

U.P. State Employment Guarantee Council Rules, 2019

Published vide Notification No. 660/38-7-2019-45 NREGA-2007, dated 8.3.2019

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Whereas Government notification No. 1862/XXXVIII-7-2018-45NREGA/2007, dated 24 September, 2018 was issued for the information of the persons concerned and for inviting objections and suggestions in regard to the Uttar Pradesh State Employment Guarantee State Rules, 2018 as required under sub-section (1) of Section 32 of the National Rural Employment Guarantee Act, 2005 (Act 42 of 2005);

And whereas no objection or suggestion has been received within the stipulated time;

Now, therefore, in exercise of powers under Section 32 of aforesaid Act the Governor is pleased to make the following rules -

1. Short title and commencement. - (1) These rules may be called the Uttar Pradesh State Employment Guarantee Council Rules, 2019.

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions. - (1) In these rules, unless there is anything repugnant in the subject or context, -

(a) "Act" means the National Rural Employment Guarantee Act, 2005 (Act 42 of 2005);

(b) "Chairperson" means the Chairperson of the State Council;

(c) "Member-Secretary" means the Member-Secretary of the State Council;

(d) "State Council" means the Uttar Pradesh State Employment Guarantee Council constituted under Uttar Pradesh Gramin Rozgar Guarantee Yojna;

(e) "Section" means a section of the Act;

(f) "Scheme" means Mahatma Gandhi Gramin Razgar Guarantee Yojna, Uttar Pradesh made under sub-section (1) Section 4.

(2) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act and the Scheme.

3. Composition of the State Council. - The State Council shall consist of the following members, namely -

(a) Ex-Officio Members -

1	Agriculture Production Commissioner	Government of Uttar Pradesh	Chairperson (Ex-Officio)
2	Principal Secretary, Rural Development	Government of Uttar Pradesh	Vice- Chairperson (Ex-Officio)
3	Principal Secretary, Planning Department	Government of Uttar Pradesh	Member (Ex-Officio)
4	Principal Secretary, Panchayati Raj Department	Government of Uttar Pradesh	Member (Ex-Officio)
5	Principal Secretary, Finance Department	Government of Uttar Pradesh	Member (Ex-Officio)
6	Principal Secretary, Minor Irrigation Department	Government of Uttar Pradesh	Member (Ex-Officio)
7	Principal Secretary, Rural Engineering Department	Government of Uttar Pradesh	Member (Ex-Officio)
8	Principal Secretary, Public Works Department	Government of Uttar Pradesh	Member (Ex-Officio)
9	Principal Secretary, Forest Department	Government of Uttar Pradesh	Member (Ex-Officio)

10	Principal Secretary, Animal Husbandry Department	Government of Uttar Pradesh	Member (Ex-Officio)
11	Principal Secretary, Agriculture Department	Government of Uttar Pradesh	Member (Ex-Officio)
12	Principal Secretary, Fisheries Department	Government of Uttar Pradesh	Member (Ex-Officio)
13	Principal Secretary, Irrigation Department	Government of Uttar Pradesh	Member (Ex-Officio)
14	Principal Secretary, Sericulture Department	Government of Uttar Pradesh	Member (Ex-Officio)
15	Principal Secretary, Horticulture and Food Processing Department	Government of Uttar Pradesh	Member (Ex-Officio)
16	Director (Mahatma Gandhi National Rural Employment Guarantee Scheme) Social Audit Organisation	Government of Uttar Pradesh	Member (Ex-Officio)
17	Principal Secretary, Labour Department	Government of Uttar Pradesh	Member (Ex-Officio)
18	Rozgar Gaurantee Ayukt	Government of Uttar Pradesh	Member-Secretary (Ex-Officio)

(b) Twelve non-official members appointed by the State Government as per provisions of sub-rule (2) of Rule 4.

4. Terms and conditions for the appointment of Chairperson and members. - (1) The Chairperson and Ex-officio members of the State Council shall be such as mentioned in Rule 3.

(2) The non-official members shall be appointed by nomination by the State Government from Panchayat Raj Institutions, Organisation of workers and disadvantaged groups provided that one third of the non-official members shall be women, one third non-official members shall be nominated from persons belonging to the Scheduled Castes, Schedule tribes the other backward classes and minorities and the remaining one third of these members shall be from the following categories -

- (I) One member shall be an expert in any of the areas of works, such as water conservation, land development, afforestation and plantation and rural engineering listed or notified under Schedule I of the Act.
- (II) One member shall be an expert in Social Audit, and.
- (III) One member shall be an expert on wage employment.
- (IV) The term of office of the non-official members nominated under sub-rule (2) shall be for one year.
- (V) The non-official members shall be entitled to receive travelling allowance and dearness allowance for attending a meeting of the State Council as the case may be, at the rates admissible to the State Government officers and servants.
- (VI) The non-official members shall also be entitled to receive honorarium at the rate of one thousand rupees per day for the days of the meetings of the State Council or any other official works for which they attend to at the headquarters at Lucknow or at any other place on invitation by the State Council.

5. Resignation etc. of non-official members. - (1) Any non-official member may by writing under his hand addressed to the Chairperson resign from his office at any time.

(2) The State Government may remove from office a non-official member if he -

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the State Government, involve moral turpitude; or
- (c) has become physically or mentally incapable of acting as a member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (f) remains absent for three consecutive meetings of the State Council except for reasons beyond his control or without permission of the Chairperson.

(3) Any vacancy caused in the State Council due to resignation, death, removal or otherwise of a non-official member shall be filled from the same category to which such member as representing and the person newly nominated shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

6. Meetings of the State Council and its quorum. - (1) The State Council shall meet at least two times in a year or more frequently as it may consider necessary, at such place and at such time, as may be determined upon by the Chairperson:

Provided that six months shall not intervene between two consecutive meetings of the State Council;

(2) The Chairperson shall preside over every meeting of the State Council and in his absence, the Principal Secretary, Rural Development Government of Uttar Pradesh shall preside over the meeting of State Council.

(3) One third members of the State Council shall constitute the quorum of a meeting.

7. Procedure of the meetings. - (1) Member-Secretary shall give at least fourteen clear days notice for a meeting of the State Council, giving therein the date, time and place of the meeting.

(2) If the members of the council are not present to form the quorum the Chairperson may postpone the meeting to another date.

(3) Every question brought before any meeting of the State Council shall be decided by a majority of the members present and voting.

(4) In the case of an equality of votes on any resolution or question, the Chairperson shall have a casting vote.

(5) The Member-Secretary shall, within fifteen days of a meeting circulate the minutes of that meeting duly approved by the Chairperson.

8. Duties and functions of the State Council. - (1) Duties and functions of the State Council shall include -

- (a) advising the State Government on all matters concerning the Scheme and its implementation in the State;
- (b) determining the preferred works;
- (c) reviewing the monitoring and redressal mechanisms from time to time and recommending improvements;
- (d) promoting the widest possible dissemination of information about the Act and the Schemes under it;
- (e) monitoring the implementation of the Act and the Schemes in the State and coordinating such implementation with the State Council;
- (f) preparing the annual report to be laid before the State Legislature by the State Government;
- (g) any other duty or function as may be assigned to it by the State Council or the State Government;

(2) The State Council shall have the power to undertake an evaluation of the Schemes operating in the State and for that purpose to collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes and Programmes in the State.

9. Executive Committee. - (1) The State Council shall constitute a Committee to be called the Executive Committee to assist it to discharge the duties and perform the functions assigned

(2) The Executive Committee constituted under sub-rule (1) shall consist of the following namely -

1	Principal Secretary, Rural Development	Government of Uttar Pradesh	President (Ex-officio)
2	Rojgar Guarantee Ayukt/Ayukt Rural Development	Government of Uttar Pradesh	Member (Ex-officio)
3	Joint Secretary/Special Secretary, Rural Development (MGNREGA)	Government of Uttar Pradesh	Member (Ex-officio)
4	Finance Controller, Office of the Commissioner Rural Development	Government of Uttar Pradesh	Member (Ex-officio)
5	Director, Social Audit	Uttar Pradesh (Mahatma Gandhi National Employment Guarantee Scheme) Social Audit Organisation	Member (Ex-officio)
6	Additional Commissioner (MGNREGA)	Government of Uttar Pradesh	Member Secretary (Ex-officio)

10. Function of the Executive Committee. - (1) Subject to the general superintendence and directions of the State Council, the Executive Committee shall perform the following duties and functions, namely -

- (a) take steps to give effect to the decisions of the State Council;
- (b) manage the administrative and financial affairs of the State Council;
- (c) sanction expenditure in connection with the affairs of the State Council;
- (d) appoint expert groups for technical support and advice to improve the quality of implementation of the Act;
- (e) exercise such powers and perform such functions as may be entrusted to it by the State Council.

(2) The Executive Committee shall meet at least once in three months or more frequently, if required by the State Council.

11. Funds of the State Council. - (1) The State Council shall meet its expenses in connections with its affairs and the functions entrusted to it under the Act or these rules from the annual grant released to it the State Employment Guarantee Fund.

(2) The Funds of the State Council shall be operated through a Schedule bank as approved by the State Council (State share).