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# Review Of Research



## THE MAHARASHTRA EMPLOYMENT GUARANTEE ACT, 1977

Dr. S. L. Patil

Associate Professor, Head of Department Economics Sangola college, Sangola.

### ABSTRACT:

**A**n 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.

This Act may be called the Maharashtra Employment Guarantee Act, 1977. It



extends to the whole of rural areas of the State of Maharashtra. It shall come into force in all the areas to which it extends on such 'date as the State Government may, by notification in the Official Gazette, appoint.

**KEY WORDS:** Act, MEG, State Government, State of Maharashtra.

### INTRODUCTION:

"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 Act, 1965, on the date of passing of this Act; and any area, which after the passing of this Act comes to be included within the limits of a Municipal Corporation or Cantonment Board or an "A' or 'B' class Municipal Council shall cease to be a rural area, from the date of such inclusion;

"Scheme" means the Employment Guarantee Scheme prepared and published under section 7

and for the time being in force.

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 there for weekly or in any case not later than a fortnight, in accordance with the provisions of this Act and the Scheme made there under.

#### **Guarantee of Employment to adult persons in rural areas :-**

(1) Adult members of Every rural household who volunteer to do unskilled manual work in the rural areas of Maharashtra shall have a right to work. The State Government shall in the rural area, provide to every household not less than one hundred days of such work in a financial year in accordance with the scheme made under this Act.

(2) The State Government may, make provisions for securing work to every adult member of a household under a scheme for any period beyond the period under Sub-section (1) for whole or part of the rural areas of the state as may be expedient.

(3) Every person who has done the work given to him under the Scheme shall be entitled to receive wages at the wage rate for each day of work.

(4) Save as otherwise provided in this Act, the disbursement of daily wages shall be made on a weekly basis or in any case not later than a fortnight after the date on which such work was done.

#### **Employment Guarantee Schemes for Rural Areas :-**

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

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

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

#### **Conditions for providing guaranteed employment and facilities:-**

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

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

#### **Wage Rate:-**

(1) Notwithstanding anything contained in the minimum wages Act, 1948, the Central Government may by notification, specify the wage rate for the purposes of this Act. Provided that different rates of wages may be specified for different areas.

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

### **Payment of unemployment allowance**

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

(2) Subject to such terms and conditions of eligibility as may be prescribed by the State Government and subject to the provisions of this Act and the Schemes and the economic capacity of the State Government, the unemployment allowance payable under subsection (1) shall be paid to the applicants of a household subject to the entitlement of the household at such rate as may be specified by the State Government, by notification, in consultation with the State Council: Provided that no such rate shall be less than one-fourth of the wage rate for the first thirty days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year.

### **State Employment Guarantee Council:-**

(1) For the purpose of regular monitoring and reviewing the implementation of this Act, the State Government shall constitute a State Council to be known as ' the Maharashtra Employment Guarantee Council ' with a Chairperson and such number of official members as may be determined by it and not more than fifteen non- official members nominated by the State Government from Panchayat Raj institutions organisation of workers and disadvantaged groups and not more than three members nominated by State Government from field of economics, social life etc. who are conversant with the subject. Provided that not less than one third of the nonofficial members nominated under this sub section shall be women: Provided further that, not less than one third of the non-official members shall be belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Minorities.

(2) The terms and conditions subject to which the chairperson and members of the State Council may be appointed and the time place and procedure of the meetings (including the quorum at such meetings) of the State Council shall be such as may be prescribed.

### **(3) The duties and functions of the State Council shall include, -**

- (i) advising the State Government on all matters concerning the Scheme and its implementation; determining and preparing the list of the preferred works;
- (ii) reviewing the monitoring and redressal mechanisms, from time to time, and recommending improvements; promoting the widest possible dissemination of information about the Act and the Schemes made there under ;
- (iii) monitoring the implementation of this Act and the schemes ;
- (iv) preparing the annual report to be laid before the State Legislature by the State Government ;
- (v) any other duty or functions as may be assigned to it by the State Government.

### **State Employment Guarantee Funds**

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

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

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

- (a) The amounts transferred to the Fund under section 30 of the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975;];
- (b) any contributions or grants made by the State Government, or any local authority;
- (C) any sums received from other bodies or individuals, whether incorporated or not.

**Transparency and Accountability**

- (1) The District Programme Coordinator, The Joint District Programme Coordinator and all implementing agencies in the District shall be responsible for the proper utilization and management of the funds placed at their disposal for the purpose of implementing a Scheme.
- (2) The State Government may prescribe the manner of maintaining proper books and accounts of employment of labourers and the expenditure incurred in connection with the implementation of the provisions of this Act and the Schemes made thereunder
- (3) The State Government may, by rules, determine the arrangements to be made for the proper execution of Schemes and programmes under the Schemes and to ensure transparency and accountability at all levels in the implementation of the Schemes.
- (4) All payments of wages in cash and unemployment allowances shall be made directly to the person concerned and in the presence of independent persons of the community on pre-announced dates.
- (5) If any dispute or complaint arises concerning the implementation of a Scheme by the Gram Panchayat, the matter shall be referred to the Programme Officer.

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