

Government of Bihar
Rural Development Department
Draft Notification

No.....

Date.....

आ० वि० ०७(नि०)- ०१/२०२१

Mahatma Gandhi National Rural Employment Guarantee Scheme, Bihar
Draft Publication of Unemployment Allowance Rules, 2024

In exercise of the powers conferred by sub-section (1) of section 7 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Hereafter the Act) read together with sub section (1) of section 32 of the same Act, the Government of Bihar proposes to frame the Bihar Unemployment Allowance Rules, 2024. As per requirement of sub section (1) of Section 32 of the Act, its draft is being published by the state for the information of all persons who are likely to be affected by it in order to elicit objections or suggestions in respect of the provisions of the said draft. If anybody has any objections or suggestions to make or offer, the same may be submitted within a period of 45 days from the date of publication.

Any objections or suggestions received from any person or group or institution in respect of the said draft shall be considered by the Government of Bihar if received within the specified time period. These could be addressed to MGNREGA Commissioner, Department of Rural Development, Main Secretariat, Government of Bihar, Patna.

Rule format

1. Short Name, Extent and Commencement -

This set of rules may be called "Mahatma Gandhi National Rural Employment Guarantee Scheme, Bihar - Unemployment Allowance Rules, 2024".

It will cover the entire state of Bihar.

The rules will come into force from the date of its publication in the Official Gazette.

2. Definitions-

(1) In the rules, unless the context requires otherwise –

- i. "The Act" means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

- ii. "Appellate Authority" means "District Magistrate -cum- District Programme Coordinator / Deputy Development Commissioner- cum- Additional District Programme Coordinator.
 - iii. "District Programme Coordinator" means the District Magistrate of the district concerned.
 - iv. "Additional District Programme Coordinator" means the Deputy Development Commissioner of the district concerned;
 - v. "District Programme Officer" means the District Programme Officer (MGNREGA) of the district;
 - vi. "Programme Officer" means the Programme Officer/Programme Officer in charge of Block.
 - vii. "MIS" means the Management Information System established and operated by the Ministry of Rural Development, Government of India on nrega.nic.in and all information contained therein;
 - viii. "Unemployment Allowance" means an allowance paid by workers under section 7 of the Act in the event of employment not having been provided within 15 (fifteen) days of demand for work.
- (2) The words and expressions used but undefined in these rules shall have the same meaning as defined in the Act or the Guidelines or Master Circulars issued from time to time by the Central Government or the State Government.

3. Eligibility for Unemployment Allowance-

If employment is not provided to an applicant within fifteen days of receipt of his/her application or from the date of seeking employment specified in the case of advance application, whichever is later, Unemployment Allowance shall be provided to such applicants at the rate specified under sub-Section (i) of Section 5 of the Act and sub-Section (vii) of Section 6 of the Act.

4. Application for Unemployment Allowance-

- (i) The information on Unemployment Allowance generated by the system on MIS shall be treated as information and application received in the office of the Programme Officer under these Rules.
- (ii) In addition to the information available on MIS, every applicant claiming Unemployment Allowance, within 30 days of the expiry of the date

specified for grant of employment, shall submit an application to the Gram Panchayat/Programme Officer claiming Unemployment Allowance.

- (iii) If the head of the family or any adult member of the family is unable to apply in writing for Unemployment Allowance, he / She can appear before the Programme officer and put forth his/her views orally, which will be recorded and his/her signature or thumb impression will be obtained.
- (iv) Application for Unemployment Allowance will have to be submitted each time employment is not made available.
- (v) Acknowledgement slip of the application submitted for demand of employment has to be attached to the application.
- (vi) Applicant will have to submit proof of presence i.e. if the applicant was in the Gram Panchayat, if he/she was present on the instructions of the Programme Officer, if he/she was not provided employment by the workplace in-charge etc. In absence of proof, his/her application will be rejected.
- (vii) The applicant shall be eligible to receive a signed and dated acknowledgement of receipt of the application for employment from Mukhiya /Wardmember /Programme Officer /Panchayat Rozgar Sewak in accordance with point 10 of Schedule II of the NREGA Act 2005. In case of transgression, action will be taken against the person responsible as per section 25 of the Act.

5. Rate of Unemployment Allowance-

- i. The daily Unemployment Allowance under Mahatma Gandhi NREGA Scheme, will be at a rate one fourth of the wage rate for the first 30 days during the financial year and after 30 days (for the remaining period of the financial year) at the rate of half of the wage rate.
- ii. The liability of Unemployment Allowance will be only for the number of days for which work demand has been made and the liability of Unemployment Allowance will end from the date of which work has been provided to any member of the family of the applicant. The Unemployment Allowance will be calculated within the limit of the number of days of work demanded and only for the number of days for which work has not been provided.
- iii. Maximum limit of Unemployment Allowance: The wages earned by the household of the applicant and Unemployment Allowance taken together

shall not exceed to the wages for one hundred days of work within the financial year for which employment is guaranteed under the Act.

- iv. In case of revision in the rate of Unemployment Allowance in the Act, Unemployment Allowance will be paid by the state government as per the rate so held.

6. Process of approval/rejection of Unemployment Allowance-

- i. The Unemployment Allowance calculated by the MIS system will be payable to the concerned job card holder family. Programme officers will ensure timely action.
- ii. Other matters of Unemployment Allowance such as applications received under the provisions of Rule 4(ii) shall also be decided by the Programme Officer in due course.
- iii. The decision regarding approval / rejection of Unemployment Allowance will be taken by PO within 15 days since its generation in PO login D24 Delay Compensation module of MIS data entry system as Unemployment Allowance / from the date of submission of application for Unemployment Allowance by the applicant and necessarily will be communicated to the applicant alongwith a copy to DPC, ADPC, DPO and Gram Panchayat. In case order is not passed by the Programme Officer regarding its approval / rejection, it will be considered that the Unemployment Allowance generated by the MIS system is correct and the process of its payment will have to be ensured by Programme Officer in time.
- iv. In case of approval of Unemployment Allowance, it will be mandatory for the Programme Officer/ Gram Panchayat to mention the reason/reasons for not providing employment in each case. It will be the responsibility of the concerned Panchayat Rozgar Sevak and Programme Officer to ensure this.
- v. Rejected applications along with reasons will be displayed on notice board of Gram Panchayat and Block. It will also be the responsibility of the Programme officer to made available the letter to the applicant through Gram Panchayat regarding rejection of his application for Unemployment Allowance along with reasons.
- vi. Unemployment Allowance will also be paid in the same manner as wages is paid under the Act and the Programme Officer shall ensure payment by MIS.

- vii. The Unemployment Allowance is to be paid to the applicant within 15 days from the date of issue of Unemployment Allowance sanction order by the Programme Officer. In case of any delay, the applicant will be entitled to compensation at the rate of 0.05 per cent per day as per the provisions of "Mahatma Gandhi National Rural Employment Guarantee Scheme, Bihar- Payment of Compensation for Delayed Wage Payment Rules, 2017".

7. Fund of Unemployment Allowance Payment-

After due scrutiny, the Unemployment Allowance will be paid firstly from the amount available in the State Employment Guarantee Fund, or SEGF in short, and after which it will be reimbursed within 30 days by recovering it from the responsible official/ officials or agency / agencies. The Programme Officer will be responsible for its recovery from the concerned official/ officials and maintaining the register related to it. The amount collected will be deposited in the account of Bihar Employment Guarantee Fund (SEGF). Every instance of payment of Unemployment Allowance and its recovery will be reviewed by the District Programme Coordinator.

8. Unemployment Allowance will not be payable under the following circumstances -

- i. if an applicant or any member of his family
- a) does not accept the employment provided to her/his household; or
 - b) does not report for work within fifteen days of being notified by the Programme officer / Gram Panchayat or the implementing agency: or
 - 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.

In all the above mentioned circumstances (a, b and c), shall not be eligible to claim the Unemployment Allowance payable under this Act for a period of three months thereafter but shall be eligible to seek employment under the Scheme at any time.

- ii. For the period in which the applicant or any adult member of his family whose name is registered in the employment card is employed under the scheme.

- iii. if the work is allocated by Gram Panchayat or Programme Officer and duly communicated to the applicant with the instruction to report for work, either by himself / herself or to depute at least one adult member of his /her household and the applicant or any of his family members do not accept the employment provided.
- iv. the period for which employment is sought comes to an end and no members of the household of the applicant had turned up for employment; or
- v. If the adult members of the household of the applicant have received in total at least 100 days of work/employment within the financial year; or
- vi. The household of the applicant has earned as much from the wages and Unemployment Allowance taken together as is equal to the wages for one hundred days of work during the financial year.
- vii. The person (applicant) shall ordinarily be available for work for a continuous period of at least 14 days and if a work is related to sanitation facilities, the application for work should be for at least six (6) days of continuous work. If he is unable to give so much time, he will not be eligible for Unemployment Allowance.
- viii. If it is not possible to provide employment in ongoing works on demand of employment on the basis of technical criteria and at least 10 workers are not available to start new work (this will not be applicable for plantation afforestation work), then Unemployment Allowance will not be payable even in such circumstances.

9. Appellate Authority for Unemployment Allowance -

- i. If an applicant is not satisfied with the action taken on the application submitted for Unemployment Allowance, he may appeal before the appellate authority within 30 (thirty) days from the date of the order.
- ii. An appeal against the order passed by the Programme Officer regarding Unemployment Allowance shall be made by the applicant before the Additional District Programme Coordinator.
- iii. A second appeal against the order passed in the appeal by the Additional District Programme Coordinator will be made before the District Magistrate.
- iv. The appellate authority shall be required to dispose of the appeal within a statutory time limit of 60 (sixty) days from the date of appeal and inform the applicant in writing about the action taken.

10. Monitoring of action taken on Unemployment Allowance -

- i. The process and payment of Unemployment Allowance will be widely publicized at state, district, and block levels. It will also be discussed in the Rozgar Divas meetings.
- ii. District Programme Coordinator shall hold monthly meetings to review the action taken in respect of Unemployment Allowance claims and reports available on NREGASOFT and ensure strict implementation of the provisions of the Rules.
- iii. A detailed monthly report will be submitted to the District Magistrate-cum-District Programme Coordinator regarding the applications received by the Programme Officer for payment of Unemployment Allowance and the correct entry of all necessary information on NREGASOFT will be ensured.
- iv. The Programme Officer shall continuously monitor the Unemployment Allowance Module under PO Login Compensation Module whereas Panchayat Rozgar Sevak will monitor the Alerts regarding work allocation against registered demand for work in MIS. PO will ensure further appropriate action in the block level weekly review meeting.

11. Power to make regulations-

The State Government may make regulations for carrying out all or any of the provisions of these Rules.

12. Resolving doubts-

If any doubt arises in respect of any provision of this Rules, the matter shall be referred to the Department of Rural Development, Government of Bihar and its decision shall be final.

By order of The Governor of Bihar

Secretary to the Government

Memo

Date.....

आ० वि० ०७(नि०)- ०१/२०२१

Copy: Principal Secretary, Finance Department, Bihar, Patna for publication in e-Gazette (in two copies including CDs).

Secretary to the Government

Memo

Date.....

आ० वि० ०७(नि०)- ०१/२०२१

Copy: Forwarded to Additional Chief Secretary/Principal Secretary/Secretary, All Departments, Government of Bihar for information only.

Secretary to the Government

Memo

Date.....

आ० वि० ०७(नि०)- ०१/२०२१

Copy: To all District Magistrate-cum-District Programme Coordinator/ All Deputy Development Commissioner-cum-Additional District Programme Coordinator, Bihar for information and necessary action.

Secretary to the Government

Memo

Date-.....

आ० वि० ०७(नि०)- ०१/२०२१

Copy: Joint Secretary, Ministry of Rural Development, Government of India for information only.

Secretary to the Government

Memo

Date-.....

आ० वि० ०७(नि०)- ०१/२०२१

Copy: IT Manager, Rural Development Department, Bihar, Patna for information and for uploading it on the departmental website without delay.

Secretary to the Government