



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Regn. No. NE-313(MZ)2006-2008

Rs. 2/- per issue

VOL - XXXVII Aizawl, Thursday 14.2.2008 Magha 25, S.E. 1929, Issue No. 25

NOTIFICATION

No.B.11018/23/2005-RD (NREGP), the 17th Sept. 2007. In exercise of powers conferred by sub-section (1) of section 32 of the National Rural Employment Guarantee Act, 2005 (42 of 2005), the Governor of Mizoram is pleased to make the following Rules to carry out the provisions of this Act, namely :-

1. Short title, extent and Commencement -

- (1) These rules may be called the Mizoram Rural Employment Guarantee Rules, 2007.
- (2) It shall extent to the whole of Mizoram.
- (3) They shall come into force on the date of notification of the same in the Mizoram Gazette.

2. Definitions - In these rules, the context otherwise requires,

- (a) "Act" means the National Rural Employment Guarantee Act, 2005 (42 of 2005);
- (b) "Block" means Rural Development Block under Rural Development Department, Government of Mizoram;
- (c) "Central Rules" means the rules framed by the Government of India under the Act;
- (d) "Chair person" means the Chairperson of the State Council;
- (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) "Executive Committee" means the Executive Committee of the State Council constituted under sub-rule (1) of rule 10;
- (g) "Programme Officer" means an Officer appointed under sub-section(1) of section 15 for implementing the Scheme;
- (h) "Scheme" means the Mizoram State Rural Employment Guarantee Schemes;
- (i) Section means a section of the Act;
- (j) "State Council" means the Mizoram Rural Employment Guarantee Council constituted under sub-section (1) of section 12;

- (k) "Village Council" means (the Lushai Hills District (Village Council) 1953;) the Village Council elected from time to time under the Lushai Hills District (Village Council) Act, 1953 as amended from time to time.
- (l) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Eligibility to receive un-employment allowance -

- (1) A person who is registered under the Scheme and who has given a letter asking for employment shall be entitled to receive un-employment allowance at the rate as may be specified by the State Government, by Notification from time to time, in consultation with the State Council subject to the provisions of the Act.
- (2) The liability of the State Government to pay unemployment allowance to any household shall cease as per the provisions of the sub-section 3 of section 7 of the Act.

4. Procedure for payment of Unemployment Allowance -

- 1) A person claiming unemployment allowance shall make an application in the Form as may be prescribed by the State Government to the Administrative Assistant after the last day of the period for which unemployment allowance is claimed.
- 2) The period for which unemployment allowance is claimed in the application may be as specified by the State Government from time to time. Separate applications shall be made for each continuous period for which unemployment allowance is claimed.
- 3) No unemployment allowance shall be claimed for a period beyond the date of application for unemployment allowance i.e. claims cannot be made for future days.
- 4) A copy of acknowledgement receipt while handling over the application seeking employment shall be attached to the application.
- 5) On receipt of the application, the Administrative Assistant shall make necessary enquiries and if he is satisfied that the applicant is registered for employment under the Scheme and is entitled for payment of unemployment allowance, he shall forward the application to the Programme Officer along with his remarks.
- 6) The Programme Officer based on the contents of the application and the justification by the Administrative Assistant shall issue an order to that effect in separate Form as may be prescribed by the State Government indicating the period for which the unemployment allowance is payable and shall make payment of the unemployment allowance to the applicant through Administrative Assistant of the concerned Village Council.
- 7) If the Programme Officer rejects the demand for unemployment allowance, he shall record the reasons for rejecting the same and intimate the applicant in separate Form as may be prescribed by the State Government.
- 8) Every payment of unemployment allowance shall be made or offered not later than 15 days from the date on which it became due to payment.
- 9) The Administrative Assistant making payment of unemployment allowance shall do so in the presence of a witness and shall obtain the signature or the State Government may prescribe thumb impression of the person receiving unemployment allowance and also for witness in token of the payment in the Form as after making necessary entries.
- 10) The Administrative Assistant shall submit monthly statement to the Programme Officer regarding the payment of unemployment allowance made by him.

5. The Mizoram Rural Employment Guarantee Council –

- (1) Subject to the provisions of sub-rule (2), for the purpose of regular monitoring and reviewing the implementation of the Act, there shall be constituted a Council to be known as the Mizoram Rural Employment Guarantee Council which shall consist of the following namely :-
 - a) Chief Minister Chairman, *ex officio*;
 - b) Minister, Rural Development, Government of Mizoram.. Vice Chairman;
 - c) Chief Secretary, Govt. of Mizoram..... Member;
 - d) Secretary, Planning Department, Government of Mizoram..... Member;
 - e) Secretary, Finance Department, Government of Mizoram Member;
 - f) Secretary, Agriculture Department, Government of Mizoram.... Member;
 - g) Secretary, Environment & Forest Department, Government of Mizoram..... Member;
 - h) District Programme Coordinator of a District..... Member;
 - i) Director, Rural Development Department..... Member;
 - j) Director, Horticulture Department.....Member;
 - k) Two members each to be nominated by the State Government from the Village Councils of Mizoram and Autonomous District Councils, Organisation of workers and disadvantaged groups, of whom one third shall be women;
 - l) Secretary to the Government of Mizoram in the Department of Rural Development in charge of the Act Member-Secretary.
- (2) Not less than one-third of the total number of non-official members of the State Council shall be women.

6. Terms and conditions of appointment of members –

- (1) The members representing the Departments shall hold their offices as long as they are serving in their respective Departments or till the concerned Department nominates any other officer.
- (2) The term of office of the non-official members nominated under clause (11) of sub-rule(1) of rule 5 shall be for a period of one year;
- (3) The non-official members nominated as above shall be entitled to receive travelling allowance and dearness allowance for attending the meetings of the State Council or the Executive Committee, as the case may be, at the rate admissible to the Group 'A' Officer of the State Government.
- (4) The officials and non-official members shall also be entitled to receive honorarium at the rate of five hundred rupees per day for the days of the meetings of the State Council or its Executive Committee or any other official work for which they attend to at the headquarters at Aizawl on invitation by the State Council or Executive Committee, as the case may be.

7. Resignation, etc. of non-official members -

- (1) Any non-official member may by writing under his hand addressed to the Chairperson resign his office at any time or be removed from his office in case he incurs any disqualification if he/she :-
 - a) has been adjudged as an insolvent; or
 - b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

- c) has become physically or mentally incapable of acting as a member; or
 - d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
 - e) has so abused his position as to render his continuance in office prejudicial to the public interest; or
 - f) remains absent for three consecutive meetings of the State Council except for reasons beyond his control or without permission of the Chairperson;
- (2) Any vacancy caused in the State Council due to resignation, death, removal or otherwise of a non-official member shall be filled from the same category to which such member was representing and the person newly nominated shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

8. Procedure of the meeting -

- (1) The Member-Secretary shall give at least fourteen days notice for a meetings of the State Council, giving therein the date, time and place of the meeting.
- (2) If the quorum in the meeting is not present, the Chairperson may postpone the meeting to another date and the Chairperson and the members present at the postpone meeting shall constitute the quorum.
- (3) Every question brought before any meeting of the State Council shall be decided upon by a majority of the members present and voting at the meeting before which the matter is brought and no member shall be allowed to vote by proxy.
- (4) In the case of an equality of votes on any resolution or question, the Chairperson shall have a casting or a second vote.
- (5) The Member-Secretary shall, within thirty days of a meeting, circulate the minutes of that meeting duly approved by the Chairperson.

9. Functions of the State Council:-

- (1) The Council shall perform the duties and discharge the functions assigned to it under sub-section (3) of section 12.
- (2) The State may, subject to such control and directions, authorise the Member-Secretary to deal with such financial and administrative matters for its day-to-day functioning.
- (3) The State Council shall lay down the systems and procedures for maintenance of its accounts and other records.
- (4) The Member-Secretary shall be responsible for the custody and maintenance of the minutes book and other records of the State Council and the Executive Committee.

10. Executive Committee :-

- (1) The State Council shall constitute a Committee to be called the Executive Committee to assist it to discharge the duties and perform the functions assigned to it.
- (2) The Executive Committee constituted under sub-rule(1) shall consist of the following namely;
 - a) Secretary to the Government of Mizoram, Rural Development Department.
Chairman;

- b) Secretary to the Govt. of Mizoram, Finance Department or his representative not below the rank of Dy. Secretary Member;
- c) Adviser, State Planning Board or his representative not below the rank of Dy. Secretary...Member;
- d) Addl. Secretary to the Govt. of Mizoram, Rural Development Department Member;
- e) District Programme Coordinator of a District..... Member;
- f) Director, Rural Development Department.....Member;
- g) Project Director, DRDA of a District..... Member;
- h) The Chairman may co-opt individuals or Officials who are expert in the field as member of the Executive Committee;
- i) Deputy Secretary to the Govt. of Mizoram, Rural Development Department Member Secretary

11. Functions of the Executive Committee -

- (1) Subject to the general superintendence and directions of the State Council, the Executive Committee shall perform the following duties and functions, namely :-
 - (a) take steps to give effect to the decision of the State Council;
 - (b) manage the administrative and financial affairs of the State Council;
 - (c) sanction expenditure in connection with the affairs of the State Council;
 - (d) appoint expert groups for technical support and advice to improve the quality of implementation of the Act;
 - (e) Exercise all such powers and perform such functions as may be entrusted to it by the State Council.
- (2) The Executive Committee shall meet at least once in three months or more frequently, if required by the State Council.

12. Funds of the State Council :-

There shall be established a Fund called, "*The State Employment Guarantee Fund*" established under sub-section(1) of section 21 which shall be expended for the purpose of implementing the Scheme, which shall include administrative expenses of the State Council, payment of unemployment allowance, 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 of the Act and other expenditure as prescribed by the Act and as may be determined by the State Government from time to time.

13. Administration of the Fund -

- (1) The fund shall be held and administered on behalf of the State Government by the Secretary to the Government of Mizoram, Rural Development Department.
- (2) No sums from the Fund shall be paid or applied, except for the purposes that are approved by the Secretary to the Government of Mizoram, Rural Development Department or by any officer authorized by him on his behalf.
- (3) As per provision under sub-section(4) of section 14 of the Act, the State Government shall delegate such financial powers to the District Programme Co-ordinator as may be required to enable him to carry out his functions under the Act.

14. Grievance Redressal Mechanism -

- (1) The Programme Officer shall be the Grievance Redressal Officer at the Block level, and the District Programme Co-ordinator at the District level.
- (2) A system of appeal shall be designed to deal with grievances at each level. Appeal against decisions of the Village Council (Gram Panchayat) will be to the Programme Officer. Appeal against decisions of the Programme Officer will be to the District Programme Co-ordinator. Appeal against decisions of the District Programme Co-ordinator may be with an appropriate authority designated by the State Government.
- (3) Name and Address of the petitioner, and nature and date of the petition shall be entered into a Register.
- (4) The person registering the grievance shall be given a receipt with number and date.
- (5) Once a grievance has been disposed of, the date and nature of disposal shall be communicated to the petitioner.
- (6) All grievances shall be disposed of within 30 days from the receipt of such complaint/petition.
- (7) The Village Council Court (Gram Sabha) and the Social Audit Forum shall provide a forum for public hearings for timely redressal of grievances.
- (8) Action taken on the complaints received by the Programme Officer and the District Programme Co-ordinator shall be placed before the meetings of the Block Development Committee (Intermediate Panchayat) and District Level Committee (District Panchayat) respectively.

15. Maintenance of Accounts -

- (1) District Programme Coordinator shall maintain the accounts of employment and expenditure.
- (2) Each Village Council and every Implementing Agency shall maintain a register of all works sanctioned, executed and completed. The information in the register shall be reported by the Village Council and all other Implementing Agencies to the Programme Officer as per Annexure-II.
- (3) The Programme Officer shall compile the data in the Computer and supply a copy to the District Programme Coordinator.
- (4) The Implementing Agencies which are executing works in the jurisdiction of more than one Programme Officer shall send the data in the proforma as may be specified by the State Government to the District Programme Coordinator.
- (5) The District Programme Coordinator shall compile the data received from Programme Officers and other Implementing Agencies who have reported the data of assets falling within the jurisdiction of more than one Programme Officer and shall compile monthly and annual report in the proforma given for MIS Formats and send it to the Rural Development Department, Government of Mizoram and to the Ministry of Rural Development, Government of India through an Electronic copy, E-mail or on-line reported and a hard copy duly signed by the State Programme Coordinator may also be sent.

16. Execution Arrangements -

- (1) At State level, the Secretary, Rural Development Department shall be assisted by a Unit known as an Employment Guarantee Scheme Unit. The Employment Guarantee Unit shall be supported by requisite number of officers and staff who shall be deputed from the existing Officers and staff of Rural Development Department.
- (2) At the District level, the District Programme Coordinator will be the District Coordinator and he shall be supported by necessary Officers and supporting staff.
- (3) At the Village level, the Village Council is assisted by the Administrative Assistant, to be appointed on contract basis as per the terms and conditions as may be specified by the State Government from time to time.
- (4) Junior Engineer and Administrative Assistant for a group of villages as may be fixed by the State Government shall be appointed on contract basis as per the terms and conditions as may be specified by the State Government for properly implementing the Schemes at the village level.
- (5) The District Programme Coordinator shall select and appoint the Officers and the supporting staff within his District on contract basis as per terms and conditions as may be specified by the State Government from time to time.
- (6) The expenditure that may arise due to appointment of the new functionaries at the Village and the District levels would be met from the funds under the scheme.

17. Procedure for making application for employment :-

- 1) A person who is registered for employment under the Scheme and who is in need of employment shall apply in the form as may be prescribed by the State Government to the Village Council.
- 2) This application shall be handed over by the applicant to the Village Council
- 3) It shall not be insisted that the application shall be in the prescribed printed Form.
- 4) The Administrative Assistant receiving the application shall acknowledge receipt of the same.
- 5) The Administrative Assistant shall maintain a register in prescribed Form regarding the applications for employment received by him as per Annexure – III

18. Work Allotment -

- (1) The Administrative Assistant shall consider each application seeking employment received by him and shall, after satisfying himself that the applicant is already registered for employment, direct him immediately by a letter in the Form as may be prescribed by the State Government to a work sanctioned under the Scheme within the Village Council Area.
- (2) If it is not possible to provide work within the Village Council area, the Administrative Assistant shall forward the applications to the Programme Officer.
- (3) The Programme Officer shall coordinate with other Village Councils within the Block and issue letter of employment to the applicant, in the Village Council where work is available by marking a copy to both the Administrative Assistants of different villages.

- (4) If the Programme Officer also is unable to provide work within his Block, he shall inform the District Programme Coordinator, who shall arrange to provide the work within the District as far as possible in the nearby Blocks. In such case, makeshift-staying arrangements shall be made by the Implementing Agency and the cost will be borne out of the programme fund.

19. Transparency and Accountability :- The Scheme demarcates clear accountability with regard to key responsibilities as follows :-

- 1) Registration of the workers; issuing of Job Card; preparation of Muster Rolls etc. is to be done by the Village Councils.
- 2) Timely payment of wages, timely payment of unemployment allowances etc. is to be overseen by the Programme Officer.
- 3) The responsibility of monitoring rests with the higher level. If the registration of an adult member of the house has not been done in the prescribed format at the Village level, then the Programme Officer can direct a particular Village Council to accept the application for registration.
- 4) The transparency of implementing the provisions of the Act is to be ensured by proper dissemination of information in the field, by taking the photographs of the worksite before the commencement, during the course of execution and after completion of the work; providing on-line monitoring system of key performance indicators, audit reports by Internal Audit Teams/Chartered Accountant (as appointed by the State Government), put up on-line. The information would be made available to all who seek the information under Right to Information Act, 2005 (Central Act, No. 22 of 2005).
- 5) A person who is found to have claimed and accepted unemployment allowance while already provided with any employment under National Rural Employment Guarantee Act, 2005 will not be entitled to unemployment allowance for a period of 3(three) months from the last day on which he is found to have claimed and accepted unemployment allowance.

20. Repeal & Saving : On and from the commencement of these Rules, the Mizoram Rural Employment Guarantee Rules, 2006 which was published in the Mizoram Gazette issue No.78 Dt. 14.3.2007 shall stand repealed.

Provided that any order made or anything done or any action taken under the rules so repealed, or under general orders ancillary thereto shall be deemed to have been done or taken under the corresponding provisions of these rules.

By order and in the name of
Governor of Mizoram

Sd/- VANHELA PACHUAU
Principal Secretary to Govt. of Mizoram
Rural Development Department

ANNEXURE -I

**MIZORAM STATE RURAL EMPLOYMENT
GUARANTEE COUNCIL**

Composition : The following shall be the composition of the Mizoram State Rural Employment Guarantee Council.

Chief Minister, Mizoram	-	Chairperson <i>ex-officio</i>
Minister, Rural Development, Mizoram	-	Vice Chairman
Chief Secretary, Mizoram	-	Member
Secretary, Planning Department	-	Member
Secretary, Finance Department	-	Member
Secretary, Agriculture Department	-	Member
Secretary, Environment & Forest Department	-	Member
District Programme Coordinator of a District	-	Member
Director, Rural Development Department	-	Member
Director, Horticulture Department	-	Member
Two members each to be nominated by the State Government from the Village Councils of Mizoram and Autonomous District Councils, Organisation of workers and disadvantaged Groups, of whom one third shall be women	-	Member
Secretary, Rural Development Department	-	Member Secretary

Not less than one-third of the total number of non-official members of the State Council shall be women.

ANNEXURE-II

PROFORMA FOR REGISTRATION OF APPLICATION REGISTRATION

S/N	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

EMPLOYMENT REGISTER AT VILLAGE (GRAM PANCHAYAT) LEVEL

INDEX

PROFORMA OF PAGES

1. Registration Number of the Household : Page No

2. Requested period of employment

3. Period and work on which employment offered

4. Period and work on which employment given
