

**THE CHHATISGARH EMPLOYMENT GUARANTEE (BILL), 2003**  
**(Draft Ordinance)**

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**THE CHHATTISGARH EMPLOYMENT GUARANTEE BILL, 2003**

A bill to make effective provision for securing the right to work by guaranteeing employment to at least one adult person from each BPL family in the rural area, who volunteers to do unskilled manual work in rural areas in the state of Chhattisgarh.

WHEREAS it is expedient to make effective provision for securing the right to work laid down in Article 41 of the Constitution of India by guaranteeing employment to at least one adult person from each BPL family who volunteer to do unskilled manual work in rural areas in the State of Chhattisgarh.

AND WHEREAS it is necessary to engage such adult persons on works which would bring into being durable assets for the benefit of the community and the economy.

AND WHEREAS it is further necessary to provided for continuing employment of surplus rural manpower in cottage village and small industries and in agro industries.

AND WHEREAS it is also to make certain supplemental incidental and consequential provisions, It is hereby enacted in the Fifty - third Year of the Republic of India as follows:-

(I) This bill may be called the Chhattisgarh Employment Guarantee Bill, 2003

short title extent and commencement (2) It extends to the whole of rural areas of the State of Chhattisgarh and shall come into force on such date as the State Government may, by notification in the official Gazette, appoint

1. In this bill unless the context otherwise requires ,-

a) Adult person means a person who has attained the age of eighteen years. Definitions b) The Committee means the District Level Committee or as the case may be the janpad panchayat & Gram panchayat level committee, constituted under section 4

c) Implementing agency means any department of the state Government the Zila Panchayat any local authority or state government undertaking which is entrusted by the state government with the task of implementing any productive works taken up under the bill

d) Implementing officer means the highest officer of the implementing agency in the District or any officer subordinate to him to whom any of the powers or duties of the agency have been entrusted.

e) Janpad panchayat area means and includes the total area under a block which directly comes under the administrative jurisdiction of an intermediate panchayat as notified by the Govt.

f) Janpad panchayat level officer means an officer not below the rank of Tahsildar or Chief Executive officer Janpad panchayat appointed under section 10 by the State Gove for the implementation of the scheme in the area of Janpad Panchayat concerned.

g) Productive work means any works that in the opinion of the State Government directly or indirectly contributes to the increase in production or enhancement of social and economic infrastructure or creation of durable community assets.

h) Unskilled work means a work which if any adult person without any special training can normally be expected to do and which is so classified in the bill

i) Rural areas means area falling within the administrative jurisdiction of any gram panchayat constituted under the provisions of the Chhattisgarh Panchayat Adhiniyam 1994 . j) Scheme means the Employment Guarantee Scheme prepared and published under section 7 and for the time being in force.

k) Family means a husband, wife, father, mother, brother or sister and children residing under the same roof.

l) BPL family means those families which were identified and enlisted as below poverty line (BPL) on the survey conducted for that purpose by Govt. of India.

m) Landless laborer means a person who doesn't have any land for cultivation and who depends on agricultural /daily wage works for his livelihood.

n) Marginal farmer means a person having cultivable land of less than one (1) hectare.

o) Small farmers mean a person having cultivable land of less than two (2) hectare.

3. At least one adult person from each BPL family in the rural areas in Chhattisgarh shall have a right to work that is a right to get guaranteed employment for 100 days to that particular person between November to June of every calendar year for unskilled manual work and to receive wage therefore weekly or in any case not later than a fortnight in accordance with the provisions of this bill as made there under. While providing employment preference shall be given to the poorest of the poor (i.e landless labourers than marginal and small farmers etc.)

Guarantee of employment to adult persons in rural areas

4. (1) The State Government shall constitute a District Employment Guarantee Committee in every District and a Panchayat Level Employment Guarantee Committee in every Janpad Panchayat and on every District Level Committee and panchayat level committee at least two members shall be appointed from person belonging to the Schedule castes and schedule Tribes and two members shall be from person who have been employed on the works of the scheme of from any registered union of the agricultural laborers. The Chairman of every such Committee shall be appointed from the non- official members thereof.

Zila Panchayat Janpad Panchay & Gram Panchayat Level Committees and their functions

(2) Every Committees shall from time to time supervise and review the implementation of the bill and shall suggest the State Government such steps as in its opinion are necessary for more effective implementation Every District Level Committee shall ordinate the working of all the panchayat level committees in the district.

5. The collector of the District shall be responsible for the implementation of the scheme in the District and for the this purpose all other officers of the State Government and of the Zila Panchayat and other local authorities or bodies functioning within the district shall be responsible to the collector.

Collector responsible for Implementation of scheme in Each District.

6 .(1) For the purpose of giving effect to the employment guarantee mentioned in section 3 the State Government shall prepare a scheme for providing employment to at least one adult member from each BPL family residing in the rural areas who volunteer to do unskilled manual work subject to the conditions laid down under this bill

Preparation and publication Of scheme

(2) The Scheme shall have the following essential features.

(i) Only productive works shall be taken up under the scheme.

Provided that if in the opinion of the State Government it is necessary to provide employment in any area on any works to meet the conditions created by natural calamities like heavy rains floods

earthquakes droughts scarcity or cyclones the state governments may permit such works being taken up under the scheme for such temporary period as the state government may from time to time decide.

(ii) The works taken up under the scheme shall be within the rural areas.

(iii) Every Collector shall be asked to prepare Action plan of the works to be taken up under the bill in the District such blue prints shall be prepared by him as a part of the District plan but be based on the panchayat level developments action plans prepared with a view to give employment guarantee to one member from BPL families for unskilled manual work and to make use of natural resources actual or potential which are readily available in the action plans for approval before the District level committee which shall give its approval after considering the view of the panchayat level committees

(iv) In order to anticipate the demand for manual work a manpower budget for the District shall be prepared so that it may be possible to plan the works to be taken up under this bill taking in to accounts the special distribution of BPL families in the District.

(v) The bill may also provide as far as possible for the training and up gradation of the skills of the unskilled labor.

(vi) The wages shall be directly linked with the quality and quantity of work.

(vii) The wages shall be paid according to the schedule of rates which shall be fixed by the State Government for different types of works from time to time .The schedule of rates shall be so fixed that a person working diligently for 8 hours a days would normally get a total wage equal to the minimum wage of agricultural labourers fixed by the state government from time to time. In areas which are effected by natural calamities like heavy rains floods earthquakes droughts. Scarcity or cyclones wages may be paid on such works at such daily rates and for such temporary periods as the state government may direct.

(viii) It shall be open for the panchayat level officer to direct any person who volunteers for employment under the bill to do work of any type permissible under the bill.

(ix) All works taken up under the bill can be executed both departmentally and through any contractor on the schedule contracts system as prescribed by this state government .All the contracts working on various department work shall have to employ the persons registered with the competent authority in that particular area under this bill for all type of manual unskilled work and send report to the concerned authority the verification of which shall be done by officer not below the rank of sub engineer of state govt. Every such employer has to send information to the concerned Gram panchayat about the labourer employment in work at the end of the work on such format as prescribed by the state govt. time to time.

(x) When works are taken up under the bill on private lands which will directly benefit the holders of the lands then notwithstanding y the fact that under the provisions of any other law or any executive orders for the time being in force such holders are entitled to a subsidy in respect of such works a subsidy under the bill at such rates as may be prescribed shall be financed from the employment guarantee fund.

(xi) The works takes up under the bill shall be so organized by the collector that the normal agricultural operations in the District are not adversely affected and that a balance is maintained

between the principle of guaranteed work with minimum wage on the one side and the requirements of labour for agricultural operations as well as the requirement of labour for implementation of the regular plan and non plan works of the state government on the other side

(xii) The state government shall provide in the bill for a periodical inspection of the works take up under the bill to ensure proper quality of the works as well as to ensure that the total wages paid for the completion of any works are commensurate with the quality and quantity of the work done

(xiii) Periodical audit of the expenditure incurred under the scheme will be done in line of the other Govt. sponsored schemes implemented in the state of Chhattisgarh .

(xiv) The State Government shall as far as possible undertake comprehensive land development programs on watershed basis such works shall as far as possible be provided within a radius of 5 (five) kilometers from the village of the workers engaged on such works

(xv) The review of the works under taken under this scheme will be a permanent agenda in the Gram Sabha meetings .

(3) The bill shall provide for the registration of persons who volunteer to work under the bill such Registration shall be done at the headquarters of the Gram Panchayat as the State Government may specify within whose jurisdiction the village where the person's residence is situated .Those Registering authority will also maintain the record of the maydays for every registered person for the period as the state Govt. may deem fit.

7 (1) The adult person (at least one person from each BPL family )who Conditions applicable for Guaranteed employment to adult Persons in rural areas

(i) Is residing in any rural area

(ii) Is willing to do any unskilled manual work

(iii) May get his name and address registered with an authority or officer specified by the state government in this behalf (hereinafter referred to as the registering authority) who shall register the name and address and other detail of such person in a register after making such enquiry (counter checking from the BPL survey list prepared by the Govt.) as he/she deems fit and the register will be so designed to be able to calculate all the details of the work the person was engaged in a specific period of time which may be renewed from time to time . The registering authority if satisfied that any person has got him self registered by making a false declaration of his age may after giving reasonable opportunity to the person concerned of being heard delete his name from the register

(2) Every registered person shall be entitled for employment in accordance with the bill for the time being in force.

(3) It shall be the duty of the state government to provide employment in accordance with the provisions of the bill to at least one person from a BPL family if a letter asking for such employment and stating therein the period for which employment is required and the period for which such a person is willing to work continuously which shall not be less than one month if received from such person by the gram panchayat as may be specified by the state government within whose jurisdiction the village where the person residence is situated such person shall be

provided with employment as far as possible on any work within the area of the Gram panchayat where he resides but in any case not outside the district.

(4) If within 15 days of the receipt of the letter for employment under the bill by the Gram Panchayat the state government is unable to provide employment to such person under the bill in the manner mentioned in sub-section the person shall be entitled to receive from the employment guarantee fund an unemployment allowance at such rate as may be fixed by the state government from time to time but not less than Rs. 1 per day.

(5) The liability of the state government to pay unemployment allowance under sub section (4) shall commence after the expiry of 15 days from the receipt of the letter for employment by the Gram Panchayat and shall cease immediately after the Gram Panchayat by a letter sent to the person on the address mentioned in the register directs him to report at any work taken up under the bill.

(6) Notwithstanding anything contained in this bill if the state government is during any period unable owing to circumstances beyond human control like rains or other unusual natural calamities provide employment under sub section (3) there shall be no liability on the state government to pay the unemployment allowance under sub section (4) during that period .

(7) When it is not expedient for the state government to provide employment immediately on works sanctioned under the bill notwithstanding anything to the contrary contained in any other law for the time being in force it shall be lawful for the collector to issue directives to the gram panchayat to take up such duration as he may direct. if a person from whom a letter has been received under sub-section (3) is provided with employment on such works he shall be deemed to have been provided with employment under that subsection

(8) The unemployment allowance to be paid to an unemployed person under sub section (4) shall be sanctioned and paid by an authority empowered by the state Government in this behalf and for this purpose the state government may prescribe such procedure as it deems fit.

(9) No person shall be entitled to any unemployment allowance under sub-section (4) if he

(i) Does not accept employment provided to him under sub section (3) (ii) Does not report for work within 7 days of being asked to do so (iii) Continuously remains absent from work without the permission of the implementing officer for a period of more than one week or remains absent for a total period of more than one week in any month

(10) Any person who is provided with employment under sub section (3) and does not accept the same or who loses his entitlement to the unemployment allowance under sub section (8) shall stand debarred from claiming unemployment allowance for a period of three months but during this period of three months shall not be debarred from getting employment on any works such defaults shall be reported by the gram panchayat to the concerned registering authority

(11) Whenever any dispute arises between any person who sends a letter for employment under sub section (3) and the gram panchayat it shall be referred by the gram panchayat to such authority as the state government may prescribe and the decision of such authority shall be final . The aggrieved person may also refer the dispute directly to the authority the state government may prescribe the procedure to be followed by such authority while deciding such disputes as well as the functions and the powers of the authority

(12) Notwithstanding anything contained in the foregoing sub sections where there is no able bodied adult member in a family

(13) The registering authority specified under sub section ( I ) shall prepare and maintain such register or registers and in such manner and issue such identity cards or passbooks as may be prescribed . The registering authority shall send such list or lists of the names and addresses of persons registered with it and supply such other information to the gram panchayat at such times and in such forms as may be prescribed Penalty for drawing Unemployment allowance when Employed elsewhere

#### 8. Any person

(a) Who has an employment but sends a letter asking for employment under sub section (3) of section 7 and draws unemployment allowance under sub section (4) of that section or (b) Who is in receipt of unemployment allowance under sub section 94) of section 7 and accepts employment elsewhere but dose not bring this fact to the notice of the gram panchayat and continues to draw unemployment allowance under that sub section shall on conviction be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both

9. (1) For every janpad panchayat area the state government shall appoint a panchayat level officer to be called the chief executive officer janpad panchayat for the implementation of the scheme in the janpad panchayat area concerned

(2) The chief executive officer janpad panchayat shall for time to time obtain from the registering authority a list containing the names and addresses of persons registered with it Janpad panchayat officers and their functions

(3) The works to be taken up under the bill shall be sanctioned by the state government or the collector or by such officer as state government may specify for the purpose subject to such limits on the costs of works as the state government may be order specify the chief executive officer janpad panchayat shall from time to time obtain from the collector a list of works sanctioned within the district

(4) On receipt of a letter for employment under sub section (3) of section 7 the chief executive officer janpad panchayat shall decide to which sanctioned work in his janpad panchayat area the applicant may be directed and accordingly inform the applicant and also the officer of the execution of work if it is not possible for the chief executive officer janpad panchayat to direct the person to any work in his janpad panchayat area he may in consultation with the collector direct him to a work outside the janpad panchayat area but within the district

(5) The collector and the other implementing agencies in the district shall be responsible for the funds placed at their disposal by the state government they shall maintain the accounts of employment and expenditure in such manner as may be prescribed

10. (1) Whenever any work taken up under the bill is completed and it is no longer possible to provide unskilled employment on such work it shall be the duty of the implementing officer concerned to report this fact to the Provision for employment on other works

collector as well as to the concerned chief executive officer janpad panchayat it shall then be the duty of the chief executive officer janpad panchayat to direct the persons employed on such

works to any other work already taken up under the bill or to a work to be started under the bill with the sanction of the collector of the state government as the case may be

(2) if within fifteen days of the receipt of intimation of the completion of the of the work the chief executive officer janpad panchayat is unable the works employed on such work to any other work under the bill as mentioned in sub section (1) the state government shall from the sixteenth day onwards pay to the person concerned unemployment allowance as per sub section (4) of section 7 (3) if any person who under sub section (2) has been asked by the chief executive officer janpad panchayat to report at any other work under the scheme fails to do so within 7 days of being directed by the chief executive officer janpad panchayat to do so he shall stand debarred from claiming unemployment allowance as if he has been disqualified under sub section (9) and (10) of section 7 (4) The state government's liability to pay unemployment allowance under sub section (2) shall cease immediately after chief executive officer janpad panchayat directs the person concerned to report at some other works either existing or yet to be started under the bill

11 1 On the date of commencement of this bill a fund to be called the employment guarantee fund shall be deemed to be established

2 The fund shall be held and administered on behalf of the state government by an officer not below the rank of a secretary to the state government subject to such general or special direction as may be given by the state government from time to time Delegation of powers

12 The state government may by notification in the official gazette direct that the power exercisable by it except the powers to make the act and the rules shall in such circumstances and under such conditions if any may be specified in the notification be exercisable also by such officer or officers subordinate to it as may be specified in the notification Protection of action take in

13 No suit prosecution or other legal proceedings shall lie against the state government or any authority or office or person for anything which is in good faith done or intend to be done in pursuance of bill or the rules made there under.

14 The provisions of this bill i.e rules notifications or orders made or issued there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any entrustment having effect by virtue of such law

Bill to have overriding effect.

Power to make rules

15 (1) The power to male rules under this bill shall be exercisable by the state government by notification in the official gazette. (2) Without prejudice to any power to make rules contained elsewhere in this bill the state government may make rules consistent with this bill to carry our the purposes of this bill (3) Every rule made under this bill shall be laid as soon as may be after it is made before the state legislature while it is in session for a total period of thirty days which may be comprise in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid assembly agree in making any modification in the rule agree that the rule should not be made and notify such decision in the official gazette the rule shall from the date of publication of such notification have effect only in such modified from or be no effect as the case may be.