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Separate paging is given to this part in order that it may be filed
as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF RURAL
DEVELOPMENT AND PACHAYATI RAJ, JAMMU/SRINAGAR.

Notification

Srinagar, the 15th of July, 2024.

SO — 366. —In exercise of the powers conferred by Section 32 of the Mahatma Gandhi National Rural Guarantee Act, 2005 (Central Act 42 of 2005), the Government of Jammu & Kashmir hereby publish the draft *Jammu and Kashmir Mahatma Gandhi National Rural Employment Guarantee Scheme Unemployment Allowance Rules-2024* as required under sub-section (1) of section 32 of the Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said drafts rules will be taken into consideration after the expiry of a period of 15 days from the date of the publication in the official Gazette in which this notification is published, are made available to the public.

Objections or suggestions, if any, may be addressed to Secretary to the Government, Department of Rural Development & Panchayati Raj, Civil Secretariat, Jammu/ Srinagar or by email at mgnregajk@yahoo.com.

The objections or suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period so specified, shall be considered by the Government.

1. Short Title & Commencement.—(1) These rules may be called Jammu and Kashmir Mahatma Gandhi National Rural Employment Guarantee Scheme Unemployment Allowance Rules 2024.

(2) They shall extend to the rural areas of whole of Jammu and Kashmir.

(3) They shall come into force on such date as the Government may by notification in the official Gazette, appoint in this behalf.

2. Definition. — (1) In these rules, unless the context otherwise requires

- a) "**Act**" means the National Rural Employment Guarantee Act-2005 (Act No.42 of 2005);
- b) "**Appellate Authority**" means the District Program Coordinator;
- c) "**Department**" means the Department of Rural Development and Panchayati Raj, Government of Jammu and Kashmir;
- d) "**District Program Coordinator**" means District Development Commissioner of the concerned District;
- e) "**Additional District Program Coordinator**" means a district level officer of rural development department appointed or designated as such in each district in order to assist the District Program Coordinator in the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme;
- f) "**Program Officer**" means the Block Development Officer;
- g) "**Block**" means Community Development Block;
- h) "**Central Rules**" means the rules framed by the Government of India under the Act;
- i) "**SEGC**" means State Employment Guarantee Council, the nodal agency for implementing MGNREGA, 2005 in Jammu and Kashmir and;
- j) "**Wage rate for unskilled workers**" means the daily wage rate fixed by the central Government from time to time, for the unskilled workers under the Mahatma Gandhi National Rural Employment Guarantee Scheme;

(2) The words and expressions used in these rules and not otherwise defined in these rules, shall have the meaning(s) respectively assigned to them in the Act.

3. Eligibility to receive Unemployment Allowance.—(1) An applicant who is registered under the scheme and is not provided such employment within fifteen (15) days of receipt of his/her application seeking employment, or from the date on which the employment has been sought in the case of an advance application whichever is later, he shall be entitled to a daily unemployment allowance equal to one-fourth of the wage rate for the unskilled worker for the first thirty (30) days during the financial year and one-half of the wage rate for unskilled worker for the remaining period of the financial year:

Provided that the applicant shall be able to produce, if necessary, the receipt issued with the date of acknowledgement of the oral or written application for employment made through any of the means indicated under paragraph (8) of schedule (1) of the Act and registered at the Halqa Panchayat along with an entry in the Computer / Management information system.

2. The liability of the Government of Jammu & Kashmir to pay unemployment allowance to a household during any financial year shall cease in certain circumstances in terms of sub-section (3) of section (7) of the Act.

3. Dis-entitlement to receive unemployment allowance to a household in certain circumstances shall be as per section 9 of the Act.

4. The Additional District Programme Coordinator /Programme Officer can reject the payment of unemployment allowance in certain cases only on grounds of *force majeure*.

4. Procedure for filing claim.—(1) A person who has not been provided employment and is entitled to claim unemployment allowance shall make an application in Form No. 1 to the Programme Officer or Secretary of the Halqa Panchayat on the next day of the fifteenth day from which she/he has applied for the job or from the date on which the employment has been sought in case of an advanced petition whichever is later.

(2) The applicant shall also produce the original copy of Job Card along with a copy of the acknowledgement/receipt issued while handing over the application seeking employment by the Secretary Panchayat or Programme Officer or any other authority identified by the Government along with the application for unemployment allowance.

5. Procedure for verification of claim.—(1) On receipt of the application, Secretary of the Halqa Panchayat concerned shall verify the claim made by the applicant and certify the actual days for which the unemployment

allowance has to be paid, after a thorough cross verification of the Job Card Register, Employment Register, Management Information System, of the Mahatma Gandhi National Rural Employment Guarantee Scheme and Muster Rolls. If Secretary Panchayat is satisfied that the applicant had duly submitted application for employment under the scheme but was not provided the job within prescribed time limit as envisaged in sub-section (1) of section 7 of the Act and that applicant is entitled for payment of unemployment allowance, he/she shall forward the application to the Programme Officer along with his remarks within 3 days from the receipt of the application.

(2) The Programme Officer based on the receipt of the application and the justification of the Secretary of the Halqa Panchayat shall independently appraise the facts and the situation and based on the merits of the claim; submit all such claims within 3 working days from the receipt of the report from the Secretary Panchayat to Additional District Programme Coordinator along with recommendation for payment of unemployment allowance to the applicant.

(3) The Additional District Programme Coordinator upon satisfying himself/herself of the legitimacy of the claim and verification done thereof will issue appropriate order based on the merit of the claims and cause payment of the unemployment allowance to the applicant through the concerned Halqa Panchayat within 5 days from the receipt of recommendation from the Programme Officer. The order shall be communicated to the applicant seeking unemployment allowance and also the person/persons responsible for creating the liability leading to the payment of unemployment allowance.

(4) If the Additional District Programme Coordinator rejects the demand, he/she shall record the reasons for rejection and intimate the same to the applicant in writing from receipt of recommendation from the Programme Officer along with intimation to the District Programme Coordinator/DDC with a copy to concerned Programme Officer who shall display the same on the notice board of his office.

6. Procedure for payment of Unemployment Allowance. — (1) When the claim is found to be genuine, the claimant shall be paid an amount equivalent to one-fourth of the prevalent wage rate for the first thirty days of the financial year and one half of the wage rate for the remaining period of the financial year.

(2) The Program Officer will meet the required expenses from the amount earmarked for the purpose by the Government, placed with the mission at UT level in a Separate State Nodal Account (SNA). The department on receiving the claim from the Additional District Programme Coordinator, shall authorize the amount to the concerned District Programme Coordinator/Additional District Programme Coordinator for effecting payments to applicants through PFMS by generating the FTOs through the Programme Officer out of funds available in SNA created for the purpose of Unemployment Allowance. The DPC/ ADPC/ Programme Officer shall in no case make payment of Unemployment Allowance out of the fund received from the Central or Union Territory Government meant for the implementation of the Scheme.

7. Grounds for rejection of claims of Unemployment Allowance.— The liability of the Union Territory Government to pay Unemployment Allowance to a claimant during any financial year shall cease in the following conditions:-

- i. When the applicant is directed by the Halqa Panchayat or Secretary Panchayat or Gram Rozgar Sahayak or Program Officer of the block to report for work either by himself/ herself or to depute at least one adult member of his/her household; or
- ii. When the period for which employment sought comes to an end and no member of the household of the applicant has turned up for employment; or
- iii. When the adult member(s) of the household of the applicant have received a total of at least 100 days of work within the financial year; or
- iv. When the household of the applicant has earned as much from the wages and Unemployment allowance taken together which is equal to the wages for 100 days of work during the financial year.

8. Appeals:— (1) Any person aggrieved by the order of the Additional District Programme Coordinator may file an appeal in writing in Form No. 2 within thirty days of the receipt of such order to the District Programme Coordinator and such appeal shall be disposed off within a period of fifteen (15) days by him/her after conducting a summary enquiry.

(2) Recoveries, from whomsoever concerned, consequent to the order of the appellate authority, shall be effected by the Programme Officer by recovering the amount in lump or in equal monthly installments from the salary in the case of permanent employees or from the wage in the case of

contract employees at the rate fixed by the Programme Officer, by initiating revenue recovery process.

9. Maintenance of Accounts of Employment of Labourers and Expenditure.—The Block and the Panchayat Offices shall maintain a register of all the works sanctioned, executed and completed. They shall also maintain a register for the Unemployment Allowance recording all the allowances that are to be paid or have been paid. This information will be reported by the Panchayat and Block Office in the same Performa annexed with these rules, which the Program Officer will compile and then forward a copy to the Additional District Program Coordinator (DPC). The Additional District Program Coordinator (ADPC) shall compile the data given and generate an annual report as per format given in the MIS and also forward a copy to the Commissioner MGNREGA.

By order of the Government of Jammu and Kashmir.

Sd/-

(DR. SHAHID IQBAL CHOUDHARY), IAS,
SECRETARY TO THE GOVERNMENT.

Form No .1

(See sub-rule (i) of rule 4)

APPLICATION FOR UNEMPLOYMENT ALLOWANCE

Jammu & Kashmir Mahatma Gandhi National Rural Employment Guarantee Scheme
Unemployment Allowance Rules, 2024.

Name of Halqa Panchayat:

Application No...../Year

Name of Block:

Sl. No.	Particulars	Details
1)	Name	
2)	Address	
3)	Job Card No.	
4)	Aadhaar No.	
5)	Name of the bank in which account opened with Account No .	
6)	No. of days of job already received during the year	
7)	Amount received in the bank account as Unskilled Wages	
8)	Date on which Job demanded	
9)	No. of days of job demanded	
10)	Whether advance date requested	Yes/No
11)	If yes , advance date	
12)	Whether dated receipt issued for the job demanded attached	Yes/No
13)	If no, reasons thereof	
14. Report of the Halqa Panchayat Secretary with signature		
15. Recommendation of the Programme Officer		
16. Award of the Additional District Programme Coordinator with signature {Rule 5(3 &4)}		
(To be prepared in duplicate- one copy to be served to the applicant) If allowance is awarded, mention whether Government or Official/Panchayat functionaries are liable to pay.		

Place :

Name and Signature of the Applicant.

Date:

Form No.2
(See rule 8)

APPLICATION FOR FILING APPEAL BEFORE THE DISTRICT PROGRAMME
COORDINATOR

Jammu & Kashmir Mahatma Gandhi National Rural Employment Guarantee
Scheme Unemployment Allowance Rules, 2024

Name of Halqa Panchayat:
Name of Block:

Appeal No...../Year.....

Sl. No.	Particulars	Details
1.	Name	
2.	Address	
3.	Job Card No.	
4.	Date on which application for unemployment allowance filed before Halqa Panchayat Secretary	
5.	Whether recommendation of Programme Officer enclosed	
6.	Whether copy of the award of Additional District Program Coordinator enclosed	Yes/No
7.	Justifications for filing the Appeal	
Findings of the District Programme Coordinator		

Place :
Date:

Name and Signature of the Officer
