

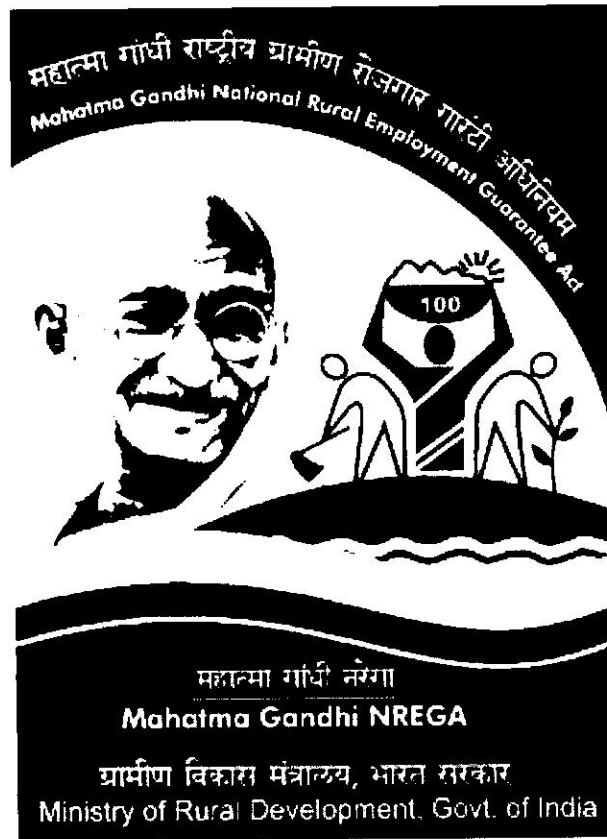


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THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005

No. 42 of 2005

(As amended up to 20th October, 2010)



**MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT
GUARANTEE COUNCIL RAJASTHAN
SECRETARIAT, JAIPUR**

Rajasthan Rozgar Guarantee Parishad

**THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE
ACT, 2005**

No. 42 OF 2005

(As amended up to 20th October, 2010)

[5th September, 2005]

An Act to provide for the enhancement of livelihood security of the poor 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. (1) This Act may be called *[the Mahatma Gandhi National Rural Employment Guarantee Act], 2005.

Short title,
extent and
commen-
cement.

(2) It extends to the whole of India **[].

(3) It shall come into force on such date 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.

Definitions.

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

- (a) “adult” means a person who has completed his eighteenth year 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;

* Sub. by Act No. 46 of 2009, dated 31.12.2009 w.e.f. 2.10.2009.

** The words “except the State of Jammu & Kashmir” Omitted by Act 23 dated 12.5.2007.

- (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 organization authorized 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 for agricultural labourers as applicable in that area;
- (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. (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.

Guarantee
of rural
employment
to poor
households.

(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. (1) For the purposes of giving effect to the provisions of section 3, every State Government shall, within *one year 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 :

Employment
Guarantee
Schemes
for rural
areas.

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

* Subs. by S.O. 14(E) dated 4th January, 2007

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. (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.

Conditions for providing guaranteed employment.

(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. (1) Notwithstanding anything contained in the Minimum Wages Act, 1948, the Central Government may, by notification, specify the wage rate for the purposes of this Act :

Wage rate.

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 for agricultural labourers, shall be considered as the wage rate applicable to that area.

Payment of unemployment allowance.

7. (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.

Non dis-
bursement
of
unemployment
allowance in
certain
circumstances.

8. (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.

Disentitlement
to receive
unemployment
allowance in
certain
circumstances.

9. 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. (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.

Central
Employment
Guarantee
Council.

(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, organizations 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. (1) The Central Council shall perform and discharge the following functions and duties, namely:

Functions
and duties
of Central
Council.

- (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.

State
Employment
Guarantee
Council.

12. (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 maybe determined by the State Govt. and not more than fifteen non-official members nominated by the State Government from Panchayati Raj institutions, organizations of works 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 maybe 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. (1) The Panchayat at district, intermediate and village levels shall be the principal authorities for planning and implementation of the Schemes made under this Act.

Principal
authorities
for planning
and
implementation
of Schemes

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

- (a) to finalise and approve blockwise 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 Panchayats 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. (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 the district.

District
Programme
Coordinator.

(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 there under.

(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 Co-ordinator 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.

Programme
Officer.

15. (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.

Respon-
sibilities
of the Gram
Panchayats.

16. (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 allow 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. (1) The Gram Sabha shall monitor the execution of works within the Gram Panchayat.

Social audit of work by Gram Sabha.

(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. 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.

Responsibilities of State Government in implementing Scheme.

19. 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.

Grievances redressal mechanism.

CHAPTER V

ESTABLISHMENT OF NATIONAL AND STATE EMPLOYMENT GUARANTEE FUNDS AND AUDIT

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

National Employment Guarantee Fund.

(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 utilized in such manner and subject to such conditions and limitations as may be prescribed by the Central Government.

21. (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.

State
Employment
Guarantee
Fund.

(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. (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 :

Funding
pattern.

- (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.

Transparency
and
account-
ability.

23. (1) The District Programme Coordinator and all implementing agencies in the District shall be responsible for the proper utilization and management of the funds placed at their disposal for the purpose of implementing a Scheme.

(2) The State Government may prescribe the manner of maintaining proper books

and accounts of employment of labourers and the expenditure incurred in connection with the implementation of the provisions of this Act and the Schemes made thereunder.

(3) The State Government may, by rules, determine the arrangements to be made for the proper execution of Schemes and programmes under the Schemes and to ensure transparency and accountability at all levels in the implementation of the Schemes.

(4) All payments of wages in cash and unemployment allowances shall be made directly to the person concerned and in the presence of independent persons of the community on pre-announced dates.

(5) If any dispute or complaint arises concerning the implementation of 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.

Audit
accounts.

24. (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

Penalty
for non-
compliance.

25. Whoever contravenes the provisions of this Act shall on conviction be liable to a fine which may extend to one thousand rupees.

Power
to
delegate.

26. (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. (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.

Power of Central Government to give directions.

(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 institution appropriate remedial measures for its proper implementation within a reasonable period of time.

28. 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 :

Act to have overriding effect.

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. (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.

Power to amend Schedules.

(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. 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 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.

Protection of action taken in good faith.

31. (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.

Power of Central Government to make rules.

(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 utilized 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. (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.

Power of State Government to make rules.

(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 utilized 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.

Laying
of rules
and
Schemes.

33. (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.

Power to
remove
difficulties.

34. (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.

SCHEDULE I*[See section 4(3)]***MINIMUM FEATURES OF A RURAL
EMPLOYMENT GUARANTEE SCHEME**

*[1A Omitted]

*[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)' .]

*[1A. The Mahatma Gandhi National Rural Employment Guarantee Scheme shall hereinafter be referred to as 'Mahatma Gandhi NREGS' and any reference in the scheme to the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 shall be referred to as 'Mahatma Gandhi NREGA' .]

*[1B.] The focus of the Scheme shall be on the following works in their order of priority:-

- i. water conservation and water harvesting;
- ii. drought proofing (including afforestation and tree plantation);
- iii. irrigation canals including micro and minor irrigation works;
- **[iv. Provisions of irrigation facility, horticulture, plantation and land development facilities to land owned by households belonging to the Schedule Castes and Schedule Tribes or below poverty line families or to beneficiaries of land reforms or to the beneficiaries under the Indira Awaas Yojana of Government of India or that of the small farmers or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme, 2008.] ***[Provided that the following conditions are fulfilled, namely:-
 - (a) The individual land owner shall be a job card holder and also work in the project;
 - (b) For each such project, the labour material ratio of 60:40 shall be maintained at the Gram Panchayat level;
 - (c) Projects shall be approved the Gram Sabha and the Gram Panchayat and shall be part of the annual shelf of projects;
 - (d) No contractors or machinery shall be used in the execution of work;and

* Omitted & Ins. by S.O. 1860 (E), dated 30.7.2010

** Subs. by S.O. 1824 (E), dated 22nd July, 2009

*** Subs. by S.O. 3000 (E), dated 31st December, 2008

- (e) No Machinery shall be purchased.]
- v. renovation of traditional water bodies including desalting of tanks;
- vi. land development;
- vii. flood control and protection works including drainage in water logged areas;
- viii. rural connectivity to provide all-weather access; and
- ix. any other work which may be notified by the Central Government in consultation with the State Government; *[Construction of Bharat Nirman Rajiv Gandhi Sewa Kendra as Village Knowledge Resource Centre and Gram Panchayat Bhawan at gram panchayat level.]

2. Creation of durable assets and strengthening the livelihood resource base of the rural poor shall be an important objective of the Scheme.

**[3. The works taken up under the scheme shall be in rural areas and shall be subject to the following :-

- (a) A unique identity number shall be given to each work.
- (b) All work must be executed by the workers who have job cards and who have demanded work.
- (c) No person below the age of 18 shall be permitted to work under Mahatma Gandhi NREGA projects.
- (d) Each muster roll shall have a unique identity number and be certified by the Programme Officer. The format of the muster roll will be as specified by the Government of India.
- (e) Muster Rolls duly signed by Programme Officer and properly numbered shall be maintained on the worksite. Any muster roll not signed by the Programme Officer and properly numbered will be treated as unauthorized and shall not be maintained at the worksite.
- (f) The workers will countersign their attendance and the amount of wages earned on the Muster Roll at the worksite.
- (g) A detailed record of muster rolls will be maintained in the registers as prescribed by the Government of India from time to time.
- (h) When a work is in progress, the workers engaged in that work will select from among themselves not less than five workers on a weekly rotational basis to

* Ins. by S.O. 2877(E), dated 11th November, 2009

** Subs. by S.O. 3000(E), dated 31st December, 2008

- verify and certify all the bills/vouchers of their worksite at least once a week.
- (i) A copy of the sanction/work order must be available for public inspection at the worksite.
 - (j) Measurement of work will be recorded in the Measurement Books maintained by qualified technical personnel in charge of the worksite.
 - (i) Measurement records for each work and worker must be available for public inspection.
 - (k) A Citizen's Informations Board must be put up at every worksite and updated regularly in the manner prescribed by the Government of India.
 - (l) Any person must be able to access muster rolls on demand on the worksite for all days during all working hours.
 - (m) The vigilance and Monitoring Committee set up according to the instructions of the Government of India will check all works and its evaluation report will be recorded in the Works Register in the format prescribed by the Government of India and be submitted to the Gram Sabha during Social Audit.]
4. The State Council shall prepare a list of preferred works for different areas based on their ability to create durable assets.
5. The Scheme shall be subject to appropriate arrangements as may be laid down by the State Government under the rules issued by it for proper maintenance of the public assets created under the Scheme.
6. Under no circumstances shall the labourers be paid less than the wage rate.
7. When wages are directly linked with the quantity of work, the wages shall be paid according to the schedule of rates fixed by the State Government for different types of work every year, in consultation with the State Council.
- *[8. (1) The Schedule of rates of wages for various unskilled labourers shall be so fixed that an adult person working for nine hours would normally earn a wage equal to the wage rate.
- (2) The working days of an adult worker shall be so arranged that inclusive of intervals of rest, if any, it shall not spread over more than twelve hours on any day.]
- *[8-A. The average out-turn of work put out by men and women workers working in a group will be the basis for fixing task based Schedule of rates so that there is no gender based discrimination in the Schedule of rates.]

* Subs. by S.O. 88(E), dated 14th January, 2008

9. The cost of material component of projects including the wages of the skilled and semi-skilled workers taken up under the Scheme shall not exceed forty percent of the total project costs.

10. It shall be open to the Programme Officer and Gram Panchayat to direct any person who applied for employment under the Scheme to do work of any type permissible under it.

11. The Scheme shall not permit engaging any contractor for implementation of the projects under it.

12. As far as practicable, a task funded under the Scheme shall be performed by using manual labour and not machines.

*[13. Every scheme shall contain adequate provisions for ensuring transparency and accountability at all levels of implementation as stated below.

(a) Proactive Disclosure

(i) At the worksite proactive disclosure shall be through display of information through Citizen Information Boards, reading out of muster rolls information regarding attendance, work done and wages paid in the presence of workers at the end of the day by the person authorized. The measurement in the Measurement Book will also be read out during the measurement of works before the workers.

(ii) At the Gram Panchayat and Block Programme Office proactive disclosure shall be through display of information on boards and shall include at least information pertaining to provision of employment, funds received and expenditure, shelf of projects approved.

(iii) All information on Mahatma Gandhi NREGA will be placed in public domain through the website for NREGA as prescribed by the Government of India and be available through free downloaded electronic form.

(b) Social Audit

(i) The Social Audit shall be held at least once in every six months.

(ii) An announcement of the Social Audit will be made by the District Programme Coordinator or the Programme Officer at least thirty days in advance.

(iii) For each Social Audit by the Gram Sabha, the Gram Sabha will elect from itself a Social Audit Committee workers who have worked in current/previous works under Mahatma Gandhi NREGA of the same Gram Panchayats and not less than one third members of Social Audit Committee shall be women.

(iv) The Programme Officer shall ensure that all relevant, documents, including complete files of the works or copies or them, of works of Implementing Agencies for the jurisdiction of that Gram Panchayat shall be available for inspection at the Gram Panchayat.

(v) The Gram Panchayat shall present all necessary information and documents at least 15 days in advance to the Social Audit Committee.

(vi) The Social Audit Committee will verify all documents and information. Any person may submit any information to the social audit committee deemed relevant.

(vii) The Program Officer shall notify in writing all the Public Representatives and also concerned staff implementing the Mahatma Gandhi NREGA well in advance to ensure that they are kept informed about the process and are present at the Social Audit.

(viii) The social audit committee shall read out its findings publicly in the gram sabha and people shall be given an opportunity to seek and obtain information from the Gram Panchayat and the officials concerned and verify records.

(ix) The action taken report relating to the previous Social Audit shall be read out at the beginning of each Social Audit.

(x) The Minutes shall be recorded by Secretary and signed before and after the completion of the Social Audit by all participants. Any dissent/objections shall be addressed and recorded in the minutes.

(xi) The Social Audit shall be open to public participation. Any outside individual person apart from the Gram Sabha shall be allowed to attend the Social Audit as observers without intervening the proceeding of the Social Audit.

(xii) All Action Taken Reports shall be filed within a month of convening of the Social Audit.

(xiii) All findings related to Contravention of the Act shall be treated as complaint and enquiry shall be conducted for any dispute in findings.

(xiv) Any Fund Deviations shall follow with an Action against the concerned person and fund recovery shall be expedited.

(xv) While certifying accounts of the Mahatma Gandhi NREGS the Government Auditor shall take cognizance of any complaint, regarding financial irregularities or misappropriations, raised through a Social Audit before certifying the accounts.]

14. Provisions for regular inspection and supervision of works taken up under the Scheme shall be made to ensure proper quality of work as well as to ensure that the total wages paid for the completion of the work is commensurate with the quality and quantity of work done.

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

*[16. All accounts and records 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 time of application and after paying such fee as may be specified in the Scheme.]

17. A copy of the muster rolls of each Scheme or project under a Scheme shall be made available in the offices of the Gram Panchayat and the Programme Officer for inspection by any person interested after paying such fee as may be specified in the Scheme.

SCHEDULE II

[See section 5]

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

I. The adult members of every household who –

- (i) reside in any rural areas; and
- (ii) are willing to do unskilled manual work,

may submit their names, age and the address of the household to the Gram Panchayat in the jurisdiction of which they reside for registration of their household for issuance of a job card.

*[2. (1) It shall be the duty of the Gram Panchayat at to register the household of the making soon enquiry as it deems lit and issue at Job Card containing the following essential details of registered adult members of the household namely:-

- (i) Job Card Number;
- (ii) Household member wise work demand and allocations;
- (iii) Description of the work done;
- (iv) Dates and days worked;
- (v) Muster roll numbers by which wages have been paid;
- (vi) Amount of wages paid;
- (vii) Unemployment allowance, if any paid;
- (viii) Postal account/bank account number;
- (ix) Insurance policy number; and
- (x) Election photo identity card number voters' identity if any

(2) All entries in the Job Card shall be duly authenticated by signature of an authorised officer.

(3) The Job Card issued under sub-paragraph (1) shall bear the photograph of only the registered adult members of the households to whom the Job Card has been issued.

(4) No, photograph, name or details of any person other than that of the registered adult members of the household to whom that Job Card belongs shall be affixed recorded in the Job Card.

* Subs. by S.O. 802(E), dated 2nd April, 2008

(5) All Job Cards shall be in the custody of the Job Card holders to whom they belong.]

3. The registration made under paragraph 2 shall be for such period as may be laid in the Scheme, but in any case not less than five years, and may be renewed from time to time.

4. 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.

5. All registered persons belonging to a household shall be entitled to employment in accordance with the Scheme made under the provisions of this Act, for as many days as each applicant may request, subject to a maximum of one hundred days per household in a given financial year.

6. The Programme Officer shall ensure that every applicant referred to in paragraph 5 shall be provided unskilled manual work in accordance with the provisions of the Scheme within fifteen days of receipt of an application or from the date he seeks work in case of advance application, whichever is later :

Provided that 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 under this Act.

7. Applications for work must be for at least fourteen days of continuous work.

8. 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.

9. Applications for work may be submitted in writing either to the Gram Panchayat or to the Programme Officer, as may be specified in the Scheme.

10. The Gram Panchayat and Programme Officer, as the case may be, shall be bound to accept valid applications and to issue a dated receipt to the applicant. Group applications may also be submitted.

11. 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 and by a public notice displayed at the office of the Panchayats at the district, intermediate or village level.

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

*[13. A new work under the scheme can be commenced if at least ten labourers become available for work.]

14. In cases the employment is provided outside such radius, it must be provided within the Block, and the labourers shall be paid ten per cent of the wage rate as extra wages to meet additional transportation and living expenses.

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

16. In all cases where unemployment allowance is paid, or due to be paid, the Programme Officer shall inform the District Programme Coordinator in writing the reasons why it was not possible for him to provide employment or cause to provide employment to the applicants.

17. 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 allowance is involved.

18. Provision shall be made in the Scheme for advance applications, that is, applications which may be submitted in advance of the date from which employment is sought.

19. 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.

20. 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 passbooks issued, name, age and address of the head of the household and the adult members of the household registered with the Gram Panchayat.

21. 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.

22. 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

* Subs. by S.O. 324(E), dated 6th March, 2007

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

23. If the Gram Panchayat is satisfied at any time that a person has registered with it by furnishing false information, it may direct the Programme Officer to direct his name to be struck off from the register and direct the applicant to return the job card :

Provided that no such action under this paragraph shall be directed unless the applicant has been given an opportunity of being heard in the presence of two independent persons.

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

25. 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 not less than half of the wage rate required to be paid had the injured been engaged in the work.

26. If a person employed under a Scheme dies or becomes permanently disabled by accident arising out of and in the course of employment, he shall be paid by the implementing agency an *ex gratia* payment at the rate of twenty-five thousand rupees or such amount as may be notified by the Central Government, and the amount shall be paid to the legal heirs of the deceased or the disabled, as the case may be.

27. 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.

28. In case the number of children below the age of six years accompanying the women working at any site are five or more, provisions shall be made to depute one of such women worker to look after such children.

29. The person deputed under paragraph 28 shall be paid wage rate.

30. In case the payment of wages is not made within the period specified under the Scheme, the labourers shall be entitled to receive payment of compensation as per the provisions of the Payment of Wages Act, 1936 (4 of 1936).

*[31. The payment of wages shall be made through the individual or joint saving accounts of the workers in the banks post offices opened in accordance with directions of the Central Government.]

**[32. Deleted.]

33. If any personal injury is caused by accident to a child accompanying any person who is employed under a Scheme, such person shall be entitled to, free of charge, such medical treatment for the child as may be specified in the Scheme and in case of death or disablement, through an *ex gratia* payment as may be determined by the State Government.

34. In case of every employment 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.

***[35. (1) Notwithstanding anything contained in paragraph 1, 3, 9 and 14 of Schedule of Mahatma Gandhi National Rural Employment Guarantee Act, 2005, in the event of national calamities in the nature of flood, cyclone, tsunami and earthquake resulting into mass dislocation of rural population the adult members of rural households of the areas so affected may—

- (i) Seek for the registration and get job card issued by Gram Panchayat of Programme Officer of the area of temporary relocating.
- (ii) Submit written or oral applications for work to the Programme Officer or the Gram Panchayat of the area of temporary relocation, and
- (iii) Apply for re-registration and re-issuance of job card in the event of loss or destruction.

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

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

****[36. The complaints received, taken cognizance of suo motto and as otherwise provided under the Act or Schedule therein shall be dealt as prescribed below :-

* Subs. by S.O. 513(E), dated 19th February, 2009

** Paragraph 32 Omitted by S.O. 513(E), dated 19th February, 2009

*** Added by S.O. 2188(E) dated 11th September, 2008

**** Added by S.O. 2999(E) dated 31st December, 2008

- (a) The Programme Officer shall enter every complaint in a complaint register maintained by him and dated and numbered acknowledgment shall be issued.
- (b) Enquiry through spot verification, inspection and disposal shall be completed within 7 working days.
- (c) Complaints that fall within the jurisdiction of the Programme Officer, including any complaints concerning the implementation of the Act by a Gram Panchayat shall be disposed of by the Programme Officer within 7 days, as prescribed under Section 23 (6) of the Act. In case a complaint relates to a matter to be resolved by any other authority, the Programme Officer shall conduct a preliminary enquiry and refer the matter to such authority within 7 days under intimation to the complainant.
- (d) Failure to dispose of a complaint in 7 days will be considered a contravention of the Act by the Programme Officer, punishable under Section 25. Complaints against such failure will be lodged with the District Programme Coordinator.
- (e) In case of a prima facie evidence regarding financial irregularities the District Programme Coordinator will ensure that a First Information Report is filed.
- (f) State Government/District Programme Coordinator/Programme Officer or any other authority authorized by the State Government may inquire into any Complaint on its own will or through reference and establishment of guilt will impose the penalty against the concerned guilty under Section 25 of the Act.
- (g) In case the concerned authority finds violation of entitlements, it will be responsible for informing and redressing the person/party aggrieved. The concerned authority will be responsible for such grievance redressal within a week and not after than 15 days.
- (h) The action taken shall be informed to the complainant and disclosed in two vernacular newspapers in a prescribed format once a quarter.
- (i) The action taken on the complaints received by the programme Officer and the District Programme Coordinator shall be placed before the meetings of the Intermediate Panchayat and the District Panchayat respectively.
- (j) 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 (Mahatma Gandhi NREGS), Divisional Commissioner (Mahatma Gandhi NREGS) and State Grievance Redressal Officer.

- (k) All Appeals shall be made within 45 days of the order issued.
- (l) All Appeals shall be disposed off within one month.

B.A. Agarwal

Addl. Secretary to the Govt. of India