

SCHEDULE I

[See section 4 (3)]

MINIMUM FEATURE OF A RURAL EMPLOYMENT GUARANTEE SCHEME

¹[***]

²[1. The Scheme notified under section 4 by all States shall be called ‘the Mahatma Gandhi National Rural Employment Guarantee Scheme’ and all documents pertaining to the said Scheme shall have a mention of ‘the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005)’.]

²[1A. The Mahatma Gandhi National Rural Employment Guarantee Scheme shall hereinafter be referred to as “Mahatma Gandhi NREGS” and any reference in the said scheme to the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 shall be referred to as “Mahatma Gandhi NREGA”.]

³[1B. The focus of the Scheme shall be on the following works and the order of priority shall be determined by each Gram Panchayat in meetings of the Gram Sabha and the Ward Sabha, namely:-

- (i) water conservation and water harvesting including contour trenches, contour bunds, boulder checks, gabion structures, underground dykes, earthen dams, stop dams and springshed development;
- (ii) drought proofing including afforestation and tree plantation;
- (iii) irrigation canals including micro and minor irrigation works;
- (iv) provision of irrigation facility, dug out farm pond, horticulture, plantation, farm bunding and land development on land owned by households specified in paragraph 1C;
- (v) renovation of traditional water bodies including desilting of tanks;
- (vi) land development;

¹ Paragraph 1A omitted by S.O. 1860(E), dated 30th July, 2010. Earlier paragraph 1A was inserted by S.O. 323(E), dated 6th March, 2007 (w.e.f. 6-3-2007).

² Ins. by S.O. 1860(E), dated 30th July, 2010.

³ Subs. by S.O. 1022(E), dated 4th May, 2012, for paragraph 1B. Earlier Paragraph 1 renumbered as paragraph 1B thereof, by S.O. 1860(E), dated 30th July, 2010. Earlier sub-paragraph (iv) subs, by S.O. 2202 (E), dated 22nd September, 2011, S.O. 1824 (E), dated 22nd July, 2009 and S.O. 323(E), dated 6th March, 2007.

- (vii) flood control and protection works including drainage in water logged areas including deepening and repairing of flood channels, chaur renovation, construction of storm water drains for coastal protection;
- (viii) rural connectivity to provide all weather access, including culverts and roads within a village, wherever necessary;
- (ix) construction of Bharat Nirman Rajiv Gandhi Sewa Kendra as Knowledge Resource Centre at the Block level and as Gram Panchayat Bhawan at the Gram Panchayat level;
- (x) agriculture related works, such as, NADEP composting, vermi-composting, liquid bio-manures;
- (xi) livestock related works, such as, poultry shelter, goat shelter, construction of pucca floor, urine tank and fodder trough for cattle, azolla as cattle-feed supplement;
- (xii) fisheries related works, such as, fisheries in seasonal water bodies on public land;
- (xiii) works in coastal areas, such as, fish drying yards, belt vegetation;
- (xiv) rural drinking water related works, such as, soak pits, recharge pits;
- (xv) rural sanitation related works, such as, individual household latrines, school toilet units, anganwadi toilets, solid and liquid waste management;
- (xvi) any other work which may be notified by the Central Government in consultation with the State Government.]

⁴[1C. All activities mentioned in items (iv), (x), (xi) and items (xiii) to (xv) of paragraph 1B shall be allowed on land or homestead owned by households belonging to the Scheduled Castes and the Scheduled Tribes or below poverty line families or the beneficiaries of land reforms or the beneficiaries under the Indira Awas Yojana of the Government of India or that of the small or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme, 2008, or the beneficiaries under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007).

1D. The works referred to in items (iv), (x), (xi) and items (xiii) to (xv) of paragraph 1B shall be taken up subject to the following conditions, namely:-

⁴ Ins. by S.O. 1022(E), 4th May, 2012.

- a. the households referred to in paragraph 1C shall have the job card; and
 - b. the beneficiaries shall work on the project undertaken on their land or homestead.]
2. Creation of durable assets and strengthening the livelihood resources base of the rural poor shall be an important objective of the Scheme.

⁵[3. The works taken up under the scheme shall be in rural areas and shall be subject to the following-

- a. A unique identity number shall be given to each work.
- b. All work must be executed by the workers who have job cards and who have demanded work.
- c. No Person below the age of 18 shall be permitted to work under MGNREGA Projects.
- ⁶[d. Each muster roll shall have a unique identity number and be certified by the Programme Officer and shall contain such mandatory information as may be specified by order, by the Central Government.]
- e. Muster Rolls duly signed by programme Officer and properly numbered shall be maintained on the worksite. Any muster roll not signed by the Programme Officer and properly numbered will be treated as un-authorized and shall not be maintained at the worksite.
- f. The workers will countersign their attendance and the amount of wages earned of the Muster Roll at the worksite.
- ⁷[g. A detailed record of muster rolls will be maintained in the registers as prescribed by the Central Government from time to time.]
- h. When a work is in progress, the workers engaged in that work will select from among themselves not less than five workers on a weekly

⁵ Subs. by S.O. 3000(E), dated 31st December, 2008, for paragraph 3.

⁶ Subs. by S.O. 1022(E) dated 4th May, 2012, in paragraph 3 for sub-paragraph (d).

⁷ Subs. the words, Government of India” with “Central Government, wherever they occur, by S.O. 1022(E) dated 4th May, 2012.

rotational basis to verify and certify all the bills/vouchers of their worksite at least once a week.

- i. A copy of the sanction work order must be available for public inspection at the worksite.
- j. Measurement of work will be recorded in the Measurement Books maintained by qualified technical personnel in charge of the worksite.
- k. Measurement records of each work and worker must be available for public inspection.
- l. A Citizen's Information Board must be put up at every worksite and updated regularly in the manner prescribed by the Central Government.
- m. Any person must be able to access muster rolls on demand on the worksite all days during all working hours.
- n. The vigilance and Monitoring Committee setup according to the instructions of the Central Government will check all works and its evaluation report will be recorded in the Works Register in the format prescribed by the Central Government and be submitted to the Gram Sabha during Social Audit.]

⁸[***].

⁹[5. As part of the Scheme, the State Government shall provide for proper maintenance of the public assets created under the Scheme.]

¹⁰[***].

¹¹[7. The State Government shall link the wages with the quantity of work and it shall be paid according to the schedule of rates fixed by the State Government for different types of work every year, in consultation with the State Council.]

⁸ Paragraph 4 omitted by S.O. 1022(E), dated 4th May, 2012.

⁹ Subs. by S.O. 1022(E), dated 4th May, 2012, for paragraph 5.

¹⁰ Paragraph 6 omitted by S.O. 1022(E), dated 4th May, 2012.

¹¹ Subs. by S.O. 1022(E), dated 4th May, 2012, for paragraph 7.

¹²[8. (1) The schedule of rates of wages for various unskilled labourers shall be so fixed up that an adult person working for nine hours including an hour of rest would normally earn a wage equal to the wage rate.

(2) The working days of an adult worker shall be so arranged that inclusive of intervals of rest, if any, it shall not spread over more than twelve hours on any day.]

¹³[8A. The average out-turn of work put out by men and workers working in a group will be the basis for fixing task based schedule of rates so that there is no gender based discrimination in the Schedule of Rates.]

¹⁴[9. The cost of material component of projects including the wages of the skilled and semi-skilled workers taken up under the scheme shall not exceed forty per cent. of the total project costs at the level of each Gram Panchayat.]

10. It shall be open to the programme officer and Gram Panchayat to direct any person who applied for employment under the Scheme to do work of any type permissible under it.

11. The scheme shall not permit engaging any contractor for implementation of the projects under it.

12. As far as practicable, a task funded under the scheme shall be performed by using manual labour and not machines.

¹⁵[13. Every scheme shall contain adequate provisions for ensuring transparency and accountability at all levels of implementation as stated below:

a. Proactive Disclosure

- (i) At worksite proactive disclosure shall be through display of information through Citizen information Boards, reading out of muster rolls information regarding attendance, work done and wages paid in the presence of workers at the end of the day by the person authorized. The measurements in the

¹² Subs. by S.O. 1022(E), dated 4th May, 2012. Earlier Subs. by S.O. 88(E), dated 14th January, 2008, for paragraph 8.

¹³ Ins. By S.O. 88(E), dated 14th January, 2008.

¹⁴ Subs. by S.O. 1022(E), dated 4th May, 2012, for paragraph 9.

¹⁵ Subs. By S.O. 3000(E), dated 31st December, 2008, for paragraph 13.

Measurement Book will also be read out during the measurement of works before the workers.

(ii) At the Gram Panchayat and Block Programme Office proactive disclosure shall be through display of information on boards and shall include at least information pertaining to provision of employment, funds received and expenditure, shelf of projects approved.

(iii) All information on MGNREGA will be placed in public domain through the website for MGNREGA as prescribed by the Central Government and be available through free downloadable electronic form.]

¹⁶[***]

14. Provisions for regular inspection and supervision of works taken up under the scheme shall be made to ensure proper quality of work as well as to ensure that the total wages paid for the completion of the work is commensurate with the quality and quantity of work done.

15. The District Programme Coordinator, the programme officer and the Gram Panchayat implementation the scheme shall prepare annually a report containing the facts and figures and achievements relating to the implementation of the scheme within his or its jurisdiction and a copy of the same shall be made available to the public on demand on payment of such fee as may be specified in the Scheme.

¹⁷[16. All accounts and records relating to the scheme shall be made available for public security free of cost. Any person desirous of obtaining a copy or relevant extracts therefrom may be provided such copies or extracts on demand not later than three working days from the time of application and after paying such fee as may be specified in the Scheme.]

17. A copy of the muster roll of each Scheme or project under a scheme shall be made available in the office of the Gram Panchayat and the Programme Officer for inspection by any person interested after paying such fee as may be specified in the Scheme.

¹⁶ Sub-paragraph (b) omitted by S.O. 1484(E), dated 30th June, 2011.

¹⁷ Subs. by S.O. 3000(E), dated 31st December, 2008, for paragraph 16.

SCHEDULE II

(See Section 5)

CONDITIONS FOR GURANTEED RURAL EMPLOYMENT UNDER A SCHEME AND MINIMUM ENTITLEMENTS OF LABOURERES

1. The adult member of every household who-

- a. reside in any rural areas; and
- b. are willing to do unskilled manual work,

may submit their names, age and the address of the household to the Gram Panchayat at the village level (hereafter in this Schedule referred to as the Gram Panchayat) in the jurisdiction of which they reside for registration of their household for issuance of a job card.

¹⁸[2. (1) It shall be the duty of the Gram Panchayat to register the household, after making such enquiry as it deems fit and issue a job card containing the following essential details of registered adult members of the household, namely

- i. Job card number;
- ii. household member-wise work demand and allocation;
- iii. description of the work done
- iv. dates and days worked;
- v. muster roll numbers by which wages have been paid
- vi. amount of wages paid;
- vii. unemployment allowance, if any paid;
- viii. postal account/bank account number
- ix. insurance policy number; and
- x. elector's photo identity card number voters identity, if any.
- ¹⁹[xi. Aadhaar number, if issued]

¹⁸ Subs. By S.O. 802(E), dated 2nd April, 2008, for paragraph 2.

¹⁹ Ins. by S.O. 1022(E), dated 4th May, 2012, for paragraph 2.

(2) All entries in the Job Card shall be duly authenticated by signature of an authorised officer.

(3) The Job Cards issued under sub-paragraph (1) shall bear the photographs of only the registered adult members of the households to whom that Job Card has been issued.

(4) No photograph, names or details of any person other than that of the registered adult members of the household to whom that Job Card belongs shall be affixed or recorded in the Job Card.

(5) All Job Cards shall be in the custody of the Job Card holders to whom they belong.]

3. The registration made under paragraph 2 shall be for such period as may be laid in the Scheme, but in any case not less than five years, and may be renewed from time to time.

4. Every adult member of a registered household whose name appears in the job card shall be entitled to apply for unskilled manual work under the Scheme.

5. All registered persons belonging to a household shall be entitled to employment in accordance with the Scheme made under the provisions of this Act, for as many days as each applicant may request, subject to a maximum of one hundred days per household in a given financial year.

6. The Programme Officer shall ensure that every applicant referred to in paragraph 5 shall be provided unskilled manual work in accordance with the provisions of the Scheme within fifteen days of receipt of an application or from the date he seeks work in case of advance application, whichever is later:

Provided that priority shall be given to women in such a way that at least one third of the beneficiaries shall be women who have registered and requested for work under this Act.

²⁰[7. Applications for work must be for at least fourteen days of continuous work, other than the works relating to access to sanitation facilities, for which application for work must be for at least six days continuous work.]

²⁰ Subs by S.O. 2266(E), dated 30th September, 2011 for paragraph 7.

8. There shall be no limit on the number of days of employment for which a person may apply, or on the number of days of employment actually provided to him subject to the aggregate entitlement of the household.

9. Applications for work may be submitted in writing either to the Gram Panchayat or to the Programme Officer, as may be specified in the Scheme.

10. The Gram Panchayat and Programme Officer, as the case may be, shall be bound to accept valid applications and to issue a dated receipt to the applicant. Group applications may also be submitted.

11. Applicants who are provided with work shall be so intimated in writing, by means of a letter sent to him at the address given in the job card and by a public notice displayed at the office of the Panchayats at district, intermediate or village level.

12. As far as possible, employment shall be provided within a radius of five kilometres of the village where the applicant reside at the time of applying.

²¹13. A new work under the scheme can be commenced if at least ten labourers become available for work;]

Provided that this condition shall not be applicable for new works, as determined by the State Government, in hilly areas and in respect of afforestation.

²²[14. In case the employment is provided outside the radius specified in paragraph 12, it must be provided within the Block, and the labourers shall be paid ten per cent., of the wage rate as extra wages to meet additional transportation and living expenses.]

²³[15. A period of employment shall be at least continuous fourteen days with not more than six days in a week.]

16. In all cases where unemployment allowance is paid, or due to be paid, the Programme Officer shall inform the District Programme Coordinator in writing the reasons why it was not possible for him to provide employment or cause to provide employment to the applicants.

²¹ Subs. by S.O. 324(E), dated 6th March, 2007, for paragraph 13 (w.e.f. 6-3-2007).

²² Subs. by S.O. 1022(E), dated 4th May, 2012, for paragraph 14.

²³ Subs. by S.O. 1022(E), dated 4th May, 2012, for paragraph 15.

17. The District Programme Coordinator shall, in his Annual Report to the State Council explain as to why employment could not be provided in cases where payment of unemployment allowances is involved.

18. Provision shall be made in the Scheme for advance applications, that is, application which may be submitted in advance of the date from which employment is sought.

19. Provision shall be made in the Scheme for submission of multiple applications by the same person provided that the corresponding periods for which employment is sought do not overlap.

20. The Gram Panchayat shall prepare and maintain or cause to be prepared and maintained such registers, vouchers and other documents in such form and in such manner as may be specified in the Scheme containing particulars of job cards and pass books issued, name, age and address of the head of the household and the adult members of the household registered with the Gram Panchayat.

21. The Gram Panchayat shall send such list or lists of the names and addresses of households and their adult members registered with it and supply such other information to the concerned Programme Officer at such periods and in such form as may be specified in the Scheme.

22. A list of persons who are provided with the work shall be displayed on the notice board of the Gram Panchayat and at the office of the Programme Officer and at such other place as the Programme Officer may deem necessary and the list shall be open for inspection by the State Government and any person interested.

23. If the Gram Panchayat is satisfied at any time that a person has registered with it by furnishing false information, it may direct the Programme Officer to direct his name to be struck off from the register and direct the applicant to return the job card:

Provided that no such action under this paragraph shall be directed unless the applicant has been given an opportunity of being heard in the presence of two independent persons.

24. If any personal injury is caused to any person employed under the Scheme by accident arising out of and in the course of his employment, he shall be entitled to free of charge, such medical treatment as is admissible under the Scheme.

25. Where hospitalization of the injured worker is necessary, that State Government shall arrange for such hospitalization including accommodation, treatment, medicines and payment of daily allowance not less than half of the wage rate required to be paid had the injured been engaged in the work.

26. If a person employed under a Scheme dies or becomes permanently disabled by accident arising out of and in the course of employment, he shall be paid by the implementing agency an *ex gratia* payment at the rate of twenty-five thousand rupees or such amount as may be notified by the Central Government, and the amount shall be paid to the legal heirs of the deceased or the disable, as the case may be.

27. The facilities of safe drinking water, shade for children and periods of rest, first aid box with adequate material for emergency treatment for minor injuries and other health hazards connected with the work being performed shall be provided at the work site.

28. In case the number of children below the age of six years accompanying the women working at any site are five or more, provisions shall be made to depute one of such women worker to look after such children.

29. The person deputed under paragraph 28 shall be paid wage rate.

30. In case the payment wages is not made within the period specified under the Scheme, the labourers shall be entitled to receive payment of compensation as per the provisions of the Payment of Wages Act, 1936 (4 of 1936).

²⁴[31. The payment of wages shall unless so exempted be made through the individual or joint savings accounts of the workers in the banks or post offices opened in accordance with the directions of the Central Government unless so exempted.]

²⁵[***]

²⁴ Subs. by S.O. 1022(E), dated 4th May, 2012, for paragraph 14. Earlier, subs. by S.O. dated 513(E), dated 19th February, 2009.

²⁵ Paragraph 32 omitted by S.O. 513(E), dated 19th February, 2009.

33. If any personal injury is caused by accident to a child accompanying person who is employed under a Scheme, such person shall be entitled to, free of charge, such medical treatment for the child as may be specified in Scheme and in case of death or disablement, through an *ex gratia* payment as may be determined by the State Government

34. In case of every employment under the Scheme, there shall be no discrimination solely on the ground of gender and the provisions of the Equal Remuneration Act, 1976 (25 of 1976), shall be complied with.

²⁶[35. (1) Notwithstanding anything contained in paragraphs 1,3,9 and 14 of Schedule II Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2009), in the event of national calamities in the nature of flood, cyclone, tsunami and earthquake resulting into mass dislocation of rural population the adult members of rural households of areas so affected may-

(i) seek for registration and get job card issued by Gram Panchayat or Programme Officer of the area of temporary relocation;

(ii) submit written or oral applications for work to the Programme Officer or the Gram Panchayat of the area of temporary relocation; and

(iii) apply for re-registration and re-issuance of job card in the event of loss or destruction.

(2) In the event of restoration of normalcy, the job card so issued shall be re-endorsed at original place of habitation and shall be clubbed with original job card on being retrieved.

(3) The number of days of employment so provided shall be counted while computing 100 days of guaranteed employment per household.]

²⁷[36. The complaints received, taken cognizance of *suo motu* and as otherwise provided under the Act or Schedule therein shall be dealt as prescribed below:

²⁶ Added by S.O. 2188(E), dated 11th September, 2008.

²⁷ Added by S.O. 2999(E), dated 31st December, 2008.

- a) The Programme Officer shall enter every complaint in a complaint register maintained by him and dated and numbered acknowledgement shall be issued.
- b) Enquiry through spot verification, inspection and disposal shall be completed within 7 working days
- c) Complaints that fall within the jurisdiction of the Programme Officer, including any complaints concerning the implementation of the Act by a Gram Panchayat shall be disposed of by the Programme Officer within 7 days, as prescribed under section 23(6) of the Act. In case a complaint relates to a matter to be resolved by any other authority, the Programme Officer shall conduct a preliminary enquiry and refer the matter to such authority within 7 days under intimation to the complainant.
- d) Failure to dispose of a complaint in 7 days will be considered a contravention of the Act by the Programme Officer, punishable under section 25. Complaints against such failure will be lodged with the District Programme Coordinator.
- e) In case of a *prime facie* evidence regarding financial irregularities the District Programme Coordinator will ensure that a First Information Report is filed.
- f) State Government/District Programme Coordinator/Programme Officer or any other authority authorized by the State Government may inquire into any complaint on its own will or through reference and establishment of guilt will impose the penalty against the concerned guilty under section 25 of the Act.
- g) In case the concerned authority finds violation of entitlements, it will be responsible for informing and redressing the person/party aggrieved. The concerned authority will be responsible for such grievance redressal with a week and not after than 15 days.
- h) The action taken shall be informed to the complainant and disclosed in two vernacular newspapers in prescribed format once a quarter.

- i) The action taken on the complaints received by the Programme Officer and the District Programme Coordinator shall be placed before the meetings of the intermediate Panchayat and the District Panchayat respectively.
- j) Appeals against the orders of the Gram Panchayat shall be made to the Programme Officer; those against the orders of the Programme Officer shall be made to District Programme Coordinator; those against the District Programme Coordinator shall be made to State Commissioner (NREGS), Divisional Commissioner (NREGS) and State Grievance Redressal Officer.
- k) All Appeals shall be made within 45 days of the order issued.
- l) All Appeals shall be disposed off within one month.