

**MAHARASHTRA LEGISLATURE SECRETARIAT
COMMITTEE ON EMPLOYMENT GUARANTEE SCHEME
Rules of Procedure of the Committee
(Internal Working)**

(As adopted by the Committee at its meeting held on 11th October 1995 and approved by the Speaker *vide* Rule 189 of the Maharashtra Legislative Assembly Rules)

The rules for internal working for the Employment Guarantee Scheme.

The rules for internal working of the Employment Guarantee Scheme .

The following rules are supplemental to the provisions contained in the Maharashtra Legislative Assembly Rules 241 and 142 which relate to the constitution, scope of business by the Committee on Employment Guarantee Scheme.

1. Short title and commencement.— (a) These rules may be called the Rules for Internal working of the Committee on the Welfare of Scheduled Tribes.

(b) They shall come into force at once.

2. Sittings of the Committee.—The sittings of the Committee shall be held on such days as the Chairman of the Committee may fix: There shall be no sitting on Sunday and other public holidays unless the Chairman other directs:

Provided further that if the Chairman of the Committee is not readily available the Secretary may fix the date and time of the sitting.

3. Notice of sitting.— When the date and time of a sitting of a Committee have been fixed by the Chairman, notice thereof shall be circulated to members of the Committee.

4. Questionnaire to be prepared for the Divisional and District sitting.— Questionnaire shall be prepared by the Legislature Secretariat for the divisional and district sitting with regard to the functioning of Employment Guarantee Scheme by taking into consideration the problems and lacunae faced by the officers of the implementation machinery and the administrative officers while carrying out works of the Employment Guarantee Scheme. The said questionnaire shall be prepared every year after a new Committee is constituted and after the approval of the Committee, it shall be sent to all the Divisional Commissioners and District Collectors.

5. Furnishing information about the divisional and district sittings to the members— The information received from the Divisional Commissioner incidental to the questionnaire prepared by the Legislature Secretariat for divisional and district sittings will be sent to the members of the Committee at least 10 days before the sitting.

6. Committee's visits to the works undertaken under Employment Guarantee Scheme— On the first day of the district sitting, the Committee may be divided into three groups as per the directions of Chairman with a view to visit the works currently being carried out on Taluka level in the district and every such group may have at least three members of the Committee. The said groups shall actually visit the works being carried out in the Taluka entrusted to them. Members of the said groups shall hold discussion with the labourers and gather information as to whether they are paid wages as per rules and provided other facilities and concessions. They shall also understand their problems and submit a report in the second day of the district sitting regarding the shortcomings/lacunae revealed during the visit.

7. District sitting.— After the actual inspection of the works in the districts, a report of the group-wise inspection shall be submitted to the Committee on the second day of the district sitting. Similarly, Discussion shall be held in the sitting on the information sought through the questionnaire for the district sitting. The district Collector and officers of the various machinery carrying out works of the Employment Guarantee Scheme shall attend the said meeting.

8. Divisional sitting.— A review of the works on the divisional level of the Employment Guarantee Scheme shall be taken in the divisional sitting. Revenue Commissioners, All District Collectors, All Chief Executive Officers and all the concerned officers of the implementation machinery shall attend the said sitting. The Committee shall gather witness of the Revenue Commissioners, District Collectors and all the concerned officers of the implementation machinery.

9. Taking witness of the Ministerial Secretary of the Department.— The Secretary shall prepare a draft report incidental to the discussion held in the divisional and district sitting of the Committee. Evidence of the Ministerial Secretary shall be taken in view of taking further information upon some certain issues if deemed necessary.

10. Preparation of report of the Committee.— The Secretary of the Committee shall prepare draft of the report as per the discussion held in the divisional and district sittings after taking evidence of the departmental Secretary if deemed necessary and

submit the same to the Committee Chairman. After getting approval of the Committee Chairman, the said draft, it will be circulated to the members of the Committee. Final draft of the report shall be prepared after considering the suggestions made by the members of the Committee in the meeting of the Committee. The Committee Chairman shall sign the said report on behalf of the Committee and present the same to the House.

11. Documents sent to the Committee to be treated as confidential.—The documents sent to the Committee shall be treated as confidential and the contents thereof shall not be divulged to any one nor shall any reference be made to them any time outside the committee before presentation of the report in the House. Thereafter only that information shall be referred which is contained in the documents or records laid before the table of the House.

12. Production of documents.— (1) The Committee may send for persons, papers and records required in connection with examination of a subject in terms of M.L.A. rules in this behalf. In the case of secret documents required by the Maharashtra Legislative Assembly rules in this behalf. In the case of secret documents required by the Committee, such paper may be made available by the Government/Planning Department confidentially to the Chairman in the first instance unless is it certified by the Minister concerned that the document could not be made available on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) The Chairman may give due consideration to the wishes of the Government/Planning Department before making any secret documents available to the members of the Committee. Any difference of opinion between the Government/Planning Department and the Chairman may be settled by discussion and no satisfactory agreement is arrived at, the matter shall then be placed before the Speaker for his decision.

13. Presentation of report— Generally, the Chairman shall present report to the House and in his absence, any member of the Committee may present the report to the House.

14. Distribution of report— As soon as possible after presentation of the report to the House, copies thereof shall be made available to the members of Legislature and thereafter administrative officers and officers of implementation machinery.

15 Exclusion of minute of Dissent— There shall be no note of dissent in the report of the Committee.

16. Scrutiny Statement of the particular of action taken by the Government.-Statement showing action taken by the Government on recommendations made in the report of the Committee will be placed before the Committee along with Government's suggestions. The said suggestions of the Government will be considered in the meeting of the committee. If deemed necessary the draft of the compliance report shall be prepared after taking the evidence of the Divisional Secretary for gathering further information on some issues. The said report will be submitted to the House after taking Committee's approval for the said draft.

17. Information for reporters.— The sittings of the Committee shall not be open to reporters of newspapers. However, officers/employees from the Information and Public Relations Office in the district may remain present during the sittings.

18. Attendance of persons other than members of the Committee at its Sittings.---A member of Assembly or a member of Council who is not a member of the Committee may with the permission of the Chairman, attend a sitting of the Committee, when evidence is being taken by them, but not when the committee is deliberating.

19. Incorporation of points of procedure in the Rules.—Any addition or alternation to these rules from time to time shall be incorporated in the rules after due approval by the Committee.

20. Points of conduct and Etiquette to be followed by Witness.—

PART I

The witness appearing before the Committee or study group of the Committee shall observe the following points of conduct and etiquette.—

(1) Due respect to the Chairman and the Committee/study group Sub-Committee shall be shown by the witness by bowing while taking or leaving the seat;

(2) The witness shall take the seat opposite the Chairman;

(3) The witness should answer specific question put to him either by the Chairman or by a member of the Committee;

(4) All submissions -to the Chair and the Committee shall be couched in courteous and polite language;

PART II

Subject to the provisions of the Maharashtra Legislative Assembly Rules, the witness shall note that the following acts shall constitute the breach of privilege and contempt of the Committee:—

(a) Refusal to answer question, unless it be on the ground that the a disclosure of the information sought for, would be prejudicial to the safety or interest of the State;

(b) Prefabrication of wilfully giving false evidence or suppressing the truth or misleading the Committee;

(c) Trifling with the Committee or returning insulting answers;

(d) Destroying or damaging a material document relative to the enquiry.

21. Verbatim proceeding.— The verbatim proceeding shall only be available for the Committee's use.

22. Records of the proceeding.— Secretary shall maintain record of proceeding of each sittings of the Committee/Study Group.

23. Ascertaining of proceeding.— The concerned part in the proceeding shall be sent to the members and officers appearing before the Committee as witness and they shall return the same within a period of five days or at the earliest after its receipt and if the said part is not received in such way, then the copy of the reporter will be assumed to be final and decisive.

24. Legislature Secretariat shall prepare the proceeding of the sittings after approval of the Committee/study group.

Appendix No.-I
Rules Related to COMMITTEE ON EMPLOYMENT GUARANTEE
SCHEME
Maharashtra Legislative Assembly/Legislative Council Rule with
regard to the Committee on Employment Guarantee Scheme.

Legislative Assembly Rule

241. Constitution of the Employment Guarantee Scheme.— (1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly, as the case may be, a committee on Employment Guarantee Scheme shall be constituted.

2. This Committee shall consist of not more than 'twenty-five members, of whom not more than twenty shall be nominated by the Speaker from amongst the members of the Assembly and not more than five members shall likewise be nominated by the Chairman from amongst the members of the Council.

3. The members of the Committee shall hold office until a new Committee is constituted.

242. Functions of the Committee.— Functions of the Committee on Employment Guarantee Scheme shall be as follows:—

1. To examine the functioning of the Employment Guarantee Scheme of the State Government in context of benefits received by the people working under Employment Guarantee Scheme and its consequences upon them, make conjectures upon the same and appraise it. Similarly, Finding out shortcomings and lacunae in its regard if any and suggest measures in order to remove the same and to bring improvement in it.

2. To make general recommendations in the interests of its functioning and to accomplish maximum possible of its objects through the said recommendations.

Legislative Council Rule

213. Committee on Employment Guarantee Scheme.— As soon as may be after the commencement of the first Session of the Council in every year, the Chairman of the Legislative Council shall nominate members not more than five to represent Committee

on Employment Guarantee Scheme constituted as per the Rules framed by the
Legislative Assembly.

Appendix No.-II
General Rules regarding Committees
Maharashtra Legislative Assembly Rule No. 163 to 193.
Legislative Assembly Rules
Committees
General

163. Appointment of Committee.-(1) The Members of a Committee shall be appointed by the House either under the Rules or on a motion made, or nominated by the Speaker as the case may be :

Provided that, except in the case of a Select Committee or Joint Committee on a Bill or the Committee on Rules or the Business Advisory Committee or such other Committees as the Speaker may from time to time specify, or as specifically otherwise provided by the rules, a Minister shall not be a Member of the Committee and that if a Member after his appointment on a Committee is appointed as a Minister, he shall cease to be a Member of the Committee from the date of such appointment.

(2) Casual vacancies in a Committee shall be filled by appointment by the House on a motion made or nomination by the Speaker, as the case may be, and any member appointed or nominated to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place is appointed or nominated would have normally held office.

(3) During any vacancy in the Committee, the continuing members may act as if no vacancy has occurred.

164. Nomination to be in proportion to the strength in the House, composition of Committees.-(1) Where, under these rules, the Speaker has to nominate members on any Committee he shall take into account the relative strength of recognised parties or groups and nominate members, as nearly as may be, in proportion in the strength of such parties and groups in the Assembly and after consulting the Leader of the House, the Leader of Opposition and the Leader of each such group:

Provided that nothing contained in this sub-rule shall be construed as preventing the Speaker from nominating on any Committee any member not belonging to any such parties or groups.

(2) If any question arises as regards the number of members to be nominated on behalf of any such party or group, the decision of the Speaker shall be final.

165. Term of office of Committee nominated by the Speaker.-(1) A Committee nominated by the Speaker shall, unless otherwise specified in the rules contained in this part, hold office for the period specified by him or until a new Committee is nominated.

(2) A member of a Committee shall be eligible for reappointment by nominations

166. Resignation from Committee.- A member may resign his seat from a Committee by writing under his hand addressed to the Speaker.

167. Chairman of Committee.-(1) The Chairman of a Committee shall be appointed by the Speaker from amongst the members of the Committee:

Provided that, if the Deputy Speaker is a member of the Committee, he shall be appointed as the Chairman of the Committee.

(2) If the Chairman is for any reason unable to act, the Speaker may appoint another Chairman in his place.

(3) If the Chairman is absent from any sitting, the Committee shall choose another member to act as Chairman for that sitting.

(4) Secretary of Committee.- The Secretary shall be *ex-officio* Secretary of every Committee other than a joint Committee appointed on the recommendations of the Council.

168. Quorum.-(1) The quorum to constitute a sitting of a Committee shall be, as near as may be, one-fourth of the total number of members of the Committee.

(2) If, at any time fixed for any sitting of the Committee, or if at any time during any such sitting, there is no quorum, the Chairman of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for sittings of the Committee, the Chairman shall report the fact to the House :

Provided that, where the Committee has been nominated by the Speaker, the Chairman shall report the fact of such adjournment to the Speaker.

169. Discharge of members absent from sittings of Committee.- If a member is absent from two or more consecutive sittings of a committee without the permission of the Chairman, a motion may be moved in the House for the discharge of such member from the Committee:

Provided that, where the members of the Committee are nominated by the Speaker, such member may be discharged by the Speaker.

170. Voting in Committee.- All questions at sitting of a Committee shall be determined by a majority of votes of the members present and voting.

171. Casting vote of Chairman.-In the case of an equality of votes on any matter, the Chairman, or the person acting as such, shall have a second or casting vote.

172. Power to appoint Sub-Committees.- (1) A Committee may appoint one or more sub-committees, each having the powers of the undivided Committee, to examine any matters" that may be referred to them, and the reports of such sub-committees shall be deemed to be the reports of the whole Committee if they are approved at a sitting of the whole Committee.

(2) The order of reference to a sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole Committee.

173. Sittings of Committee.- The sittings of a Committee shall be held on such days and at such hour as the Chairman of the Committee may fix :

Provided that, if the Chairman of the Committee is not readily available, the Secretary may fix the date and time of a sitting:

Provided further that in case of Select Committee or Joint Committee on a Bill, if the Chairman of the Committee is not readily avoidable, the Secretary, in consultation with the Minister concerned with the Bill, fix date and time of the sitting.

174. Committee may sit whilst House is sitting.-- A Committee may sit whilst the House is sitting provided that, on a division being called in the House, the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable the members to vote in the division.

175. Sittings of Committee in private.- The sittings of a Committee shall be held in private.

176. Venue of sittings.- The sittings of a Committee shall be held within the precincts of the Vidhan Bhavan, and if it becomes necessary to change the place of sitting outside the Vidhan Bhavan, the matter shall be referred to the Speaker whose decision shall be final.

177. All strangers to withdraw when Committee deliberates-- All persons other than members of the Committee and officers of the Maharashtra Legislature Secretarial shall withdraw whenever the Committee is deliberating.

178. Power to send for persons, papers and records.-A Committee shall have power to send for persons, papers and records:

Provided that, if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall Be final :

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

179. Procedure for examining witness.- The examination of witnesses before a Committee shall be conducted as follows :-

(i) The Committee shall, before a witness is called for examination. decide the mode of procedure and the nature of questions that may be asked of the witness.

(ii) The Chairman of the Committee may first ask the witness such question or questions as he may consider necessary with reference to the subject-matter under consideration or any subject connected therewith according to the mode of procedure mentioned in clause (i) of this rule.

(iii) The Chairman may call other member of the Committee one by one to ask any other questions.

(iv) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.

(v) A verbatim record of proceedings of the Committee shall, when a witness if summoned to give evidence, be kept.

(vi) The evidence tendered before the Committee may be made available to all members of the Committee.

180. Record of decisions of Committees.-A record of the decisions Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman.

181. Evidence, report and proceedings treated as confidential.- (1) The Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table.

(2) No part of the evidence, oral or Written, report or proceedings of a Committee which has not been laid on the Table shall be open to inspection by anyone except under the authority of the Speaker.

(3) The evidence given before a Committee shall not be published by any member of the Committee or any other person until it has been laid on the Table:

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table. "

182. Special reports.- The Committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Speaker or the House, notwithstanding that such matter is not directly connected with, or does not fall within, or is not incidental to, its terms of reference.

183. Reports of Committee.-(1) Where the House has not fixed any time for the presentation of a report by a Committee, the report shall be presented within one month of the date on which reference to the Committee was made :

Provided that the House may at any time on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary *OR* final.

(3) Report of a Committee shall be signed by the Chairman on behalf of the Committee :

Provided that, in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

184. Availability of report to Government before presentation.- If the Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the House. Such reports shall be treated as confidential until presented to the House.

185. Presentation of report.- (1) The report of a Committee shall be presented to the House by the Chairman or, in his absence, by any member of the Committee.

(2) In presenting the report the Chairman or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to making a brief statement of fact, but there shall be no debate on that statement this stage.

186. Printing, Publication or circulation of report prior to presentation to House.-The Speaker may, on a request being made to him and when the House is not in session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the House. In that case the report shall be presented to the House during its next session at the first convenient opportunity.

187. General control and supervision of Speaker on working the Committee.-The Committee shall function under the general control and supervision of the Speaker, who may, from time to time, issue instructions, as he may consider necessary for the efficient working of the Committee.

188. Power to make suggestions on procedure.- Subject to the rules, a Committee shall have power to pass resolutions on matters of procedure relating to that Committee for the consideration of the Speaker, who make such variations in procedure as he may consider necessary.

189. Power of Committee to make detailed rules.- The Committee may, with the approval of the Speaker, make detailed rules of procedure supplement the provisions contained in the rules in this Part.

190. Power of Speaker to give directions.- (1) Subject to the rules the Speaker may from time to time issue such directions to the Chairman of a Committee as he may consider necessary for regulating its procedure and the organization of its work.

(2) If any doubt arises on any point of procedure or otherwise Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final.

(3) Power of Chairman of Committee to regulate procedure Committee.- The procedure of a Committee shall, subject to these supplementary rules and resolutions made by the Committee, and directions or other instructions issued by the Speaker, be regulated by its Chairman.

191. Business before Committee not to lapse on prorogation of House.- Any business pending before a Committee shall not lapse by reason only of the prorogation of the House and the Committee shall continue to function notwithstanding such prorogation..

192. Unfinished work of Committee.- The Committee, which is unable to complete its work before the expiration of its term or before the dissolution of the House. may report, to the House that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

193. Applicability of general rules to Committees.- Except for matters for which special provision is made in the rules relating to any particular Committee, the general rules in this Part shall apply to all Committees; and if and so far as any provision in the special rules relating to a Committee is inconsistent with the general rules, the former rule shall prevail.

Appendix No.- III

**A motion by the Hon'ble Chief Minister regarding constitution of "COMMITTEE
ON EMPLOYMENT GUARANTEE SCHEME of both the Houses of Legislature.**

(A motion passed by the Maharashtra Legislative Assembly on 13th August 1975)

Shri. S.B. Chavan (Chief Minister): Hon . Speaker Sir, I beg to move the following motion:—

"That a Committee of both the Houses, to be called the Committee on Employment Guarantee Scheme be constituted consisting of 15 members to be nominated by the Hon. Speaker, eleven from the Legislative Assembly and four from the Legislative Council to be nominated by the Hon. Chairman. Its objects shall be as given below. Hon. Speaker shall nominate as the Chairman, one member from the members of the Committee."

- (1) To assess and evaluate the said scheme with special reference to the benefits received by the people who have got employment under the Employment Guarantee Scheme of the State Government and its effects upon them and also to find out shortcomings and lacunae in its regard if any and suggest measures in order to remove the same to bring improvement in it.
- (2) To make general recommendations in the interests of its functioning and to accomplish maximum possible of its objects through the said recommendations.

That the members of the Committee shall hold office for a period of one year from its constitution..

That in all other respects the Rules of Procedure of the Legislative Assembly relating to the Legislature Committees shall apply with such variations and modifications as the Speaker may make.

This House recommends to the Legislative Council to participate in the business of this Committee.

A motion by the Hon'ble Minister for Parliamentary Affairs regarding constitution of COMMITTEE ON EMPLOYMENT GUARANTEE SCHEME of both the Houses of Legislature.

(A motion passed by the Maharashtra Legislative Council on 13th August 1975)

Shri. Narendra Mahipati Tidke (Minister for Parliamentary Affairs): Hon . Chairman Sir, I beg to move the following motion :—

"That a Committee of both the Houses, to be called the Committee on Employment Guarantee Scheme be constituted consisting of 15 members to be nominated by the Hon. Speaker, eleven from the Legislative Assembly and four from the Legislative Council to be nominated by the Hon. Chairman. Its objects shall be as given below. Hon. Speaker shall nominate as the Chairman, one member from the members of the Committee."

- (1) To assess and evaluate the said scheme with special reference to the benefits received by the people who have got employment under the Employment Guarantee Scheme of the State Government and its effects upon them and also to find out shortcomings and lacunae in its regard if any and suggest measures in order to remove the same to bring improvement in it.
- (2) To make general recommendations in the interests of its functioning and to accomplish maximum possible of its objects through the said recommendations.

That the members of the Committee shall hold office for a period of one year.

That in all other respects the Rules of Procedure of the Legislative Assembly relating to the Legislature Committees shall apply with such variations and modifications as the Speaker may make.

Whereas, the Legislature Assembly has recommended this House to participate in the business of the said Committee by passing a resolution on 13th August 1975;

this House hereby resolves to participate in the business the said Committee.