



सत्यमेव जयते

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### PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts.

### PANCHAYAT, RURAL HOUSING & RURAL DEVELOPMENT DEPARTMENT

#### Notification

Sachivalaya, Gandhinagar, 19<sup>th</sup> November, 2008.

#### NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005.

No. GVK/NREGA/3021/06/SFS/49/(45) Kh-2 .- WHEREAS draft notification published as required by section 32 of the National Rural Employment Guarantee Act, 2005 (42 of 2005) at pages 115-1 to 115-14 of the *Gujarat Government Gazette* Extra Ordinary, Part IV-A dated 6<sup>th</sup> September, 2008 under Government notification Panchyat, Rural Housing and Rural Development Department No. GVK/NREGA/3021/06/SFS/ 49 /(36) Kh-2 dated the 6<sup>th</sup> September, 2008 inviting objections or suggestions from all persons likely to be affected thereby within thirty days from the date of publication of the said notification in the *Official Gazette*

AND WHEREAS, no objections or suggestions have been received by the Government in respect of the said draft notification;

NOW THEREFORE, in exercise of the powers conferred by section 32 of the National Rural Employment Guarantee Act, 2005 (42 of 2005), the Government of Gujarat makes the following rules, namely:-

1. **Short title and Commencement** :- (1) These rules may be called the Gujarat State Employment Guarantee Rules, 2008.  
(2) They shall come into force on the date of its publication in the *Official Gazette*.
2. **Definitions** .- In these rules, unless the context otherwise requires,-
  - (1) "Act" means the National Rural Employment Guarantee Act, 2005 (42 of 2005);
  - (2) "State Council" means the Gujarat State Employment Guarantee Council constituted under sub-section (1) of section 12;
  - (3) "District Panchayat", "Taluka Panchayat" and "Village Panchayat" shall have the same meaning as defined in the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993);
  - (4) "Form" means form appended to these rules;
  - (5) "Member Secretary" means the Member Secretary of the State Council;
  - (6) "Section" means the section of the Act;
  - (7) "Scheme" means the National Rural Employment Guarantee Scheme, Gujarat, 2006, made under sub-section (1) of section 4 of the act;

- (8) "Year" means the financial year commencing from the 1<sup>st</sup> April and ending on the 31<sup>st</sup> March of the following year.
- (9) The words and expressions used in these rules but not defined hereinabove shall have the same meaning as defined in the Act.

**3. Payment of unemployment allowance.-** Where any applicant desiring employment under the Scheme is not provided employment within fifteen days from the date of application or from the date on which employment has been sought in case of the advance application, whichever is later, such applicant shall be paid the unemployment allowance at the rate specified by the State Government.

**4. Procedure for the payment of unemployment allowances.-** (1) The Programme Officer shall be responsible for timely payment of unemployment allowance to any person directly in the Bank/Post Office Account of the applicant who demanded for work.

- (2) The Programme Officer shall scrutinize the details of recommendations made by the Village Panchayat in respect of payment of the unemployment allowance and shall decide whether unemployment allowance is to be paid or not.
- (3) The unemployment allowance shall be paid or offered within a week but in no case, later than fifteen days from the date it becomes payable.
- (4) The applicant shall be entitled to obtain compensation in accordance with the relevant provisions of the Payment of Wages Act, 1936 in case unemployment allowance is not paid within the time limit of fifteen days.
- (5) The payment of unemployment allowance shall be made in the same manner in which the wages are paid to the labourer.
- (6) The data entry shall be made in the National Rural Employment Guarantee Act soft and in the job-card in respect of payment of unemployment allowance and a register shall be maintained in Form - I by the Village Panchayat and Programme Officer.
- (7) In cases where the unemployment allowance is required to be made the Programme Officer shall forthwith make evaluation of the project of the respective panchayat and guide and assist Village Panchayat as to how to provide employment to any person demanding employment under any of its projects.
- (8) The Programme Officer shall communicate in writing to the District Programme Co-ordinator in cases where the unemployment allowance is to be paid or has been paid with the reasons for not providing employment to the applicant.
- (9) The District Programme Co-ordinator shall mention in its annual report to be submitted to the Council, the cases and the reasons where unemployment allowances have been paid.

**5. Grievance Redressal System and Procedure of disposal of complaints. --** (1) The Programme Officer at the taluka level and the District Programme Co-ordinator at the district level shall perform duties as the Grievance Redressal Officer.

- (2) (a) The Programme Officer and the District Programme Co-ordinator shall keep the complaint box at the convenient place in their office and shall open such box at a regular interval. They shall make entries of the complaints received, in the register as per Form - II.
- (b) The Programme Officer and the District Programme Co-ordinator shall also register all the complaints received by post in the register as per Form-II.
- (c) The applicant shall be given a dated receipt of the application in the prescribed form by the Village Panchayat functionary.
- (3) The Programme Officer and the District Programme Co-ordinator shall inquire into the facts of all the complaints received by them and dispose them of within a week from the date of receipt of the complaint.
- (4) Any complaint regarding implementation of the Scheme received by the Village Panchayat shall be forwarded to the Programme Officer for necessary action.
- (5) If the subject matter of complaints made by the applicant pertains to any other authority, then such complaint shall be forwarded to the authority concerned under the intimation to the applicant.
- (6) As soon as the complaint is inquired into and decided, the disposal of the complaint shall be communicated to the concerned applicant.

- (7) The disposal of the complaints oral and written, shall be reviewed at every week at Taluka level and the District level.
6. **Appeal** .- (1) An appeal shall lie to the-
- (a) Programme Officer against the disposal of complaint by the Village Panchayat;
  - (b) District Programme Co-ordinator against the decision of the Programme Officer;
  - (c) State Programme Co-ordinator against the decision of the District Programme Co-ordinator.
- (2) An appeal shall be filed on plain paper within thirty days from the date of decision of the respective authority:  
Provided that the appellate authority may, on sufficient ground for delay in filing an appeal and for the reason recorded in writing, admit an appeal received after thirty days.
- (3) Every appeal shall be entered into the Appeal Register maintained by the Appellate Authority as per Form - III for which receipt shall be given.
7. **Mechanism for strengthening implementation of Scheme** .- (1) For proper planning and effective implementation of the Scheme, the District Panchayat at the district level, the Taluka Panchayat at the taluka level and the Village Panchayat at the village level shall be the Principal Implementing Authority.
- (2) The State Government shall provide adequate administrative and technical assistance to the District Programme Co-ordinator and the implementing agencies.
  - (3) The execution of the works under the Scheme shall be made by the Village Panchayat, Taluka Panchayat, District Panchayat and the concerned departments of the State Government as well as the public undertaking of the State Government selected for the implementation of the works. In addition, the District may authorize non-government organizations for implementation of the works besides training, monitoring, creating public awareness etc. for the effective implementation of the Scheme.
  - (4) The District Development Officer of the District Panchayat shall be the District Programme Co-ordinator at the district level and he shall be responsible for the planning, implementation, co-ordination and monitoring of the Scheme and shall exercise such financial and administrative powers as are required for the purpose of implementation of the Scheme.
  - (5) The Taluka Development officer of the Taluka Panchayat and the Programme Officer at taluka level shall be responsible for the planning, implementation, co-ordination and monitoring of the Scheme and shall perform his functions in co-ordination with other concerned Officers.
  - (6) The Sarpanch and **Talati-cum-Mantri** of village panchayat shall be responsible for planning, propagating, implementation, co-ordination and monitoring of the Scheme at the village level.
8. **Statistical information and data management**.- Since the Scheme envisages legal entitlement of employment to the applicant desiring employment, the maintenance of the statistical information shall be made at regular interval at the State, District, Taluka and Village level. All the details in this regard shall be maintained by computer system and kept updated so that the information may be available immediately and in time.
9. **Maintenance of Record**.- (1) The Village Panchayat shall maintain a register for the applications received by it for employment as per Form - IV.
- (2) The Village Panchayat and the Programme Officer at taluka level shall maintain the index of job card registration as per Form - V.
  - (3) A register shall be maintained at Village Panchayat level regarding the details of demands received from the applicants demanding employment and the details of the employment provided as per the demand in Form - VI.
  - (4) A Register shall be maintained in respect of the applications received by the Programme Officer demanding employment in which all the applications received by him shall be recorded and the same shall be communicated to the concerned Village Panchayat for providing employment, after retaining a copy of the same. The Programme Officer, after taking abstract every month in that regard, shall put his signature thereon.
  - (5) The Village Panchayat and implementing agency shall maintain an asset register as per Form-VII. The Village Panchayat and the implementing agency shall render the information to the

Programme Officer every year. The Programme Officer, after compiling this information in the computer, shall communicate a copy thereof to the District Programme Co-ordinator every year. Any implementing agencies working under the jurisdiction of more than one Programme Officer shall render information to the District Programme Co-ordinator every year.

- (6) The *Talati-cum-Mantri* at village level, subordinate staff of the Programme Officer at taluka level and subordinate staff of the District Programme Co-ordinator at district level shall be responsible for proper maintenance of records and other documents as envisaged in the Act and the Scheme or Rules framed by the State Government.

**10. Release and utilization of the fund. -** (1) The Gujarat State Employment Guarantee Fund shall be utilized in the transparent, effective and responsible manner in the result oriented way.

- (2) The District Programme Co-ordinator shall ensure that fifty percent of works in terms of costs are carried out by the Village Panchayat. Funds shall be parked at the Block level and the payments of wages shall be made directly to the account of the beneficiaries. Payment in respect of material purchase shall be paid by the account payee cheque to the party directly by the Programme Officer (Taluka Development Officer) after ascertaining that due administrative and accounting procedures relating to the procurement of material have been followed by the implementing agency.
- (3) The Programme Officer shall release the fund to the Village Panchayat and the other implementing agencies for carrying out the works sanctioned for the purpose of the Act.
- (4) The village Panchayat shall have authority to make expenditure from the amount so released for the execution of the sanctioned works.
- (5) The approval of the Village Panchayat shall be obtained on the details of expenditure made under the scheme by submitting the same at the next meeting of the Village Panchayat. The objections raised if any, shall be recorded and the minutes of the meeting shall be communicated to the Programme Officer.
- (6) The Programme Officer shall make proposal for release of next instalment to the District Programme Co-ordinator on the basis of expenditure incurred from the fund placed at his disposal and demand based requirement; and such proposal shall be accompanied with the statements of expenditure incurred for every work by every implementing agency including the Village Panchayat.
- (7) The District Programme Co-ordinator shall make a proposal online in National Rural Employment Guarantee Act soft to the Central Government for the release of fund from the National Rural Employment Guarantee Fund on the basis of the expenditure from the fund released to him and according to the requirement.

**11. Maintenance of Accounts.-** Separate accounts shall be maintained of the scheme. Such maintenance of accounts is governed by the principle that the expenditure incurred shall not be repugnant to the objective of the scheme and shall be made in accordance with the prescribed procedures. Accounts of scheme are to be maintained according to the double entry system. The accounting procedure prescribed by the Rural Development Department, Ministry of Rural Development, the Government of India for District Rural Development Agency shall be adopted for the purpose of the maintenance of the accounts for the scheme.

**12. Bank Account of Funds .-** Bank account shall be opened for the funds under the Scheme at the State, District, Taluka and Village Panchayat levels. The accounts shall be opened in the Nationalized Banks/Regional Rural Bank . The accounts shall be operated with the signature of two officers as designated by the District Programme Co-ordinator at district level. The accounts at the taluka level shall be operated with joint signature of Programme Officer and one other officer as designated by the District Programme Co-ordinator. The bank accounts at Village Panchayat level shall be operated with the joint signature of *Sarpanch* and *Talati-cum-Mantri* of the Village Panchayat.

**13. Restriction of utilization of Funds under the Scheme .-** The Funds from the Scheme account may be spent for execution of work only after obtaining technical and administrative sanction from competent authorities at the appropriate level. The *Sarpanch* of the Village Panchayat and other implementing agencies shall be personally liable for any expenditure made without such sanctions.

14. **Procedure for Funds at Village Panchayat level .-** (1) All payments made from the Scheme account shall be reported to the Village Panchayat at its next meeting and approval of the Panchayat shall be obtained. Any objection raised shall be recorded in writing and a copy of the minutes of the meeting shall be sent immediately to the Programme Officer for necessary action.
- (2) The Scheme related accounts of the Village Panchayat shall be presented at *Gram Sabha* for scrutiny for the purpose of social audit.
- (3) The Village Panchayat shall have to make proposal for the next instalment after utilization of sixty percentage of the allotted Funds, to the Programme Officer for release of additional funds. The proposal of the Village Panchayat shall be accompanied by a statement of workwise expenditure together with the report of the Vigilance and Monitoring Committee duly approved by the **Gram Sabha**. The Programme Officer on being satisfied as to the proper use of the fund, shall immediately release the amount equivalent to the amount expended by the Village Panchayat.
15. **Procedure for Funds at Taluka level .-** (1) The Programme Officer, after satisfying himself about the proper utilization of the earlier allocation, shall ensure the release of the amount within fifteen days of the next instalment, equal to the amount utilized by the Village Panchayat. The Village Panchayat shall be responsible for carrying out any amendment in the proposal as directed by the Programme Officer.
- (2) The Programme Officer shall release the funds to the other Implementing Agencies in the Taluka after obtaining proper utilization certificate. For earlier allocation of funds, the implementing agency shall be responsible for carrying out the work.
- (3) After consolidating the proposals received from Village Panchayats, if the sixty per cent. of the funds placed at the disposal is spent by the Programme Officer, he shall be eligible for the next instalment. The proposal of the Programme Officer shall be accompanied by details of expenditure for each Implementing Agency (including the Village Panchayat) and the submission of non diversion and non embezzlement certificates. The proposal shall also include audit report and copies of the Utilization Certificate furnished by the Implementing Agencies to the Programme Officer.
16. **Procedure for Funds at District level .-** (1) The District Programme Co-ordinator, after satisfying himself about the proper utilization of the earlier allocation, shall ensure the release of the fund within fifteen days against the amount utilized by the Programme Officer and other implementing agencies. The respective Implementing Agencies shall be responsible for carrying out any amendment in the proposal as directed by the District Programme Co-ordinator.
- (2) The District Programme Co-ordinator shall have to make proposal for the next installment after utilization of sixty percentage. of the Fund received from the Government of India with the recommendation of the State Government or the State Government in the event that a State Employment Guarantee Fund is established. The proposal shall be submitted in the prescribed proforma to the Ministry of Rural Development, Government of India for the release of next installment out of the Central Employment Guarantee Fund and the release of fund shall be subject to the following conditions, namely :-
- (a) submission of Utilization Certificate showing that at least sixty percent of funds or resources already received from the Government of India, have been utilized at the time of submission of the proposal for the next installment.
- (b) submission of certificate regarding the release and receipt of the State share against the amount of the Central funds released so far. It shall be accompanied by:
- (i) a copy of the sanctioning order or the State Share, and
- (ii) a certified copy authenticated by the branch manager of the bank where the accounts of National Rural Employment Guarantee Act Fund are operated and the Account Officers in charge of the Scheme account at the District level.
- (c) submission of non-diversion and non embezzlement certificate.

- (d) any other requirements and conditions as may be indicated from time to time.
- (3) The funds from the Scheme account shall be spent for execution of work of the Scheme, only after obtaining technical and administrative sanction from competent authorities at all levels. The Sarpanch of the Village Panchayat and other implementing agencies shall be personally liable for any expenditure made without any such sanctions.
- 17. Audit of Expenditure and Funds . -** (1) The Financial audit is mandatory at all the levels. The audit shall be carried out at the end of every financial year. The audit shall be done either by Local Fund Auditor or by the Chartered Accountant appointed by the State Government. A copy of the Audited report shall be submitted to the State Government. A concurrent audit shall be undertaken in addition to this.
- (2) The Accountant General shall also conduct the audit of Accounts of National Rural Employment Guarantee Act in addition to the audit conducted by the Chartered Accountant. The Accountant General shall be supplied with a copy of the audit report prepared by the Chartered Accountant at the time of conducting the audit by the Accountant General.
- (3) The audit report of the Chartered Accountant and the Utilization Certificate for the previous year shall be submitted to the State Government and the Government of India latest by September next year by the District Programme Co-ordinator.
- (4) The provision of the audit and accounts should be taken seriously while submitting the proposal for every next release; otherwise it would affect adversely the release of fund for the next year.
- (5) The District Programme Co-ordinator shall ensure that the opening and closing balance is included in the Audit Report and the Utilization Certificate is tallied. In case there is variation due to any unavoidable reason, it has to be clearly explained with reasons for getting further release of fund.
- (6) A District Internal Audit Cell in the office of the District Programme Co-ordinator shall be constituted to scrutinize the reports of the **Gram Sabha** and the requirement of a special audit, if necessary. A monthly report shall be complied with and shall be sent to the District Programme Co-ordinator, State Programme Co-ordinator and the State Government. These authorities on receipt of such monthly reports, initiate actions on serious irregularities and also take appropriate preventive action thereon.
- 18. Monthly Reconciliation of Accounts .-** To reduce the risk of financial 'leakages' and to promote transparency and accuracy in the management of the fund , the practice of 'monthly squaring of accounts' shall be introduced at all the levels. This consists of verifying that all the money released under the Scheme is accounted for under the following heads :-
- (a) cash balance held in bank accounts at various levels;
- (b) advances to implementing or payment agencies;
- (c) vouchers of actual expenses.
- (d) cash on hand at all levels
- (e) reconciliation for the coupons to be done, if any.
- This shall also help in submitting the proposal for getting further release from the respective authorities.
- 19. Mode of Payment .-** (1) The payment of wages to the person provided 'unskilled manual works' shall be paid on piece rate basis.
- (2) The person provided work for worksite facilities, may be paid on time-rate basis.
- (3) The person provided skilled or semi-skilled work in construction works may be paid on piece-rate basis.
- 20. Maintenance of Assets .-** The assets created as a result of the works under the Scheme shall be maintained properly by the concerned Village Panchayat, Taluka Panchayat and the District Panchayat and other implementing agencies.

[Attach forms I to VII here (To be inserted)]

**Form - I**

See Rule 4(6)

**REGISTER FOR PAYMENT OF UNEMPLOYMENT ALLOWANCE**

Sr. No.	Job card No.	Name of Applicant	Duration of unemployment, From date _____ to _____	No. of days	Rate of payment (Rs.)	Amount paid	Date of Payment	Remarks
1	2	3	4	5	6	7	8	9

**Form - II**

See Rule 5 (2) (a) &amp; (b)

**COMPLAINT REGISTER TO BE MAINTAINED AT GRAM PANCHAYAT, TALUKA PANCHAYAT AND DISTRICT LEVEL**

Sr. No.	Date of Receipt of Complaint	Name & Address of Complainant	Summary of Complaint	Action taken	Date of final disposal
1	2	3	4	5	6

**Form - III**

See Rule 6(3)

**APPEAL REGISTER**

Sr. No.	Date of Receipt of appeal	Name & Address of applicant	Summary of Appeal	Decision of Appellate Authority	Date of disposal	Date of communication to applicant	Remarks
1	2	3	4	5	6	7	8

**Form -IV**

See Rule 9(1)

**PROFORMA FOR REGISTRATION APPLICATION REGISTER**

Sr. No.	Name of Applicant	Date of receipt of application / Request for registration	No. and date of job card issued	Reasons, if job card not issued and any other remarks
1	2	3	4	5

**Form -V**

See Rule 9(2)

**INDEX OF JOB CARD REGISTER**

Sr. No.	Job Card No.	Name of Registered persons in the household	Page No.
1	2	3	4

**Form-VI**

See Rule 9 (3)

**EMPLOYMENT REGISTER AT GRAM PANCHAYAT**

Sr. No.	Job Card No.	Name of Registered persons in the household	Page No.
1	2	3	4

1. Registration number of the Household : \_\_\_\_\_ Page No.....
2. Requested period of employment :

Sr. No.	Name of Applicant	Month and Date from	No. of Days	Preference Place

3. Period and work on which employment offered :

Sr. No.	Name of Applicant	Month and Date from which Employment Offered	No. of Days	Name of Work

4. Period and work on which employment given :

Sr. No.	Name of Applicant	Month and Date from which Employment Availed	No. of Days	Name of Work	Muster Roll No. vide which employment availed



**Form-VII**

See Rule 9 (5)

**PROFORMA FOR ASSET REGISTER**

Sr. No.	Name of work	Date of Start of work	Page No.
1	2	3	4

Page No.....

**PROFORMA OF PAGES IN THE JOB CARD REGISTER**

1. Registration No. of Household :
2. Names of Applicant :
3. SC/ST/IAY/LR beneficiary :
4. Details of the applicants of the household willing to work :

Sr. No.	Name	Father's / Husband's Name	Male/Female	Age on date of Registration	P.O./Bank A/c No. (if any)	P.O./Bank code
1	2	3	4	5	6	7

5. Address :
6. Date of Registratation :

Joint Photograph of Household duly attested  
by Sarpanch and Panchayat Secretary

Signature/Thumb  
impression of Applicant

Seal Signature of  
Registering Authority

Page No.....

**PROFORMA FOR ASSET REGISTER (PAGES)**

1. Name of Work :
2. Nature of Work :
3. Scope of Work :
4. Location of Work :
 

Village :

Gram Panchayat :

Block :

District :
5. No. and Date of Sanction :
6. Whether included in five year perspective plan : Yes/No
7. Whether work approved in Annual plan by DP : Yes/No

8. Estimated cost Rs. :  
 9. Estimated completion of Time :  
 10. Expenditure incurred ( in Rs. )

Labour unskilled	Labour semi-skilled	Labour skilled	Material	Contingency	Total

11. Employment generated :

	Person days	Total No. of persons given work	No. of persons at work	
			Highest	Lowest
Unskilled				
Semiskilled				
Skilled				

12. District Numbers of muster rolls used :  
 13. Date of start of work :  
 14. Date of completion :  
 15. Whether local vigilance committee formed : Yes/No

By order and in the name of the Governor of Gujarat,

**R. B. RAJGURU**  
 Deputy Secretary to Government.

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