or record by the Board.

34. Deletion of names of Security Guards of Employer Agency registered with the Board.-The employer agency shall intimate the names of the terminated Security Guards within seven days of such termination with reasons, to the Board and the nearest police station.

35. Appeals by registered Security Guards of the Board.- (1) Save as otherwise provided in this clause, a registered Security Guards of the Board in the Board pool who is aggrieved by an order passed by an authority under clause 32 may prefer an appeal against the order of the Personnel Officer to the Chairman and against the order of the Chairman to the State Government.

(2) A registered Security Guard of the Board who is aggrieved by an order of the Secretary, -

- (i) placing him in particular category; or
- (ii) refusing registration under clause 14; or
- (iii) requiring him under clause 24 (4) to undertake any work which is not of the same category to which he belongs may prefer an appeal to the Chairman.

(3) Any registered Security Guard of the Board who is aggrieved by an order under clause 15 may prefer an appeal to the Chairman.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered Security Guards of the Board from the register or record in accordance with the instructions of the Board if the ground of removal is that the registered Security Guard of the Board falls within a class of description of registered Security Guard of the Board whose names are to be removed from the register or record in order to reduce the size thereof :

Provided that an appeal shall lie to the Chairman where the registered Security Guards of the Board alleges that he does not belong to the class description of registered Security Guards of the Board referred to in the instruction of the Board.

(5) Every appeal referred to in sub-clauses (1), (3) or (4) shall be in writing and preferred within fourteen days of the date of receipt of the order appealed against:

Provided that the Appellate Authority may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days.

36. Appeals by registered principal employers.-(1) A registered principal employer who is aggrieved by an order of the Personnel Officer under clause 32 may appeal to the Chairman.

(2) Every appeal referred to in sub-clause (1) shall be in writing and preferred within fourteen days of the receipt of the order appealed against:

Provided that the Appellate Authority may, for reasons to be recorded, admit an appeal preferred after the expiry of fourteen days.

37. Powers of revision of the Chairman.- Notwithstanding anything contained in this Scheme, the Chairman in case of an order passed by the Personnel Officer under clause 32 may at any time call for the record of any proceeding in which the personnel officer has passed the order for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he may think fit;

38. Settlement of disputes.-Whenever Board desires that any dispute raised by the registered principal employer or employer agency or the Board or the registered Security Guards shall be heard by a panel of officers under the chairmanship of Security to the Government of Maharashtra.

39. Stay of order in case of certain appeals.- Where an appeal is made by a registered Security Guards of the Board in accordance with the provisions of clause 35 against an order of termination of service on one month's notice the Appellate Authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.

40. Cost of operating the Scheme and provision for amenities and benefits to the registered Security Guards of the Board.-(1) The cost of operating this Scheme and for providing different benefits, facilities and amenities to the registered Security Guards of the board as provided in the Act and under this Scheme, shall be defrayed by payment made by the registered principal employers to the Board. Every registered principal employer shall pay to the Board such amount by way of levy in respect of registered Security Guards of the Board allotted to and engaged by him as the Board may, from time to time, specify by public notice or written order to the registered principal employers and in such manner and at such time as the Board may direct.

The Board may require the registered principal employers to pay the levy retrospectively or prospectively as it may deem fit.

(2) As ¹[Principal] 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 he gets himself registered within the time limit laid down in clause 13 of this Scheme or any time thereafter.

(3) In determining what payments are to be made by the registered principal employers under sub-clause (1), the Board may fix different rates of levy for different categories of registered Security Guards of the Board provided that, the levy shall be special that the same rate of levy will apply to all registered principal employers who are in like circumstances.

(4) The Board shall not sanction any levy exceeding fifty per cent of the total wage bill without the prior approval of the State Government.

(5) A registered principal 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 (1) as the Board may consider necessary.

(6) 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.

(7) If a registered principal employer fails to make the payment due from him under sub-clause (1) within the time specified by the Board the Secretary shall serve a notice on the principal 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 of the Board to him shall be suspended. On the expiry of the notice period the Secretary shall suspend

¹ Added vide Corrigendum dt. 6th December, 2002. M.G.G. Pt.II.L. Ext. dt. 6.12.2002 p. 742.

the supply of registered Security Guards of the Board to a defaulting principal employers until he pays his dues.

41. Provident Fund and Gratuity.- (1) The Board shall frame and operate rules providing for Contributory Provident Funds, for registered Security Guards of the Board. The rules shall provide for the rate of contribution, the manner and method of payment and such other matters as may be considered necessary so however, that the rate of contribution is not less than the rate specified under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (XIX of 1952) :

Provided that, pending the framing of the rules, it shall be lawful for the Board to fix the rate of contribution and the manner and method of payment thereof.

(2) In framing rules for the Contributory Provident Fund, the Board shall take into consideration the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (XIX of 1952), as amended from time to time and the Scheme made thereunder for any establishment.

(3) The Board shall frame rules for payment of gratuity to registered Security Guards of the Board.

(4) In framing rules for the payment of gratuity to registered Security Guards of the Board shall take into consideration the provisions of the Payment of Gratuity Act, 1972 (XXXIX of 1972), as amended from time to time.

(5) The rules for Provident Fund and Gratuity framed by the Board shall be subject to the previous approval of the State Government.

42. Penalties.-(1) 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 rupees five hundred 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 rupees one thousand 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 one hundred rupees for each day on which the contravention is so continued.

(2) Where an offence under the Act and the Scheme made thereunder 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.

43. Repeal and Saving.-The Private Security Guards (Regulation of Employment and Welfare) Scheme, 1981 is hereby repealed.

Provided that anything done or any action taken under any provision of the Scheme so repealed shall in so far as it is not inconsistent with the provisions of this Scheme, be deemed to have been done or taken under the corresponding provisions of the Scheme.

¹[SCHEDULE

- (1) Brihanmumbai, (2) Thane, (3) Nagpur, (4) Aurangabad (5) Pune, (6) Nashik, (7) Raigad, (8) Dhule, (9) Nandurbar, (10) Jalgaon, (11) Sangli, (12) Satara, (13) Solapur, (14) Ahmednagar, (15) Amaravati, (16) Akola, (17) Washim, (18) Yavatmal, (19) Buldhana (20) Chandrapur, (21) Gadchiroli, (22) Kolhapur, (23) Ratnagiri, (24) Sinddhudurg, (25) Jalna, (26) Wardha, (27) Bhandara, (28) Gondia.]

¹ Subs. by G.N. SGA-1508/C.R. 1236/Lab-5 dt.21.2.2012 MGG Pt.I-L, Ext. dt. 21.2.2012.

The Maharashtra Private Security Guards (Advisory Committee) Rules, 1981¹

In exercise of the powers conferred by sub-sections (1) and (2) of section 29 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Ordinance, 1981 (Mah. Ord. V of 1981), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 29, namely:-

1. Short title.-These rules may be called the **Maharashtra Private Security Guards (Advisory Committee) Rules, 1981.**

2. Definitions.-(1) In these rules, unless the context otherwise requires,-

- (a) "Chairman" means the Chairman of the Advisory Committee;
- (b) "Committee" means Advisory Committee constituted under Section 15 of the Ordinance;
- (c) "Member" means a member of the Committee;
- (d) "Ordinance" means the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Ordinance, 1981 (Mah. Ord. V of 1981);
- (e) "Section" means a section of the Ordinance.

(2) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Ordinance.

3. Composition of Advisory Committee.-The Committee shall consist of not more than twenty-three members to be appointed by the State Government representing the State Government, the employers, the Security Guards and the Legislature of the State as required by the proviso to sub-section (2) of section 15.

4. Secretary of the Committee.-The State Government shall appoint a Secretary to the Committee.

5. Term of Office.-(1) Members other than the members representing the State Government shall ordinarily hold office for a period of three years from the date of the notification published under sub-section (4) of section 15, appointing them as members; and they shall be eligible for re-appointment on the same terms and conditions on which they are first appointed:

Provided that the State Government may by order curtail the term of office of any such member or members for reasons to be recorded in writing:

Provided further that, a member shall continue in office even after the expiry of the term of three years until another person is appointed in his place.

(2) A member appointed to fill a casual vacancy shall hold office so long only as the member in whose place he is appointed would have held it, if the vacancy had not occurred.

¹ G.N.,I.E.&L.D.No.SGO.1081/(149)/LAB-13, dated 24th August, 1981, M.G.Pt.I-I, p.5807

(3) A member representing the State Government including the Chairman may be appointed either by name or by virtue of his office. The appointment of a member representing the State Government may be terminated regard being had to the circumstances or exigencies of service in the State Government.

(4) A member appointed to represent the Legislature of the State shall be deemed to have vacated his office as soon as he ceases to be a member of the Legislature of the State.

(5) All appointments of members to fill in vacancies shall also be notified in the Official Gazette.

(6) A member other than a member representing the State Government may resign his office by a letter under his hand addressed to the Chairman.

6. Allowances for non-official members.-(1) The non-official members of the Committee shall be eligible to draw travelling allowance and daily allowance for any journey performed by them in connection with the work of the Committee in accordance with Scale I specified in the Rule 1(1)(b) of Appendix XLII-A, to Section I of the Bombay Civil Services Rules, 1959, as amended from time to time, read with Government Resolution, Finance Department, No.TRA.1477/1032-C/SER-5, dated the 23rd September, 1977. The non-official members who are local persons, residing within a distance of 8 kilometres shall be eligible to draw actual conveyance charges limited to Rs.10 incurred by them from their place of residence to the place of meeting and back, per sitting for every day of the meeting of the Committee, which they attend.

(2) The non-official members of the Committee, who are members of the State Legislature or of the Parliament shall be entitled to draw travelling and daily allowances in accordance with the law relating to allowances of members of the State Legislature, or as the case may be of the Parliament.

(3) The Secretary of the Committee shall be the Controlling Authority in respect of travelling allowance bills of the non-official members.

7. Conduct of business of the Committee meetings.-(1) Every matter referred to the Committee for advice shall be considered either at a meeting of the Committee or if the Chairman so directs, by circulation of the necessary papers for opinion to every member:

Provided that any member may request that the matter be considered at a meeting of the Committee, and thereupon, the Chairman, may, and if the request is made by three or more members shall, direct that it be so considered.

(2) The Committee shall meet at such place and time as may be appointed by the Chairman.

(3) The Chairman shall preside over every meeting of the Committee at which he is present, and in his absence, the members present shall elect one of them to preside over the meeting, and the member so elected shall exercise all the powers of the Chairman at that meeting.

(4) No business shall be transacted at a meeting of the Committee unless at least one-third members are present:

Provided that, if at any meeting less than one-third members are present, the Chairman may, adjourn the meeting to a date not earlier than seven days informing the members present and giving notice to other members that he proposes to dispose of the business at the adjourned meeting whether there is a quorum or not; and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

(5) Every question at a meeting of the Committee shall be decided by a majority of votes of the members present and voting:

Provided that, a member shall in all cases have the right to have his vote of dissent recorded.

(6) Every matter referred by circulation to the Committee for opinion under sub-rule (1) shall, unless the Chairman in pursuance of the proviso to that sub-rule reserves it for consideration at a meeting, be decided in accordance with the opinion of the majority of the members recording opinion.

(7) In the case of an equality of votes the Chairman shall have a second or casting vote.

8. Notice of meeting and list of business.-(1) Notice shall be given to every member of the time and place fixed for each meeting of the Committee at least, fifteen days before the date of such meeting and each member shall be furnished with a list of business to be considered and disposed of at the meeting:

Provided that, when an emergent meeting is called by the Chairman, it shall not be necessary to give more than three days' notice.

(2) The notice of meeting and list of business shall be sent by hand or under a certificate of posting; and the certificate of posting shall be sufficient evidence of the dispatch for the purposes of this rule.

(3) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairman.

9. Minutes of the meetings.-The Minutes of each meeting of the Committee shall be circulated to all members as soon as possible after the meeting. They shall be confirmed at the next meeting of the Committee, shall be signed by the Chairman or the member presiding, as the case may be, and shall thereafter be recorded in the minute book maintained for the purpose.