

PLANNING DEPARTMENT

Mantralaya, Bombay 400032, dt. the 27th Jan. 79

Maharashtra Employment Guarantee Act, 1977-

No. EGS.1077/87-EMP-5. In exercise of the powers conferred by section 17 of the Maha. E. G. Act, 1977 (Mah. XX of 1978) and all other powers enabling it in that behalf, the Govt. of Maha. Hereby makes the following rules, the same having been previously published as required by sub-sec.(3) of the said sec.17, namely:-

RULES

1. Short title—These rules may be called the Maharashtra Employment Guarantee Rules, 1979-

2. Definition.-In these rules, unless the context otherwise requires-

(a) "the Act" means the Maharashtra Employment Guarantee Act, 1977 (Mah. XX of 1978)

(b) "the Form" means a form appended to these rules.

©section "means the section of the Act.

(d) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Provision of tools, implements and gunpowder. -(1) On the works executed under the scheme, the implements and tools required by the workers shall originally be provided by the State Govt. and the cost of sharpening of such implements and tools shall be borne by Govt. If the workers bring their own implements and tools, payments shall be made to such workers at such rates as may be decided by the State Govt., from time to time, as additional wage towards the hire charges of the implements and tools so brought by such workers. If the tools and implements used by the labourers need regular sharpening and if it is not done at Govt. cost, sharpening charges at such rates as may be fixed by the State Govt. from time to time may be paid to the workers.

(2) The Gunpowder required for drilling and blasting of hard rock encounter during the execution of a work shall be supplied by the State Govt.

4. Registering authorities-The Samiti Officer of a Panchayat Samiti area shall in consultation with the Collector of the Dist. appoint the registering authority for each villages (including C-Class municipal areas) from among the Talatis, Gram-sevaks & Asstt. Gram- Sevaks working in the Panchayat Samiti area.

5. Registration for Employment-(1)Any adult person(i.e. a person who has attained the age of 18 years) residing in a rural area and is willing to do any unskilled work under the E.G.S. may get his name registered with the registering authority of the village, by giving an application indicating the details mentioned in Form No.1.The registering authority need not insist that the application should be in the prescribed form, provided all the details mentioned in Form No.1 are furnished by the applicant. In case the person willing to be registered is not in a position to give a written application, the registering authority may take down the details furnished orally by the person without insisting for a written application.

(2) On receipt of the application for registration (written or oral),the registering authority shall generally satisfy himself about the correctness of the particulars of the employment seeker and register the name of the person if his age is 18 years or above. In case the registering authority has any doubt about the correctness of the age of the applicant, he can ask for proof for the same and decide the matters. In case a person who is below 18 years but has attained 15 years is applying for registration on the ground that there is no able bodied adult person in his family, the registering authority shall, after satisfying himself about this, register the name of the person. The registering authority shall maintain a register of all employment seekers in Form No.2.

(3) On registration of a person ,the registering authority shall issue a non-transferable identity card to him in Form No.3 and obtain his signature or thumb impression in Form No.2 in token of the receipt of the identity card. The identity cards required for this purpose will be supplied by the Samiti Officer.

(4) The Registration of the employment seekers and also the issue of identity card shall be done free of cost.

6) Procedure for making application for employment .---A person who is registered for employment under the Scheme and who is in need of employment shall apply in Form No.4 either to the Samiti Officer of the

concerned Panchayat Samiti or the Registering Authority of the concerned village. This application shall be handed over by the applicant personally to the Samiti Officer or the Registering authority. It shall not be insisted that the application shall be in the prescribed form, provided all the details and the undertaking mentioned in Form No.4 are given. The authority receiving the application shall acknowledge receipt of the same in Form No.5. The letters asking for employment received by the Registering Authority shall be forwarded to the Samiti Officer, as and when he receives the same and in any case not later than 3 days of the receipt of the letter. The Registering authority shall maintain a register in Form No.6 regarding the applications received by him.

7.Provision of employment – The Samiti Officer shall consider each letter asking for employment received by his or forwarded to his by their Registering Authorities and shall after satisfying himself that the applicant is already registered for employment direct him immediately by a letter in Form No.7 to a work sanctioned under the Scheme within the Panchayat Samiti area, to a work in any other Panchayat Samiti area within the same District. A copy of the same letter should be forwarded to the implementing officer in charge of the work, also. The implementing officers or his representative shall adsorb the person on the above work if he presents himself for the work within 7 days of the receipt of the letter issued by the Samiti Officer. If, owing to reasons beyond his control, the implementing officer or his representative finds it impossible to absorb the person on the work, he shall record the same with reasons thereof on the copy of the letter brought by the persons and shall inform the Samiti Officers separately. On receipt of this intimation from the implementing officer, the Samiti Officer shall immediately direct the person by a letter in the same forms (Form No.7) to some other works.

8.Provision of employment when it is no longer possible to continue to provide employment on a work.-When any Implementing Officer finds that it is not possible to continue to provide unskilled manual employment to a registered person, who in pursuance of his letter ,asking for employment was directed by the Samiti Officer to the work, he shall immediately report this fact to the Samiti Officer indicating the date from which such a registered person could not be given employment and the name and the registration no.of such a persons .The Samiti Officer shall on receipt of such a report from the Implementing Officer immediately and in any case not latter than 4 days, direct such a person to some other work.

9. Entitlement to receive unemployment allowance.-(1) A person who is registered under the scheme and also who has given a letter asking for employment shall be entitled to receive unemployment allowance at the rate of Re.1 per day or at such high rate as may be fixed by the State Govt., if---

a) the letter from the Samiti Officer directing him to any work is not issued before the expiry of 15 days from the receipt of the letter for employment (in that case he shall be entitled for unemployment allowance for the period commencing on the expiry of 15 days from the receipt by the Registering Authority or the samiti Officer, as the case may be, of the letter for employment till the actual date on which the letter from the Samiti Officer, directing him to work is issued, or

b) the letter of the Samiti Officer directing him to some other work when it is not possible to continue to provide employment on a work to which he was directed by the Samiti Officer is not issued within 4 days of the receipt by the Samiti Officers of the intimation of this fact from the Implementing Officer; of the work in that case the person shall be entitled for unemployment allowance for the period commencing on the expiry of 14 days after the; receipt of intimation by the Samiti Officer from the Implementing Officer till the date on which the letter directing him to some other work is issued, or

c) he is not absorbed on the work by the Implementing Officer when he reports for work within 7 days of the receipt of the letter from the Samiti Officer (in that case he shall be entitled for unemployment allowance for the period commencing on the expiry of 15 days from the receipt of the letter for employment till the dt. On which a letter directing him to some other work is issued),or

d) He, on being directed to some other work by the Samiti Officer, when it is not possible to continue to provide employment on an earlier work, is not absorbed when he reports for work within 7 days of the receipt of the letter from the Samiti Officer (in that case he shall be entitled for unemployment allowance from the period commencing on the expiry of 4 days after the receipt of intimation about liability to continue to provide employment on the earlier work till the issue of the letter redirecting him to another works).

(2) The above entitlements for unemployment beyond; human control like rains or unusual natural calamities, the State Govt. is unable to provide employment (i.e. the Samiti Officer being unable to issue the letter directing the employment seeker to a work or the Implementing Officer being unable to absorb the persons directed by the Samiti Officer or to take up or continue

the work),there shall be no liability on the part of the State Govt. to pay unemployment allowance.

a) If, owing to circumstances beyond human control like rains or unusual natural calamities, the State Govt. is unable to provide employment (i.e. the Samiti Officer being unable to issue the letter directing the employment seeker to a work or the Implementing Officer being unable to absorb the persons directed by the Samiti Officer or to take up or continue the work.) ,there shall be no liability on the part of the State Govt. to pay unemployment allowance.

b) A person will render himself ineligible to unemployment allowance for a period of three months, if he does not report for work within 7 days of his being asked to do so, or continuously remains absent from work ;without the written 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. Therefore, whenever any person claims unemployment allowance, it shall be verified whether at any time within a period of 3 months immediately preceding ,he had rendered himself ineligible to unemployment allowance on account of any of the reasons; mentioned above.

c) A person who is found to have claimed and accepted unemployment allowance while already having an employment will not be entitled to unemployment allowance for a period of 3 months from the last day on which he is found to have claimed and accepted unemployment allowance.

10) Procedure for payment of unemployment allowance. —(1) A person claiming unemployment allowance shall make an application in Form No.8 to the Samiti Officer within 7 days of the last day of the period for which unemployment allowance is claimed. Separate applications shall be made for each continuous period for which unemployment allowance is claimed. The period for which unemployment allowance is claimed in an application lshall not exceed 30 days. No unemployment allowance shall be claimed for a period beyond the dt. of application for unemployment allowance. A copy of the acknowledgement received while handing over the letter for employment shall be attached to the application. In case a person claims unemployment allowance on the ground that he was not absorbed on a work to which he was directed by the Samiti Officer, he shall attach a copy of the letter issued by the Samiti Officer directing him to the work and endorsement of the Implementing Officer or his representative regarding his inability to absorb the person on the work. If the above requirements are not fulfilled in the application, it shall be liable for rejection.

(2) On receipt of the application, the Samiti Officer shall make necessary enquiries and if he is satisfied that the applicant is registered for employment under the Scheme and is entitled for payment of unemployment allowance he shall issue an order to that effect in Form No. 9 indicating the period for which the unemployment allowance is payable and direct the Registering Authority of the concerned village to make payment of the unemployment allowance to the applicant. If the Samiti Officer rejects the demand for unemployment allowance, he shall record the reason for rejecting the same and intimate the applicant in Form No.10, As far as possible, the Samiti Officer shall decide the application for unemployment allowance within ten days of its receipt.

(3) The Registering Authority making payment of unemployment allowance shall do so in the presence of a witness and shall obtain the signature or thumb impression of the person receiving unemployment allowance and also the witness in token of the payment in Form No.11 after making necessary entries. The Registering Authority shall submit monthly statements to the Samiti Officer regarding the payment of unemployment allowance made by him in Form No. 12.

11) Settlement of disputes.-When a dispute arises between a person giving a letter for employment and the Samiti Officer regarding provision of employment or payment of unemployment allowance, it shall be referred by the Samiti Officer to the Sub-Divisional Officer, who has jurisdiction over the concerned Panchayat Samiti area. The aggrieved person may also directly approach the Sub-Div. Officer, but he may do so within 15 days from the dt. of the order by which he is aggrieved. The Sub. Div. Officer shall decide the matter after making summary inquiries and pass suitable orders and communicate; the same to the Samiti Officer and the concerned person. For this purpose, the Sub. Div. Officer may require the presence of the Samiti Officer or any Panchayat Samiti level Implementing Officer. The Sub-Div. Officer may, as far as possible, hold the enquiry at the Panchayat Samiti headquarters. The decision of the Sub.Div. Officer shall be final.

12. Powers of Collector to direct Village Panchayat to take up works from the village employment fund.—When it is not expedient to provide employment to a person asking for employment on any work; taken up under the Scheme, the Collector of the district may direct a Village Panchayat to take up works permissible under the Maharashtra Village Employment Fund Rules, 1974, from the Village Employment Fund. It shall also be binding on the Village Panchayat to absorb such of the persons as directed by the Samiti Officer.

13. Maintenance of accounts of employment and expenditure.-The Collector and the other implementing agencies shall maintain account of employment in Form 13 and Form 14 , respectively. The accounts of expenditure shall be maintained at dist. level by the Collector in Forms 15 and 16 .The implementing agencies shall maintain the account of expenditure in the manner prescribed by the respective departments for the normal works of those departments.

14. Utilisation of Employment Guarantee Fund.-(1)The Fund shall be expended for the purpose of implementing the scheme, which shall include the administrative charges, payment of unemployment allowance under the Act and the expenditure to be incurred on ex-gratia payments to the workers, who sustain injuries as a result of any accident while engaged on the works under the Scheme or to the members of families of the workers who die as a result of any such accident.

2. The expenditure for the purpose of implementing the Scheme (including the administrative charges,)which are initially debited to the Consolidated Fund shall be transferred to the Fund by corresponding deduct entry thereunder.

“14A. Subsidy to private land holders.—When any work described in sub-sec.(1) of sec.4 of the Bombay Land Improvement Schemes Act,1942 (Bom.XXVIII of 1942),is taken under the Scheme on any private land, then the holder shall be entitled to a subsidy under clause (x)of ;sub-sec.(2)of sec.7 of the Act,at such rate not exceeding 50 per cent of the total cost of the works, as may be determined under the Scheme,where the total cost includes work cost and establishment cost not exceeding $1\frac{1}{3}$ per cent of the actual work cost.”

15. Administration of Employment Guarantee Fund.—The Fund shall be held; and administered on behalf of the State Govt. by the Secretary to Govt.in the Palnning Deptt. and in his absence by such other Secretary to Govt. as the State Govt. may designate in that behalf.

(2) No sums from the Fund shall be paid or applied, except for the purposes which are approved by the Secretary to Govt. Planning Deptt., or by any officer authorised by him in this behalf.