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NOTIFICATION

No.F.19016/2/09-RD (MGNREGS), the 28th February, 2014. In exercise of the powers conferred by sub-section (2) of Section 7 and sub-section (1) of section 32 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005), the Governor of Mizoram hereby makes the following Rules namely:-

1. Short Title, Extent and Commencement:

- i) These Rules shall be called the Mizoram Mahatma Gandhi Rural Employment Guarantee Scheme (Payment of Unemployment Allowance) Rules, 2014
- ii) They shall extend to the rural areas of Mizoram.
- iii) It shall come into force on the date of its publication in the official Gazette.

2. Definitions:

In these definitions, unless the context otherwise requires,

- i) 'Act' means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred as MGNREGA or MGNREGS as the case may be)
- ii) 'Central Government' means the Ministry of Rural Development, Government of India
- iii) 'Day' means working day.
- iv) 'Form' means a Form appended to these rules.
- v) 'Guidelines' means MGNREGA Operational Guidelines issued by the Ministry of Rural Development, Government of India from time to time.
- vi) 'Implementing Agency' means Executive Body of Village Employment Council and Line Departments of the Government including Rural Development Department or any other Organizations identified by the competent authority.
- vii) 'Nodal Department' means the Rural Development Department of Mizoram at the State level for the implementation of the MGNREGA.
- viii) 'State Employment Council' means the Mizoram State Employment Guarantee Council constituted under section 21 of the said Act
- ix) 'Unemployment allowance' means an allowance, payable to job card holders under MGNREGA to whom work could not be provided as per demand within the specified time limit; subject to the aggregate entitlement of the household, as fixed by the State Government from time to time.
- x) 'Village Council' means the Village Council elected from time to time under the relevant Acts and Rules of the State Government and the three Autonomous District Council of Mara, Lai and Chakma.

- xi) 'Village Level Administrative Assistant' means any person engaged for the purpose of assisting Village Employment Council for implementation of Mizoram Mahatma Gandhi Rural Employment Guarantee Scheme. This shall include Employment Guarantee Assistant.

Words and expressions used but not defined in these Schemes shall have the same meanings respectively assigned to them in the said Act.

3. Entitlement to receive Unemployment Allowance:

A person who is registered and having a valid job card under the scheme and who has given an application to Village Employment Council or the Village Level Administrative Assistant asking for wage employment under the Act and is not provided employment within fifteen days of receipt of the application seeking employment then that person shall be entitled to a daily unemployment allowance at such **rate** of one-fourth of the wage rate rounded off to the next rupee for the first thirty days during the financial year and one-half of the wage rate rounded off to the next rupee for the remaining period of the financial year.

4. Authority for sanctioning and paying the Unemployment Allowance:

The Unemployment Allowance payable to such unemployed person under rule 3, shall be sanctioned and disbursed by the Programme Officer.

5. Procedure for Payment of Unemployment Allowance:

- i) A person claiming unemployment allowance shall make an application in Form No.1 under these rules to the Village Employment Council or Village Level Administrative Assistant seeking unemployment allowance on the day after he becomes eligible for claiming such allowance. Acknowledgment Receipt shall be given to the applicant.
- iii) The Village Employment Council or the Village Level Administrative Assistant on receipt of the said application shall make necessary enquiries and if satisfied that the applicant is registered under the scheme and has a job card and is entitled for payment of unemployment allowance shall forward within two days from the date of receipt of said application to the Programme Officer alongwith its remarks.
- iv) On receipt of the report from the Village Employment Council or Village Level Administrative Assistant, Programme Officer shall make necessary enquiries and if he is satisfied that applicant is registered for employment under the Scheme and is entitled for payment of unemployment allowance, he shall issue an order to that effect in Form No.2 under the rule indicating the period for which the unemployment allowance is payable and shall make payment, as per his order, through bank or post office to the account of the applicant within fifteen days of receipt of application. Programme Officer shall report his enquiries to the District Programme Coordinator
- v) The DPC, if necessary, upon satisfying himself of the legitimacy of the claim and verification done thereof, will requisition Unemployment Allowance from the MGNREGA Rural Employment Guarantee Council, Mizoram.
- vi) The DPC or Addl DPC or Programme Officer will meet the required expenses from the State Government share and make entry in MIS.
- vii) If the Programme Officer rejects the demand for unemployment allowance, he shall record the reason for rejecting the same and intimate the applicant in Form No. 3 under the rules. As far as possible, the Programme Officer shall decide the application for unemployment allowance within fifteen days of its receipt.
- viii) Unemployment allowance cannot be claimed for future days.
- ix) DPC or Addl DPC or Programme Officer shall make necessary entry in the NREGASoft/ MIS of the unemployment allowances paid or not paid or due as the case may be.

- 6. Responsibility of Village Employment Council and Village Level Administrative Assistant:**
 - i) The Village Employment Council or Village Level Administrative Assistant shall bring to notice of the Programme Officer, sufficiently in advance, if it is not in a position to provide employment to the applicant within fifteen days of his or her application, so as to enable the Programme Officer to make alternate arrangements.
 - ii) On receipt of the application for unemployment allowance the Village Employment Council or Village Level Administrative Assistant shall allow the applicant to record his daily attendance in a register or sheet opened for that purpose as evidence of his unemployment.
 - iii) Village Employment Council or Village Level Administrative Assistant should maintain register of disbursement of unemployment allowance in form No. 4 under the rules. He should also send monthly statement of disbursement of unemployment allowance under the rules in form No. 5 to the Programme Officer.

- 7. Procedure on failure to accept application etc.:**
 - i) An applicant may submit his application to the Programme Officer directly, alongwith sufficient evidence that the Village Employment Council or Village Level Administrative Assistant has refused to entertain his application for unemployment allowance or not acknowledged his original application for employment under the Act.
 - ii) On receipt of such application the Programme Officer after due enquiry and satisfaction pass suitable orders as provided under Rule 5(d) notwithstanding the fact that the application has not been routed through the Village Employment Council or Village Level Administrative Assistant.

- 8. Cessation of unemployment allowance:**

The liability of the State Government to pay unemployment allowance will cease as soon as:

 - i) The applicant is directed by Village Employment Council or Programme Officer to report for work
 - ii) The period for which employment is sought come to an end.
 - iii) The adult members of the household of the applicant have received in total at least 100 days of work within a financial year.
 - iv) The household of the applicant has earned as much from the wages and Unemployment allowance taken together which is equal to the wage for one hundred days of work during the financial year.

- 9. Ineligibility for claiming unemployment allowance:**
 - i) If, owing to circumstances beyond human control like rains or unusual natural calamities, the State Government is unable to provide employment(i.e. the Programme Officer being unable to issue the letter directing the employment seeker to a work or the Implementing agency being unable to absorb the persons directed by the Programme Officer or to take up or continue the work) there shall be no liability on the part of the State Government to pay unemployment allowance.
 - ii) An applicant who-
 - a) does not accept the employment provided to him.
 - b) does not report for the work within seven days of being notified by the Programme Officer or implementing agency to report for the work.
 - c) continuously remains absent from work, without obtaining a permission from the concerned implementing agency for a period of more than one week ; or
 - d) remains absent for a total period of more than one week in a month; or
 - e) does not fulfill the eligibility conditions required under this rule shall not be eligible to claim the unemployment allowance payable.

- iii) A person who is found to have claimed and accepted unemployment allowance while already having an employment will not be entitled to unemployment allowance for a period of 3 months from the last day on which he is so found to have claimed and accepted unemployment allowance.

10. Non disbursement of Unemployment Allowance in certain circumstances:

- i) 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 Co-ordinator and announce such reasons in a notice to be displayed in the Village Council notice board and other conspicuous places as he may deem necessary.
- ii) The District Programme Co-ordinator shall report such cases to the State Government and the State Government shall take all measures to make payment of unemployment allowance as expeditiously as possible.

11. Annual Report:

Programme Officer shall make necessary entry for MIS and submit the quarterly and annual report of unemployment allowance to the District Programme Coordinator in Form 5 and the District Programme Coordinator shall make annual report of unemployment allowance to State Employment Guarantee Council in Form 6.

12. Power to amend Rules:

The State Government may add to, delete from or alter or amend or modify the rules. Such alteration or amendment of the rules shall be notified in the Mizoram Gazette.

13. Repeal and savings:

- i) With effect from the date of commencement of these Rules, the Mizoram Rural Employment Guarantee Rules, 2007 and the Mizoram Rural Employment Guarantee Scheme, 2009 and their subsequent amendments shall stand repealed.
- ii) Notwithstanding such repeal, all orders issued and all actions taken or purported to be issued or taken under the said Rules and Schemes shall be deemed to have been issued or taken, or purported to be issued or taken, under these Schemes.

R. Lalvena,
Secretary to the Govt. of Mizoram,
Rural Development Department.

FORM 1
(See Rules 5)
Application for unemployment allowance under the Mizoram Mahatma Gandhi Rural
Employment Guarantee Scheme (Payment of Unemployment Allowance) Rules, 2014

Sl.No	Particulars	Details
1	Name of applicant	
2	Address	
3	Sex	
4	Age	
5	Job Card No	
6	Date of Registration	
7	Date on which application in Form no. 4 under the Act or employment was handed over and to whom it was handed over	
8	Copy of Form no.4 under the Act given for demand of work and Copy of receipt in form No.5 under the Act	
9	No. of days for which Unemployment allowance is claimed.	
10	Date of the beginning of the period for which unemployment Allowance is claimed	

I.....resident ofhereby declare solemnly that I had demanded for work in Form no.4 on but have not been given work. I was not employed anywhere for the period for which I am claiming unemployment allowance in this application and hereby undertake to refund to Government the amount of unemployment allowance received for the that period, if it is proved subsequently that I was employed during that period or a portion thereof.

Date.....

Signature/Thumb impression of applicant.

cut here*****cut here

Received Application for unemployment allowance in respect of Mr/Mrs/Ms.....
.....

Signature of Registering Authority

FORM No. 2
[See Rules 5(iv)]
Order sanctioning unemployment allowance under Mizoram Mahatma Gandhi Rural
Employment Guarantee Scheme (Payment of Unemployment Allowance) Rules, 2014

No.....

To

The Chairman,
 Village Employment Council
 Village

Subj;Sanction of Unemployment Allowance

Sanction is accorded to the payment of unemployment allowance amounting Rs [(in words)
 Rs. only] to Mr/Mrs/Ms Job Card No..... Resident of
 village for the period from to

This amount is to be deposited into his/her/their Bank/Post office account.

Place.....

Date.....

Signature of Programme Officer
 Name of Block:

.....

Copy to

1. Mr/Mrs/Ms.....
 Village.....with reference to his/her application,
dated.....for unemployment allowance.

FORM No.5
(See Rule 11)

**Quarterly/Annual Report of unemployment allowance by Programme Officer to DPC
under Mizoram Mahatma Gandhi Rural Employment Guarantee Scheme (Payment of
Unemployment Allowance) Rules, 2014**

Sl.No	Particulars	Details
1	Name of RD Block	
2	Name of District	
3	No of Applications Received	
4	No of Applications Accepted	
5	No of Application Rejected	
6	Amount of Unemployment allowance paid month-wise	
7	Grand Total of Unemployment allowance paid	

Signature of Programme Officer

Name of Block:

FORM No.6
(See Rule 11)

**Quarterly/Annual Report of unemployment allowance by DPC to State Employment
Guarantee Council under Mizoram Mahatma Gandhi Rural Employment Guarantee
Scheme (Payment of Unemployment Allowance) Rules, 2014**

Sl.No	Particulars	Details
1	Name of District	
2	No of Applications Received	
3	No of Applications Accepted	
4	No of Application Rejected	
5	Amount of Unemployment allowance paid month-wise	
6	Grand Total of Unemployment allowance paid	

Signature of DPC:

Name of Block: