

THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT
GUARANTEE ACT, 2005

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SCHEDULE I.

SCHEDULE II.

¹[THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT],
2005

ACT NO. 42 OF 2005

[5th September, 2005.]

An Act to provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called ¹[the Mahatma Gandhi National Rural Employment Guarantee Act], 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir*.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States or for different areas in a State and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision in such State or, as the case may be, in such area:

Provided that this Act shall be applicable to the whole of the territory to which it extends within a period of five years from the date of enactment of this Act.

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

(a) “adult” means a person who has completed his eighteenth years of age;

(b) “applicant” means the head of a household or any of its other adult members who has applied for employment under the Scheme;

(c) “Block” means a community development area within a district comprising a group of Gram Panchayats;

(d) “Central Council” means the Central Employment Guarantee Council constituted under sub-section (1) of section 10;

(e) “District Programme Coordinator” means an officer of the State Government designated as such under sub-section (1) of section 14 for implementation of the Scheme in a district;

(f) “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;

(g) “implementing agency” includes any department of the Central Government or a State Government, a Zila Parishad, Panchayat at intermediate level, Gram Panchayat or any local authority or Government undertaking or non-governmental organisation authorised by the Central Government or the State Government to undertake the implementation of any work taken up under a Scheme;

(h) “minimum wage”, in relation to any area, means the minimum wage fixed by the State Government under section 3 of the Minimum Wages Act, 1948 (11 of 1948) for agricultural labourers as applicable in that area;

1. Subs. by Act 46 of 2009, s. 2, for “the National Rural Employment Guarantee Act” (w.e.f. 2-10-2009).

2. 2nd February, 2006, *vide* notification No. S.O. 87(E), dated 24th January, 2006, *see* Gazette of India, Extraordinary, Part II sec.3(ii).

*. *Vide* notification No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

(i) “National Fund” means the National Employment Guarantee Fund established under sub-section (1) of section 20;

(j) “notification” means a notification published in the Official Gazette;

(k) “preferred work” means any work which is taken up for implementation on a priority basis under a Scheme;

(l) “prescribed” means prescribed by rules made under this Act;

(m) “Programme Officer” means an officer appointed under sub-section (1) of section 15 for implementing the Scheme;

(n) “project” means any work taken up under a Scheme for the purpose of providing employment to the applicants;

(o) “rural area” means any area in a State except those areas covered by any urban local body or a Cantonment Board established or constituted under any law for the time being in force;

(p) “Scheme” means a Scheme notified by the State Government under sub-section (1) of section 4;

(q) “State Council” means the State Employment Guarantee Council constituted under sub-section (1) of section 12;

(r) “unskilled manual work” means any physical work which any adult person is capable of doing without any skill or special training;

(s) “wage rate” means the wage rate referred to in section 6.

CHAPTER II

GUARANTEE OF EMPLOYMENT IN RURAL AREAS

3. Guarantee of rural employment to households.—(1) Save as otherwise provided, the State Government shall, in such rural area in the State as may be notified by the Central Government, provide to every household whose adult members volunteer to do unskilled manual work not less than one hundred days of such work in a financial year in accordance with the Scheme made under this Act.

(2) 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.

(3) 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.

(4) The Central Government or the State Government may, within the limits of its economic capacity and development, make provisions for securing work to every adult member of a household under a Scheme for any period beyond the period guaranteed under sub-section (1), as may be expedient.

CHAPTER III

EMPLOYMENT GUARANTEE SCHEMES AND UNEMPLOYMENT ALLOWANCE

4. Employment Guarantee Schemes for rural areas.—(1) For the purposes of giving effect to the provisions of section 3, every State Government shall, within six months from the date of commencement of this Act, 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 and in the Scheme:

Provided that until any such Scheme is notified by the State Government, the Annual Action Plan or Perspective Plan for the *Sampoorna Grameen Rozgar Yojana* (SGRY) or the National Food for Work Programme (NFFWP) whichever is in force in the concerned area immediately before such notification shall be deemed to be the action plan for the Scheme for the purposes of this Act.

(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.

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

5. Conditions for providing guaranteed employment.—(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.

6. Wage rate.—(1) Notwithstanding anything contained in the Minimum Wages Act, 1948 (11 of 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:

Provided further that the wage rate specified from time to time under any such notification shall not be at a rate less than sixty rupees per day.

(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.

7. 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 sub-section (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.

(3) The liability of the State Government to pay unemployment allowance to a household during any financial year shall cease as soon as—

(a) the applicant is directed by the Gram Panchayat or the Programme Officer to report for work either by himself or depute at least one adult member of his household; or

(b) the period for which employment is sought comes to an end and no member of the household of the applicant had turned up for employment; or

(c) the adult members of the household of the applicant have received in total at least one hundred days of work within the financial year; or

(d) the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for one hundred days of work during the financial year.

(4) The unemployment allowance payable to the household of an applicant jointly shall be sanctioned and disbursed by the Programme Officer or such local authority (including the Panchayats at the district, intermediate or village level) as the State Government may, by notification, authorise in this behalf.

(5) Every payment of unemployment allowance under sub-section (1) shall be made or offered not later than fifteen days from the date on which it became due for payment.

(6) The State Government may prescribe the procedure for payment of unemployment allowance under this Act.

8. Non-disbursement of unemployment allowance in certain circumstances.—(1) If the Programme Officer is not in a position to disburse the unemployment allowance in time or at all for any reason beyond his control, he shall report the matter to the District Programme Coordinator and announce such reasons in a notice to be displayed on his notice board and the notice board of the Gram Panchayat and such other conspicuous places as he may deem necessary.

(2) Every case of non-payment or delayed payment of unemployment allowance shall be reported in the annual report submitted by the District Programme Coordinator to the State Government along with the reasons for such non-payment or delayed payment.

(3) The State Government shall take all measures to make the payment of unemployment allowance reported under sub-section (1) to the concerned household as expeditiously as possible.

9. Disentitlement to receive unemployment allowance in certain circumstances.—An applicant who—

(a) does not accept the employment provided to his household under a Scheme; or

(b) does not report for work within fifteen days of being notified by the Programme Officer or the implementing agency to report for the work; or

(c) continuously remains absent from work, without obtaining a 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 to claim the unemployment allowance payable under this Act for a period of three months but shall be eligible to seek employment under the Scheme at any time.

CHAPTER IV

IMPLEMENTING AND MONITORING AUTHORITIES

10. Central Employment Guarantee Council.—(1) With effect from such date as the Central Government may, by notification specify, there shall be constituted a Council to be called the Central Employment Guarantee Council to discharge the functions, and perform the duties, assigned to it by or under this Act.

(2) The headquarters of the Central Council shall be at Delhi.

(3) The Central Council shall consist of the following members to be appointed by the Central Government, namely:—

(a) a Chairperson;

(b) not more than such number of representatives of the Central Ministries including the Planning Commission not below the rank of Joint Secretary to the Government of India as may be determined by the Central Government;

(c) not more than such number of representatives of the State Governments as may be determined by the Central Government;

(d) not more than fifteen non-official members representing Panchayati Raj Institutions, organisations of workers and disadvantaged groups:

Provided that such non-official members shall include two chairpersons of District Panchayats nominated by the Central Government by rotation for a period of one year at a time:

Provided further that not less than one-third of the non-official members nominated under this clause shall be women:

Provided also 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;

(e) such number of representatives of the States as the Central Government may, by rules, determine in this behalf;

(f) a Member-Secretary not below the rank of Joint Secretary to the Government of India.

(4) The terms and conditions subject to which the Chairperson and other members of the Central Council may be appointed and the time, place and procedure of the meetings (including the quorum at such meetings) of the Central Council shall be such as may be prescribed by the Central Government.

11. Functions and duties of Central Council.—(1) The Central Council shall perform and discharge the following functions and duties, namely:—

(a) establish a central evaluation and monitoring system;

(b) advise the Central Government on all matters concerning the implementation of this Act;

(c) review the monitoring and redressal mechanism from time to time and recommend improvements required;

(d) promote the widest possible dissemination of information about the Schemes made under this Act;

(e) monitoring the implementation of this Act;

(f) preparation of annual reports to be laid before Parliament by the Central Government on the implementation of this Act;

(g) any other duty or function as may be assigned to it by the Central Government.

(2) The Central Council shall have the power to undertake evaluation of the various Schemes made under this Act and for that purpose collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes.

12. State Employment Guarantee Council.—(1) For the purposes of regular monitoring and reviewing the implementation of this Act at the State level, every State Government shall constitute a State Council to be known as the(name of the State) State Employment Guarantee Council with a Chairperson and such number of official members as may be determined by the State Government and not more than fifteen non-official members nominated by the State Government from Panchayati Raj institutions, organisations of workers and disadvantaged groups:

Provided that not less than one-third of the non-official members nominated under this clause 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 by the State Government.

(3) The duties and functions of the State Council shall include—

(a) advising the State Government on all matters concerning the Scheme and its implementation in the State;

(b) determining the preferred works;

(c) reviewing the monitoring and redressal mechanisms from time to time and recommending improvements;

(d) promoting the widest possible dissemination of information about this Act and the Schemes under it;

(e) monitoring the implementation of this Act and the Schemes in the State and coordinating such implementation with the Central Council;

(f) preparing the annual report to be laid before the State Legislature by the State Government;

(g) any other duty or function as may be assigned to it by the Central Council or the State Government.

(3) The State Council shall have the power to undertake an evaluation of the Schemes operating in the State and for that purpose to collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes and Programmes in the State.

13. Principal authorities for planning and implementation of Schemes.—(1) The Panchayats at district, intermediate and village levels shall be the principal authorities for planning and implementation of the Schemes made under this Act.

(2) The functions of the Panchayats at the district level shall be—

(a) to finalise and approve block wise 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 at intermediate level shall be—

(a) to approve the Block level Plan for forwarding it to the district Panchayat at the district level 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 Coordinator shall assist the Panchayat at the district level in discharging its functions under this Act and any Scheme made thereunder.

14. District Programme Coordinator.—(1) The Chief Executive Officer of the District Panchayat or 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 Coordinator for the implementation of the Scheme in the district.

(2) The District Programme Coordinator 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 Coordinator shall be—

(a) to assist the district Panchayat 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 Panchayat at district level;

(c) to accord necessary sanction and administrative clearance, wherever necessary;

(d) to coordinate 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 Coordinator as may be required to enable him to carry out his functions under this Act.

(5) The Programme Officer appointed under sub-section (1) of section 15 and all other officers of the State Government and local authorities and bodies functioning within the district shall be responsible to assist the District Programme Coordinator in carrying out his functions under this Act and the Schemes made thereunder.

(6) The District Programme Coordinator 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 district panchayat.

15. Programme Officer.—(1) At every Panchayat at intermediate level, the State Government shall appoint a person who is not below the rank of Block Development Officer with such qualifications and experience as may be determined by the State Government as Programme Officer at the Panchayat at intermediate level.

(2) The Programme Officer shall assist the Panchayat at intermediate level 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 intermediate panchayats.

(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 Coordinator or the State Government.

(6) The Programme Officers shall function under the direction, control and superintendence of the District Programme Coordinator.

(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 or a local authority.

16. Responsibilities of the Gram Panchayats.—(1) The Gram Panchayat shall be responsible for identification of the projects in the Gram Panchayat area to be taken up under a Scheme as per the recommendations of the Gram Sabha and the Ward Sabhas and 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 and the Ward Sabhas, 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 at least fifty per cent. of the works in terms of its cost under a Scheme to be implemented through the Gram Panchayats.

(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.

17. Social audit of work by Gram Sabha.—(1) The Gram Sabha shall monitor the execution of works within the Gram Panchayat.

(2) The Gram Sabha shall conduct regular social audits of all the projects under the Scheme taken up within 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 account and papers to the Gram Sabha for the purpose of conducting the social audit.

18. Responsibilities of State Government in implementing Scheme.—The State Government shall make available to the District Programme Coordinator and the Programme Officers necessary staff and technical support as may be necessary for the effective implementation of the Scheme.

19. Grievance redressal mechanism.—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.

CHAPTER V

ESTABLISHMENT OF NATIONAL AND STATE EMPLOYMENT GUARANTEE FUNDS AND AUDIT

20. National Employment Guarantee Fund.—(1) The Central Government shall, by notification, establish a fund to be called the National Employment Guarantee Fund for the purposes of this Act.

(2) The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants or loans such sums of money as the Central Government may consider necessary to the National Fund.

(3) The amount standing to the credit of the National Fund shall be utilised in such manner and subject to such conditions and limitations as may be prescribed by the Central Government.

21. State Employment Guarantee Fund.—(1) The State Government may, by notification, establish a fund to be called the State Employment Guarantee Fund for the purposes of implementation of the Scheme.

(2) The amount standing to the credit of the State Fund shall be expended in such manner and subject to such conditions and limitations as may be prescribed by the State Government for the purposes of implementation of this Act and the Schemes made thereunder and for meeting the administrative expenses in connection with the implementation of this Act.

(3) The State Fund shall be held and administered on behalf of the State Government in such manner and by such authority as may be prescribed by the State Government.

22. Funding pattern.—(1) Subject to the rules as may be made by the Central Government in this behalf, the Central Government shall meet the cost of the following, namely: —

(a) the amount required for payment of wages for unskilled manual work under the Scheme;

(b) up to three-fourths of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;

(c) such percentage of the total cost of the Scheme as may be determined by the Central Government towards the administrative expenses, which may include the salary and allowances of the Programme Officers and his supporting staff, the administrative expenses of the Central Council, facilities to be provided under Schedule II and such other item as may be decided by the Central Government.

(2) The State Government shall meet the cost of the following, namely:—

(a) the cost of unemployment allowance payable under the Scheme;

(b) one-fourth of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;

(c) the administrative expenses of the State Council.

23. Transparency and accountability.—(1) The District Programme Coordinator and all implementing agencies in the District shall be responsible for the proper utilisation 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.

24. Audit of accounts.—(1) The Central 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.

CHAPTER VI

MISCELLANEOUS

25. Penalty for non-compliance.—Whoever contravenes the provisions of this Act shall on conviction be liable to a fine which may extend to one thousand rupees.

26. Power to delegate.—(1) The Central Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules) may, in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or such officer subordinate to the Central Government or the State Government as it may specify in such notification.

(2) The State Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules and Schemes) may, in such circumstances and subject to such conditions and limitations, be exercisable also by such officer subordinate to it as it may specify in such notification.

27. Power of Central Government to give directions.—(1) The Central Government may give such directions as it may consider necessary to the State Government for the effective implementation of the provisions of this Act.

(2) Without prejudice to the provisions of sub-section (1), the Central Government may, on receipt of any complaint regarding the issue or improper utilisation of funds granted under this Act in respect of any Scheme if *prima facie* satisfied that there is a case, cause an investigation into the complaint made by any agency designated by it and if necessary, order stoppage of release of funds to the Scheme and institute appropriate remedial measures for its proper implementation within a reasonable period of time.

28. Act to have overriding effect.—The provisions of this Act or the Schemes made 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:

Provided that where a State enactment exists or is enacted to provide employment guarantee for unskilled manual work to rural households consistent with the provisions of this Act under which the entitlement of the households is not less than and the conditions of employment are not inferior to what is guaranteed under this Act, the State Government shall have the option of implementing its own enactment:

Provided further that in such cases the financial assistance shall be paid to the concerned State Government in such manner as shall be determined by the Central Government, which shall not exceed what the State would have been entitled to receive under this Act had a Scheme made under this Act had to be implemented.

29. Power to amend Schedules.—(1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II and thereupon Schedule I or Schedule II, as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

30. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the District Programme Coordinator, Programme Officer or any other person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) in respect of anything which is in good faith done or intended to be done under this Act or the rules or Schemes made thereunder.

31. Power of Central Government to make rules.—(1) The Central Government may, by notification, and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(2) In particular, and without the prejudice of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the number of representatives of the State Governments under clause (e) of sub-section (3) of section 10;

(b) the terms and conditions subject to which the Chairman and other members of the Central Council may be appointed, and the time, place and procedure of the meetings (including the quorum at such meetings) of the Central Council, under sub-section (4) of section 10;

(c) the manner in which and the conditions and limitations subject to which the National Fund shall be utilised under sub-section (3) of section 20;

(d) the rules relating to funding pattern to meet the cost of certain items under sub-section (1) of section 22;

(e) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

32. Power of State Government to make rules.—(1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the terms and conditions upon which eligibility for unemployment allowance may be determined under sub-section (2) of section 7;

(b) the procedure for payment of unemployment allowance under sub-section (6) of section 7;

(c) 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 their appointment to the State Council, under sub-section (2) of section 12;

(d) the grievance redressal mechanism at the Block level and the District level and the procedure to be followed in such matter under section 19;

(e) the manner in which and the conditions and limitations subject to which the State Fund shall be utilised under sub-section (2) of section 21;

(f) the authority who may administer and the manner in which he may hold the State Fund under sub-section (3) of section 21;

(g) the manner of maintaining books of account of employment of labourers and the expenditure under sub-section (2) of section 23;

(h) the arrangements required for proper execution of Schemes under sub-section (3) of section 23;

(i) the form and manner in which the accounts of the Scheme shall be maintained under sub-section (2) of section 24;

(j) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

33. Laying of rules and Schemes.—(1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, 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 the Houses agree that the rule should not be made, the rule shall have thereafter 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.

(2) Every rule or Scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

34. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

¹[SCHEDULE I

See section 4(3)

MINIMUM FEATURES OF A RURAL EMPLOYMENT GUARANTEE SCHEME

1. The Scheme notified under section 4 by all States shall be called the Mahatma Gandhi National Rural Employment Guarantee Scheme” and all documents pertaining to the said Scheme shall have a mention of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005).

2. The Mahatma Gandhi National Rural Employment Guarantee Scheme shall hereinafter be referred to as “Mahatma Gandhi NREGS” and any reference in the said scheme to the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 shall be referred to as “Mahatma Gandhi NREGA”.

3. The core objectives of the Scheme shall be the following:

(a) Providing not less than one hundred days of unskilled manual work as a guaranteed employment in a financial year to every household in rural areas as per demand, resulting in creation of productive assets of prescribed quality and durability;

(b) Strengthening the livelihood resource base of the poor;

(c) Proactively ensuring social inclusion and

(d) Strengthening Panchayat raj institutions.

Provided that the said objectives are applicable where the adult members volunteer to do unskilled manual work subject to the conditions laid down by or under this Act and in the Scheme.

4. (1) The focus of the Scheme shall be on the following works as categorised below:

I. Category: A: PUBLIC WORKS RELATING TO NATURAL RESOURCES MANAGEMENT-

²[(i) Rural sanitation related works, such as, individual household latrines, School toilet units, Anganwadi toilets either independently or in convergence with schemes of other Government Departments and unskilled wage component for construction of Community Sanitary Complexes in convergence with “Swachh Bharat Mission (Grameen) to achieve ‘open defecation free’ status, and solid and liquid waste management as per prescribed norms;]

(ii) Watershed management works such as contour trenches, terracing, contour bunds, boulder checks, gabion structures and spring shed development resulting in a comprehensive treatment of a watershed;

1. Subs by Notification No. S.O. 19(E) Dated 03-01-2014.

2. Subs. by Notification No. S.O. 2198(E), dated 27-11-2019.

(iii) Micro and minor irrigation works and creation, renovation and maintenance of irrigation canals and drains;

¹[(iv) renovation of traditional water bodies including desilting of irrigation tanks and other water bodies and conservation of old step wells or baolis;]

(v) Afforestation, tree plantation and horticulture in common and forest lands, road margins, canal bunds, tank foreshores and coastal belts duly providing right to usufruct to the households covered in Paragraph 5; and

(vi) Land development works in common land.

II. Category B: ²[COMMUNITY ASSETS OR INDIVIDUAL ASSETS] FOR VULNERABLE SECTIONS (ONLY FOR HOUSEHOLDS IN PARAGRAPH 5)

(i) Improving productivity of lands of households specified in Paragraph 5 through land development and by providing suitable infrastructure for irrigation including dug wells, farm ponds and other water harvesting structures;

(ii) Improving livelihoods through horticulture, sericulture, plantation, and farm forestry;

(iii) Development of fallow or waste lands of households defined in Paragraph 5 to bring it under cultivation;

³[(iv) Unskilled wage component in construction of houses sanctioned under the Pradhan Mantri Awaas Yojana-Gramin or such other State or Central Government Scheme;]

(v) Creating infrastructure for promotion of livestock such as, poultry shelter, goat shelter, piggery shelter, cattle shelter and fodder troughs for cattle; and

(vi) Creating infrastructure for promotion of fisheries such as, fish drying yards, storage facilities, and promotion of fisheries in seasonal water bodies on public land;

⁴[(vii) Construction of bio-gas plant for individual; and

(viii) unskilled wage component towards the construction of bio-gas plant for community.]

1. Subs. by Notification S.O. No. 973(E) dated 27-3-2017

2. Subs. by the Notification S.O. No. 1888(E) Dated 21-7-2014

3. Subs. by the Notification S.O. No. 403(E) Dated 25-1-2018.

4. Subs. by the Notification S.O. No.1719(E) Dated 8-4-2022.

III. Category C: COMMON INFRASTRUCTURE ¹[INCLUDING FOR NRLM] COMPLIANT
SELF HELP GROUPS

(i) Works for promoting agricultural productivity by creating durable infrastructure required for bio-fertilizers and post-harvest facilities including pucca storage facilities for agricultural produce; and

(ii) Common work-sheds for livelihood activities of self-help groups.

IV. Category D: RURAL INFRASTRUCTURE:

²(i) Rural sanitation related works, such as, individual household latrines, School toilet units, Anganwadi toilets either independently or in convergence with schemes of other Government Departments and unskilled wage component for construction of Community Sanitary Complexes in convergence with Swachh Bharat Mission (Grameen) to achieve ‘open defecation free’ status, and solid and liquid waste management as per prescribed norms;]

(ii) Providing all-weather rural road connectivity to ³[unconnected villages and border areas] and to connect identified rural production centers to the existing pucca road network; and construction of pucca internal roads or streets including side drains and culverts within a village;

⁴(iii) Construction of play fields and compound walls for government run schools in the villages;]

(iv) Works for improving disaster preparedness or restoration of roads or restoration of other essential public infrastructure including flood control and protection works, providing drainage in water logged areas, deepening and repairing of flood channels, chaur renovation, construction of storm water drains for coastal protection;

(v) Construction of buildings for Gram Panchayats, women self-help groups’ federations, cyclone shelters, Anganwadi centers, village haats and crematoria at the village or block level.

(vi) Construction of Food Grain Storage Structures for implementing the provisions of The National Food Security Act 2013 (20 of 2013);

(vii) Production of building material required for construction works under the Act as a part of the estimate of such construction works.

(viii) Maintenance of rural public assets created under the Act; ⁵[including maintenance of tunnel and bridges constructed by the Border Roads Organization] and

1. Subs. by Notification S.O. No. 1888(E) Dated 21-7-2014.

2. Subs. by Notification S.O. No. 2198(E), dated 2-7-2020.

3. Subs. by Notification S.O. No. 4598(E), dated 3-11-2021.

4. Subs. by Notification S.O. No. 973(E), dated 27-3-2020.

5. Ins. by Notification S.O. No. 3126(E), dated 7-7-2022.

(ix) any other work which may be notified by the Central Government in consultation with the State Government in this regard.

(2) The order of priority of works shall be determined by each Gram Panchayat in the meetings of the Gram Sabha keeping in view potential of the local area, its needs, local resources and in accordance with the provisions of Paragraph 9.

¹[Provided that the District Programme Coordinator shall ensure that at least 60% of the works to be taken up in a district in terms of cost shall be for creation of productive assets directly linked to agriculture and allied activities through development of land, water and trees.]

(3) Works which are non-tangible, not measurable, repetitive such as, removing grass, pebbles, agricultural operations, shall not be taken up.

5. Works creating individual assets shall be prioritised on land or homestead owned by households belonging to the:

(a) Scheduled Castes

(b) Scheduled Tribes

(c) nomadic tribes

(d) denotified tribes

(e) other families below the poverty line

(f) women-headed households

(g) physically handicapped headed households

(h) beneficiaries of land reforms

²[(i) the beneficiaries under the Pradhan Mantri Awaas Yojana-Gramin.]

(j) beneficiaries under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), and

and after exhausting the eligible beneficiaries under the above categories, on lands of the small or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme, 2008 subject to the condition that such households shall have a job card with at least one member willing to work on the project undertaken on their land or homestead.

1. Ins. by the Notification S.O. No. 1888(E) Dated 21-7-2014.

2. Subs. by the Notification S.O. No. 403(E) Dated 25-1-2018.

6. The State Government shall take concrete steps to achieve effective inter-departmental convergence till the last mile implementation level of the works under the Scheme with other Government Schemes/programmes so as to improve the quality and productivity of assets, and bring in synergy to holistically address the multiple dimensions of poverty in a sustainable manner.

7. There shall be a systematic, participatory planning exercise at each tier of Panchayat, conducted between August to December month of every year, as per a detailed methodology laid down by the State Government. All works to be executed by the Gram Panchayats shall be identified and placed before the Gram Sabha, and such works which are to be executed by the intermediate Panchayats or other implementing agencies shall be placed before the intermediate or District Panchayats, along with the expected outcomes.

8. Demand for work, either oral or written, shall be registered as and when required by any job card holder and in the Rozgar Diwas which is to be conducted at every Ward and Gram Panchayat level at least once a month, leading to provision of work as per demand.

9. (1) Adequate shelf of works shall be maintained by every Gram Panchayat to meet the expected demand for work in such a way that at least one labour intensive public work with at least one work which is suitable for Particularly Vulnerable Groups especially the aged and the disabled which shall be kept open at all times to provide work as per demand.

(2) The details of the said work(s) shall be prominently displayed through writings on the walls of the village.

10. While opening works in the public works category, it shall be ensured that the ongoing or incomplete works should be completed first.

11. Work shall be provided within fifteen days, from the date of registration of the demand for work or the date from which work has been demanded in case of advance applications, whichever is later.

12. (1) In case work could not be provided as per demand within the specified time limit, unemployment allowance shall be paid, as calculated automatically by the computer system or the Management Information System and as provided under the Act. The programme officer can reject the unemployment allowance only on grounds of force majeure.

(2) In cases where unemployment allowance is paid, or due to be paid, the Programme Officer shall inform the concerned District Programme Coordinator in writing the reasons for not providing employment to the applicants.

(3) The District Programme Coordinator shall, in his Annual Report to the State Council explain as to why employment could not be provided in cases where payment of unemployment allowances is involved.

13. Every work under the Scheme shall have a technical estimate duly sanctioned by an authority authorised by the State Government. While sanctioning the estimates, the following are required to be considered:

(a) For all works involving construction, cost effective, labour intensive technologies and usage of local materials shall be employed as far as possible;

(b) The Bill of quantities (used in the estimate) is stated in common terminology for easy understanding of all stakeholders;

(c) Each work shall have a summary of the estimate, design and a technical note that indicate the expected outcomes from implementing the work.

14. The works finalised at the Gram Panchayat level and consolidated at the Block or District level shall be given Block-wise administrative or financial sanction by the competent authority within thirty days from the date of finalisation of the works at the Gram Panchayat level only after confirming that the shelf of works in any Gram Panchayat is not less than two times the labour budget approved for that Gram Panchayat.

15. The muster rolls for works taken up under the scheme shall be maintained as follows, namely:

(a) each muster roll shall be in English or local language and have a unique identity number electronically generated by the computer System (e-Muster) along with the list of workers applied for work. Every Muster roll shall be signed by the authorised person of the Gram Panchayat or by the Programme Officer; and shall contain such mandatory information as may be specified by the Central Government;

(b) muster rolls shall be maintained at the worksite by marking attendance daily by a person authorised under the Scheme, details of which shall be made available in public view on a daily basis using the computer system.

(c) the muster roll shall be periodically checked by officials in the manner prescribed in the Scheme;

(d) the muster roll shall be closed on the last given day, countersigned by every worker who has worked, and shall be handed over to the technical personnel for measurement;

(e) a detailed record of muster rolls shall be maintained in the registers as specified from time to time;

(f) when a work is in progress, the workers engaged in that work may select from amongst themselves not less than five workers on a weekly rotational basis to verify and certify all the bills or vouchers of their worksite at least once in a week;

(g) any person shall have access to muster rolls on the worksite on demand all days during all working hours;

16. Payment shall only be made based on the measurements taken at the worksite by the authorised personnel within three days of closure of the muster roll. The State Government shall ensure that adequate technical personnel are deployed to complete this work within the stipulated period. Suitable persons from the families of workers may be trained or skilled and deployed as barefoot engineers with appropriate delegation of technical powers and paid wages as skilled workers.

17. The State Government shall link the wages, without any gender bias, with the quantity of work done and it shall be paid according to the rural schedule of rates fixed after time and motion studies for different types of work and different seasons and revised periodically.

18. A separate Schedule of rates shall be finalised for women, the elderly, people with disabilities and people with debilitating ailments so to improve their participation through productive work.

19. (a) The schedule of rates of wages for various unskilled labourers shall be fixed up so that an adult person worked for eight hours which include an hour of rest will earn a wage which is equal to the stipulated wage rate;

(b) The working hours of an adult worker shall be flexible but shall not spread over more than twelve hours on any day.

¹[20. For all works taken up by the Gram Panchayats, the cost of the material component including the wages of the skilled and semi-skilled workers shall not exceed forty per cent at the Gram Panchayat level. For works taken up by the implementing agencies other than Gram Panchayats, the overall material component including the wages of the skilled and semi-skilled workers shall not exceed forty per cent at the district level.]

21. The works executed shall be done without engaging any contractor. Implementing agencies under the Scheme shall execute the works in conformity with the processes specified under the Act and after complying with the mandatory proactive disclosures and social audit.

22. As far as practicable, works executed by the programme implementation agencies shall be performed by using manual labour and no labour displacing machines shall be used.

23. All material required for the works shall be procured by the Gram Panchayat or the implementing agency using a transparent tender process as specified by the State Government.

1. Subs. by the Notification S.O. No. 1888(E) Dated 21-7-2014.

24. Out of the administrative costs allowed under the Scheme, at least one third (1/3rd) shall be utilised at the Gram Panchayat level to employ and pay the Gram Rozgar Sahayak, other technical personnel as per the work done and for other administrative expenses.

25. Every Scheme to contain adequate provisions for ensuring transparency and accountability at all levels of implementation shall consist of the following measures, namely:-

(a) Mandatory Proactive disclosure of basic information to all common people and stakeholders using a 'Janata Information System' consisting of:

(1) Display at each worksite the 'Janata' estimate of the work - showing the details of the work, estimated labour days, quantities of materials to be used in local terminology and item-wise cost of the estimate.

(2) Display on prominent walls or public boards in the village: job cards list, number of days of work provided and the wages paid to each job card holder; and entitlements provided under the Act.

(3) Display through boards at the Gram Panchayat Office: shelf of projects approved, year-wise works taken up or completed by Gram Panchayats and Line Departments, employment provided, funds received and expenditure, list of materials with quantities used in each work, rates at which the material was procured.

(4) Display on the website: The Ministry of Rural Development and the State Departments of Rural Development shall ensure that their websites are updated to fully comply with all the seventeen provisions of Section 4(1)(b) of the Right to Information Act (22 of 2005) and all information about the Act is available in public domain, through free downloadable electronic form.

(b) Concurrent social audit shall be done for all works every month. For this purpose, Programme Officer shall make available free of cost, details of works done and expenditure made during the past one month to the Bharat Nirman Volunteers, village social auditors, self-help groups, youth organisations and such other village level organisations for verification and report deviations if any.

(c) Social audit: Implementation of all conditions for guaranteed rural employment under the Scheme and provision of minimum entitlements of labourers, including all expenditure under the Act shall be subjected to social audit in the manner prescribed by Central Government at least once in every six months consisting of the following:

i. Identification, training of local youth as social auditors; and formation of trained social auditor teams for each Gram Panchayat with youth from outside the Gram Panchayat to conduct social audit, provided that at least 25% of village social auditors are from SC/ST groups. For services rendered by such youth, each one of them shall be paid an honorarium at a rate not less than the remuneration payable to the skilled labour under MGNREGA

- ii. Provision of records (muster rolls, M-Books, pay orders) to the social audit teams free of cost.
- iii. Verification of every work site to cross-check the measurements in the field with that on M-Books; and to assess the utility and outcomes of the work so executed.
- iv. Verification of every disbursement on record with the concerned beneficiaries.
- v. Verification of outcomes with that of estimated outcomes.
- vi. Verification of provision of entitlements in the field.
- vii. Review the implementation of MGNREGA for vulnerable groups.
- viii. Conduct of Public hearings by the social auditors at the Ward/Gram Panchayat and Block level to read out the findings.
- ix. Systematic follow up action on the reports of the social audit and completing recovery of amounts found misappropriated and completing suitable disciplinary/criminal action on the irregularities brought out in social audits within 6 months from the date of conduct of social audit.

26. Any misappropriation of amounts spent under the Act shall be recoverable under the Revenue Laws for recovery prevailing in the State.

27. Provisions for regular inspection and supervision of works by quality control teams to ensure proper quality of work as well as to ensure that the total wages paid for the completion of the work is as per the quality and quantity of work done.

28. The State Government shall take steps to organize, either through its own machinery or working with Civil Society Organisations, the workers into formal groups/labour collectives to improve their participation in implementation and to ensure provision of entitlements provided under the Act.

29. Establish an effective grievance redressal mechanism consisting of:

(a) Institutional mechanisms for receiving grievances as and when they arise, while fixing one day each week during which all officials shall be necessarily present for receiving grievances at Ward/GP/Block and District level;

(b) Issuance of dated receipt to complaints accepted in writing, phone, internet and orally by all personnel authorized to receive complaints;

(c) Enquiry through spot verification, inspection and disposal to be completed within 7 working days;

(d) On completion of the enquiry, immediate steps shall be taken by the concerned authority to redress the grievance within 15 days;

(e) Failure to dispose of a complaint within seven days shall be considered as a contravention as per Section 25 of the Act;

(f) In case of a prime facie evidence regarding financial irregularities are noticed after preliminary enquiry of the complaint or of findings in the social audit report, the District Programme Coordinator after obtaining legal advice will ensure that a First Information Report is lodged;

(g) The concerned authority shall be responsible for informing the person or party aggrieved of the conclusion of enquiry and steps being taken for the redressal of his/her grievance, in writing;

(h) The action taken on the complaints received by all agencies shall be placed before the meetings of the intermediate Panchayat and the District Panchayat respectively.

(i) Appeals against the orders of the Gram Panchayat shall be made to the Programme Officer; those against the orders of the Programme Officer shall be made to District Programme Coordinator; those against the District Programme Coordinator shall be made to State Commissioner (NREGS), Divisional Commissioner (NREGS) and State Grievance Redressal Officer.

(j) All Appeals shall be made within forty-five days from the date of the issuance of the order.

(k) All Appeals shall be disposed off within one month.

(l) There shall be a system of escalation of the grievances registered at ward/GP/Block/District level if not resolved within 15 days to the next higher level; and monitoring the same electronically.

30. Ombudsperson: There shall be an Ombudsperson for each District for receiving grievances, enquiring into and passing awards as per guidelines issued.

31. State Government shall coordinate the activities of Programme Officer, District Programme Coordinator, Ombudsmen, Social Audits Units, call centers or help Lines, Vigilance and Monitoring Committees, National Level Monitors, Rozgar Sahayata Kendras and any other entity authorised by the appropriate Government for an effective monitoring of the programme and redressal of grievances.

32. Wherever contravention of the provisions of the Act has been proved after due enquiry by the State Government or the District Programme Coordinator or the Programme Officer or the Ombudsperson or any other authority authorized by the State Government, action in accordance with the provisions of Section 25 of the Act shall be taken.

33. The District Programme Coordinator, the programme officer and the Gram Panchayat shall prepare a report annually 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 on payment of such fee as may be specified in the Scheme.

34. All accounts and records including muster rolls relating to the scheme shall be made available for public scrutiny free of cost. Any person desirous of obtaining a copy or relevant extracts therefrom may be provided such copies or extracts on demand not later than three working days from the date of receipt of application.

35. There shall be a Capacity Building Plan, Information Education Communication plan and a plan for strengthening Panchayats as a part of the scheme.]

SCHEDULE II

(See section 5)

CONDITIONS FOR GUARANTEED RURAL EMPLOYMENT UNDER A SCHEME AND MINIMUM ENTITLEMENTS OF LABOURERS

Job cards:—

1. The adult member of every household residing in any rural area and willing to do unskilled manual work may submit the names, age and the address of the household to the Gram Panchayat at the village level, in whose jurisdiction they reside, for registration of their household for issuance of a job card. If the job seeker is a single woman or disabled person or aged person or released bonded labour or belonging to Particularly Vulnerable Tribal Group, they must be given a special job card of a distinct colour which will ensure them a special protection in providing work, work evaluation and work site facilities, as the case may be.

2. It shall be the duty of the Gram Panchayat, after making such enquiry, as it deems fit, to issue a job card within fifteen days from the date of receipt of such application, containing therein a unique job card number with details of the registered adult members of the household, their photos, Bank or Post office account number, insurance policy number and the Aadhaar numbers if any.

3. The job card issued shall be valid for at least five years after which, it may be renewed after due verification.

4. No job card can be cancelled except where it is found to be a duplicate, or if the entire household has permanently migrated to a place outside the Gram Panchayat and no longer lives in the village.

5. The State Government shall make arrangements for updating the following details in the job card regularly while mentioning the key entitlements under the Act are clearly listed as follows:—

(i) number of days for which work was demanded;

(ii) number of days of work allocated;

(iii) description of the work allocated along with the muster roll number;

(iv) measurement details;

(v) unemployment allowance, if any, paid;

(vi) dates and number of days worked;

(vii) date-wise amount of wages paid;

(viii) delay compensation paid if any.

Demand for work:—

6. 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; and every such application shall be compulsorily registered, and a receipt issued with the date, which shall be entered in the computer system.

7. The State shall proactively verify the requirements of the Vulnerable Groups and provide them work.

8. Application for work can be oral or written and made to the Ward member or to the Gram Panchayat or to the Programme Officer or any person authorised by the State Government or through a telephone or mobile or Interactive Voice Response System or through a call center or through web site or through a kiosk set up for this purpose or through any other means authorised by the State Government.

9. Applications for work can be filed individually or for a group together.

10. 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 subject to the aggregate entitlement of the household.

11. Normally, applications for work must be for at least fourteen days of continuous work, other than the works relating to access to sanitation facilities, for which application for work shall be for at least six days of continuous work.

12. Provision shall be made in the Scheme for advance application, that is, application which may be submitted earlier than the date from which employment is sought.

13. 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.

Allocation of work:—

14. The Gram Panchayat and Programme Officer shall ensure that every applicant shall be provided unskilled manual work in accordance with the provisions of the Scheme within fifteen days of receipt of an application or the date from which he seeks work in case of advance application, whichever is later.

15. 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. Efforts to increase participation of single women and the disabled shall be made.

16. Applicants who are provided with work shall be so intimated in writing, by means of a letter sent to him at the address given in the job card or by a public notice displayed at the office of the Panchayats at district, intermediate or village level.

17. 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 place as the Programme Officer may deem necessary and the list shall be open for inspection by the State Government and any interested person.

18. As far as possible, the employment shall be provided within a radius of five kilometers of the village where the applicant resides at the time of applying.

19. A new work under the Scheme can be commenced if at least ten labourers become available for work, 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 works.

20. In case the employment is provided outside the radius specified in Paragraph 18, it shall be provided within the Block, and the labourers shall be paid ten percent of the wage rate as extra wages to meet additional transportation and expenses for living.

21. A period of employment shall be for at least fourteen days continuously with not more than six days in a week.

Work site management:—

22. For the purpose of transparency at the work site, the following shall be ensured:—

(i) there shall be a project initiation meeting in which various provisions of the work shall be explained to the workers;

(ii) a copy of the sanction work order shall be available for public inspection at the worksite;

(iii) measurement record of each work and details of the workers shall be available for public inspection;

(iv) a Citizens' Information Board shall be put up at every worksite and updated regularly in the manner specified by the Central Government;

(v) The vigilance and Monitoring Committee setup according to the instructions of the Central Government may check all works and its evaluation report will be recorded in the Works Register in the format specified by the Central Government and submitted to the Gram Sabha during the Social Audit.

23. The facilities of safe drinking water, shade for children and periods 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 work site.

24. In case the number of children below the age of five years accompanying the women working at any site is five or more, provisions shall be made to depute one of such women workers to look after such children. The person so deputed shall be paid wage rate. The most marginalized women in the locality, women in exploitative conditions or bonded labour or those vulnerable to being trafficked or liberated manual scavengers should be employed for providing child care services.

Welfare:—

25. If any personal injury is caused to any person employed under the Scheme by any accident arising out of and in the course of his employment, he shall be entitled to such medical treatment as required, free of cost.

26. Where hospitalisation of the injured worker is necessary, the State Government shall arrange for such hospitalisation including accommodation, treatment, medicines and payment of daily allowance which is not less than half of the wage rate.

¹[27. If a person employed under the Scheme meets with death or becomes permanently disabled by accident arising out of and in the course of employment, he or his legal heirs, as the case may be, shall be paid by the implementing agency an ex-gratia as per entitlement under the *Pradhan Mantri Suraksha Bima Yojana* or as may be notified by the Central Government.]

28. If any personal injury is caused by accident to a child accompanying a person who is employed under the Scheme, such person shall be entitled to medical treatment free of cost; and in case of death or disablement of the child due to the said accident, ex gratia shall be paid to the legal guardians as determined by the State Government.

Wage payment : —

29. (1) In case the payment of wages is not made within fifteen days from the date of closure of the muster roll, the wage seekers shall be entitled to receive payment of compensation for the delay, at the rate of 0.05% of the unpaid wages per day of delay beyond the sixteenth day of closure of muster roll.

(a) Any delay in payment of compensation beyond a period of fifteen days from the date it becomes payable, shall be considered in the same manner as the delay in payment of wages.

1. Subs. by Notification S.O. No. 2309(E), dated 13-7-2020.

(b) For the purpose of ensuring accountability in payment of wages and to calculate culpability of various functionaries or agencies, the States shall divide the processes leading to determination and payment of wages into various stages such as—

- i. measurement of work;
- ii. computerising the muster rolls;
- iii. computerising the measurements;
- iv. generation of wage lists; and
- v. uploading Fund Transfer Orders (FTOs),

and specify stage-wise maximum time limits along with the functionary or agency which is responsible for discharging the specific function.

(c) The computer system shall have a provision to automatically calculate the compensation payable based on the date of closure of the muster roll and the date of deposit of wages in the accounts of the wage seekers.

(d) The State Government shall pay the compensation upfront after due verification within the time limits as specified above and recover the compensation amount from the functionaries or agencies who is responsible for the delay in payment.

(e) It shall be the duty of the District Programme Coordinator or Programme Officer to ensure that the system is operationalised.

(f) The number of days of delay, the compensation payable and actually paid shall be reflected in the Monitoring and Information System and the Labour Budget.

(2) Effective implementation of sub-paragraph (1) shall be considered necessary for the purposes of the Section 27 of the Act.

30. The payment of wages shall, unless so exempted by the Central Government, be made through the individual savings accounts of the workers in the relevant Banks or Post Offices.

31. In case of employment provided under the Scheme, there shall be no discrimination solely on the ground of gender and the provisions of the Equal Remuneration Act, 1976 (25 of 1976), shall be complied with.

Record maintenance and grievance redressal system:—

32. The Gram Panchayat shall prepare and maintain or cause to be prepared and maintained such registers, vouchers and other documents in such form and in such manner as may be specified in the

Scheme containing particulars of job cards and pass books issued, name, age and address of the head of the household and the adult members of the households registered with the Gram Panchayat.

33. The Gram Panchayat shall send such list or lists of the names and addresses of households and their adult members registered with it and supply such other information to the concerned Programme Officer at such periods and in such form as may be specified in the Scheme.

34. (1) Notwithstanding anything contained in this Schedule, in the event of any national calamity such as flood, cyclone, tsunami and earthquake resulting in mass dislocation of rural population, the adult members of rural households of areas so affected may—

(a) seek for registration and get job card issued by the Gram Panchayat or Programme Officer of the area of temporary relocation;

(b) submit written or oral applications for work to the Programme Officer or the Gram Panchayat of the area of temporary relocation; and

(c) apply for re-registration and re-issuance of job card in the event of any loss or destruction.

(2) The details of such job cards shall be intimated to the District Programme Coordinator.

(3) In the event of restoration of normalcy, the job card so issued shall be re-endorsed at original place of habitation and clubbed with the original job card on being retrieved.

(4) The number of days of employment so provided shall be counted while computing 100 days of guaranteed employment per household.

35. Every worker shall have an opportunity of being heard and register any grievance either orally or in writing, at all implementation levels for disposal as per the provisions of the Grievance Redressal Mechanism under the Scheme.]