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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Panchayats & Rural Development Department
Jessop Building (1st Floor)
63, Netaji Subhas Road, Kolkata – 700 001

NOTIFICATION

No. 1309-RD/MGNREGA/18A-02/12 dated the 21st February, 2013:— WHEREAS draft of the rules called the West Bengal Rural Employment Guarantee (Procedure for payment of unemployment allowance) Rules, 2012 was published, in exercise of the powers conferred by sub-section (6) of section 7 read with clause (b) of sub-section (2) of section 32 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the said Act), *vide* notification of the Government of West Bengal in the *Panchayats & Rural Development Department*, bearing number **7194-RD/MGNREGA/18A-02/12 dated the 17th October, 2012** in the *Kolkata Gazette, Extraordinary*, Part I dated the 18th October, 2012, inviting objections and suggestions from persons likely to be affected thereby before expiry of a period of fifteen days from the date of publication of the said notification in the *Official Gazette*;

AND WHEREAS the copies of the Gazette containing the said notification were made available to the public on the 18th October, 2012;

AND WHEREAS the objections and suggestions received on the said draft rules had been duly considered by the State Government;

Now, therefore, in exercise of the powers conferred by sub-section (6) of section 7 read with clause (b) of sub-section (2) of section 32 of the said Act, the Governor is pleased hereby to make the following rules, namely:—

1. Short title.— (1) These rules may be called The West Bengal Rural Employment Guarantee (Procedure for payment of unemployment allowance) Rules, 2012.

(2) They shall come into force from the date of their publication in the *Official Gazette*.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005);
- (b) “Applicant” means the head of a household or any of its other adult members who has applied for employment under the Scheme;
- (c) “District Programme Officer” means the District Magistrate of the district;
- (d) “Programme Officer” means the Block Development Officer of the block;
- (e) “Scheme” means West Bengal National Rural Employment Guarantee Scheme, 2006;
- (f) “State Government” means the Government of West Bengal in the Panchayats and Rural Development Department;
- (g) “State Council” means "State Employment Guarantee Council" of the State of West Bengal;

(2) The words and expressions used herein and not defined but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

3. Procedure for payment of unemployment Allowances.— The applicant shall apply to the Programme Officer or may apply through the *Gram Panchayat* claiming the unemployment allowance, if an applicant for employment is not provided employment, in accordance with the provisions of this Scheme, within fifteen days of receipt of his application seeking employment or from the date on which employment has been sought in case of an advance application, whichever is later. The Gram Panchayat shall forward the application to the Programme Officer with its comments. The Programme Officer shall sanction or reject the application after due enquiry, if necessary and recording reasons for allowing or rejecting unemployment allowance, which shall be conveyed to the applicant in writing.

4. Rate of unemployment Allowance & procedure of payment.— The unemployment allowance payable shall be paid to the applicant of a household subject to the entitlement of the household at a rate equal to one-fourth of the prevailing wage of the scheme for the first thirty (30) days during the financial year and at a rate equal to half of the wage rate for the remaining period of the financial year. Unless otherwise approved by the State Government, all payments of unemployment allowance should be made through bank or post office account of the applicant.

5. Record of unemployment Allowance.— All payments of unemployment allowance shall be recorded in an acquittance register, in the respective Job Card and also in the Registration-cum-Employment Register. Necessary entries in MIS (if any) should also be made. At the end of each month, the District Programme Coordinator shall send a report to the State Authority showing the amount of the un-employment allowance disbursed month-wise and cumulatively. Block-wise & Gram Panchayat-wise up-to-date details of payment of unemployment allowance should be maintained in the District Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) cell.

6. Responsibility of the Government Officials.— In all cases where unemployment allowance is due to be paid, the Programme Officer shall inform the District Programme Coordinator in writing the reasons why it was not possible to provide employment to the applicant within fifteen days from the date of receiving demand for employment. The District Programme Coordinator shall in turn bring this to the notice of the State Government along with the reasons. The State Government would then examine this and if the reasons are not satisfactory the State Government may initiate suitable action against the defaulters.

7. Responsibility of the District Programme Coordinator.— The District Programme Coordinator shall also inform the State Council through annual report indicating the reason/s for not providing employment within the stipulated period.

8. Binding of the Job Card Holder.— The Programme Officer appointed under section 15 of the Act may direct any person who applied for employment under the scheme to do work of any type permissible under the Scheme.

9. Cessation of liability to pay unemployment allowance :

- a) in case of extraordinary circumstances, as mentioned in sub-para (2) of para 10 of the Scheme, are prevalent in the area; or
- b) the applicant is directed by the Gram Panchayat or the Programme Officer to report for work either by himself or to depute at least one adult member of the household; or
- c) if more than one members of the household apply for work and one member has been provided with work; or
- d) the period for which employment is sought comes to an end; or
- e) no member of the household of the applicant turned up for employment; or
- f) 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
- g) 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 work during the financial year.

10. Claim of unemployment allowance.— An applicant shall not be eligible to claim unemployment allowance for a period of three months if he /she —

- a) does not accept the employment provided under the Scheme; or
- b) does not report for the work within fifteen days of allotment of the work; or
- c) continuously remains absent from work without obtaining permission from the concerned Implementing Agency for a period of more than one week or remains absent for a total period of more than one week in a month.

11. Time period — Every payment of unemployment allowance shall be made or offered in not less than three weeks from the date from which the application for such unemployment allowance has been received by the Programme Officer. However, payment of unemployment allowance will be with effect from the 16th day of the date of demand of employment by the Job Card holder.

12. Special Power of the State Government.— The State Government shall have the power to issue clarifications and instructions not inconsistent with the provisions of the Act or the Scheme or these rules for the purpose of giving effect to the provisions of these rules.

13. Interpretation.— If any question arises relating to the interpretation of any provisions of these rules, the matter shall be referred to the State Government and the decision of the State Government in this regard, shall be final.

By order of the Governor,

SAURABH KUMAR DAS

Principal Secretary to the Government of West Bengal.