



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

मंगळवार, ऑक्टोबर ३१, २००६/कार्तिक ९, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रज अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Employment Guarantee (Amendment) Ordinance, 2006 (Mah. Ord. XIII of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Employment Guarantee (Amendment) Ordinance, 2006 (Mah. Ord. XIII of 2006), published under the authority of the Governor.]

PLANNING DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 31st October 2006.

MAHARASHTRA ORDINANCE No. XIII OF 2006.

AN ORDINANCE

*further to amend the Maharashtra Employment
Guarantee Act, 1977.*

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Employment Guarantee Act, 1977, for the purposes hereinafter appearing ;

(६७३)

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

- Short title and commencement. 1. (1) This Ordinance may be called the Maharashtra Employment Guarantee (Amendment) Ordinance, 2006.
(2) It shall come into force at once.
- Amendment of section 2 of Mah. XX of 1978. 2. In section 2 of the Maharashtra Employment Guarantee Act, 1977 (hereinafter referred to as "the principal Act"),—
(a) after clause (a), the following clauses shall be inserted, namely:—
 “(a-1) “Central Act” means the National Rural Employment Guarantee Act, 2005; 42 of 2005.
 “(a-2) “Central Council” means the Central Employment Guarantee Council constituted under sub-section (1) of section 10 of the Central Act;”;
(b) after clause (e), the following clause shall be inserted, namely :—
 “(e-1) “minimum wage” means the minimum wage fixed for agricultural labourers for the relevant Zone by the State Government under section 3 of the Minimum Wages Act, 1948;”;
(c) after clause (h), the following clauses shall be added, namely :—
 “(l) “State Council” means the State Employment Guarantee Council constituted under section 4; 11 of 1948.
 “(m) “unskilled manual work” means any physical work which any adult person is capable of doing without any skill or special training;
 “(n) “wage rate” means the wage rate referred to in section 7.”.
- Amendment of section 3 of Mah. XX of 1978. 3. In section 3 of the principal Act, the *Explanation* shall be deleted.
- Insertion of section 4 in Mah. XX of 1978. 4. After section 3 of the principal Act, the following section shall be inserted, namely :—
 “4.(1) For the purposes of regular monitoring and reviewing the implementation of this Act, the State Government shall constitute a State Council to be known as “the Maharashtra State 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, organisations of workers and disadvantaged groups :
 Provided that, not less than one-third of the non-official members nominated under this sub-section shall be women :
- State Employment Guarantee Council.

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 thereunder ;

(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 function 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 and for that purpose to collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes.”.

5. In section 7 of the principal Act, in sub-section (2),—

(a) in clause (vii), after the words “ a total wage equal to the ” the words, brackets and figures “ wage rate specified by the Central Government under sub-section (2) of section 6 of the Central Act, and if it is not so specified, equal to the ” shall be inserted ;

(b) in clause (xiv), for the words “ an *ex-gratia* payment of such amount ” the words “ an *ex-gratia* payment at the rate of rupees fifty thousand or such higher amount ” shall be substituted.

Amendment of section 7 of Mah. XX of 1978.

6. In section 12 of the principal Act, in sub-section (3), after clause (b), the following clause shall be inserted, namely :—

“(b-1) any sum received from the Central Government under section 28 of the Central Act ;”.

Amendment of section 12 of Mah. XX of 1978.

7. In section 13 of the principal Act, in sub-section (1), for the words “ the Schedule ” the word and letter “ Schedule I ” shall be substituted.

Amendment of section 13 of Mah. XX of 1978.

8. After section 14 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 14A in Mah. XX of 1978.

“ 14A. Whoever contravenes the provisions of this Act, other than section 9, shall, on conviction, be liable to a fine which may extend to one thousand rupees.” .

Penalties.

Insertion of sections 16A and 16B in Mah. XX of 1978.

Power to amend Schedules II and III.

9. After section 16 of the principal Act, the following sections shall be inserted, namely :—

“16A. The State Government may, from time to time, by notification in the *Official Gazette*, amend the Schedule II or Schedule III, by adding or modifying or deleting any entry therein and thereupon, the said Schedule shall be deemed to have been amended accordingly.

Application of the provisions of the Act in areas specified in Schedule II with modifications.

16B. Notwithstanding anything contained in section 1 or any other provisions of this Act, on and from the date of commencement of the Maharashtra Employment Guarantee (Amendment) Ordinance, 2006, provisions of this Act shall apply to the areas specified in Schedule II, subject to the following modifications, namely:—

Mah. Ord. XIII of 2006.

(I) In section 2,—

(A) after clause (a), the following clauses shall be inserted, namely :—

“(a-1) “applicant” means the head of a household or any of its other adult member who has applied for employment under the Scheme ;

(a-2) “Block” means a community development area within a district comprising a group of *Gram Panchayats* ;” ;

(B) after clause (a-2), the following clause shall be inserted, namely :—

“(a-3) “District Programme Co-ordinator” means an officer designated as such under sub-section (1) of section 6-1A for implementation of the Scheme in a district ;” ;

(C) in clause (d), for the words “any other local authority” the words “*Panchayat Samiti, Gram Panchayat* or any other local authority or Non-Governmental Organisation authorised by the State Government” shall be substituted ;

(D) after clause (e), the following clause shall be inserted, namely :—

“(e-1a) “household” means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card ;” ;

(E) after clause (g), the following clause shall be inserted, namely :—

“(g-1) “preferred work” means any work which is taken up for implementation on a priority basis under a Scheme ;” ;

(F) after clause (i), the following clauses shall be inserted, namely :—

“(i-a) “Programme Officer” means an officer appointed under section 10 for implementing the Scheme ;

(i-b) “project” means any work taken up under a Scheme for the purpose of providing employment to the applicants ;” .

(II) In section 5, in sub-section (2), for the words "Samiti Officers" the words "Programme Officers" shall be substituted.

(III) For section 6, the following sections shall be substituted, namely :—

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

Principal authorities for planning and implementation of Schemes.

(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

(c) 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.

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

6-1A. (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.

District Programme Co-ordinator.

(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 District 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 projects 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 State Government shall delegate such administrative and financial powers to the District Programme Co-ordinator as may be required to enable him to carry out his functions under this Act.

(5) 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.

(6) 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*.

Responsibilities of
Gram
Panchayat.

6-1B. (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 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 the *Gram 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 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.

6-1C. (1) The *Gram Sabha* shall monitor the execution of works within the area of the *Gram Panchayat*.

Social audit
of work by
*Gram
Sabha*.

(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.”

(IV) In section 7,—

(1) in sub-section (2),—

(a) for clause (i), the following shall be substituted, namely :—

" (i) The focus of the Scheme shall be on the following works in their order of priority :—

(a) water conservation and water harvesting;

(b) drought proofing (including afforestation and tree plantation);

(c) irrigation canals including micro and minor irrigation works;

(d) provision of irrigation facility to land owned by households belonging to the Scheduled Castes and the Scheduled Tribes or to land of beneficiaries of land reforms or that of the beneficiaries under the *Indira Awas Yojana* of the Government of India;

(e) renovation of traditional water bodies including desilting of tanks;

(f) land development;

(g) flood control and protection works including drainage in water logged areas ;

(h) rural connectivity to provide all-weather access; and

(i) any other work which may be notified by the State Government.”;

(b) after clause (vii), the following clause shall be inserted, namely :—

“ (vii-a) Under no circumstances shall the labourers be paid less than wage rate.”;

(c) in clause (viii), for the words “Samiti Officer” the words “Programme Officer” shall be substituted ;

(d) after clause (viii), the following clause shall be inserted, namely :—

“ (viii-a) As far as practicable, a task funded under the Scheme shall be performed by using manual labour and not by machines.”;

(f) after clause (x), the following clause shall be inserted, namely :—

“ (x-a) The Scheme shall be subject to appropriate arrangements as may be laid down by the State Government under the rules issued by it for the proper maintenance of the public assets created under the Scheme.”;

(g) after clause (xi), the following clause shall be inserted, namely :—

“ (xi-a) 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.”;

(h) after clause (xiii), the following clauses shall be inserted, namely :—

“ (xiii-a) Every Scheme shall contain adequate provisions for ensuring transparency and accountability at all levels of implementation.

(xiii-b) The District Programme Co-ordinator, the 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.

(xiii-c) All accounts and records relating to the Scheme shall be made available for public scrutiny and any person desirous of obtaining a copy of relevant extracts therefrom may be provided such copies or extracts on demand and after paying such fee as may be specified in the Scheme.

(xiii-d) 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.”;

(2) in sub-section (3), the words “ or the Talathi, as the State Government may specify ” shall be deleted.

(V) In section 8,—

(1) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely :—

“(1) (a) 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, in the jurisdiction of which they reside for registration of their household for issuance of a job card.

(b) 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 such details of adult members of the household affixing their photographs, as may be specified by the State Government in the Scheme.

(c) The registration made under this sub-section shall be for such period as may be laid down in the Scheme, but in any case not less than five years, and may be renewed from time to time.

(d) 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.

(2) (a) Every adult member of a registered household whose name appears in the job card shall be entitled to apply for unskilled manual work under the Scheme.

(b) All registered persons belonging to a household shall be entitled to employment in accordance with the Scheme made under the provisions of this Act, for as many days as each applicant may request.

(3) (a) The Programme Officer shall ensure that every applicant referred to in sub-section (2) 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.

(b) Application for work must be for at least fourteen days of continuous work.

(c) Application for work may be submitted in writing to the *Gram Panchayat* or to the Programme Officer, as may be specified in the Scheme.

(d) 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.”;

(4) in sub-section (4),—

(i) for the words “ the Samiti Officer or by the *Gram Sevak* or the Talathi ” the words “the Programme Officer, or by the *Gram Panchayat* ” shall be substituted ;

(ii) for the words “ at such rate as may be fixed by the State Government, from time to time, but not less than Re. 1 per day ”, the words “ at such rate as may be specified by the State Government, by notification, in consultation with the State Council ” shall be substituted ;

(5) in sub-section (5),—

(i) for the words “ the Samiti Officer or by the *Gram Sevak* or the Talathi, as the case may be,” the words “the Programme Officer” shall be substituted ;

(ii) for the words “ Samiti Officer ” the words “ Programme Officer ” shall be substituted ;

(6) in sub-sections (10) and (11), for the words “Samiti Officer”, wherever they occur, the words “Programme Officer” shall be substituted ;

(7) in sub-section (13),—

(i) for the words “ identity cards ” the words “ job cards ” shall be substituted ;

(ii) for the words “ Samiti Officer ” the words “ Programme Officer ” shall be substituted ;

(8) after sub-section (13), the following sub-section shall be added, namely :—

“ (14) The persons employed under any Scheme made under this Act shall be entitled to such additional facilities not less than the minimum facilities mentioned in the Schedule III.”.

(VI) In section 9, for the words “Samiti Officer” the words “Programme Officer” shall be substituted.

(VII) For section 10, the following section shall be substituted, namely :—

“10. (1) At every *Panchayat Samiti* level, the State Government shall appoint an Officer who is not below the rank of Block Development Officer, 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 Co-ordinator or the State Government.

(6) The Programme Officer shall function under the direction, control and superintendence of the District Programme Co-ordinator.

(7) The State Government may, by order, direct that all or any of the functions of a Programme Officer shall be discharged by the *Gram Panchayat*.”

(VIII) In section 11, for the words “Samiti Officer”, wherever they occur, the words “Programme Officer” shall be substituted.

(IX) After section 12, the following sections shall be inserted, namely :—

“12A. The State Government shall make available to the District Programme Co-ordinator and the Programme Officers the necessary staff and technical support as may be necessary for the effective implementation of the Scheme.

Responsibility of State Government to implement Scheme.

12B. 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.

Grievances redressal mechanism.

Transparency
and
accountability.

12C. (1) The District Programme Co-ordinator 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.

Audit of
accounts.

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. ”

Amendment
of Schedule
of Mah. XX
of 1978.

10. In the Schedule appended to the principal Act, for the heading “THE SCHEDULE” the heading “SCHEDULE I” shall be substituted.

Addition of
Schedules II
and III to
Mah. XX of
1978.

11. After the Schedule I to the principal Act, the following Schedules shall be added, namely :—

“SCHEDULE II
[See sections 16A and 16B]

Serial No.	Area
1	Dhule Revenue District.
2	Nandurbar Revenue District.
3	Ahmednagar Revenue District.
4	Aurangabad Revenue District.
5	Nanded Revenue District.
6	Hingoli Revenue District.
7	Yavatmal Revenue District.
8	Amravati Revenue District.
9	Bhandara Revenue District.
10	Chandrapur Revenue District.
11	Gondia Revenue District.
12	Gadchiroli Revenue District.

SCHEDULE III

(See sections 16A and 16B (V) (8))

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

(1) Subject to the aggregate entitlement of the household, 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.

(2) The *Gram Panchayat* or Programme Officer, as the case may be, shall be bound to accept valid applications and to issue a dated receipt to the applicant.

(3) Applicants who are provided with work shall be, so intimated in writing, by means of a letter sent to them at the address given in the job card and the public notice displayed at the office of the *Gram Panchayat*.

(4) A new work under the Scheme shall be commenced only if—

(a) at least fifty labourers become available for such work; and

(b) the labourers cannot be absorbed in the ongoing works :

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.

(5) In case the employment is provided outside the radius of five kilometers, 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.

(6) In all cases where unemployment allowance is paid, or due to be paid, the Programme Officer shall inform the District Programme Co-ordinator in writing the reasons why it was not possible for him to provide employment or cause to provide employment to the applicants.

(7) The District Programme Co-ordinator 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.

(8) 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.

(9) 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.

(10) The *Gram Panchayat* shall send the list of names and addresses of the persons registered with it and supply such other information to the concerned Programme Officer at such period and in such form as may be specified in the Scheme.

(11) 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.

(12) The facility of safe drinking water, shed for children and period 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 works site.

(13) 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).

(14) The wages under a Scheme may be paid either wholly in cash or in cash and kind provided that at least one fourth of the wages shall be paid in cash only.

(15) The State Government may prescribe that a portion of the wages in cash may be paid to the labourers on a daily basis during the period of employment.

(16) 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."

STATEMENT

The Maharashtra Employment Guarantee Act, 1977 (Mah. XX of 1978), has been enacted to make effective provisions for securing right of work by guaranteed employment to all adult persons who volunteer to do unskilled manual work in the rural areas in the State.

2. Considering the success of the Employment Guarantee Scheme in our State, the Central Government has enacted the National Rural Employment Guarantee Act, 2005 (42 of 2005). The said Central Act is implemented throughout the Country, in phased manner, and at present it is implemented in 200 districts of India including 12 districts from the State. Section 28 of the said Central Act, *inter alia*, provides that, where the State enactment exists or is enacted to provide employment guarantee for rural household consistent with the provisions of the Central Act under which the conditions of employment are not inferior to the conditions guaranteed under the Central Act, the State Government shall have option to implement its own law. The second proviso to the said section 28 provides that, in such cases, the financial assistance to be provided by the Central Government shall not exceed, what the State would have entitled to receive, if a Scheme under the Central law was implemented. Accordingly, the State of Maharashtra has considered to continue implementation of the State law with certain modifications, in the State.

3. Keeping in view the provisions of the said Central Act, the Government of Maharashtra considers it expedient to amend the Maharashtra Employment Guarantee Act, 1975, to ensure that in 12 districts of the State notified by the Central Government, the Employment Guarantee Scheme is implemented with the participation of local self-government institutions like *Zilla Parishads*, *Panchayat Samitis*, *Gram Panchayats* and *Gram Sabhas*.

4. The salient features of the proposed amendments are,—

(i) constitution of the Maharashtra State Employment Guarantee Council to monitor and review the Schemes;

(ii) issuance of the job card to every registered family;

(iii) responsibility of the *Gram Panchayat* for identification of the projects in its area to be taken up under the Scheme as per the recommendation of the *Gram Sabha* and for executing and supervising such works ;

(iv) monitoring and conducting regular social audit of all projects under the Schemes by the *Gram Sabhas* ;

(v) payment of wages at the wage rate specified by the Central Government ;

(vi) transparency in implementation of the Act and the Schemes made thereunder and arrangement for audit of accounts of the Scheme at all levels.

5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Employment Guarantee Act, 1977 (Mah. XX of 1978), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

S. M. KRISHNA,

Dated the 31st October 2006.

Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

J. S. SAHARIA,

Principal Secretary to Government.