

UTTAR PRADESH EMPLOYMENT GUARANTEE (COMPENSATION OF DELAYED PAYMENT) RULES 2019

6 26 2019 IN pursuance of the provisions of clause (3) or Article 348 of the Constitution. the Governor is pleased to order the publication or the following English translation of notification no. 3089 'XXXVIII-7—2019-296 NREGA-2013. dated December 26, 2019: No. 3089 [XXXVIII.7-2019-296NREGA-2013 Dated Lucknow, December 26, 2019 WHEREAS Government notification no. 2230000/111-7-2019-296NREGA.2013, dated September 1 2019 was issued for the information of the persons concerned and for inviting objections suggestions in regard to the Uttar Pradesh National Rural Employment Guarantee (compensation for delayed Payment of wages) Rules, 2019 as required under sub-section (1) of section 32 Of the National Rural Employment Guarantee Act, 2005 (Act no. 42 of 2005); AND, WHEREAS, no objections and suggestions has been received within the stipulated time; NOW, THEREFORE, in exercise of powers under section 32 of the aforesaid Act the Governor is pleased to make the following rules THE UTTAR PRADESH NATIONAL RURAL EMPLOYMENT GUARANTEE (COMPENSATION FOR DELAYED PAYMENT OF WAGES) RULES, 2019 1.(1) -nrse rules may be called Uttar Pradesh National Rural Employment Guarantee (Compensation for Delayed Payment of Wages) Rules, 2019. (2) they shall extend to the whole of Uttar Pradesh. (3) They shall come into force with effect from the date of their publication in the Gazette. 2. (1) In these rules, unless the context otherwise requiring (a) means the National Rural Employment Guarantee Act, 2005; (b) "MIS" means online Management Information System established and managed by the Ministry of Rural Development, Government of India www.nrega-nic.in; (c) "Program Officer" means the Block Development Officer/ Program Officer of an implementing agency; (d) "Section" means a section of the Act; (e) "State Government" means The State Government of Uttar Pradesh; (f) "Wage Rate" means the wage rate notified by the Government of India or the State Government for unskilled labourers section 6 of Act; (2) Words and expressions used but not defined in these rules shall have the same meaning as defined in the Act. 3. (1) Section 3, inter alia provided that every person who has done the work given to him under the scheme shall be entitled to receive wages at the wage rate on weekly basis and are in any case within fifteen days after the closure of Muster Roll. If wages are not paid within fifteen days then said person shall be entitled to receive compensation for the delayed payment under sub-section (1) of section 29 of schedule-II at rate of 0.05% of the unpaid wages per day of delay. (2) Further clause (L) of sub-section (1) of section 29 of schedule-II it is provided that "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." (3) Further sub-clause (d) of section 29 of schedule-II to the Act it is provided that State Government shall pay the compensation as prescribed after due verification within time limits specified above and recover the compensation amount from contractors or agencies who are responsible for the delay in payment." 4. Compensation on delayed payment shall also be made within fifteen days of due date. The disposal of delay in compensation payment shall be done in the same way as delay in payment of wages. The Program officer shall take decision on the payment / non payment of compensation after examining calculations done by NREGA staff reasonably within fifteen days of beginning of compensation liability. He/she may grant or reject the claim. If the claim is rejected the Program Officer shall specifically mention the reasons for such rejection. The presumptive category of such reason shall be as follows:- (i) Natural calamity; (ii) Compensation is not due

5. For fixing the responsibility of officers/employees for delayed payment of wages, section-29 of schedule-II Government of India, Ministry of Rural Development notification no. dated January 3, 2014 shall be applicable

6. Time limit for disposal by the officers/employees shall be as mentioned in the Schedule-I and Schedule-II below:—SCHEDULE-I 7 Sl. 2 3 4 Name of work (i) Depositing of Muster roll at block office after closure thereof (ii) Feeding of Muster roll on NREGA son (i) depositing of Measurement Book (M.B) at block office after measuring the work (ii) Feeding of measurement of work on NREGA son Generating of wage-list FTO generation and Signature for transfer of the fund. Opening day for calculation of delayed payment From the date of closing of Muster roll From the date of receipt of Muster roll at block office From the date of Muster Roll feeding in NREGA Son From the date of receipt of block office. From the date feeding

of M.B. on MJS From the date of generation or wagelist. Name of officers/ employees responsible for work (i) Gram R04ar Sewak where the village Panchayat is implementing agency (i) Sachiv, Gram Panchayat where Gram Rozgar Sewak is not appointed in Gram Panchayat (iii) Work incharge in case of other implementing agencies (i) the employee responsible for receiving Muster roll at block office (ii) computer operator responsible for feeding NREGASoft (i) Technical assistant or thereto (i) Additional programme officer (ID Computer operator responsible for feeding on NREGASoft (i) Additional programme officer (ii) Computer operator (i) Accountant Assistant Accountant Number of total days day 0+1) 1 day 0+2) 2 day 1 day 1 day 1 day RPH 4E CamScanner 8 no. 5 Note:- Name or work Transfer order of fund signed by Second Si nato Opening day for calculation of delayed amount From the date of Signature of First Si nato 26 2019 Name of officers/ employees responsible for work (i) Programme officer Number of total days 1 day 0+8) 1. Total Administrative Responsibility Of completing the activities mentioned in the above schedule shall be of the Program Officer/Block Development Officer, program officer or implementing agencies

2. The above scheoule has been prepared keeping block development office example.In case of implementing agencies if the post and name of the equivalent omcers]employees are differred the responsibility of fixing liability of such officers/ employees shall be of concerned department on which approval of District Magistrate/ District Program Co-ordinator shall be taken

3. If any employee/officer relating to the said activiyy goes on leave and in place of hinmer any employee lomcer is deployed as alternative arrangement to perform the said work shall also be responsible for delay.Program officer/Block Development Officer, program officer of an implementing agencies shall be respnsible for ensuring alternative arrangements. Sl. No. 2 3 5. 6. 7. 53' 2019 SCHEDULE-11 Process/Activities PFMS to create state-wise Batches of the FTOs received till 1 1:59 PM of T+8 and make them available to MoRD by 08:00 AM of next day Send to bank Bank gives acknowledgement when they receive the Batch ID Official in Programme Division of MoRD to push the release and Sanction order Sanction of Funds at MoRD by US Approval or Funds at MoRD by DDO Release of Funds at MoRD by PAO Sends authorization with Batch-Id to Accredited bank uner the release of fund Fund advice file to be sent to sponsor bank Uploads the presentation file to NPCI Send Lhe file to the Destination Bank/Post office Processes Lhe FTOs and credit the amount in the worker's bank account. Maximum time (in days) T+9 to T+11 T+9 T+11 T+9 to T+12 T+12to T+13 T+13 to 14 Remark To be done by PFMS & Bank By MoRD By PFMS By Accredited Bank By Sponsor Bank By Destination Bank,'Post Office CamScanner e Sl. No. 8 26 2019 Maximum time (in Process/Activities days) T+15 to T+16 Receipt of response file at NREGASoft +15 • Banks send response to PFMS T+16 • PFMS send response to NREGASoft 9 Remark Sponsor Bank. PFMS 7. While determining the responsibility or the officer on employee for the Special C i MCCS delay in payment of wages on the basis of time limit mentioned in the above Schedule the following conditions shall be taken into account by the Program Officer/Block Development Officer — (i) During natural calamity or any such situation as is beyond the control Of concerned officer / employee such period should be treated as zero period. (ii) Government holidays should be considered as zero period. (iii) The period during odd situation or emergency of law and order should be treated as zero peroid. (iv) The period during Technical disruption in the Government of India's website should be treated as zero period. (v) ne period during breakdown of internet system should be treated as zero period. 8. (1) Compensation against delay payment will be paid from compensation FmuriaJ Mm apnent related bank account of state employment guarantee fund. Illis payment shall tx made like wage payment through Fund Transfer Order. For this purpose, compensation related buk account of state employment guarantee fund shall be aided with NREGA Soft. (2) Advance money from state share of state employment guarantee fund will be given to compensation related bank account of state employment guarantee fund. The operation of this account will be on same pattem as state employment guarantee fund account. (3) The reimbursement of expenditure in this account shall be made from the recovery made from paymonorarium of officers/employees responsible for delay. by not completing their work in prescribed time limit thereby creating compensation liability. Recovery of compensation from officers/employees shall be made in ratio of their responsibilities. (4) The recovery so made shall be deposited in compensation related account Of state employment guarantee fund. Districts will inform the amount deposited in their account every month to State MGNREGA Cell, Uttar Pradesh. 9. (1) District Program Co-ordinator/ District Magistrate will regularly monitor Appeal the timely payment of wages to

labourers and in case of delay , timely payment of compensation. (2) District Program Co-ordinator/District Magistrate will dispose off the disputes related to compensation liability. fixation of responsibility etc. of all implementing agencies. For this Deputy Commissioner (Labour Employment) will submit report to District Program Co-ordinator/District Magistrate through Chief Development Officer. The decision taken by District Program Co-ordinator/District Magistrate shall be final. By order, ANURAG SRIVASTAVA. Prumukh Suchiv. 537 @0/åo/Jtfvåz) I 2 (T,0/t10/Jdt5ie) I RPH 'E CamScanner

