



## The Maharashtra Employment Guarantee Act, 1977

Act 20 of 1978

### Keyword(s):

Adult Person The Committee, The Council, Implementing Agency, Panchayat Samiti Area, Panchayat Samiti Level Officer, Productive Works, Rural Areas, Scheme

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THE MAHARASHTRA EMPLOYMENT GUARANTEE ACT, 1977

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SCHEDULE.

**MAHARASHTRA ACT No. XX OF 1978<sup>1</sup>**

[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)\* §*

**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-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Employment Guarantee Act, 1977. Short title, extent and commencement.
- (2) It extends to the whole of rural areas of the State of Maharashtra.
- (3) It shall come into force in all the areas to which it extends on such date<sup>2</sup> as the State Government may, by notification in the *Official Gazette*, appoint.

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

**Definitions.**

- (a) "adult person" means a person who has attained the age of eighteen years;
- (b) "the Committee" means the District Level Committee, or, as the case may be, the Panchayat Samiti Level Committee, constituted under section 5 ;
- (c) "the Council" means the Maharashtra State Employment Guarantee Council constituted under section 4 ;
- (d) "implementing agency" includes any Department of the State Government, the Zilla Parishad, any other local authority or State Government Undertaking, which is entrusted by the State Government with the task of implementing any works taken up under the Scheme ;
- (e) "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 ;
- (f) "Panchayat Samiti area" includes any "C" Class municipal area ;
- (g) "Panchayat Samiti Level Officer" or "Samiti Officer" means the person not below the rank of Tahsildar or Block Development Officer, appointed under section 10 by the State Government for the implementation of the Scheme in the area of Panchayat Samiti concerned ;

<sup>1</sup>For Statement Objects and Reasons, see *Maharashtra Government Gazette*, 1977, Part V, Extra., p. 179.

<sup>2</sup>26th January 1979, vide G. N., P. D., No. EGS. 1077/87/BMP-5, dated 25th January 1979.

\*This indicates the date of commencement of Act.

<sup>3</sup>Maharashtra Ordinance No. XV of 1980 was repealed by Mah. 24 of 1980, s. 5.

(h) "productive works" means any works which, in the opinion of the State Government, will directly or indirectly contribute to the increase of production, or the absence of which will inhibit the increase of production ;

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

(j) "rural areas" means all the areas of the State of Maharashtra, except those 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' Class municipal areas under the Maharashtra Municipalities Mah. Act, 1965, on the date of passing of this Act ; and any area, which after the passing XL of this Act comes to be included within the limits of a Municipal Corporation of 1965. or Cantonment Board or an 'A' or 'B' Class Municipal Council shall cease to be a rural area, from the date of such inclusion ;

(k) "Scheme" means the Employment Guarantee Scheme prepared and published under section 7 and for the time being in force.

Guarantee of employment to adult persons in rural areas. 3. Every adult person in the rural areas in Maharashtra shall have a right to work, that is, a right to get guaranteed employment for doing unskilled manual work and to receive wages therefor weekly or in any case not later than a fortnight, in accordance with the provisions of this Act and the Scheme made thereunder.

*Explanation.*—A work shall be regarded as unskilled, if any adult person, without any special training, can normally be expected to do it and which is so classified in the Scheme.

State Council and its functions. 4. (1) For the purposes of having a periodical review and supervision of the implementation of this Act, there shall be a Council to be called the Maharashtra State Employment Guarantee Council. The State Government shall appoint the Chairman and other members of the Council. The number of other members of the Council shall not exceed twenty-six, of whom at least two members shall be appointed from persons belonging to the Backward Classes.

(2) The other function of the Council shall be to advise the State Government on all matters concerning this Act and the Scheme and their implementation.

(3) The Council shall be competent to undertake an evaluation of the Scheme and for this purpose collect or cause to be collected statistics pertaining to the rural economy of Maharashtra in general and the socio-economic condition of the rural labour and the implementation of the Scheme in particular. It shall also be competent for the Council to recommend to the State Government the appointment of one or more Study Groups for undertaking a study of specific questions and problems connected with the implementation of this Act and the Scheme.

(4) The Council shall co-ordinate the working of the District Level Committees.

District and Panchayat Samiti Level Committees and their functions. 5. (1) The State Government shall constitute a District Employment Guarantee Committee in every District and a Panchayat Samiti Employment Guarantee Committee in every Panchayat Samiti area. On every District Level Committee, and Panchayat Samiti Level Committee, at least two members shall be appointed from persons belonging to the Backward Classes and two members shall be either from persons who have been employed on the works of the Scheme or from any registered union of the agricultural labourers. The Chairman of every such Committee shall be appointed from the non-official members thereof.

(2) These Committees shall, within their respective jurisdictions, supervise and review the implementation of the Scheme, from time to time, and shall suggest to the State Government and the Council such steps as in their opinion are necessary for a more effective implementation of this Act. The Collector and the Samiti Officers concerned shall, from time to time, report to the Committees the action taken by them or the State Government on the suggestions made by the Committees.

(3) Every District Level Committee shall co-ordinate the working of the Panchayat Samiti Committees in the District.

6. The Collector of the District shall be responsible for the implementation of the Scheme in the District and for this purpose all other officers of the State Government the Zilla Parishad and other local authorities or bodies functioning in the District and having for their jurisdiction an area not bigger than the District shall be responsible to the Collector.

Collector responsible for implementation of Schemes in each District.

[6A. (1) The Commissioner of the Division or any officer or officers not below the rank of Assistant Commissioner designated by him in this behalf, shall be competent to supervise and review the implementation of the Scheme in the Division. The Commissioner shall be competent to issue directions to the Collectors, other officers (including Divisional level officers), local authorities and other bodies regarding implementation of the Scheme, and it shall be incumbent on all of them to carry out such directions.

Commissioner's powers to supervise implementation of Scheme in each Division.

(2) For the purpose of implementation of the Scheme, the Collectors, other 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.]

7. (1) For the purpose of giving effect to the employment guarantee mentioned in section 3, the State Government shall prepare a Scheme for providing employment to all adult persons residing in the rural areas, who volunteer to do unskilled manual work, subject to the conditions laid down by or under this Act or in the Scheme.

Preparation and publication of Scheme.

(2) The Scheme shall have the following essential features :—

(i) Only productive works shall be taken up under the Scheme :

<sup>2</sup>[Provided that, if, in the opinion of the State Government, it is necessary to provide employment in any area on any work to meet the conditions created by natural calamities like heavy rains, floods, earthquakes, droughts, scarcity or cyclones, the State Government may permit such works being taken up under the Scheme for such temporary period as the State Government may, from time to time, decide.]

(ii) The works taken up under the Scheme shall be in the rural areas ; it shall however, be lawful for the State Government to direct that certain categories of works may be taken up in areas other than rural areas.

(iii) Every Collector shall be asked to prepare blue prints of the works to be taken up under the Scheme in the District. Such blue prints shall be prepared by him as a part of the District plan, but be based on the Panchayat Samiti area development plans prepared with a view to give employment guarantee to all adult persons for unskilled manual work and to make use of natural resources, actual or potential, which are readily available in the respective Panchayat Samiti areas. The Collector shall place the blue prints for approval before the District

<sup>1</sup> Section 6A was inserted by Mah. 24 of 1980, s. 2.

<sup>2</sup> Proviso was added, *ibid.*, s. 3(a).

Level Committee, which shall give its approval after taking into consideration the views of the Panchayat Samiti Level Committee.

(iv) In order to anticipate the demand for manual work, a manpower budget for the District shall be prepared, so that it may be possible to plan the works to be taken up under the Scheme, taking into account the special distribution of unemployment over the District.

(v) The Scheme may also provide, as far as possible, for the training and upgradation of the skills of the unskilled labour.

(vi) The wages shall be directly linked with the quality and quantity of work.

(vii) The wages shall be paid according to the schedule of rates, which shall be fixed by the State Government for different types of works, from time to time. The schedule of rates shall be so fixed that a person working diligently for 7 hours a day would normally get a total wage equal to the minimum wage for agricultural labourer for the lowest zone fixed by the State Government, from time to time.

<sup>1</sup>[In areas, which are affected by natural calamities like heavy rains, floods, earthquakes, droughts, scarcity or cyclones, wages may be paid on such works, at such daily rates and for such temporary period, as the State Government may direct.]

(viii) It shall be open for the Samiti Officer to direct any person who volunteers for employment under the Scheme to do work of any type permissible under the Scheme.

(ix) All works taken up under the Scheme shall be executed departmentally and not through any contractor :

Provided that, skilled items of works such as gorge filling where it is absolutely necessary, and waste-weir component of work of percolation and minor irrigation tanks, may be executed on the basis of a piece rate system, but the wages payable to unskilled labour shall be in accordance with the tasks prescribed under the Scheme.

(x) 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, <sup>2</sup>[a subsidy under the Scheme, at such rates as may be prescribed, shall be financed from the Employment Guarantee Fund.]

(xi) The work taken up under the Scheme shall be so organised by the Collector that the normal agricultural operations in the District are not adversely affected and that a balance is maintained between the principle of guaranteed work with minimum wage on the one side and the requirements of labour for agricultural operations, as well as the requirements of labour for the implementation of the regular plan and non-plan works of the State Government on the other side.

(xii) The State Government shall provide in the Scheme for a periodical inspection of the works taken up under the Scheme to ensure proper quality of the works as well as to ensure that the total wages paid for the completion of any work are commensurate with the quality and quantity of the work done.

(xiii) The State Government shall provide in the Scheme for the appointment of an Audit Squad to conduct a periodical audit of the expenditure incurred under the Scheme.

<sup>1</sup> This portion was added, *ibid.*, s. 3(b).

<sup>2</sup> This was substituted for the portion beginning with "only that much subsidy" and ending with "Employment Guarantee Fund" by Mah. 24 of 1980, s. 3(c).

(xiv) 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, free of charge, to such medical treatment as is admissible under the Scheme, and where hospitalisation is necessary, the State Government shall arrange for such hospitalisation including accommodation, treatment and diet. During the period he is undergoing treatment in the hospital, he shall be entitled to daily wages at the rate of half of the minimum wages referred to in clause (vii). In case of death of such person, an *ex-gratia* payment of rupees five thousand shall be made to his legal heirs in the manner laid down in the Scheme. 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 five thousand rupees.

(xv) Subject to the rules made in this behalf, the State Government shall ordinarily provide all kinds of tools and implements and gun powder 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.

(xvi) The State Government shall, as far as possible, undertake comprehensive land development programmes on water-shed basis. Such works shall, as far as possible, be provided within a radius of five kilometres from the village of the workers engaged on such works.

(3) The Scheme shall provide for the registration of the names and addresses of persons who volunteer to work under the Scheme. Such registration shall be done at the headquarters of the Gram Sevak or the Talathi, as the State Government may specify, within whose jurisdiction the village where the person resides is situated.

(4) The Scheme so prepared shall be published in the *Official Gazette*, and a summary thereof shall also be published in such local newspapers, having wide circulation in each District, as the State Government may determine.

(5) Until the Scheme is prepared and published under this section, the Employment Guarantee Scheme of the State Government in operation immediately before the date of commencement of this Act shall be deemed to be the Scheme made and published under this Act.

8. (1) Every adult person who—  
 (i) is residing in any rural area;  
 (ii) is willing to do any unskilled manual work;

Conditions applicable for guaranteed employment to adult persons in rural areas.

may get his name and address registered with an authority or officer specified by the State Government in this behalf (hereinafter referred to as "the registering authority") who shall register the name and address of such person, after making such enquiry as it deems fit. The registration shall be for such period as may be laid down in the Scheme and may be renewed, from time to time. The registering authority, if satisfied that any person has got himself registered by making a false declaration of his age, may, after giving reasonable opportunity to the person concerned of being heard, delete his name from the register.

(2) Every registered person shall be entitled to be provided with employment in accordance with the Scheme for the time being in force.

(3) It shall be the duty of the State Government to provide employment in accordance with the provisions of the Scheme to every such registered person, if a letter asking for such employment and stating therein the period for which employment is required and the period for which such a person is willing to work continuously, which shall not be less than one month, is received from such person by the Samiti Officer or by the Gram Sevak or the Talathi, as may be specified by the State Government, within whose jurisdiction the village where the person resides is situated. Such person shall be provided with employment as far as possible on any work within the area of the Panchayat Samiti where he resides, but in any case not outside the District.

(4) If within 15 days of the receipt of the letter for employment under the Scheme by the Samiti Officer or by the Gram Sevak or the Talathi, as the case may be, the State Government is unable to provide employment to such person under the Scheme, in the manner mentioned in sub-section (3), the person shall be entitled to receive from the Employment Guarantee Fund an unemployment allowance at such rate as may be fixed by the State Government from time to time, but not less than Re. 1 per day.

(5) The liability of the State Government to pay unemployment allowance under sub-section (4) shall commence after the expiry of 15 days from the receipt of the letter for employment by the Samiti Officer or by the Gram Sevak or the Talathi, as the case may be, and shall cease immediately after the Samiti Officer, by a letter sent to the person on the address mentioned in the register, directs him to report at any work taken up under the Scheme.

(6) Notwithstanding anything contained in this Act, if the State Government is during any period unable, owing to circumstances beyond human control like rains, or other unusual natural calamities, to provide employment under sub-section (3), there shall be no liability on the State Government to pay the unemployment allowance under sub-section (4) during that period.

(7) When it is not expedient for the State Government to provide employment immediately on works sanctioned under the Scheme, notwithstanding anything to the contrary contained in any other law for the time being in force, it shall be lawful for the Collector to issue directives to the Village Panchayats to take up such works as are prescribed, from the Village Employment Fund constituted under the Bombay Village Panchayats Act, 1958, for such duration as he may direct. If a person from whom a letter has been received under sub-section (3) is provided with employment on such works, he shall be deemed to have been provided with employment under that sub-section.



(8) The unemployment allowance to be paid to an unemployed person under sub-section (4) shall be sanctioned and paid by an authority empowered by the State Government in this behalf and for this purpose the State Government may prescribe such procedure as it deems fit.

(9) No person shall be entitled to any unemployment allowance under sub-section (4), if he—

(i) does not accept employment provided to him under sub-section (3);

(ii) does not report for work within 7 days of being asked to do so;

(iii) continuously remains absent from work, without the permission of the implementing officer, for a period of more than one week, or remains absent for a total period of more than one week in any month.

(10) Any person, who is provided with employment under sub-section (3) and does not accept the same or who loses his entitlement to the unemployment allowance under sub-section (9), shall stand debarred from claiming unemployment allowance for a period of three months, but during this period of three months, shall not be debarred from getting employed on any works. Such defaults shall be reported by the Samiti Officer to the concerned registering authority.

(11) Whenever any dispute arises between any person who sends a letter for employment under sub-section (3) and the Samiti Officer, it shall be referred by the Samiti Officer to such Authority as the State Government may prescribe and the decision of such Authority shall be final. The aggrieved person may also refer the dispute directly to the Authority. The State Government may prescribe the procedure to be followed by such Authority while deciding such disputes, as well as the functions and the powers of the Authority.

(12) Notwithstanding anything contained in the foregoing sub-sections, where there is no able bodied adult member in a family, a minor member of such family, who has completed his age of fifteen years, shall also be entitled to register his name and address under sub-section (1) and shall be paid wages according to the quantum of his work ;

*Explanation.*—For the purposes of this sub-section the expression 'member in a family' means a husband, wife, father, mother, brother or sister residing together.

(13) The registering authority specified under sub-section (1) shall prepare and maintain such register or registers and in such manner and issue such identity cards or pass books as may be prescribed. The registering authority shall send such list or lists of the names and addresses of persons registered with it and supply such other information to the Samiti Officer at such times and in such forms as may be prescribed.

Penalty for drawing unemployment allowance when employed elsewhere.

9. Any person

(a) who has an employment but sends a letter asking for employment under sub-section (3) of section 8 and draws unemployment allowance under sub-section (4) of that section ; or

(b) who is in receipt of unemployment allowance under sub-section (4) of section 8 and accepts employment elsewhere but does not bring this fact to the notice of the Samiti Officer and continues to draw unemployment allowance under that sub-section,

shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

10. (1) For every Panchayat Samiti area, the State Government shall appoint a Panchayat Samiti Level Officer, to be called the Samiti Officer, for the implementation of the Scheme in the Panchayat Samiti area concerned. Samiti Officers and their functions.

(2) The Samiti Officer shall, from time to time, obtain from the registering authority a list containing the names and addresses of persons registered with it.

(3) The works to be taken up under the Scheme shall be sanctioned by the State Government or the Collector or by such other officer as the State Government may specify for this purpose, subject to such limits on the costs of works as the State Government may, by order, specify. The Samiti Officer shall, from time to time, obtain from the Collector a list of works sanctioned within the District.

(4) On receipt of a letter for employment under sub-section (3) of section 8, the Samiti Officer shall decide to which sanctioned work in his Panchayat Samiti area the applicant may be directed, and accordingly inform the applicant and also the officer in charge of the execution of the work. If it is not possible for the Samiti Officer to direct the person to any work in his Panchayat Samiti area, he may, in consultation with the Collector, direct him to a work outside the Panchayat Samiti area, but within the District.

(5) The Collector and the other implementing agencies in the District shall be responsible for the funds placed at their disposal by the State Government. They shall maintain the accounts of employment and expenditure in such manner as may be prescribed.

11. (1) Whenever any work taken up under the Scheme is completed and it is no longer possible to provide unskilled manual employment on such work, it shall be the duty of the implementing officer concerned to report this fact to the Collector as well as to the Samiti Officer concerned. It shall then be the duty of the Samiti Officer to direct the persons employed on such works to any other work already taken up under the Scheme or to a work to be started under the Scheme with the sanction of the Collector or of the State Government, as the case may be. Provision for employment on other works.

(2) If within four days of the receipt of intimation of the completion of the work, the Samiti Officer is unable to direct the workers employed on such work to any other work under the Scheme as mentioned in sub-section (1), the State Government shall from the fifth day onwards pay to the person concerned unemployment allowance as per sub-section (4) of section 8.

(3) If any person who under sub-section (2) has been asked by the Samiti Officer to report at any other work under the Scheme fails to do so within 7 days of being directed by the Samiti Officer to do so, he shall stand debarred from claiming unemployment allowance as if he has been disqualified under sub-sections (9) and (10) of section 8.

(4) The State Government's liability to pay unemployment allowance under sub-section (2) shall cease immediately after the Samiti Officer directs the person concerned to report at some other works, either existing or yet to be started, under the Scheme.

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

Ma. (2) Any amount standing to the credit of the Employment Guarantee Fund established under the Maharashtra State Tax on Professions, Trades, Callings and of Employments Act, 1975 read with the Maharashtra Tax Acts (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. Establishment of Employment Guarantee Fund and its utilisation for the Scheme.

Ma. of 1975.  
Ma. of 1975.  
XVII of 1975.

(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 and under section 4 of the Maharashtra Tax Acts (Amendment) Act, 1975, and the amounts of the matching contributions made by the State Government as laid down in the said Acts ;

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

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

(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 Scheme.

(6) Temporary diversions of funds for utilisation 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, 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.

Amendment of certain enactments and rule of construction for references to Scheme and Fund in other laws. 13. (1) The enactments specified in the second column of the Schedule 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.

Delegation of powers. 14. 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.

Protection of action taken in good faith. 15. No suit, prosecution or other legal proceedings shall lie against the State Government or any authority or officer or body or person for anything which is in good faith done or intended to be done in pursuance of this Act or the Scheme or the rules made thereunder.

Act to have overriding effect. 16. The provisions of this Act or the Scheme, 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.

<sup>1</sup>The words, brackets and figures " and the scheme for educated unemployed referred to in subsection (6) of section 12, " were deleted by Mah. 24 of 1980, s. 4.

17. (1) The power to make rules under this Act shall be exercisable by the State Government by notification in the *Official Gazette*. Power to make rules.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act to carry out the purposes of this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

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

### THE SCHEDULE

(See section 13)

Serial No.	Short title and number of enactment	Amendments
1	2	3
Mah. XX of 1978.	1 The Bombay Sales Tax Act, 1959 (Bom. LI of 1959).	In section 15A-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 6A, 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 "of 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 the 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 ;

The SCHEDULE—*contd.*

Serial No.	Short title and number of enactment	Amendments
1	2	3
5 The Maharashtra Tax Acts (Amendment) Act, 1975 (Mah. XVII of 1975).	In section 4,—	<p>(b) in sub-section (2), for the words, brackets and figure "the Fund an amount equal to the amount transferred to the Fund under sub-section (1)." the following shall be substituted, namely :—</p> <p>"the Employment Guarantee Fund an amount equal to the amount transferred to that Fund under sub-section (1).";</p> <p>(c) sub-sections (3), (4), (5) and (6) shall be deleted ;</p> <p>(d) for the marginal note, the following marginal note shall be substituted, namely :—</p> <p>"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.</p> <p>(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." Mah. XX of 1978. shall be substituted ;</p> <p>(b) sub-sections (3) and (4) shall be deleted.</p>



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, डिसेंबर २९, २००६/पौष ८, 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 (इंग्रजी 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) Act, 2006 (Mah. Act No. LI 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.

### MAHARASHTRA ACT No. LI OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 29th December 2006).

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

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Employment Guarantee Act, 1977, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Employment Guarantee (Amendment) Ordinance, 2006, on the 31st October 2006 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Employment Guarantee (Amendment) Act, 2006.

Short title  
and  
commencement.

(१११)

भाग आठ—१९४

[किंमत : रुपये ९.००]

(2) It shall be deemed to have come into force on the 31<sup>st</sup> October 2006.

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"),—

Mah.  
XX of  
1978.

(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 ; ;

11 of  
1948.

(c) after clause (k), the following clauses shall be added, namely:—

"(l) "State Council" means the Maharashtra State Employment Guarantee Council constituted under section 4 ;

(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:—

State  
Employment  
Guarantee  
Council.

"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 :

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.

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;”

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.

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

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

Amendment  
of section  
7 of Mah.  
XX of  
1978.

Amendment  
of section  
12 of Mah.  
XX of  
1978.

Amendment  
of section  
13 of  
Mah. XX  
of 1978.

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

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) Act, 2006, provisions of this Act shall apply to the areas specified in Schedule II, subject to the following modifications, namely:—

Mah. LI  
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-a2) “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, 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.

Principal  
authorities  
for  
planning  
and  
implement-  
ation 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-ordina-  
tor.

(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. 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 on going 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. shall be complied with."

25 of  
1976.

Repeal of  
Mah. Ord.  
XIII of 2006  
and saving.

12. (1) The Maharashtra Employment Guarantee (Amendment) Ordinance, 2006, is hereby repealed.

Mah.  
Ord.  
XIII  
of  
2006.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.



# महाराष्ट्र शासन राजपत्र

असाधारण  
प्राधिकृत प्रकाशन

बुधवार, मार्च १९, २००८/फाल्गुन २९, शके १९२९

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 विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Motor Vehicles Tax, the Motor Vehicles (Taxation of Passengers), the Maharashtra Education and Employment Guarantee (Cess), the Tax on Sale of Electricity, the State Tax on Professions, Trades, Callings and Employments, the Tax Acts (Amendment) and the Employment Guarantee (Amendment) and the Bombay State Scarcity Relief Fund (Repeal) Act, 2008 (Mah.V of 2008), 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.

### MAHARASHTRA ACT NO. V OF 2008.

(First published after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 19th March 2008).

An Act further to amend the Bombay Motor Vehicles Tax Act, 1958; the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958; the Maharashtra Education and Employment Guarantee (Cess) Act, 1962; the Maharashtra Tax on Sale of Electricity Act, 1963; the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975; the Maharashtra Tax Acts (Amendment) Act, 1975 and the Maharashtra Employment Guarantee Act, 1977; and to repeal the Bombay State Scarcity Relief Fund Act, 1958.

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

(४९)

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Motor Vehicles Tax Act, 1958; the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958; the Maharashtra Education and Employment Guarantee (Cess) Act, 1962; the Maharashtra Tax on Sale of Electricity Act, 1963; the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975; and the Maharashtra Tax Acts (Amendment) Act, 1975 and to repeal the Bombay State Scarcity Relief Fund Act, 1958, with a view to abolish the funds established and maintained under the said Acts; and further to amend the Maharashtra Employment Guarantee Act, 1977; and, therefore, promulgated the Bombay Motor Vehicles Tax, the Motor Vehicles (Taxation of Passengers), the Maharashtra Education and Employment Guarantee (Cess), the Tax on Sale of Electricity, the State Tax on Professions, Trades, Callings and Employments, the Tax Acts (Amendment) and the Employment Guarantee (Amendment) and the Bombay State Scarcity Relief Fund (Repeal) Ordinance, 2008, on the 22nd February 2008;

Bom. LXV of 1958.  
Bom. LXVII of 1958.  
Mah. XXVII of 1962.  
Mah. XXI of 1963.  
Mah. XVI of 1975.  
Mah. XVII of 1975.  
Bom. LXXXIII of 1958.  
Mah. XX of 1978.  
Mah. Ord. II of 2008.

AND WHEREAS it is expedient to replace the said Ordinance, with certain modifications, by an Act of the State Legislature; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows :—

## CHAPTER I

### PRELIMINARY.

Short title and commencement.

1. (1) This Act may be called the Bombay Motor Vehicles Tax, the Motor Vehicles (Taxation of Passengers), the Maharashtra Education and Employment Guarantee (Cess), the Tax on Sale of Electricity, the State Tax on Professions, Trades, Callings and Employments, the Tax Acts (Amendment) and the Employment Guarantee (Amendment) and the Bombay State Scarcity Relief Fund (Repeal) Act, 2008.

(2) It shall be deemed to have come into force on the 22nd February 2008.

## CHAPTER II

### AMENDMENTS TO THE BOMBAY MOTOR VEHICLES TAX ACT, 1958.

Amendment of section 11 of Bom. LXV of 1958.

2. In section 11 of the Bombay Motor Vehicles Tax Act, 1958 (hereinafter, in this Chapter, referred to as "the Motor Vehicles Tax Act"),—

Bom. LXV of 1958.

- (a) sub-sections (1), (4) and (5) shall be deleted;  
(b) *Explanation* shall be deleted.

Amendment of section 23 of Bom. LXV of 1958.

3. In section 23 of the Motor Vehicles Tax Act, in sub-section (2), in clause (g), the words "and the manner in which the amount standing to the credit of the State Road Fund shall be expended under that section" shall be deleted.

CHAPTER III

AMENDMENT TO THE BOMBAY MOTOR VEHICLES  
(TAXATION OF PASSENGERS) ACT, 1958.

- Bom. LXXVII of 1958. 4. Section 5A of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958, shall be deleted. Deletion of section 5A of Bom. LXXVII of 1958.

CHAPTER IV

REPEAL OF THE BOMBAY STATE SCARCITY RELIEF FUND ACT, 1958.

- Bom. LXXXIII of 1958. 5. The Bombay State Scarcity Relief Fund Act, 1958, is hereby repealed. Repeal of Bom. LXXXIII of 1958.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA EDUCATION AND EMPLOYMENT  
GUARANTEE (CESS) ACT, 1962.

- Mah. XXVII of 1962. 6. In Chapter II of the Maharashtra Education and Employment Guarantee (Cess) Act, 1962 (hereinafter, in this Chapter, referred to as "the Education and Employment Guarantee (Cess) Act"), in the heading, the words "*and State Education Cess Fund*" shall be deleted. Amendment to the Heading of Chapter II of Mah. XXVII of 1962.

7. Section 6 of the Education and Employment Guarantee (Cess) Act shall be deleted. Deletion of section 6 of Mah. XXVII of 1962.

8. In section 26 of the Education and Employment Guarantee (Cess) Act, in sub-section (2), clause (a) shall be deleted. Amendment of section 26 of Mah. XXVII of 1962.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA TAX ON SALE OF  
ELECTRICITY ACT, 1963.

- Mah. XXI of 1963. 9. In section 5 of the Maharashtra Tax on Sale of Electricity Act, 1963 (hereinafter, in this Chapter, referred to as "the Tax on Sale of Electricity Act"),— Amendment of section 5 of Mah. XXI of 1963.

(a) in sub-section (1), clause (b) shall be deleted;

(b) in sub-section (2), the words "and the State Electricity Fund" shall be deleted;

(c) in the marginal note, for the words "Transfer of proceeds of tax to State Electricity Fund, etc." the words "Utilisation of proceeds of tax." shall be substituted.

10. Section 5A of the Tax on Sale of Electricity Act shall be deleted. Deletion of section 5A of Mah. XXI of 1963.

## CHAPTER VII

AMENDMENTS TO THE MAHARASHTRA STATE TAX ON PROFESSIONS,  
TRADES, CALLINGS AND EMPLOYMENTS ACT, 1975.

Amendment  
of Preamble  
of Mah. XVI  
of 1975.

11. In the preamble of the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (hereinafter, in this Chapter, referred to as "the Tax on Professions Act") the words "for raising additional resources needed for implementing the Employment Guarantee Scheme of the State Government and to provide for establishment of the Employment Guarantee Fund" shall be deleted.

Mah.  
XVI of  
1975.

Substitution  
of section 30  
of Mah. XVI  
of 1975.

12. For section 30 of the Tax on Professions Act, the following section shall be substituted, namely :—

Amounts to  
be paid into  
the Fund  
established  
under the  
Maharashtra  
Employment  
Guarantee  
Act, 1977.

"30. The proceeds of the tax levied and collected under this Act, together with penalties and interest and fees recovered thereunder, shall first be credited to the Consolidated Fund of the State, and after deducting the expenses of collection and recovery as determined by the State Government and the amounts of grants made to the local authorities under section 29, out of the remaining amount, the amount necessary to ensure that, at the beginning of every Financial Year, the amount standing to the credit of the Fund established under the Maharashtra Employment Guarantee Act, 1977, is not less than Rupees 2,000 crore, shall, under appropriation duly made by law in this behalf, be entered into, and transferred to, the Fund established under that Act."

Mah.  
XX of  
1978.

## CHAPTER VIII

## AMENDMENT TO THE MAHARASHTRA TAX ACTS (AMENDMENT) ACT, 1975.

Deletion of  
section 4 of  
Mah. XVII of  
1975.

13. Section 4 of the Maharashtra Tax Acts (Amendment) Act, 1975, shall be deleted.

Mah.  
XVII of  
1975.

## CHAPTER IX

## AMENDMENT TO THE MAHARASHTRA EMPLOYMENT GUARANTEE ACT, 1977.

Amendment  
of section 12  
of Mah. XX  
of 1978.

14. In section 12 of the Maharashtra Employment Guarantee Act, 1977,—

Mah.  
XX of  
1978.

(a) in sub-section (3), for clause (a), the following clause shall be substituted, namely :—

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

Mah.  
XVI of  
1975.

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) The State Government shall allocate requisite funds for effective implementation of the Scheme.”

## CHAPTER X

### MISCELLANEOUS

15. On the date of commencement of this Act, all the securities (including cash balances, if any) in the State Road Fund established under section 11 of the Bombay Motor Vehicles Tax Act, 1958, the Health and Nutrition Fund established under section 5A of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958, the Maharashtra State Scarcity Relief Fund established under section 3 of the Bombay State Scarcity Relief Fund Act, 1958, the State Education Cess Fund established under the Maharashtra Education and Employment Guarantee (Cess) Act, 1962, and the State Electricity Fund established under section 5 of the Maharashtra Tax on Sale of Electricity Act, 1963 shall be deemed to be transferred to, and to form part of the Consolidated Fund of the State and shall be held in, or transferred to the name of the Secretary to the Government of Maharashtra, Finance Department.

*Provision for transfer of amount standing to the credit of various funds to the Consolidated Fund of the State.*

16. (1) The Bombay Motor Vehicles Tax, the Motor Vehicles (Taxation of Passengers), the Maharashtra Education and Employment Guarantee (Cess), the Tax on Sale of Electricity, the State Tax on Professions, Trades, Callings and Employments, the Tax Acts (Amendment) and the Employment Guarantee (Amendment) and the Bombay State Scarcity Relief Fund (Repeal) Ordinance, 2008, is hereby repealed.

*Repeal of Mah. Ord. II of 2008 and saving.*

(2) Notwithstanding such repeal, anything done or any action taken under the Bombay Motor Vehicles Tax Act, 1958, the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958, the Maharashtra Education and Employment Guarantee (Cess) Act, 1962, the Maharashtra Tax on Sale of Electricity Act, 1963, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975, the Maharashtra Tax Acts (Amendment) Act, 1975 and the Maharashtra Employment Guarantee Act, 1977, as amended by the said Ordinance, shall be deemed to have been done or taken under the relevant Act, as amended by this Act.



