

Mahatma Gandhi National Rural Employment Guarantee Scheme, Bihar -Compensation to workers for the delay in Wage Payment Rules, 2017

BIHAR

India

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Rule

MAHATMA-GANDHI-NATIONAL-RURAL-EMPLOYMENT-GUARANTEE- of 2017

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Mahatma Gandhi National Rural Employment Guarantee Scheme, Bihar -Compensation to workers for the delay in Wage Payment Rules, 2017Published vide Notification No. xzko foo-7 vkao-51/2013-328228, dated 14.9.2017No. xzko foo-7 vkao-51/2013-328228. - In exercise of powers conferred by sub section (1) of Section 32 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Act No. 42 of 2005), the state government hereby makes the following rules:-

1. Short title, extent and commencement.

(1)These rules may be called the Mahatma Gandhi National Rural Employment Guarantee Scheme, Bihar Compensation to workers for the delay in Wage Payment Rules, 2017.(2)It shall extend to whole State of Bihar.(3)It shall come into force from date of its publication in the official Gazette.

2. Definitions.

- In the rule, unless required otherwise the context-(i)"Act" , means Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (As amended from time to time);(ii)"State Government" , means State Government of Bihar;(iii)"Section", means section of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (as amended from time to time);(iv)"Wage Rate", means the

wage rate notified by the Government of India in exercise of power conferred under Section 6(1) of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 for unskilled labour for the State of Bihar or wage rate notified by state government or Rural Development Department, Bihar;(v)"Programme Officer" , means the Programme Officer/ In charge Programme Officer of the Block;(vi)"MIS" , stands for the online Management Information System established and managed by Ministry of Rural Development, Government of India, i.e., www.nreaa.nic.in;(vii)Words and expressions used and not defined in these rules, shall have the same meaning as defined in the Act or in Guidelines or Master circular issued by the Central or State Government from time to time.

3. Objective.

- The objective of Mahatma Gandhi National Rural Employment Guarantee Scheme, Bihar - Compensation to workers for the delay in Wage Payment Rules, 2017 is to ensure timely payment to wage seekers and accountable mechanism for effective implementation of the Act.

4. Compensation.

(1)According to Section 3(3) of The Act, workers are entitled to be paid wage on a weekly basis and in any case within a fortnight of the date of closure of the muster roll. In case the payment of wages is not made within fifteen days from the date of closure of the muster roll, the wage seeker, as per Para 29 of Schedule II of Mahatma Gandhi National Rural Employment Guarantee Act, is entitled to receive payment of compensation for the delay, at the rate of 0.05% of the unpaid wages per day of delay from sixteenth day of closure of muster roll.(2)The compensation to the wage seekers will be paid duly penalizing the functionaries found responsible for the delay in such a way that the penalty is equal to the compensation payable.(3)Any delay in payment of compensation beyond a period of fifteen days from the date it becomes payable, shall be considered in the same manner as the delay in payment of wages. The Programme Officer will be responsible for taking a decision regarding acceptance or rejection of the delay compensation within fifteen days from the date it becomes payable. In Case of failure, the compensation for such delay shall be recovered from the Programme Officer.(4)For ensuring the accountability in payment of wages and to calculate culpability of various functionaries, the number of days permissible to accomplish the activity assigned to them, will be as follows :-

Sl. No.	Name of the Activity	Name/Designation of the functionary	Permissible No. of days to Complete theActivity
(3)	(4)	(3)	(4)
1.	Measurement of Work in eMB and recording it inthe Measurement Book	Panchayat Technical Assistant (PTA)/equivalent	T + 3 days
2.	Verification and Checking of Measurement of Workin eMB and	Junior Engineer(JE) or Assistant Engineer(AE)(as the	T +4 days

	recording it in the Measurement Book	case may be)	
3.	Verification and Checking of Measurement of Workin eMB and recording it in the Measurement Book	Assistant Engineer (AE)/Executive Engineer(EE)(as the case may be)	T+6 days
4.	Submission of eMR and eMB/ MB to ProgrammeOfficer.	Panchayat Rozgar Sewak (PRS)	T + 7 days
5.	Updation of eMR and eMB on MIS and generation ofwage list and sending it for Payment	Accountant/Computer Operator / Equivalent	T + 9 days
6.	Generation of Fund Transfer Order (FTO) andSigning (1st Signatory)	MGNREGA Accountant / Equivalent	T + 10 days
7.	Approval of Fund Transfer Order (FTO) forpayment (2nd Signatory)	Programme Officer(PO)	T + 11 days

Note:"T means
Date of Closure
ofMuster Rolls

(5)The total compensation payable shall be automatically calculated by NREGA Soft based on the date of closure of muster roll, total wage payable, duration of delay and the date of approval of FTO by 2nd Signatory. The compensation payable in each case will be displayed automatically on www.nrega.nic.in and updated daily.(6)The compensation is to be paid after due verification. Every Programme Officer shall, within 15 days from the date that the delay compensation becomes due, decide whether the compensation that has been automatically calculated by the NREGA Soft is payable or not? The Compensation shall be met from the State Employment Guarantee Fund (SEGF) upfront. This will be recovered from the functionaries/agencies responsible for the delay.(7)Exceptional cases when compensation may not be payable:-(a)Funds are not available at the paying authority level;(b)Compensation is not due;(c)Natural calamities as defined by the Ministry of Home Affairs (MHA).(8)The Programme Officer will ensure that compensation claims are settled during the prescribed time, i.e., within 15 days of compensation being due, and such claims will not be allowed to be accumulated without any decision of acceptance or rejection. In all cases of rejection, the Programme Officer shall give detailed reason(s) for rejection on NREGA Soft and maintain record of the same, in her/his office for future verification. All cases approved for payment of compensation shall be routed through Electronic Fund Management System (e-FMS). District Programme Coordinator and Additional District Programme Coordinator will review this every month regularly.(9)The State Government (District Programme Coordinator, Additional District Programme Coordinator and Programme Officer in particular) shall be responsible for operationalising the system for the payment of compensation for delayed wage payments. The details are to be uploaded on NREGA Soft so that the liability of each functionary/agency can be determined in case of a delayed payment. The said compensation has to be recovered from the concerned functionary/ functionaries and order for the same shall be issued by the Programme Officer.(10)Accounting for Compensation paid-For Accounting for the compensation paid, a separate account within SEGF shall be maintained and reflected in the MIS under e-FMS. The

District Programme Coordinator, Additional District Programme Coordinator and Programme Officer shall ensure recovery of compensation amount so paid from the honorarium / salary of the functionaries, for such delay in payment of unskilled wages. The amount so recovered shall be reimbursed into the SEGF account.

5. Removal of doubts.

- If any doubt arises as to the interpretation of any of the provision of these rules, the matter shall be referred to the Rural Development Department, Government of Bihar, whose decision shall be final after consultation of The Law Department.