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PART-II(A)

GOVERNMENT OF MANIPUR

SECRETARIAT : RURAL DEVELOPMENT & PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Imphal, the 15th April, 2021

No.CELL-1011/5/2021-RD&PR : The following draft rules namely the **Manipur Rural Employment (Payment of Unemployment Allowances) Guarantee Rules,2021**, which the State Government propose to make in exercise of powers conferred under section 32 read with section 7 of the MGNREGA ,2005 as amended from time to time, is hereby published as required under the said section 32(1) for the information of all persons likely to be affected hereby; and notice is hereby given that the said draft rules shall be taken into consideration on or after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette.

Objections or suggestions, if any, may be addressed to the Administrative Secretary, RD & PR Department, Government of Manipur.

The objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period so specified will be taken into consideration by the State Government.

**Draft Manipur Rural Employment Guarantee
(Payment of unemployment allowance) Rules, 2021**

Short title and commencement

1.(1) These rules may be called the **“Manipur Rural Employment (Payment of Unemployment Allowances) Guarantee Rules,2021”**

(2) They shall come in force on the date their publication in the Official Gazette.

2. (1) In these rules unless context otherwise requires :

(a) “Act” means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005(No.42 of 2005) as amended from time to time.

(b)“State cell” means the State Cell set up for monitoring and implementation of the Act at the State level in the Rural Development Department , Government of Manipur;

Definitions

(c) “ State government” means the State Government of Manipur;

(d) “Scheme” means the Manipur Rural Employment Guarantee Scheme as notified in the Official Gazette;

(e) “Village Authority” means a village authority established in a village or a group of villages under the Manipur(Hill Areas) Autonomous District Council Act in the hill areas of Manipur

(f) “Member” of an implementing agency shall also include members of Zilla Parishads, Autonomous District Councils, Gram Panchayats, Village Authorities when such an institution of local self governance is the implementing agency;

(2) The words and expressions used in these rules and not otherwise defined, but defined in the Act, shall have the meaning(s) respectively assigned to them in the Act.

Eligibility for receiving Unemployment Allowance

3. A person who is registered under the Scheme and who has given a dated application seeking employment addressed to the gram panchayat secretary, or the official so appointed to perform the functions of a gram panchayat secretary under the Act in respect of village authorities by the competent authority in this regard, shall be entitled to received Unemployment Allowance.

Rate of Unemployment Allowance

4. Unemployment Allowance shall be paid, subject to rule 3, at a rate equal to non-fourth of the prevailing notified wage rate for unskilled labour under the Act for the first thirty (30) days during the financial year and equal to half of such prevailing notified wage rate for the remaining period of the financial year.

**Liability to pay
Unemployment
Allowance**

5. (1) In case of application for work received by the Programme Officer, the same shall be referred to an implementing agency as per provisions of the Act. For all such applications, the date on which such application has been received from the Programme Officer by the implementing agency shall be constructed as the date on which an application has been received by the implementing agency for determination of liability to pay Unemployment Allowance, in case of any claim for payment of Unemployment Allowance arising therefrom.

(2) For all causes leading to non-provision of employment in unskilled manual labour to a registered Job Card holder under the Act by an implementing agency, other than by reason solely of non-availability of sufficient fund with the implementing agency, the liability to pay Unemployment Allowance for failure to provide employment in the period sought for by the applicant shall lie with the implementing agency to whom the applicant has applied for work, or the implementing to which an application for work has been referred to by the Programme Officer, in case of such application received by the Programme Officer.

(3) The liability of the implementing agency to pay unemployment allowance to a household during any financial year shall cease in accordance with provisions of sub-section (3) of section (7) of the Act.

**Procedure for
payment of
Unemployment
Allowance**

6.(1) A person claiming unemployment allowance for a specific period shall make an application to the Programme Officer of the block concerned after the last day of the period for which unemployment allowance is claimed.

(2) A copy of the acknowledgement, received while handing over the application seeking employment, shall be attached to the application claiming unemployment allowance.

(3) The Programme Officer shall maintain a register to record receipt of all such claims for unemployment allowance and forward the application to an investigating official, for verification of eligibility for payment of unemployment allowance within a period of three (3) working days.

(4) On receipt of the application, the investigating official shall make necessary enquires as to whether the application is registered for employment under the scheme and whether the applicant is entitled for payment of unemployment allowance, and thereafter: he/she forward the application to the Programme Officer along with his remarks within a period of five (5) working days.

(5) All implementing agencies shall provide necessary documents in such enquiries by the investigating official.

(6) The Programme Officer shall consider the application and the remarks by the investigating officials, and if he is satisfied with both the claim and cause for the non-provision of employment to the applicant being a reason other than non-availability of sufficient fund with the implementing agency, he shall issue an order to that effect indicating the period for which the unemployment allowance is payable to the applicant by the concerned implementing agency, or by a member or an official of the implementing agency as may be held personally liable by reason of a lapse on his/her part leading to the claim for Unemployment Allowance, within a period of seven (7) days from the receipt of the report of the investigating official.

(7) if the Programme officer rejects the demand for unemployment allowance, he/she shall record the reasons for rejecting the same in the register described in rule 4(3) of these rules and intimate the same to the applicant in written within a period of seven (7) days from the receipt of the report of the investigating official.

(8) the implementing agency, when liable for payment of Unemployment Allowance shall sanction payment of Unemployment Allowance from its own resources. MGNREGA fund sanctioned for execution of projects under the Scheme shall not be used for payment of Unemployment Allowance.

(9) Payment of Unemployment Allowance to an eligible applicant shall be done by the implementing agency solely through the bank/ post office accounts of the said applicant by crediting the due amount thereto. Likewise, payment of Unemployment Allowance to an eligible applicant shall be done by a member or an official of the implementing agency, who is held personally liable for payment of Unemployment Allowance, through the bank/ post office of the said applicant by crediting the due amount thereto.

(10) the implementing agency shall submit a monthly statement to the Programme Officer regarding the payment of Unemployment Allowance made by the implementing agency or its members or officials.

7. (1) In case, the cause of non-provision of employment to an eligible applicant for work under the Act by an implementing agency is non-availability of fund with the implementing agency, for which information thereof has been communicated in writing by the authorised official of the said implementing agency well in advance to the Programme Officer, while at the same time, fund was available at the Programme Officer's level, the Programme Officer shall refer the claim for Unemployment Allowance arising therefrom along with the remarks of the investigating official, and the details of fund position supported by bank statements, to the District Programme Coordinator within a period of one month from the date of receipt of report of the investigating official.

Procedure in case of non-provision of employment due to non-availability of fund.

(2) The District Programme Coordinator shall examine such cases of claim on Unemployment Allowance and determine the liability thereof, and the personal liability of officials as may be responsible for the lapse, if any, and issue an order in this regard within a period of one month from the date of receipt of the claim papers from the Programme officer. A copy of the order shall be marked to the Programme officer concerned for necessary entry in the register maintained under rule 6(3).

(3) If the cause of non-provision of employment, to an eligible applicant for work under the Act, by an implementing agency, is non-availability of fund with the implementing agency and the Programme Officer concerned, for which information thereof had been communicated in writing by the Programme Officer well in advance to the District Programme Coordinator, while at the same time, fund was available at the District Programme Coordinator's level, the District Programme Coordinator shall refer the claim for Unemployment Allowance arising therefrom, along with the remarks of the investigating officials and other relevant papers pertaining to fund position at the district, block and village level, to the State Employment Guarantee Commission, within a period of one month of receipt of claim papers from the Programme officer.

(4) The State Employment Guarantee Commissioner shall examine the merits of the case and determine the liability for payment of Unemployment Allowance, in consultation with the Finance Department, if required, and issue an order with personal liability of officials responsible for the lapse, if any, and issue an order in this regard within a period of one month from the date of receipt of the claim papers from the District Programme Coordinator. A copy of the order shall be marked to the Programme Officer concerned for necessary entry in the register maintained under rule 6(3). The decision of the State guarantee Commissioner shall be final in this regard.

Appeals

8.(1) A party aggrieved by an order of the Programme Officer on payment of Unemployment Allowance shall prefer an appeal with the District Programme Coordinator concerned within fifteen days of receipt of the order. The District Programme Coordinator shall consider and dispose of the appeal within a period of 30 days of the receipt of the appeal.

(2) A party aggrieved by an order of the District Programme Coordinator on payment of Unemployment Allowance shall prefer an appeal with the State Employment Guarantee Commissioner within fifteen days of receipt of the order. The State Employment Guarantee Commissioner shall consider and dispose of the appeal within a period of 30 days of the receipt of the appeal.

(3) Appeals against the decision of the State Employment Guarantee Commissioner shall lie with a court of law.

- Head of Account**
9. The department concerned shall open a head of account against which budget provision shall be made by the State Government for payment of Unemployment Allowance, subject to its economic capacity, for such cases of liabilities arising solely due to non-provision of employment in unskilled manual labour under the Act within the period of fifteen (15) days after demand has been registered with an implementing agency, provided adequate fund has been received by the State Government on time, and provided further, that the implementing agency has submitted its fund requirements to competent authority through approved official channels on time.
- Special Circumstances under which unemployment allowances is not payable**
10. Unemployment Allowance shall not be payable where it is conclusively established through undertaken under these Rules, that the sole reason for inability to provide work to a job card holder within 15 days of registering demand by an implementing agency is on account of the inability of the Central Government or the State Government to release fund on time and in adequate amount to the State consolidated fund for any reason whatsoever, thereby resulting in scarcity of funds at the implementing agency level and further resulting in inability of the implementing agency to provide employment under the Act.

NIDHI KESARWANI, IAS,
Commissioner to the Government of Manipur,
Rural Development & Panchayati Raj Department.