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PANCHAYATI RAJ & DRINKING WATER DEPARTMENT

NOTIFICATION

The 27th April, 2018

No.8060–17-NRGE-11-1047/2018/PR&DW.— The following draft of certain rules which the State Government proposes to make in exercise of the power conferred by sub-section (1) of Section 32 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Act 42 of 2005), is hereby published as required under sub-section (1) of Section 32 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of a period of thirty days from the date of publication of this Notification in the *Odisha Gazette*.

Any objection or suggestion, which may be received from any person in respect of the said draft before expiry of the period so specified above will be considered by the State Government.

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1. Short title and commencement.— (1) These rules may be called the Mahatma Gandhi National Rural Employment Guarantee (Payment of Unemployment Allowance) Odisha Rules, 2018.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions.—(1) In these rules unless the context otherwise requires,—

- (a) “**Act**” means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Act No. 42 of 2005);
- (b) “**DPC**” means District Programme Coordinator i.e., the Collector of the District;
- (c) “**PO**” means Programme Officer i.e., the Block Development Officer;

- (d) **“State Employment Guarantee Commissioner”** means the Commissioner-*cum*-Secretary of Panchayati Raj & Drinking Water Department, Government of Odisha;
- (e) **“Scheme”** means the Mahatma Gandhi National Rural Employment Guarantee Scheme.

(2) All other words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Terms and Conditions of Eligibility for Entitlement of Unemployment Allowance. —If an applicant for employment under the Scheme is not provided such employment within fifteen days of receipt of his/her 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/she shall be eligible for a daily unemployment allowance in accordance with sub-section (1) of Section 7 of the Act. An applicant may claim the unemployment allowance maximum up to 100 days in total in a financial year subject to his/her entitlement due. The unemployment allowance payable under sub-section(1) of Section7 of the Act shall be paid to the applicants according to the terms and conditions as specified in Rule 5, 6 and 7 of these rules subject to their entitlement.

4. Rate of Entitlement of Unemployment Allowance.— As per sub-section (2) of Section 7 of the Act, the rate of unemployment allowance shall be an amount equivalent to one-fourth of the wage rate prevalent under the Mahatma Gandhi National Rural Employment Guarantee Scheme for the first 30days and one-half of the wage rate for the remaining period of unemployment during a financial year.

5. Procedure for Payment of Unemployment Allowance.— (i) **Procedure for filling a claim—** The aggrieved applicant may file an application before the PO clearly stating the number of days for which the unemployment allowance is claimed for with a copy of his/her Job Card and an acknowledgement dated receipt of job demand issued by the Gram Panchayat/ PO concerned for inspection.

(ii) **Procedure for verification of claim—** (i) The PO or any other Officer deputed on his behalf shall verify the claim made by the aggrieved applicant within three days of receipt of the application. The PO may also verify the unemployment allowance due, on the basis of data available in the NREGA Soft which is being calculated automatically. The PO will certify the actual days for which the unemployment allowance has to be paid, after a thorough verification of the Job Card and application for demand for work, dated acknowledgement receipt of Job demand and/or any other supporting documents, with the assistance of the records maintained under Management Information System (MIS).

Accordingly, the PO shall deposit the amount calculated as per Rule 4, in the SEGF account. Then the PO shall submit the status of the claimed amount as unemployment allowance which has already been paid by him to the DPC for confirmation and thereafter the DPC upon satisfying himself of the legitimacy of claimed amount paid by the PO and verification done thereof, shall submit requisition for unemployment allowance to the State Rural Employment Guarantee Commissioner for payment to the applicants or the PO shall submit a report to the DPC regarding non-payment of unemployment allowance with reasons in case the PO rejects the claim for unemployment allowance. The PO shall record the reasons for rejecting the same and acknowledge the applicant about the cause of rejection in written form.

(ii) While the PO submitting the status report and claim proposal of unemployment allowance to DPC, he/she shall record the reason for such occurrence of unemployment allowance due. If he finds that due to negligence of any authority of implementing agency, the unemployment allowance becomes due, then, the PO shall fix up responsibility on the said person and take steps to proceed against him/her including recovery of the amount. The amount recovered so will be deposited in SEGF account of the State.

(iii) **Procedure for payment of Unemployment Allowance—** (i) If the claim is found to be genuine after due verification, the eligible MGNREGA worker for unemployment allowance shall be paid an amount on the basis of calculation for the period and on such rate as specified u/r. 4 by the PO. Unemployment allowance shall be credited to the bank/post office account of the MGNREGA worker, as in the case of wage payments.

(ii) The PO will approve all cases for payment of unemployment allowance from State account through automatic generation of payment order on the basis of data in NREGA Soft in the same manner as the wages are paid.

(iii) Every payment of unemployment allowance under sub-section (1) of Section (7) of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 shall be made or offered not later than 15days from the date on which it became due for payment.

(iv) The amount claimed by the DPC will only be drawn from the budget provision made for the purpose u/r 9 of these rules to recoup the amount already paid by the PO as unemployment allowance.

(v) On receipt of the claim proposal towards unemployment allowance from the DPC, MGNREGS Odisha Society will draw the amount from the above budget head and release into SEGF account and in turn the same will be released to state e-FMS account from SEGF account.

(vi) The amount collected, if any, from the implementing agency for whose negligence unemployment allowance becomes due, shall be deposited with SEGF account. This amount will be adjusted while drawing the amount towards unemployment allowance from the above budget head.

6. Grounds for rejection of claims of Unemployment Allowance.—The liability of the State Government to pay unemployment allowance to a claimant during any financial year shall cease—

- (i) When the applicant is absent in spite of the direction of the Grama Panchayat or the PO to report for work either by himself or to depute at least one adult member of his household; or
- (ii) When the period for which employment is sought comes to an end and no member of the household of the applicant has been present for employment ; or
- (iii) When the adult member(s) of the household of the applicant have received in total at least 100 days of work within the Financial Year; or
- (iv) When the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for 100 days of work during the financial year.

7. Applicant not entitled to receive Unemployment Allowance in certain circumstances. — An applicant who,—

- (a) does not accept the employment provided to his household under a Scheme;
- (b) does not report for work within fifteen days of being notified by the PO or the implementing agency to report for the work; and
- (c) continuously remains absent from work, without obtaining permission from the concerned implementing agency for a period of more than one week or remains absent for a total period of more than one week in any month shall not be eligible for the unemployment allowance payable u/r 3 of these rules but shall be eligible to seek employment under the Scheme at any time.

8. Non-Disbursement of Unemployment Allowance.— Every case of non-payment or delayed payment of unemployment allowance shall be reported in the Annual Report submitted by DPC to State Government along with reason for such non-payment or delayed payment and person responsible for this.

9. Provision of Funds for Unemployment Allowance.—The Panchayati Raj & Drinking Water Department will make necessary budget provision for payment of unemployment allowance under MGNREGS. The funds required for the purpose will be

drawn from the above budget head after making necessary adjustment of the recovered amount from the concerned erring official(s)/implementing agency(s) by the Panchayati Raj & Drinking Water Department and deposit of the amount in SEGF account at the State level. The funds will be managed by the MGNREGS Odisha Society.

10. Appeal.—The applicant, if aggrieved at the Orders of the DPC made u/r 5 of these rules, may prefer appeal within 30days of Orders of DPC to the State Employment Guarantee Commissioner i.e., Commissioner-*cum*-Secretary of Panchayati Raj & Drinking Water Department, Government of Odisha.

11. Follow-up Action.— Action taken on each claim for unemployment allowances shall be placed before the Zilla Parishad / Panchayat Samiti meeting for appraisal & confirmation.

12. Maintenance of Accounts.— The PO shall maintain the accounts of expenditure towards unemployment allowance separately.

13. Monthly Reports.— The monthly reports on numbers of workers and numbers of families paid unemployment allowance and the amount paid towards unemployment allowance shall be sent by PO to DPC and in turn the DPC shall send the same to State Government on monthly basis by 5th of the succeeding month.

ORDER

Ordered that the notification be published in the next Extraordinary issue of the *Odisha Gazette* and copies thereof be supplied to all Departments of Government/ all H.O.Ds/ all R.D.Cs/ all Collectors/ all Project Directors, DRDAs/ all Programme Officer-*cum*-B.D.Os/ Director, SIRD.

By Order of the Governor

D.K. SINGH

Principal Secretary to Government