



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष ११, अंक ८]

सोमवार, मार्च २४, २०२५/चैत्र ३, शके १९४७

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असाधारण क्रमांक ११

प्राधिकृत प्रकाशन

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

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 24th March, 2025 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XXXI OF 2025.

A BILL

to provide for the regulation of private placement agencies engaged in the business of placement activities for job seekers and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the regulation of private placement agencies engaged in the business of placement activities for job seekers and for matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Private Placement Agencies (Regulation) Act, 2025.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “employer” means a person who employs, whether directly or through any person or private placement agency, or on his behalf, or on behalf of any person, one or more employees in his establishment ;

(b) “establishment” means any office or place where any industry, trade, business or occupation is carried on ;

(c) “Government” means the Government of Maharashtra ;

(d) “job seeker” means a person seeking work or employment ;

(e) “local office” means any field office of the Skills, Employment, Entrepreneurship and Innovation Department or portal established or maintained for implementation of this Act ;

(f) “overseas placement” means placement of a job seeker in employment in foreign countries ;

(g) “placement” means actual appointment of a job seeker in any establishment ;

(h) “placement activities” means activities conducted by private placement agency for the purposes of employment of job seeker, through any medium whether electronically or manually such as publication of advertisement, mobilization of job seeker, collection of application, scrutiny of applications, conducting a training or examination, sponsoring or recommending the names of appropriate job seeker to the employers and to communicate the details of the placement to the local office ;

(i) “prescribed” means prescribed by rules made under this Act ;

(j) “private placement agency” means a person or body of persons or legal entities other than a Government agency, Government department or Government organization, engaged in the placement activities for job seeker or for any private or public employer within or outside the State of Maharashtra or overseas placement ;

(k) “Registering Authority” means the Registering Authority appointed by the State Government under section 4 ;

(l) “registration certificate” means a registration certificate issued by the Registering Authority under section 4 ;

(m) “service charges” means an amount charged by the private placement agency from an employer or from a job seeker for conducting placement activities or for placement ;

(n) “State Controlling and Monitoring Authority” means the State Controlling and Monitoring Authority appointed by the State Government under section 8.

Regulation of
placement
activities.

3. (1) No private placement agency within the State shall carry out placement activities for placement in private or public sector in the State of Maharashtra or outside the State of Maharashtra and no private placement agency which is outside the State shall carry out placement activities for placement in private or public sector in the State of Maharashtra without a valid registration certificate issued by the Registering Authority under this Act:

Provided that, every private placement agency which is in existence on or before the date of commencement of the Act shall obtain registration certificate within one hundred and eighty days from the date of commencement of this Act.

(2) Nothing in sub-section (1) shall apply to placement activities conducted by any educational institution through campus selection directly with the employer. The details of placement by any educational institution through campus selection shall be communicated to the local office within sixty days.

4. (1) The State Government shall, by notification in the *Official Gazette*, appoint an officer to be the Registering Authority, for such area as may be specified therein, for the purposes of this Act.

Registration of private placement agency and renewal thereof.

(2) Every private placement agency engaged or intending to be engaged in placement activities, shall make an application to the Registering Authority for registration, in such form and in such manner, alongwith such documents and such fees, as may be prescribed.

(3) On receipt of an application under sub-section (2), the Registering Authority may, within a period of forty-five days from the date of receipt of an application, after making such inquiries as it considers necessary, by an order in writing, either grant a registration certificate with such terms and conditions, as may be specified therein, or refuse to grant the same :

Provided that, no order of refusal of registration shall be made unless,—

- (a) the applicant has been given a reasonable opportunity of being heard ; and
 - (b) the grounds on which registration certificate is refused are specified in the order.
- (4) The registration certificate granted under this section,—
- (a) shall be subject to such terms and conditions, as may be prescribed;
 - (b) shall be valid for a period of five years, unless the same is cancelled under section 6 ;
 - (c) may be renewed, from time to time, after the expiry of period of five years, for further period of five years on payment of such fees as may be prescribed ; and
 - (d) shall be non-transferable.

5. (1) An application for renewal of registration certificate shall be made to the Registering Authority, not less than forty-five days before the date of expiry of the period of its validity in such form alongwith such documents and such fees, as may be prescribed.

Renewal of registration certificate.

(2) The provisions of issue of registration certificate under section 4 shall *mutatis mutandis* apply for renewal of registration certificate.

6. (1) The Registering Authority may cancel any registration certificate on any one or more of the following grounds, namely :—

Cancellation or suspension of registration certificate.

- (a) that the registration certificate has been obtained by misrepresentation or suppression of material facts ;
- (b) that the registration certificate holder has used false documents or photographs ;

(c) that the registration certificate holder has violated the provisions of the Act or rules made thereunder or any of the terms and conditions of the registration certificate ;

(d) that the registration certificate holder has misused information obtained by him during the discharge of his duties as the private placement agency to any industrial or business undertaking or a company or any other person ;

(e) that the registration certificate holder by using any letter-head, advertisement or any other printed matter or in any other manner represented that the private placement agency is an instrumentality of the Government or such agency is or has been using a name different from that for which registration certificate has been granted ;

(f) that the registration certificate holder is or has been impersonating or permitting or aiding or abetting anybody to impersonate as a public servant ;

(g) that the registration certificate holder after obtaining the service charges form job seeker is or has willfully failed or refused to render the placement services agreed to any person ;

(h) that the registration certificate holder has done any act which is in violation of a court order or an order of a lawful authority or is or has been advising, encouraging or assisting any person to violate any such order.

(2) Where the Registering Authority, for reasons to be recorded in writing, is satisfied that pending the proceeding for cancelling of registration certificate on any of the grounds mentioned in sub-section (1), it is necessary to suspend the operation of the registration certificate, it may do so by an order in writing for such period not exceeding six months, as may be specified in order and require the registration certificate holder to show cause, within fifteen days from the date of issue of such an order, as to why the suspension of the registration certificate should not be extended till the determination of the question of cancellation.

(3) Every order of suspension or cancellation of a registration certificate shall be in writing and shall specify the reasons for such suspension or cancellation and a copy thereof shall be communicated to the person affected.

(4) No order of cancellation of registration certificate under sub-section (1) shall be made, unless the person concerned has been given a reasonable opportunity of being heard.

Appeals. **7.** (1) The State Government shall by notification published in the *Official Gazette*, appoint an officer holding the post not below the rank of Deputy Commissioner, Skill Development, Employment and Entrepreneurship, to be the First Appellate Authority to hear and decide the appeal filed under clause (a) of sub-section (3).

(2) The State Government shall by notification published in the *Official Gazette*, appoint an officer holding the post not below the rank of Commissioner, Skill Development, Employment and Entrepreneurship, to be the Second Appellate Authority to hear and decide the appeal filed under clause (b) of sub-section (3).

(3) (a) Any private placement agency aggrieved by an order of the Registering Authority refusing registration under section 4 or renewal of registration certificate under section 5 or cancellation or suspension of registration certificate under section 6, may file an appeal against such order to the First Appellate Authority within a period of sixty days from the date of such order.

(b) Any private placement agency aggrieved by an order of the First Appellate Authority, may file an appeal to the Second Appellate Authority within a period of sixty days from the date of such order :

Provided that, an appeal under clauses (a) and (b) may be admitted after the expiry of the said period of sixty days if the appellant satisfies the concerned Appellate Authority that he has sufficient cause for not filing an appeal within that period.

(4) Every appeal under this section shall be made in such form as may be prescribed and shall be accompanied by a copy of the order appealed against.

(5) Before disposing of an appeal, the Appellate Authority shall give the appellant a reasonable opportunity of being heard.

8. (1) The State Government may, by notification published in the *Official Gazette*, appoint an officer holding the post not below the rank of the Secretary to Government to be the State Controlling and Monitoring Authority for exercising powers and discharging the functions assigned to it under this Act. State Controlling and Monitoring Authority.

(2) The State Controlling and Monitoring Authority shall exercise the following powers and discharge the following functions, namely :—

(a) to monitor implementation of the provisions of the Act and the rules made thereunder ;

(b) to supervise and review the work of the Registering Authority and Appellate Authorities ;

(c) to advise the Registering Authority and Appellate Authorities for implementation of this Act and the rules made thereunder ;

(d) any other powers and functions as may be prescribed.

9. The private placement agency shall have the following responsibilities and duties, namely :— Responsibilities and duties of private placement agencies.

(a) the private placement agency shall furnish the details of placement of job seekers to the Registering Authority within a period of sixty days from the date of placement, within or outside the State of Maharashtra or in overseas placement, in such form and such manner as may be prescribed ;

(b) no private placement agency shall employ any person before attaining the minimum age for employment as provided by or under any law ;

(c) every private placement agency shall display a signboard of such colour combination and size, as may be prescribed, outside its office showing the name of private placement agency, address, contact details and its registration certificate number ;

(d) every private placement agency shall display its registration certificate issued by the Registering Authority in conspicuous place of its office and also on its website, if any ;

(e) every private placement agency shall maintain a register of placement of job seekers containing their names, sex, permanent addresses, addresses for correspondence, photos, nature of work and details of employers in such form and such manner as may be prescribed and shall also maintain any other records as may be prescribed ;

(f) every private placement agency shall produce the registers and any other records as directed by the Registering Authority for verifying compliance with the provisions of the Act or the rules made thereunder ;

(g) the private placement agency shall not disclose any information and data of job seeker to third party except the employer or the Government ;

(h) the private placement agency shall not transmit information or data of job seekers for any other unauthorised and illegal purpose and also take adequate measures to ensure that the placement is not made for illegal activities ;

(i) the private placement agency shall provide to job seeker the same job which he has been assured of, and any alternative offer has to be made with prior consent of the job seeker ;

(j) every official communication made by the private placement agency shall bear its registration certificate number ;

(k) the private placement agency shall declare and publish service charges charged by it for placement activities or for placements of job seeker and related services in such manner as may be prescribed ;

(l) any other responsibilities and duties of private placement agency shall be such as may be prescribed.

Facilitation
to private
placement
agencies.

10. (1) The local office may facilitate the registered private placement agencies for identification and mobilization of job seeker within its jurisdiction.

(2) The local office or any field office of any Department of Government may organize the job fairs, career guidance, counselling workshops and seminars jointly with registered private placement agencies to facilitate placement.

Offences.

11. (1) Whoever contravenes the provisions of section 3 shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to one lakh rupees.

(2) Whoever contravenes any provisions other than section 3 of this Act or the rules made thereunder, shall be punished with fine which shall not be less than fifty thousand rupees but which may extend to three lakhs rupees.

Offences by
companies.

12. (1) Where an offence under this Act or the rules made thereunder, has been committed by a company, every person, who, at the time when the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act or the rules made thereunder, has been committed by a company, 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, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be prosecuted and punished accordingly.

Explanation.— For the purposes of this section,—

(1) "company" means a body corporate and includes a firm or other association of persons or body of individuals, whether incorporated or not; and

(2) "director" in relation to a firm, means a partner in the firm, and in relation to any association of persons or body of individuals, means any member controlling the affairs thereof.

13. No suit, prosecution or other legal proceedings shall lie against the Government, any officer or the authority of the Government or any person for anything which is done or intended to be done in good faith under this Act or the rules or orders made thereunder. Protection of acts done in good faith.

14. The provisions of this Act shall be in addition to and not in derogation of the provisions contained in any other law, for the time being in force. Provisions of this Act to be in addition to any other law.

15. (1) The State Government may, by notification published in the *Official Gazette*, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of such notification, have effect only in such modified form or be of no effect, as the case may be; so, however that, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

16. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient, for the purposes of removing this difficulty : Power to remove difficulties.

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

For the past two decades, there is a growth in placement activities by private placement agencies. The private placement agencies have long complemented the traditional employment market and they are now considered as a catalyst for new forms of human resource management services in India and foreign countries, which can be contributors to better job opportunities conditions.

2. Considering the enhanced participation of private placement agencies in the placement of job seeker, the Government considers it expedient to enact a new law to provide for regulation of private placement agencies to ensure transparency in placement activities, to safeguard the interests of job seeker and to protect job seeker from exploitation and fraudulent practices in placement activities.

3. The salient features of the law are as follows :—

(1) to prohibit private placement agencies to conduct placement activity without a valid registration certificate under the proposed law;

(2) to provide for cancellation or suspension of registration certificate on the grounds of misrepresentation or suppression of material facts, violation of provisions of the law, etc.;

(3) to provide for appeals against the order of the Registering Authority;

(4) to provide for the State Controlling and Monitoring Authority to monitor and supervise implementation of the provisions of the law;

(5) to provide responsibilities and duties of private placement agencies;

(6) to provide for facilitation by local offices to private placement agencies for identification and mobilization of job seeker;

(7) to provide punishment for carrying out placement activities by private placement agencies without valid registration certificate;

(8) to provide for organizing job fairs, career guidance, counseling workshops and seminars jointly with registered private placement agencies to facilitate placement and to bring better collaboration and synergy between Government agencies, job seekers and job providers leading to matching of skills and providing employment, both for domestic and overseas market.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 21st March, 2025.

MANGAL PRABHAT LODHA,
Minister for Skills, Employment,
Entrepreneurship and Innovation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative powers, namely :—

Clause 1(2).— Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Clause 4.— Under this clause,—

(i) under sub-clause (1), power is taken to the State Government to appoint the Registering Authority, by notification in the *Official Gazette*, for such area, as may be specified therein;

(ii) under sub-clause (2), power is taken to the State Government to prescribe by rules, the form of application, manner to make an application, documents and fees for the registration of private placement agency under the Act;

(iii) under sub-clause (4), power is taken to the State Government,—

(I) in paragraph (a), to prescribe by rules the terms and conditions for registration certificate;

(II) in paragraph (c), to prescribe by rules the fees for the renewal of registration certificate.

Clause 5 (1).— Under this clause, power is taken to the State Government to prescribe by rules, the form of application, documents and fees for the renewal of registration certificate.

Clause 7.— Under this clause, power is taken to the State Government,—

(i) under sub-clause (1), to appoint the First Appellate Authority by notification in the *Official Gazette*;

(ii) under sub-clause (2), to appoint the Second Appellate Authority by notification in the *Official Gazette*;

(iii) under sub-clause (3), power is taken to the State Government to prescribe by rules the form of appeal.

Clause 8.— Under this clause, power is taken to the State Government,—

(i) under sub-clause (1), to appoint the State Controlling and Monitoring Authority, by notification in the *Official Gazette*;

(ii) under sub-clause (2), to prescribe by rules, any other powers and functions of the State Controlling and Monitoring Authority.

Clause 9.— Under this clause, power is taken to the State Government,—

(i) under sub-clause (a), to prescribe by rules, the form to furnish the details of the placement of job seeker to the Registering Authority and the manner therefor ;

(ii) under sub-clause (e), to prescribe by rules the form for details of employers and the manner therefor and the other records to be maintained by the private placement agency;

(iii) under sub-clause (k), to prescribe by rules the manner to declare and publish service charges charged by the private placement for the placement activities;

(iv) under sub-clause (l), to prescribe by rules any other responsibilities and duties of the private placement agency.

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Clause 15.— Under this clause, power is taken to the State Government to make rules, by notification in the *Official Gazette*, to carry out the purposes of the Act.

Clause 16.— Under this clause, power is taken to the State Government to issue an order in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of the Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

Vidhan Bhavan :

Mumbai,

Dated : 24th March, 2025

JITENDRA BHOLE,

Secretary (1) (I/C),

Maharashtra Legislative Assembly.