

The Maharashtra Employment Guarantee Act, 1977

(Modified and Revised) (on 28.02.2011 – No. 2)

Preamble.....

MAHARASHTRA ACT NO. XX OF 1978.

(THE MAHARASHTRA EMPLOYMENT GUARANTEE ACT, 1977)

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The Maharashtra Employment Guarantee Act,1977

(Modified and Revised)

Preamble.....

MAHARASHTRA ACT NO. XX OF 1978.

(THE MAHARASHTRA EMPLOYMENT GUARANTEE ACT,
1977)

(This Act received the assent of the president on the 1st October
1978, the assent was first published in the Maharashtra
Government Gazette, on the 3rd October 1978.)

Amended by Mah. 24 of 1980 (24-11-1980)*@

"	"	"	51 of 1981.
"	"	"	47 of 1983 (03-03-1983)*
"	"	"	13 of 1989 (20-09-1984)*
"	"	"	27 of 1991 (30-12-1991)*
"	"	"	26 of 1993 (01-03-1992)*
"	"	"	6 of 1995 (07-10-1993)*+
"	"	"	51 of 2006 (31-10-2006)*++
"	"	"	06 of 2008 (22-02-2008)*+++

An Act to make effective provision for securing the right to work
by guaranteeing employment to all adult persons who volunteer to
do unskilled manual work in rural areas in the State of
Maharashtra.

WHEREAS it is expedient to make effective provision for securing
the right to work laid down in article 41 of the Constitution of
India by Guaranteeing employment to all adult persons who
volunteer to do unskilled manual work in rural areas in the State of
Maharashtra.

AND WHEREAS it is necessary to engage such adult persons on
works which would bring into being durable assets for the benefit
of the community and the economy;

AND WHEREAS it is further necessary to provide for continuing
employment of surplus rural manpower in cottage, village and
small industries and in agro industries ;

AND WHEREAS it is also necessary to make certain
supplemental, incidental and consequential provisions; it is hereby
enacted in the Twenty eight Year of the Republic of India as
follows :-

Chapter 1

PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the Maharashtra Employment Guarantee Act, 1977.

(The words
rural areas
deleted)As
per GoI Act

(2) It extends to the whole of the State of Maharashtra

(3) It shall come into force in all the areas to which it extends on such date as the State Government may be notification in the official Gazette, appoint.

2 Definitions:-

In this Act, unless the context otherwise requires,

(a) “ **adult**” means a person who has attained the age of eighteen years

Transfer from Sec. 16(B)(I)(A) (9-a1)

(b) “ **applicant**” means the head of a household or any of its other adult members who has applied for employment under the scheme

Transfer from Sec. 16B(I)(A)(a-a2)

(c) “ **Block**” means a community development areas within a district comprising a group of Gram Panchayat.

Sec.2 (9-1) change to d

(d) “**Central Act**” means the Mahatma Gandhi National Rural Employment Guarantee Act,2005.

Sec.2 (a-z) change to (C)

(e) “**Central Council**” means the Central Employment Guarantee Council constituted under Such –Section(1) of Section 10 of the Central Act.

Transfer from 16B(B)(a-a3)

(f) “**District Program Coordinator**” means an officer of the State Government designated as such under sub section (1) of Section 12 of Act for implementation of the scheme in a district.

New definition

(g) “**Gram Panchayat**” means the area so declared under Gram Panchayat Act.(new addition)

Transfer from 16B(I)(D)(e-1a)

(h) “**household**” means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing means or holding a common ration card.

Amalgamation of sec-2 d) and sec. 16(B)(1)(c) and Central Govt. added)

(i) “**implementing agency**” includes any department of the Central Government or a State Government, a Zilla Parishad, Panchayat Samiti, Gram Panchayat or any local authority or Government undertaking or non Governmental organization authorized by the State Government to undertake the implementation of any work taken up under a scheme .

No change (sec.2(e))

(j) “**Implementing officer**” means the highest officer of the implementing agency in the District or any officer subordinate to him to whom any of the powers or duties of the agency have been entrusted.

New addition

(k) “**Joint District Programme co-ordinator**” means an officer of the State Government designated as such under Sub Section (4) of Section 12 for implementation of the Scheme in a district.

New addition

(l) **“Joint Programme Officer”** means an officer appointed under subsection (8) of Section 13 of the Act for implementing the scheme.

New addition

(m) **“Minimum wages”** means the wage rate as fixed under section 6

New addition

(n) **“National Fund”** means the National Employment Guarantee Fund established under sub-section 20 of Central Act.

Sec.2(f) revised “c” class municipal words deleted and new added)

(o) **“Notification”** means a notification published in the official Gazette.(new addition)

Transfer 16(B)
(I)(E)(g-1)

(p) **“Panchayat samiti area”** means the Panchayat Samiti and its area declared under the Zilla Parsishad Act.

See 2(I) as it is

(q) **“Preferred work”** means any work which is taken up for implementation on a priority basis under a scheme.

Transfer
16B(VII)(10)

(r) **“prescribed”** means prescribed by rules made under this Act.

Transfer
16B(I)(F)
(i-b)

(s) **“Programme Officer”** means an officer appointed under subsection (1) of section 13 of the Act for implementing the scheme

Sec. 2(j)
revised

(t) **“project”** means any work taken up under a scheme for the purpose of providing employment to the applicants.

(u) **“rural area”** means any area in the State except those areas covered by any urban local body or a cantonment Board established or constituted under any law for the time being in force.

No change
sec. 2(K)

(v) **“Scheme”** means the Employment Guarantee Schema prepared and published under Section 4 and for the time being in force.

No change sec
2(l)

(w) **“State council”** means the Maharashtra State Employment Guarantee Council constituted under Section 10.

No change sec.
2(m)

(x) **“Unskilled manual work”** means any physical work which may adult person is capable of doing without any skill or special training.

New
definition

(y) **“Urban area”** means the area for which a Municipal Corporation or Cantonment Board was established or constituted under any law for the time being in force, or those which were classified as “A” or “B” or “C” class municipal areas under the Maharashtra Municipalities Act, 1965 on the date of passing this Act and any area, which after the passing of this Act comes to be included within the limits of a Municipal Corporation or cantonment Board or A or B or C class Municipal Council.

No change sec. 2(n)
New addition

(z) **“Wage Rate”** means the wage rate referred to in section 6.

(aa) **“Zilla Parishad”** means as constituted under the State Zilla Parishad Act.

Chapter II

Guarantee of Employment in Rural Areas

3. Guarantee of Employment to adult persons in rural areas :-

Sec. 3
redrafted to
be
consistence
with the
Central Act.

- (1) Adult members of Every rural household who volunteer to do unskilled manual work in the rural areas of Maharashtra shall have a right to work. The State Government shall in the rural area, provide to every household not less than one hundred days of such work in a financial year in accordance with the scheme made under this Act.
- (2) The State Government may, make provisions for securing work to every adult member of a household under a scheme for any period beyond the period under Sub-section (1) for whole or part of the rural areas of the state as may be expedient.
- (3) Every person who has done the work given to him under the Scheme shall be entitled to receive wages at the wage rate for each day of work.
- (4) Save as otherwise provided in this Act, the disbursement of daily wages shall be made on a weekly basis or in any case not later than a fortnight after the date on which such work was done.

Chapter III

EMPLOYMENT GUARANTEE SCHEMES AND UNEMPLOYMENT ALLOWANCE

4. Employment Guarantee Schemes for Rural Areas :-

(1) For the purposes of giving effect to the provisions of section 3, the State Government shall by notification, make a Scheme, for providing not less than one hundred days of guaranteed employment in a financial year to every household in the rural areas covered under the Scheme and whose adult members, by application, volunteer to do unskilled manual work subject to the conditions laid down by or under this Act or in the Scheme.

(2) The State Government shall publish a summary of the Scheme made by it in at least two local newspapers, one of which shall be in a vernacular language circulating in the area or areas to which such Scheme shall apply, until then scheme in operation will continue

(sec 7(2), sec 7(4), sec 7(5)
redrafted, as per 16B(IV)
{sec 7(2) except sec
7(2)(x) deleted and bring in
the form of schedule I).

(3) The scheme made under sub-section (1) shall provide for the minimum features specified in schedule I.

5. Conditions for providing guaranteed employment and facilities.

(1) The State Government may, without prejudice to the conditions specified in schedule II, specify in the Scheme the conditions for providing guaranteed employment under this Act.

(section 7, Sec. 7A, sec 8 , sec 16 B(V) and schedule-III).

(2) The persons employed under any Scheme made under this Act shall be entitled to such facilities not less than the minimum facilities specified in schedule II.

6. Wage Rate:-

- (1) Notwithstanding anything contained in the minimum wages Act, 1948, the Central Government may by notification, specify the wage rate for the purposes of this Act.

Provided that different rates of wages may be specified for different areas.

- (2) Until such time as a wage rate is fixed by the Central Government in respect of any area in a State, the minimum wage fixed by the State Government under section 3 of the Minimum Wages Act, 1948 (11 of 1948) for agricultural labourers, shall be considered as the wage rate applicable to that area.

Sec. 7(2)(vii) redrafted

7. Payment of unemployment allowance

Redraft as
it is Sec. 7
of Central
Act
(Sec.8(4),
Sec. 8(7),
Sec. 8(8),
Sec.
16(B)(V)
(4)

(1) If an applicant for employment under the Scheme is not provided such employment within fifteen days of receipt of his application seeking employment or from the date on which the employment has been sought in the case of an advance application, whichever is later, he shall be entitled to a daily unemployment allowance in accordance with this section.

(2) Subject to such terms and conditions of eligibility as may be prescribed by the State Government and subject to the provisions of this Act and the Schemes and the economic capacity of the State Government, the unemployment allowance payable under subsection (1) shall be paid to the applicants of a household subject to the entitlement of the household at such rate as may be specified by the State Government, by notification, in consultation with the State Council:

Provided that no such rate shall be less than one-fourth of the wage rate for the first thirty days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year.

Higher
U.E.A.

(3) The liability of the State Government to pay unemployment allowance to a household during any financial year shall cease as soon as-

- (a) the applicant is directed by the Gram Panchayat or the Programme Officer to report for work either by himself or depute at least one adult member of his household; or
- (b) the period for which employment is sought comes to an end and no member of the household of the applicant had turned up for employment; or
- (c) the adult members of the household of the applicant have received in total at least one hundred. days of work within the financial year; or

(d) the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for one hundred days of work during the financial year.

(4) The unemployment allowance payable to, the household of an applicant jointly shall be sanctioned and disbursed by the Programme Officer or such local authority (including the Panchayats at the district, intermediate or village level) as the State Government may, by notification, authorise in this behalf.

(5) Every payment of unemployment allowance under subsection (1) shall be made or offered not later than fifteen days from the date on which it became due for payment.

(6) The State Government may prescribe the procedure for payment of unemployment allowance under this Act.

(8) Non disbursement of unemployment allowance in certain circumstances:-

Redraft
as it is
Sec. 8
of
Central
Act
{(Sec.8(5), Sec.8(6), Sec.8(8)}

8. (1) If the Programme Officer is not in a position to disburse the unemployment allowance in time or at all for any reason beyond his control, he shall report the matter to of the District Programme Coordinator and announce such reasons in a notice to be displayed on his notice board and the notice board of the Gram Panchayat and such other conspicuous places as he may deem necessary.

(2) Every case of non-payment or delayed payment of unemployment allowance shall be reported in the annual report submitted by the District Programme Coordinator to the State Government along with the reasons for such non-payment or delayed payment.

(3) The State Government shall take all measures to make the payment of unemployment allowance reported under sub-section (1) to the concerned household as expeditiously as possible.

Redraft as it is Sec. 9 of Central Act {Sec. 8(9), Sec. 8(10)}. (Sec. 9 to be deleted)

9. Disentitlement to receive unemployment allowance in certain circumstances:-

An applicant who-

- (a) does not accept the employment provided to his household under a Scheme; or
- (b) does not report for work within fifteen days of being notified by the Programme Officer or the implementing agency to report for the work; or
- (c) continuously remains absent from work, without obtaining a permission from the concerned implementing agency for a period of more than one week or remains absent for a total period of more than one week in any month, shall not be eligible to claim the unemployment allowance payable under this Act for a period of three months but shall be eligible to seek employment under the Scheme at anytime.

Chapter IV

Implementing and monitoring authorities

10. State Employment Guarantee Council:-

Sec. 4
as it is

(1) For the purpose of regular monitoring and reviewing the implementation of this Act, the State Government shall constitute a State Council to be known as ‘ the Maharashtra Employment Guarantee Council ‘ with a Chairperson and such number of official members as may be determined by it and not more than fifteen non- official members nominated by the State Government from *Panchayat Raj* institutions organisation of workers and disadvantaged groups and not more than three members nominated by State Government from field of economics, social life etc. who are conversant with the subject.

Provided that not less than one third of the non-official members nominated under this sub section shall be women:

Provided further that, not less than one third of the non-official members shall be belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Minorities.

- (2) The terms and conditions subject to which the chairperson and members of the State Council may be appointed and the time place and procedure of the meetings (including the quorum at such meetings) of the State Council shall be such as may be prescribed.
- (3) The duties and functions of the State Council shall include,-
- (i) advising the State Government on all matters concerning the Scheme and its implementation; determining and preparing the list of the preferred works;

- (ii) reviewing the monitoring and redressal mechanisms, from time to time, and recommending improvements; promoting the widest possible dissemination of information about the Act and the Schemes made there under ;
 - (iii) monitoring the implementation of this Act and the schemes ;
 - (iv) preparing the annual report to be laid before the State Legislature by the State Government ;
 - (v) any other duty or functions as may be assigned to it by the State Government.
- (4) The State Council shall have the power to undertake an evaluation of the Schemes operating in the State and for that purpose to collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes and programmes in the State.

11. Principal authorities for planning and implementation of schemes -:

Transfer
from 16B-6

(1) The Zilla Parishad at the district level, the Panchayat Samiti at the Block level and the Gram Panchayat at the village level shall be the principal authorities for planning and implementation of the Schemes made under this Act.

(2) The functions of the Zilla Parishad shall be,

(a) to finalise and approve blockwise shelf of projects to be taken up under a programme under the scheme;

(b) to supervise and monitor the projects taken up at the Block level and District level; and

(b) to carry out such other functions as may be assigned to it by the State Council, from time to time.

(3) The functions of the Panchayat Samiti shall be, -

(a) to approve the Block level plan for forwarding it to the Zilla Parishad for final approval;

(b) to supervise and monitor the projects taken up at the Gram Panchayat and Block level; and

(c) to carry out such other functions as may be assigned to it by the State Council, from time to time.

The word Jt.
District
Programme
Co-ordinator
added

(4) The District Programme Co-ordinator and the Joint District Programme Co-ordinator shall assist the Zilla Parishad in discharging its functions under this Act and any Scheme made there under.

12. District Programme Co-ordinator and Joint District Programme Co-ordinator :-

Transfer from
16B (III)6-
1(A) and
added Jt.
DPC.

(1) The Collector of the district or any other district level officer of appropriate rank as the State Government may decide shall be designated as the District Programme Co-ordinator for the implementation of the Scheme in the district.

(2) The District Programme Co-ordinator shall be responsible for the implementation of the Scheme in the district in accordance with the provisions of this Act and the rules made thereunder.

(3) The functions of the Districts Programme Co-ordinator shall be, -

(a) to assist the Zilla Parishad in discharging its functions under this Act and any Scheme made thereunder;

(b) to consolidate the plans prepared by the Blocks and project proposals received from other implementing agencies for inclusion in the shelf of project to be approved by the Zilla Parishad ;

(c) To accord necessary sanction and administrative clearance, wherever necessary;

(d) to co-ordinate with the Programme Officers functioning within his jurisdiction and the implementing agencies to ensure that the applicants are provided employment as per their entitlements under this Act;

(e) to review, monitor and supervise the performance of the Programme Officers;

(f) to conduct periodic inspection of the works in progress; and

(g) to redress the grievances of the applicants.

(4) The Chief Executive Officer of Zilla Parishad or any other district level officer of appropriate rank as the State Government may decide shall be designated as the Joint District Programme Co-ordinator the Joint DPC shall assist DPC in implementation of the scheme and carrying out his functions under this Act and Scheme made thereunder in respect of Zilla Parishad, Panchayat Samiti and Gram Panchayat concerned .

(5) The State Government shall delegate such administrative and financial powers to the District Programme Co-ordinator and Joint District Programme Co-ordinator as may be required to enable them to carry out their functions under this Act.

(6) The Programme Officer and all other officers of the State Government having for their jurisdiction an area not bigger than the district and local authorities and bodies functioning within the district shall be responsible to assist the District Programme Co-ordinator in carrying out his functions under this Act and the Schemes made thereunder.

(7) The District Programme Co-ordinator shall prepare in the month of December every year a labour budget for the next financial year containing the details of anticipated demand for unskilled manual work in the district and the plan for engagement of labourers in the works covered under the Scheme and submit it to the *Zilla Parishad*.

13. Programme Officer, Joint Programme Officer, Additional Programme Officer.

Section
16B(VII)
10 sub-
section 1
redrafted)

(1) At every Tahsil level, the State Government shall appoint a person who is not below the rank of Tahsildar, possessing such qualifications and experience as may be determined by it, as a Programme Officer.

(2) The Programme Officer shall assist the Panchayat Samiti in discharging its functions under this Act and any Scheme made thereunder.

(3) The Programme Officer shall be responsible for matching the demand for employment with the employment opportunities arising from projects in the area under his jurisdiction.

(4) The Programme Officer shall prepare a plan for the Block under his jurisdiction by consolidating the project proposals prepared by the Gram Panchayats and the proposals received from Panchayat Samiti.

(5) The functions of the Programme Officer shall include-

(a) monitoring of projects taken up by the Gram Panchayats and other implementing agencies-within the Block;

(b) sanctioning and ensuring payment of-unemployment allowance to the eligible households;

(c) ensuring prompt and fair payment of wages to all labourers employed under a programme of the Scheme within the Block;

(d) ensuring that regular social audits of all works within the jurisdiction of the Gram Panchayat are carried out by the Gram Sabha and that prompt action is taken on the objections raised in the social audit;

(e) dealing promptly with all complaints that may arise in connection with the implementation of the Scheme within the Block; and

(f) any other work as may be assigned to him by the District Programme Coordinator and Joint District Programme Coordinator or the State Government.

- (6) The Programme Officer, Jt. Programme Officer and Addl. Programme Officer shall function under the direction, control and superintendence of the District Programme Coordinator.
- (7) The State Government may, by order, direct that all or any of the functions of a Programme Officer, Jt. Programme Officer and Addl. Programme Officer shall be discharged by the Gram Panchayat or a local authority.”
- (8) The Block Development Officer of the Panchayat Samiti or any other taluka level officer of appropriate rank as the State Government may decide shall be designated as the Joint Programme Officer. The Joint Programme officer shall assist Programme Officer, Jt. DPC and DPC in implementation of the Scheme for carrying out his functions under this Act and Scheme made thereunder in respect of Panchayat Samiti and Gram Panchayat concerned.
- (9) The State Government may also decide to designate Additional Programme Officer of the appropriate rank for any rural area within the Panchayat Samiti area.

Transfer from
16B(III) 6-1B

14. Responsibilities of the Gram Panchayat

(1) The Gram Panchayat shall be responsible for identification of the projects in its area to be taken up under a Scheme as per the recommendations of the Gram Sabha for the executing and supervising such works.

(2) A *Gram Panchayat* may take up any project under a Scheme within the area of the Gram Panchayat as may be sanctioned by the Programme Officer.

(3) Every *Gram Panchayat* shall, after considering the recommendations of Gram Sabha, Ward Sabha prepare a development plan and maintain a shelf of possible works to be taken up under the Scheme as and when demand for work arises.

(4) The *Gram Panchayat* shall forward its proposals for the development projects including the order of priority between different works to the Programme Officer for scrutiny and preliminary approval prior to the commencement of the year s in which it is proposed to be executed.

(5) The Programme Officer shall allot not less than fifty per cent of the works in terms of its cost under a Scheme to be implemented through the *Gram Panchayat*.

(6) The programme officer shall supply each Gram Panchayat with,-

(a) the muster rolls for the works sanctioned to be executed by it; and

(b) a list of employment opportunities available elsewhere to the residents of the Gram Panchayat.

(7) The Gram Panchayat shall allocate employment opportunities among the applicants and ask them to report for work.

(8) The works taken up by a Gram Panchayat under a Scheme shall meet the required technical standards and measurements.

Transfer
from Sec,
16(B)(III)
6-1(C)

(15) Social audit of work by Gram Sabha.-

(1) The Gram Sabha shall monitor the execution of works within the area of the Gram Panchayat.

(2) The Gram Sabha shall conduct regular social audits of all the projects under the Scheme taken up within the area of the Gram Panchayat.

(3) The Gram Panchayat shall make available all relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders and other connected books of accounts and papers to the Gram Sabha for the purpose of conducting the social audit."

(16) Responsibilities of state Government in implementing scheme:-

Sec. 16
(B)(x) 12-A
as it is only
the work
“Joint
District
Programme
Co-
ordinator”)

The State Government shall make available to the District Programme co-coordinator, Joint District Programme Coordinator, the Programme officer, Jt. Programme Officer and Addl. Programme Officer, the necessary staff and technical support as may be necessary for the effective implementation of the Scheme.

(17) Grievance redressal mechanism

Transfer
from Sec.
16(B)(ix)
12-B as it

The State Government shall, by rules, determine appropriate grievance redressal mechanisms at the Block level and the district level for dealing with any complaint by any person in respect of implementation of the Scheme and lay down the procedure for disposal of such complaints.

Chapter V

"Establishment of State Employment Guarantee Funds and Audit"

18. State Employment Guarantee Funds

Transfer
from
Section 12
and 13

(1) On the date of the commencement of this Act, a fund to be called the Employment Guarantee Fund shall be deemed to be established.

(2) Any amount standing to the credit of the Employment Guarantee Fund established under the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 read with Maharashtra Tax Act (Amendment) Act, 1975 shall stand transferred to, and form part of, the Fund deemed to be established under sub-section (1) with effect from the date of commencement of this Act.

(3) The following shall form part of, or be paid into, the fund, namely:-

(a) The amounts transferred to the Fund under section 30 of the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975;];

(b) any contributions or grants made by the State Government, or any local authority;

(c) any sums received from other bodies or individuals, whether incorporated or not.

(3) The State Government shall allocate requisite funds for effective implementation of the Act.]

(4) Any amount transferred or credited to the Fund shall be charged on the Consolidated Fund of the State.

(5) The amount standing to the credit of the Fund shall be expended in such manner and subject to such conditions as may be prescribed for the purpose of implementing the Act [including for meeting the administrative charges and for making ex-gratia payments as provided under this Act.]

(6) Temporary diversions of funds for utilization on other departmental schemes or plan schemes, which have for their

objective, the generation of employment or the creation of productive assets or both may be permitted by the State Government's subject to the Fund being reimbursed by such amount in the same or next financial year.

(7) The fund shall be held and administered on behalf of the State Government by an officer not below the rank of a Secretary to the State Government, subject to such general or special directions as may be given by the State Government, from time to time.

19. Mahatma Gandhi National Employment Guarantee Fund of Maharashtra:-

- (1) The State Government shall separately constitute a fund called as MGNREGA Fund of Maharashtra as required under sec 21 of the Central Act shall be held separately and it will not be the part of the State Consolidated Fund.
- (2) Any sum received under sec 28 of the Central Act and the contribution of the State Government as required under section 22 of the Central Act shall be credited to the MGNREGA Fund.
- (3) The amount standing to the credit of the State MGNREGA Fund shall be expended on such manner and subject to such conditions and limitations as may be prescribed by the State Government for the purpose of implementation of this Act .
- (4) The State MGNREGA Fund shall be held and administered on behalf of the State Government in such manner and by such authority as may be prescribed by the State Government.

20.(1) The enactments specified in the second column of 1[Schedule A] are hereby amended in the manner and to the extent specified in the third column thereof.

(2) All references in any other law or in any instruments for the time being in force to the Employment Guarantee Scheme or Fund of the State Government or in the State of Maharashtra, shall be construed as references to the Scheme or the Fund as the case may be, under this Act.

21. Transparency and Accountability

Transfer from
16B(ix) 12C .
The word Joint.
DPC added

(1) The District Programme Coordinator, The Joint District Programme Coordinator and all implementing agencies in the District shall be responsible for the proper utilization and management of the funds placed at their disposal for the purpose of implementing a Scheme.

(2) The State Government may prescribe the manner of maintaining proper books and accounts of employment of labourers and the expenditure incurred in connection with the implementation of the provisions of this Act and the Schemes made thereunder

(3) The State Government may, by rules, determine the arrangements to be made for the proper execution of Schemes and programmes under the Schemes and to ensure transparency and accountability at all levels in the implementation of the Schemes.

(4) All payments of wages in cash and unemployment allowances shall be made directly to the person concerned and in the presence of independent persons of the community on pre-announced dates.

(5) If any dispute or complaint arises concerning the implementation of a Scheme by the *Gram Panchayat*, the matter shall be referred to the Programme Officer.

(6) The Programme Officer shall enter every complaint in a complaint register maintained by him and shall dispose of the disputes and complaints within seven days of its receipt and in case it relates to a matter to be resolved by any other authority it shall be forwarded to such authority under intimation to the complainant.";

22. Audit of Accounts :-

Transfer
from
16B(ix)
12D

(1) The State Government may, in consultation with the Comptroller and Auditor General of India, prescribe appropriate arrangements for audits of the accounts of the Schemes at all levels.

(2) The accounts of the Scheme shall be maintained in such form and in such manner as may be prescribed by the State Government.

Chapter VI Miscellaneous

23. Powers to supervise and review implementation of scheme in the Division:-

Transfer from
Sec. 6-A.
Little
modifications

The Revenue Commissioner of the division or any officer or officers not below the rank of Deputy Commissioner designated by him in this behalf shall be competent to supervise and review the implementation of the Scheme in the Division. The Revenue Divisional Commissioner shall be competent to issue directions to the District Programme Co-ordinator, Joint District Programme Co-ordinator, Programme officer, Joint. Programme Officer, Additional Programme Officer and all other officers (including Divisional level officers) of the implementing agencies, local authorities and other bodies in the Division regarding implementation of the Scheme and it shall be incumbent on all of them to carry out such directions.

2. For the purpose of implementation of the scheme **the** District Programme Co-ordinator, Joint District Programme Co-ordinator, Programme officer, Jt. Programme Officer, Additional Programme Officer and other implementing officers, local authorities and other bodies in the Division, shall be responsible and subordinate to the Commissioner to such extent and in such manner as the State Government may direct.

New
addition

3. The State Government may confer the powers of Revenue Commissioner to supervise and review the implementation of the scheme for the area specified to any other appropriate level officer for specific or ----- period so specified.

24. Penalty for non compliance

Transfer from
Sec.14-A
with
modifications

whoever contravenes the provisions of this Act, shall, on conviction, be punished with a fine which may extend to one thousand rupees.

25. Power to delegate

The State Government may, by notification in the *Official Gazette*, direct that the powers exercisable by it, except the powers to make the Scheme and the rules shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by such officer or officers subordinate to it as may be specified in the notification.

Transfer
from Sec.
14

26. Act to have over riding effect

Transfer
from Sec.
16.

The provisions of this Act or the Schemes, rules, notifications or orders made or issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law:

27. Power to amend schedules:-

Transfer from
Sec. 16-A with
modifications

(1) If the State Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend schedule I or schedule II , as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification made there under sub-section (1) shall be laid before each House of Legislature as soon as may be after it is made.

28. Protection of action taken in good faith

Transfer from
Sec. 15 with
modification
consistence with
Central Act

No suit, prosecution or other legal proceedings shall lie against the State Government or any authority or officer or designated officer under this Act, body or any other person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) in respect of for anything which is good faith done or intended to be done in pursuance of this Act or the Scheme or the rules made thereunder.

29. Power of State Government to make rules:-

(1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the State Government, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the terms and conditions upon which eligibility for unemployment allowance may be determined under sub-section (2) of section 7;

(b) the procedure for payment of unemployment allowance under sub-section (6) of section 7;

(c) the terms and conditions subject to which the Chairperson and members of the State Council may be appointed, and the time, place and procedure of the meetings (including the quorum at such meetings) of their appointment to the State Council, under sub-section (2) of section 12;

(d) the grievance redressal mechanism at the Block level and the District level and the procedure to be followed in such matter under section 19;

(e) the manner in which and the conditions and limitations subject to which the State Fund shall be utilized under sub-section (2) of section 21;

(f) the authority who may administer and the manner in which he may hold the State Fund under sub-section (3) of section 21;

(g) the manner of maintaining books of account of employment of labourers and the expenditure under sub-section (2) of section 23;

(h) the arrangements required for proper execution of Schemes under subsection (3) of section 23;

(I) the form and manner in which the accounts of the Scheme shall be maintained under sub-section (2) of section 24;

- (j) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

30. Laying of rules and Schemes :-

- (1) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of 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 immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall have thereafter 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 under that rule.
- (2) Every rule or Scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature .

CHAPTER VII

THE EMPLOYMENT GUARANTEE SCHEME IN URBAN AREA

31. Implementation of the Scheme in Urban Areas.

The provision
exist in the State
Act, Section 2(J)
with
modifications

- (1) The State Government may implement the Employment Guarantee Scheme made under the Act in the urban areas, with such modification as deem necessary.

- (2) The Urban area in which the Scheme prepared as per sub section (1) shall be notified by the State.

CHAPTER VIII

SUBSIDY WORK

Private beneficiary Scheme on Subsidy:

Transfer
from Sec.
7(2)(X)

32.(1) When works are taken up under the scheme on private lands, which will directly benefit the holders of the lands, then, notwithstanding the fact that under the provisions of any other law, or any executive orders, for the time being in force such holders are entitled to a subsidy in respect of such works.

(2) A subsidy under the scheme at such rates as may be prescribed by the State Government shall be finance from the State Employment Guarantee Fund.

19 Schedule A (see sec.13) Schedule I as it

SCHEDULE –I (See section 13)

Serial No. (1)	Short title and number of enactment (2)	Amendments (3)	
1	The Bombay Sales Tax Act, 1959 (Bom. LI of 1959)	In section 15 A-I, for the words “ in the State of Maharashtra”, the words and figures “under the Maharashtra Employment Guarantee Act, 1977”, shall be substituted.	Mah. XX of 1978
2	The Maharashtra Education and Employment Guarantee (Cess) Act, 1962 (Mah. XXVII of 1962).	In section 6 A, for the words “ in the State of Maharashtra”, the words and figures “ under the Maharashtra Employment Guarantee Act, 1977”, shall be substituted.	Mah. XX of 1978
3	The Maharashtra Increase of Land Revenue and Special Assessment Act, 1974 (Mah. Xx of 1974)	In section 3, for the words “in the State of Maharashtra”, the words and figures “under the Maharashtra Employment Guarantee Act, 1977”, shall be substituted.	Mah. XX of 1978.
4	The Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975)	In section 30- (a) in sub-section (1), - (i) the words “On the commencement of this Act, there shall be established a Fund to be called Employment Guarantee Fund”, shall be deleted. (ii) for the words “transferred to, that Fund” the words and figures “transferred to, the Employment Guarantee Fund established under the Maharashtra Employment Guarantee Act, 1977” shall be substituted. (b) in sub-section (2), for the words, brackets and figures “ the Fund an amount equal to the amount transferred to the Fund under sub-section (1)”. The following shall be substituted, namely :- “The Employment Guarantee Fund an amount equal to the amount transferred to that Fund under sub-section (1)” (c) sub-sections (3),(4),(5) and (6) shall be deleted; (d) for the marginal note, the following marginal note shall be substituted, namely :- “Amount equal to net proceeds of tax and matching contribution to be paid into the Fund established under the Maharashtra Employment Guarantee Act, 1977”.	Mah. XX of 1978.
5	The Maharashtra Tax Acts (Amendment) Act, 1975 (Mah. XVII of 1975)	In section 4, - (a) in sub-section (1), for the words and figures “under section 30 of the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975, the words and figures “under the Maharashtra Employment Guarantee Act, 1977” shall be substituted; (b) sub-sections (3) and (4) shall be deleted.	Mah. XX of 1978.

SCHEDULE B

(See sections 1(3))

Serial	Areas
1	Dhule Revenue District.
2	Nandurbar Revenue District.
3	Aurangabad Revenue District.
4	Nanaded Revenue District.
5	Hingoli Revenue District.
6	Yavatmal Revenue District.
7	Amravati Revenue District.
8	Amravati Revenue District.
9	Bhandara Revenue District.
10	Chandrapur Revenue District.
11	Gondia Revenue District.
12	Gadchiroli Revenue District.
13	Thane Revenue District.
14	Wardha Revenue District.
15	Buldhana Revenue District.
16	Osmanabad Revenue District.
17	Akola Revenue District.
18	Washim Revenue District.
19	Sindhudurg Revenue District.
20	Ratnagiri Revenue District.
21	Satara Revenue District.
22	Beed Revenue District.
23	Jalna Revenue District.
24	Latur Revenue District.
25	Raigad Revenue District.
26	Sangali Revenue District.
27	Jalgaon Revenue District.
28	Kolhapur Revenue District.
29	Parbhani Revenue District.
30	Solapur Revenue District.
31	Nashik Revenue District.
32	Pune Revenue District.
33	Nagpur Revenue District.

Schedule I
(See sec 4(3))

Minimum features of a Rural Employment Guarantee Scheme.

Transfer from
Sec, 16(B) IV
with latest
modification
and consistent
with Central
Act.

I(A) The Scheme notified under Section 4 shall be called as Mahatma Gandhi National Rural Employment Guarantee Scheme Maharashtra.

1. The focus of the Scheme shall be on the following works in their order of priority:-

- (i) water conservation and water harvesting;
- (ii) drought proofing (including afforestation and tree plantation);
- (iii) irrigation canals including micro and minor irrigation works;
- (iv) provision of irrigation facility, horticulture plantation and land development facilities to land owned by households belonging to the Scheduled Castes and Scheduled Tribes or below poverty line families or to beneficiaries of land reforms or to the beneficiaries under the Indira Awas Yojana of the Government of India; or that of the small farmers or marginal farmers as defined in the Agriculture Debt waiver and Debt Relief Scheme ,2008
- (v) renovation of traditional water bodies including desilting of tanks;
- (vi) land development;
- (vii) flood control and protection works including drainage in water logged areas;
- (viii) rural connectivity to provide all-weather access; and
- (ix) any other work which may be notified by the Central Government in consultation with the State Government.
- (x) Construction of Bharat Nirman Rajiv Gandhi Sewa Kendra as Village Knowledge Resource Centre at Gram Panchayat level.

2. Creation of durable assets and strengthening the livelihood resource base of the rural poor shall be an important objective of the Scheme.

3. The works taken up under the scheme shall be in rural areas and

- a) A unique identity number shall be given to each work.

- b) All work must be executed by the workers who have job cards and who have demanded work.
- c) No person below the age of 18 shall be permitted to work under MGNREGA projects.
 - (d) Each muster roll shall have a unique identity number and be certified by the Programme Officer. The format of the muster roll will be as specified by the Government of India.
- (e) Muster Rolls duly signed by Programme Officer and properly numbered shall be maintained on the worksite. Any muster roll not signed by the Programme Officer and properly numbered will be treated as unauthorized and shall not be maintained at the worksite.
- f) The workers will countersign their attendance and the amount of wages earned on the Muster Roll at the worksite.
- g) A detailed record of muster rolls will be maintained in the registers as prescribed by the Government of India from time to time.
- h) When a work is in progress, the workers engaged in that work will select from among themselves not less than five workers on a weekly rotational basis to verify and certify all the bills / vouchers of their worksite at least once a week.
- i) A copy of the sanction work order must be available for public inspection at the worksite.
- j) Measurement of work will be recorded in the Measurement Books maintained by qualified technical personnel in charge of the worksite.
- k) Measurement records of each work and worker must be available for public inspection.
- l) A Citizen's Information Board must be put up at every worksite and updated regularly in the manner prescribed by the Government of India.

m) Any person must be able to access muster rolls on demand on the worksite for all days during all working hours.

n) The Vigilance and Monitoring Committee set up according to the instructions of the Government of India will check all works and its evaluation report will be recorded in the Works Register in the format prescribed by the Government of India and be submitted to the Gram Sabha during Social Audit.

4. The State Council shall prepare a list of preferred works for different areas based on their ability to create durable assets.

5. The Scheme shall be subject to appropriate arrangements as may be laid down by the State Government under the rules issued by it for proper maintenance of the public assets created under the Scheme.

6. Under no circumstances shall the labourers be paid less than the wage rate.

7. When wages are directly linked with the quantity of work, the wages shall be paid according to the schedule of rates fixed by the State Government for different types of work every year, in consultation with the State Council.

1[8. (1) The schedule of rates of wages for unskilled labourers shall be so fixed that a person working for nine hours would normally earn a wage equal to the wage rate.

(2) The working days of an adult worker shall be so arranged thea inclusive of intervals of rest ,if any, it shall not spread over more than twelve hours on any day.]

8(A). The average out-turn of work put out by men and women workers working in a group will be the basis for fixing task based Schedule of rates so that there is no gender bases discrimination in the Schedule of rates.

9. The cost of material component of projects including the wages of the skilled and semi-skilled workers taken up under the Scheme shall not exceed forty per cent. of the total project costs.

10. It shall be open to the Programme Officer and Gram Panchayat to direct any person who applied for employment under the Scheme to do work of any type permissible under it.

11. The Scheme shall not permit engaging any contractor for implementation of the projects under it.

12. As far as practicable, a task funded under the Scheme shall be performed by using manual labour and not machines.

13. Every Scheme shall contain adequate provisions for ensuring transparency and accountability at all level of implementation as stated below:

(a) Proactive Disclosure

(i) At worksite proactive disclosure shall be through display of information through Citizen information Boards, reading out of muster rolls information regarding attendance, work done and wages paid in the presence of workers at the end of the day by the person authorized. the measurements in the measurement book will also be read out during the measurement of works before the workers.

(ii)At the Gram Panchayat and Block Programme Office proactive disclosure shall be through display of information on boards and shall include at least information pertaining to provision of employment, funds received and expenditure, shelf of projects approved.

(iii)All information on Act will be placed in public domain through the website for MGNREGA as prescribed by the Government of India and be available through free downloadable electronic form.

b) Social Audit.

i) The Social Audit shall be held at least once in every six months.

ii) An announcement of the Social Audit will be made by the District Programme Coordinator or the Programme Officer at least thirty days in advance.

iii) For each Social Audit by the Gram Sabha, The Gram Sabha will elect from itself a Social Audit Committee workers who have worked in current/previous works under Scheme of the same Gram Panchyats and not less than one third members of Social Audit Committee shall be women.

iv) The Programme Officer shall ensure that all relevant documents, including complete files of the works or copies of

them, of works of implementing Agencies for the jurisdiction of that Gram Panchayat shall be available for inspection at the Gram Panchayat.

- v) The Gram Panchayat shall present all necessary information and documents at least 15 days in advance to the Social Audit Committee.
- vi) The Social Audit Committee will verify all documents and information. Any person may submit any information to the social audit committee deemed relevant.
- vii) The program Officer shall notify in writing all the Public Representatives and also concerned staff implementing the ACT well in advance to ensure that they are kept informed about the process and are present at the Social Audit.
- viii) The social audit committee shall read out its findings publicly in the Gram Sabha and people shall be given an opportunity to seek and obtain information from the Gram Panchayat and the officials concerned and verify records.

- ix) The action taken report relating to the previous Social Audit shall be read out at the beginning of each Social Audit.
- x) The Minutes shall be recorded by Secretary and signed before and after the completion of the Social Audit by all participants. Any dissent / objections shall be addressed and recorded in the minutes.
- xi) The social audit shall be open to public participation. Any outside individual person apart from the Gram Sabha shall be allowed to attend the Social Audit as observers without intervening the proceedings of the Social Audit.
- xii) All Action Taken Reports shall be filed within a month of convening of the Social Audit.
- xiii) All findings related to Contravention of the Act shall be treated as complaint and enquiry shall be conducted for any dispute in findings.

- xiv) Any fund deviations shall follow with an action against the concerned person and fund recovery shall be expedited.
- xv) While certifying accounts of the Scheme the Government Auditor shall take cognizance of any complaint, regarding financial irregularities or misappropriations, raised through a Social Audit before certifying the accounts.]
14. Provisions for regular inspection and supervision of works taken up under the Scheme shall be made to ensure proper quality of work as well as to ensure that the total wages paid for the completion of the work is commensurate with the quality and quantity of work done.
15. The District Programme Co-ordinator, Jt. DPC, the Programme Officer, Jt. Programme Officer and Addl. Programme Officer and the Gram Panchayat implementing the Scheme shall prepare annually a report containing the facts and figures and achievements relating to the implementation of the Scheme within his or its jurisdiction and a copy of the same shall be made available to the public on demand and on payment of such fee as may be specified in the Scheme.
16. All accounts and records relating to the Scheme shall be made available for public scrutiny free of cost. Any person desirous of obtaining a copy or relevant extracts there from may be provided such copies or extracts on demand not later than three working days from the time of application and after paying such fee as may be specified in the Scheme.]
17. A copy of the muster rolls of each Scheme or project under a Scheme shall be made available in the offices of the Gram Panchayat and the Programme Officer for inspection by any person interested after paying such fee as may be specified in the Scheme.

SCHEDULE II

(See sec.5)

Transfer from 16A, 16B(V) and Schedule (JO with appropriate changes in consistence with the Central Act.

CONDITIONS FOR GUARANTEED RURAL EMPLOYMENT UNDER A SCHEME AND MINIMUM ENTITLEMENTS OF LABOURERS

1. The adult members of every household who-

(I) reside in any rural areas; and

(ii) are willing to do unskilled manual work,

may submit their names, age and the address of the household to the Gram Panchayat at the village level (hereafter in this Schedule referred to as the Gram Panchayat) in the jurisdiction of which they reside for registration of their household for issuance of a job card.

(iii) where there is no able bodied adult member in household. A minor member of such household, who has completed his age of fifteen years shall be entitled to register his name with the approval of DPC, whose wages will be paid by the State.

Added as per Sec. 8(12)

2. (1) It shall be the duty of the Gram Panchayat to register the household, after making such enquiry as it deems fit and issue a job card containing the following essential details of registered adult members of the household, namely:-

(i) Job card number;

(ii) household member-wise work demand and allocation;

(iii) description of work done ;

(iv) dates and days worked;

(v) muster roll numbers by which wages have been paid;

(vi) amount of wages paid;

(vii) unemployment allowance , if any paid;

(viii) postal account / bank account number;

(ix) insurance policy number

(x) elector's photo identity card number voters identity ,if any.

(2) All entries in the Job card shall be duly authenticated by signature of an authorized officer.

(3) The Job Card issued under sub-paragraph (1) shall bear the photographs of only the registered adult members (except 1(iii)) of the household to whom that Job Card belongs shall be affixed or recorded in the Job Card.

(4) No photographs, name or details of any person other than that of the registered adult (except 1(iii))members of the household to whom that Job Cards belongs shall be affixed or recorded in the Job Card.

(5) All Job Cards shall be in the custody of the Job Card holders to whom they belong.]

3. The registration made under paragraph 2 shall be for such period as may be laid in the Scheme, but in any case not less than five years, and may be renewed from time to time.
4. Every adult member (except 1(iii))of a registered household whose name appears in the job card shall be entitled to apply for unskilled manual work under the Scheme.
5. All registered persons belonging to a household shall be entitle to employment in accordance with the Scheme made under the provisions of this Act, for as many days as each applicant may request, subject to a maximum of one hundred days per household in a given financial year.
6. The Programme Officer shall ensure that every applicant referred to in paragraph 5 shall be provided unskilled manual work in accordance with the provisions of the Scheme within fifteen days of receipt of an application or from the date he seeks work in case of advance application, whichever is later:
Provided that priority shall be given to women in such a way that at least one-third of the beneficiaries shall be women who have registered and requested for work under this Act.
7. Applications for work must be for at least fourteen days of continuous work.
8. There shall be no limit on the number of days of employment for which a person may apply, or on the number of days of employment actually provided to him subject to the aggregate entitlement of the household.

9. Applications for work may be submitted in writing either to the Gram Panchayat or to the Programme Officer, as may be specified in the Scheme.
10. The Gram Panchayat and Programme Officer, as the case may be, shall be bound to accept valid applications and to issue a dated receipt to the applicant. Group applications may also be submitted.
11. Applicants who are provided with work shall be so intimated in writing, by means of a letter sent to him at the address given in the job card and by a public notice displayed at the office of the Zilla Parishad, at the district Panchayat Samiti or village level.
12. As far as possible, employment shall be provided within a radius of five kilometers of the village where the applicant resides at the time of applying.
13. A new work under the Scheme shall be commenced if at least **ten** labourers become available for work;]
provided that this condition shall not be applicable for new works ,as determined by the State Government ,in hilly areas and in respect of afforestation.
14. In cases the employment is provided outside such radius, it must be provided within the Block, and the labourers shall be paid ten per cent ., of the wage rate as extra wages to meet additional transportation and living expenses.
15. A period of employment shall ordinarily be at least fourteen days continuously with not more than six days in a week.
16. In all cases here unemployment allowance is paid, or due to be paid, the Programme Officer shall inform the District Programme Coordinator in writing the reasons why it was not possible for him to provide employment or cause to provide employment to the applicants.
17. The District Programme Coordinator shall, in his Annual Report to the State Council, explain as to why employment could not be provided in cases where payment of unemployment allowance is involved.

18. Provision shall be made in the Scheme for advance applications, that is, applications which may be submitted in advance of the date from which employment is sought.
19. Provision shall be made in the Scheme for submission of multiple applications by the same person provided that the corresponding periods for which employment is sought do not overlap.
20. The Gram Panchayat shall prepare and maintain or cause to be prepared and maintained such registers, vouchers and other documents in such form and in such manner as may be specified in the Scheme containing particulars of job cards and passbooks issued, name, age and address of the head of the household and the adult members of the household registered with the Gram Panchayat.
21. The Gram Panchayat shall send such list or lists of the names and addresses of households and their adult members registered with it and supply such other information to the concerned Programme Officer at such periods and in such form as may be specified in the Scheme.
22. A list of persons who are provided with the work shall be displayed on the notice board of the Gram Panchayat and at the office of the Programme Officer and at such other places as the Programme Officer may deem necessary and the list shall be open for inspection by the State Government and any person interested.
23. If the Gram Panchayat is satisfied at any time that a person has registered with it by furnishing false information, it may direct the Programme Officer to direct his name to be struck off from the register and direct the applicant to return the job card:
Provided that no such action under this paragraph shall be directed unless the applicant has been given an opportunity of being heard in the presence of two independent persons.
24. If any personal injury is caused to any person employed under the Scheme by accident arising out of and in the course of his employment, he shall be

entitled to, free of charge, such medical treatment as is admissible under the Scheme.

25. Where hospitalisation of the injured worker is necessary, the State Government shall arrange for such hospitalisation including accommodation, treatment, medicines, diet and during the period he is undergoing treatment in the hospital he shall be entitled to daily allowance not less than half of the wage rate required to be paid had the injured been engaged in the work.
26. If a person employed under a Scheme dies or becomes permanently disabled by accident arising out of and in the course of employment, he shall be paid by the implementing agency an ex gratia payment at the rate of twenty-five thousand rupees or such amount as may be notified by the Central Government, and twenty five thousand or such Higher amount as may be determined by the State Government by general order issued in this behalf, from time to time, at present not exceeding Rupees Fifty Thousand and the amount shall be paid to the legal heirs of the deceased or the disabled, as the case may be. In case of disablement, such person shall be entitled to such ex-gratia payment as may be determined in accordance with the scheme, but the amount of such payment shall not exceed the amount determined by the State Government as aforesaid for ex-gratia payment in case of death.
27. The facilities of safe drinking water, shade for children and periods of rest, first-aid box with adequate material for emergency treatment for minor injuries and other health hazards connected with the work being performed shall be provided at the work site.
28. In case the number of children below the age of six years accompanying the women working at any site are five or more, provisions shall be made to depute one of such women worker to look after such children.
29. (1) The State Government shall ordinarily provide all kinds of tools and implements required for any work and where tools and implements are not so

provided and are brought by the person concerned he shall be paid such hire charges as may be prescribed.

(2) The person deputed under a paragraph 29 (1) shall be paid wage rate .

30. In case the payment of wages is not made within the period specified under the Scheme, the labourers, shall be entitled to receive payment of compensation as per the provisions of the payment of Wages Act, 1936 (4 of 1936).

31. The payment of wages shall be made through the individuals or joint saving accounts of the workers in the banks or post offices opened in accordance with the directions of the Central Government.]

32. The scheme may also provide, as far as possible, for training and upgradation of the skills of the unskilled labor.

33. If any personal injury is caused by accident to a child accompanying any person who is employed under a Scheme, such person shall be entitled to, free of charge, such medical treatment for the child as may be specified in the Scheme and in case of death or disablement, through an ex gratia payment as may be determined by the State Government.

34. In case of every employment under the Scheme, there shall be no discrimination solely on the ground of gender and the provisions of the Equal Remuneration Act, 1976(25 of 1976), shall be complied with.

35. (1) Notwithstanding anything contained in paragraphs 1,3,9 and 14 of Schedule II of (Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2009))in the event of national / State calamities in the nature of flood, cyclone, tsunami and earthquake resulting into mass dislocation of rural population the adult members of rural households of the areas so affected may-

(i) seek for registration ad get job card issued by Gram Panchayat or Programme Officer of the area of temporary relocation;

- (ii) submit written or oral applications for work to the Programme Officer or the Gram Panchayat of the area of temporary relocation; and
- (iii) apply for re-registration and re-issuance of job card in the even of loss or destruction.

(2) In the event of restoration of normalcy, the job card so issued shall be re-endorsed at original place of habitation and shall be clubbed with the original job card on being retrieved.

(3) The number of days of employment so provided shall be counted while computing 100 days of guaranteed employment per household]

36. The complaints received, taken cognizance of *sue mote* and as otherwise provided under the Act or Schedule therein shall be dealt as prescribed below:-

(a) The Programme Officer shall enter every complaint in a complaint register maintained by him and dated and numbered acknowledgment shall be issued.

(b) Enquiry through spot verification, inspection and disposal shall be completed within 7 working days

(c) Complaints that fall within the jurisdiction of the Programme Officer ,including any complaints concerning the implementation of the Act by a Gram Panchayat shall be disposed of by the Programme Officer within the 7 days, as prescribed under section 23(6) of the Act .In case a complaints relates to a matter to be solved by any other authority , the Programme Officer shall conduct a preliminary enquiry and refer the matter to such authority within 7 days under intimation to the complainant.

(d) Failure to dispose of a complaint in 7 days will be considered a contravention of the Act by the Programme Officer, punishable under section 25. Complaints against such failure will be lodged with the District Programme Coordinator.

(e) In case of a prima facie evidence regarding financial irregularities the District Programme Coordinator will ensure that a First Information Report is filed.

(f) State Government / District Programme Coordinator/Programme officer or any other authorized by the State Government may inquire into any complaint on its own will or through reference and establishment of guilt will impose the penalty against the concerned guilty under section 25 of the Act.

(g) In case the concerned authority finds violation of entitlements, it will be responsible for informing and redressing the person/party aggrieved. The

concerned authority will be responsible for such grievance redressal with a week and not after than 15 days.

(h) The action taken shall be informed to the complainant and disclosed in two vernacular newspapers in a prescribed format once a quarter.

(i) The action taken on the complaints received by the Programme Officer and the District Programme Coordinator shall be placed before the meetings of the intermediate Panchayat and the District Panchayat respectively.

(j) Appeals against the orders of the Gram Panchayat shall be made to the Programme Officer; those against the orders of the Programme Officer shall be made to District Programme Coordinator; those against the District Programme Coordinator shall be made to state Commissioner (NREGS), Divisional Commissioner (NREGS) and state Grievance Redressal officer.

(k) All Appeals shall be made within 45 days of the order issued.

(l) All Appeals shall be disposed off within one month).

7. (1) Subject to such conditions as the state Government may by general or special order, specify, every woman, has been employed under the Scheme for period of not less than one hundred and fifty days, or for such lesser period as may be prescribed, in the twelve months immediately preceding the date of her expected delivery, shall be permitted to be absent from work for a period of thirty days, and during this period to ex-gratia payment of daily wages payable or paid to her in the month immediately preceding the date from which she absents herself on account of such permission.

Transfer
from Sec.
7A.

(2) Subject to such conditions as the State Government may, by general or special order, specify, every person, who has been employed under the scheme and undergoes sterilization operation or any other operation or treatment for birth control and family planning, as may be approved in this behalf by the state Government, shall be permitted to remain absent from work for rest and recuperation for such period not exceeding fourteen days as may be recommended by medical officer approved by the State Government, and during this period to ex-gratia payment of his average daily wages.

(4) The State Government may, on the merits of each case, sanction ex-gratia payment to any person who has been employed under the Scheme of such amount, not exceeding the amount of ex-gratia payment to any person who has been employed under the Scheme of such amount, not exceeding the amount of ex-gratia payment determined by a general or special order, issued by State Government as in Para 2G of this Act, as it deems necessary to meet any other like hardships or contingencies not provided for in this section, arising out of his employment on an employment Guarantee Scheme work, subject to such conditions as it may deem fit to impose by general or special order.)
