

FAQs on National Rural Employment Guarantee Act

1. Who can apply for employment under the Act?

All adult members of a rural household who have a Job Card. Even if a person is already employed/engaged in work, he/she has the right to demand employment as unskilled manual worker under this Act.

Women will get priority and 1/3rd of beneficiaries under the Programme are to be women

2. Can individual application for work be submitted?

Yes. Registration of employment seekers is done household-wise. But within registered households' entitlement – for 100 days of employment in a year - the individual members of the household can also apply for work.

3. How can one apply for work?

To get employment the registered adult holding a Job Card should ask for work through an application on a plain paper in writing to the Gram Panchayat or Programme Officer (at Block level) and ask for a dated receipt of application.

4. How many days of the year can one get this employment?

A household is entitled to 100 days of work in a financial year; and that can be divided among adult members of the household.

The work duration shall ordinarily be for at least 14 days continuously, with not more than 6 days per week.

5. When can one get employment?

Within 15 days of submitting the application or from the day work is demanded, employment will be provided to the applicant.

6. Who will allot employment?

Gram Panchayat or the Programme Officer, whoever has been requested

7. How will one know that one has been given employment?

Applicants are to be communicated where and when to report for work within 15 days, through a letter sent by the Gram Panchayat/ Programme Officer. There will also be a public notice displayed on the notice board of the Gram Panchayat and at the office of the Programme Officer at the Block level, providing information on the place, date and the names of those provided employment.

8. What has the applicant to do once the employment letter has been received?

Report for work with Job Card on the date specified at the site where work has been allotted.

9. What happens if he/she does not report for work?

If the person does not report for work within fifteen days of being notified by the Gram Panchayat or Programme Officer, he or she would not be entitled for unemployment allowance.

10. Can he/ she re-apply for work?

Yes.

11. What are the wages he/ she will get?

The statutory minimum wage applicable to agricultural workers in the State.

12. What will be the mode of payment? Daily wages or piece-rates?

Both are permitted under the Act. If wages are paid on a piece-rate basis, the schedule of rates has to be such that a person working for seven hours would normally earn the minimum wage.

13. When will wages be paid?

Wages are to be paid every week, or in any case 'not later than a fortnight after the date on which such work was done'. A proportion of the wages in cash may be paid on a daily basis.

14. What facilities are to be made available to workers?

Safe drinking water, shade for children, periods of rest and first-aid box with adequate material for emergency treatment for minor injuries and other health hazards connected with the work.

15. Where will work be provided?

Within 5 km of applicant's residence. If employment is provided beyond 5 km radius of the applicant's residence then he/she is entitled to 10% additional wages towards transport and living expenses. If some persons are directed for work beyond 5 kilometres, then persons older in age and women shall be given preference for work on worksites nearer to the village.

16. What are the provisions for a worker?

a) In case of accidents: If any labourer gets bodily injury during the course of employment at work site, the person is entitled to free medical treatment from the State Government.

b) In case of hospitalisation of the injured labourer: The concerned State Government shall provide complete treatment, medicines, hospital accommodation without any charge and the injured person will be entitled for daily allowance which shall not be less than 50% of wage rate applicable.

c) In case of death or permanent disability to the registered labourer due to accident at work site: An ex-gratia payment of Rs.25, 000 or such amount as may be notified by the Central Government shall be paid to the legal heir of the deceased or to the disabled as the case may be.

17. What happens if employment is not given to the eligible applicant?

If the eligible applicant does not get employment within 15 days of the demand for work or the date from which he sought work (date of submitting application), he shall be provided unemployment allowance as per terms and conditions laid down.

Allowance rate: The rate of unemployment allowance will be 25% of the wage rate for the first 30 days and 50% of the wage rate after that during the financial year subject to the household entitlements of days of employment.

18. What type of work will be given?

a) Durable assets: An important objective of Scheme is to create durable assets and strengthen the livelihood resource base of the rural poor.

b) Work done through contractors is not permissible

c) The kind of works permissible under the Programme and according to priority are:-

(i) water conservation and water harvesting;

(ii) drought proofing, afforestation and tree plantation.

(iii) irrigation canals including micro and minor irrigation works;

(iv) provision of irrigation facility to land owned by households belonging to the Scheduled Castes and Scheduled Tribes or to land beneficiaries of land reforms or that of the beneficiaries under the Indira Awas Yojana of the Government of India.

(v) renovation of traditional water bodies including desilting of tanks,

(vi) land development,

(vii) flood control and protection works including drainage in water logged areas,

(viii) rural connectivity to provide all-weather access. The construction of roads may include culverts where necessary, and within the village area culverts may be taken up along with drains.

(ix) any other work which may be notified by the Central Government in consultation with the State Government

19. How are program functionaries accountable for what they do?

They are accountable through continuous and concurrent evaluation and audit of the Programme by internal as well external evaluators. The authority to conduct social audit is vested in Gram Sabha, a Village Level Vigilance committed is to be setup by Gram Sabha to oversee each work. Moreover, any contravention of the Act shall, on conviction, be liable to fine which may extend to one thousand rupees. There will also be a Grievance Redressal Mechanism that would be setup in each District.

राष्ट्रीय ग्रामीण रोजगार गारंटी कानून पर बहुधा पूछे जाने वाले प्रश्न

- 1. इस कानून के अंतर्गत कौन रोजगार के लिए आवेदन कर सकता है?**

ग्रामीण परिवार का प्रत्येक वयस्क सदस्य जिसके पास जॉब कार्ड है। यदि एक व्यक्ति आगे से काम में लगा हुआ है, तब भी उसके पास इस कानून के अंतर्गत अकुशल शारीरिक मजदूर के रूप में रोजगार मांगने का अधिकार है।

महिलाओं को प्राथमिकता मिलेगी और इस कार्यक्रम के लाभार्थियों में से एक तिहाई महिलाएं होंगी।
- 2. क्या काम के लिए व्यक्तिगत आवेदन दिया जा सकता है?**

हां। रोजगार मांगने वालों का पंजीकरण परिवार के आधार पर किया जाता है। परंतु पंजीकृत परिवार के हकदारी के अंतर्गत - एक वर्ष में 100 दिन के रोजगार के लिए - परिवार का एक व्यक्तिगत सदस्य भी काम के लिए आवेदन कर सकता है।
- 3. कोई काम के लिए कैसे आवेदन कर सकता है?**

रोजगार पाने के लिए जॉब कार्डधारी पंजीकृत वयस्क को ग्राम पंचायत या कार्यक्रम अधिकारी !ब्लॉक स्तर पर! के पास सादे कागज में काम मांगते हुए आवेदन देना चाहिए और उसकी एक दिनांक सहित रसीद मांगनी चाहिए।
- 4. किसी को एक वर्ष में कितने दिन यह रोजगार प्राप्त होगा?**

एक परिवार को एक वित्तीय वर्ष में 100 दिन के काम की हकदारी है; और इसको परिवार के वयस्क सदस्यों के बीच विभाजित किया जा सकता है।

काम का अंतराल सामान्यतः लगातार 14 दिनों तक होना चाहिए, परंतु प्रति सप्ताह 6 दिन से ज्यादा नहीं होना चाहिए।
- 5. किसी को रोजगार की प्राप्ति कब होगी?**

आवेदक को रोजगार, आवेदन जमा करने के 15 दिन के अंदर या जिस दिन से काम की मांग की गई है, तब से प्रदान किया जाएगा।
- 6. रोजगार कौन आवंटित करेगा?**

ग्राम पंचायत या प्रोग्राम ऑफिसर, जिस किसी से भी आग्रह किया गया हो।
- 7. किसी को कैसे पता चलेगा कि उसे रोजगार दिया गया है?**

15 दिनों के अंदर ग्राम पंचायत/कार्यक्रम अधिकारी एक पत्र के द्वारा आवेदक को काम के लिए कब और कहां उपस्थित होना है सूचित करेगा। ग्राम पंचायत के सूचना पटल और ब्लॉक स्तर पर कार्यक्रम अधिकारी कार्यालय के सूचना पटल पर भी एक सार्वजनिक सूचना प्रदर्शित की जाएगी जिसमें काम के स्थान, दिनांक और उन लोगों के नाम की सूचना रहेगी जिन्हें रोजगार दिया गया है।

8. **रोजगार पत्र प्राप्त होने के बाद एक आवेदक को क्या करना चाहिए?**
जॉब कार्ड के साथ दिए गए दिनांक में जिस स्थान पर काम आवंटित किया गया है अपनी उपस्थिति दर्ज कराए।
9. **क्या होगा यदि वह काम के लिए उपस्थिति दर्ज नहीं कराता/कराती है?**
यदि ग्राम पंचायत या कार्यक्रम अधिकारी द्वारा काम उपलब्ध होने की सूचना मिलने के बाद भी व्यक्ति काम के लिए उपस्थिति दर्ज नहीं कराता है, तो वह बेरोजगारी भत्ते का हकदार नहीं होगा।
10. **क्या वह काम के लिए पूनः आवेदन कर सकता/सकती है?**
हां।
11. **उसे कितनी मजदूरी मिलेगी?**
कृषि मजदूरों पर लागू होने वाली स्वीकृत न्यूनतम मजदूरी की दर से मिलेगी।
12. **भूगतान की विधि क्या होगी? दैनिक मजदूरी या पीस-रेट पर आधारित दर?**
कानून में दोनों ही पद्धतियों की अनुमति है। यदि मजदूरी पीस-रेट के आधार पर दी जाती है, तो रेट की दर इस तरह से होनी चाहिए कि जब कोई व्यक्ति सात घंटों तक काम करता है तो उसे न्यूनतम मजदूरी प्राप्त होनी चाहिए।
13. **मजदूरी का भूगतान कब होगा?**
मजदूरी का भूगतान हर सप्ताह होगा, और किसी भी हालत में उस दिन से जिस दिन वह काम किया गया था उससे एक पखवाड़े के पहले ही। मजदूरी के एक हिस्से का भूगतान नकद के रूप में प्रतिदिन किया जाएगा।
14. **मजदूरों को क्या सुविधाएं प्रदान की जानी चाहिए?**
सुरक्षित पेयजल, बच्चों के लिए छायादार स्थान, विश्राम का समय और प्राथमिक उपचार के साथ छोटी चोटों और काम से संबंधित अन्य स्वास्थ्य खतरों के उपचार के लिए समुचित सामानों की व्यवस्था।
15. **काम कहां उपलब्ध करवाया जाएगा?**
आवेदक जहां रहता हो, उसके 5 कि.मी. दूरी के अंदर। यदि आवेदक को उसके आवास से 5 कि.मी. की परिधि से दूर रोजगार दिया जाता है तो वह यातायात और निर्वाह भत्ते के रूप में 10 प्रतिशत अतिरिक्त मजदूरी का हकदार होगा। यदि व्यक्तियों को 5 कि.मी. से दूर काम दिया जाता है तो जो व्यक्ति उम्र में बूढ़े हैं और महिलाओं को उन कार्यस्थलों में जो गांव के पास में हो काम देने में प्राथमिकता दी जाएगी।
16. **मजदूरों के लिए क्या प्रावधान हैं?**
 - अ) **दुर्घटना की स्थिति में:** यदि कार्यस्थल पर रोजगार के दौरान किसी मजदूर का शारीरिक चोट पहुंचती है, तो वह राज्य सरकार से मुफ्त चिकित्सा उपचार पाने को हकदार है।
 - ब) **चोटग्रस्त मजदूर के अस्पताल में भर्ती होने की स्थिति में:** संबंधित राज्य सरकार उसे बिना किसी शुल्क के पूरा उपचार, दवाईयां, अस्पताल में स्थान दिलाएगी और चोटग्रस्त व्यक्ति दैनिक भत्ते का हकदार होगा जो कि प्रभावी मजदूरी की दर से 50 प्रतिशत से कम नहीं होना चाहिए।

स) कार्यस्थल पर दुर्घटना होने पर पंजीकृत मजदूर की मृत्यु या स्थायी विकलांगता होने पर: ऐसी स्थिति में 25, 000 रूपए क्षतिपूर्ति राशि का भूगतान या ऐसी राशि जो केंद्रीय सरकार द्वारा अधिसूचित हो, मृतक के कानूनी वारिस या विकलांगता की स्थिति में विकलांग को, जैसी भी स्थिति हो, भूगतान की जाएगी।

17. योग्य आवेदक को रोजगार प्रदान नहीं करने पर क्या होता है?

यदि योग्य आवेदक को काम मांगने के 15 दिनों के अंदर या उस दिन से जिस दिन उसने काम की इच्छा जताई !आवेदन जमा करने की तिथि! रोजगार नहीं दिया जाता है तो निर्धारित नियम और शर्तों के अधीन उसे बेरोजगारी भत्ता दिया जाएगा।

भत्ते की दर: पहले 30 दिनों के लिए बेरोजगारी भत्ते की दर मजदूरी की दर की 25 प्रतिशत होगी, और उसके बाद वित्तीय वर्ष के दौरान परिवार के रोजगार की हकदारी के दिनों के अनुसार मजदूरी की दर का 50 प्रतिशत।

18. किस प्रकार का काम दिया जाएगा?

अ) **स्थायी परिसंपत्तियां:** इस योजना का एक महत्वपूर्ण उद्देश्य यह है कि स्थायी परिसंपत्तियों का निर्माण किया जाए और ग्रामीण गरीबों के लिए आजीविका संसाधनों को आधार को मजबूत किया जाए।

ब) ठेकेदारों द्वारा काम करवाए जाने की अनुमति नहीं है

स) कार्यक्रम और प्राथमिकता के आधार पर निम्न प्रकार के कामों की अनुमति है:

- (i) जल संरक्षण और जल संग्रहण;
- (ii) सूखा बचाव, जंगल बनाना और वृक्ष रोपण;
- (iii) सूक्ष्म और वृहद सिंचाई कार्यों सहित सिंचाई नहर
- (iv) अनुसूचित जाति और अनुसूचित जनजाति परिवारों की स्वामित्व की जमीनों या भूमि सुधारों के लाभार्थी या भारत सरकार के इंदिरा आवास योजना के लोगों के लिए सिंचाई की सुविधाएं
- (v) पारंपरिक जल स्रोतों का उद्धार, तालाबों का सफाई भी
- (vi) भूमि विकास
- (vii) बाढ नियंत्रण और जल पूरित क्षेत्रों से जल निकासी सहित बचाव कार्य;
- (viii) ग्रामीण क्षेत्रों में हर मौसम में पहुंचने योग्य ग्रामीण सम्पत्ति। सड़क निर्माण में जहां पर आवश्यक हो कलवर्ट निर्माण भी शामिल है, गांव के अंदर कलवर्ट निर्माण नाला निर्माण के साथ किया जाएगा;
- (ix) ऐसा कोई भी कार्य जो केंद्र सरकार राज्य सरकारों से परामर्श द्वारा अधिसूचित करे।

19. कार्यक्रम कर्मी अपने कार्यों के लिए कैसे जवाबदेह हैं?

वे, आंतरिक के साथ साथ बाहरी अंकेक्षणकर्ताओं के द्वारा कार्यक्रम के निरंतर और समवर्ती जांच और अंकेक्षण द्वारा जवाबदेह हैं। सामाजिक अंकेक्षण करने का अधिकार ग्राम सभा को दिया गया है, ग्राम सभा प्रत्येक कार्य के निरीक्षण के लिए एक गांव स्तरीय विजिलेंस कमेटी का निर्माण करेगी। इसके अतिरिक्त, कानून का कोई भी उल्लंघन, साबित होने पर, जुर्माने के योग्य होगा जो एक हजार रूपए तक हो सकता है। एक शिकायत निवारण व्यवस्था भी होगी जो प्रत्येक जिले में स्थापित की जाएगी।

DO's & DONT's of NREGA

The NREGA objective can be fulfilled only if States implement it by ensuring conformity to processes prescribed under the Act. These include the following:-

1. REGISTRATION

All rural families in NREGA district may apply for registration for unskilled manual work.

What must be done

- 1 Application for Registration by local rural household to Gram Panchayat (written or oral).
- 1 Registration to be of a household, but the names of all its adult members willing to do unskilled manual work may be registered.

What must not be done

- 1 Refusing oral application.

2. VERIFICATION OF APPLICATION

To ensure that locally domiciled rural families likely to seek unskilled manual labour are identified.

What must be done

- 1 Verifying eligibility only in terms of local residence and adult status, not economic status. (NREGA is not confined to below poverty line families).
- 1 Verification to be completed within 15 days of application for registration.

What must not be done

- 1 Registering only Below Poverty Line families.
- 1 Refusing locally domiciled but migrant families.
- 1 Denying De Denying registration on the basis of gender, caste and creed.
- 1 Inordinate delay in verification.

3. ISSUE OF JOB CARDS

Job Card is the basic legal document valid for five years which enables the registered household to demand guaranteed employment.

What must be done

- 1 One Job Card to be issued to a registered household as a whole.
- 1 The household Job Card will have the photograph and name of each registered adult member of the household on it.
- 1 Cost of Job Card including photograph to be borne on the programme.
- 1 Must be issued within 15 days of application.
- 1 Job Cards must have space for entering vital data that must be regularly entered that includes:
 - a Unique registration number

- ” Days of employment demanded
- ” Days worked
- ” Amount paid

1 Job Cards issued to be entered in a Job Card register in the Gram Panchayat.

What must not be done

- 1 Inordinate time gap between registration and issue of Job Card.
- 1 Issuing a Job Card to each individual.
- 1 Including names of minors on Job Cards.
- 1 Pricing the Job Card.
- 1 Charging the cost of the photographs on the beneficiary.
- 1 Issuing Job Cards on work sites.

4. APPLICATION FOR EMPLOYMENT

- 1 to ascertain choices and perceptions of households regarding lean season employment.
- 1 to ensure exercise of the legal right to employment within the time specified of fifteen days.
- 1 to ensure that works are started where and when there is demand for labour, not on demand for works.
- 1 to monitor and record demand for employment.

What must be done

- 1 A written application to be submitted by the job card holder to the Gram Panchayat or the programme officer.
- 1 Gram Panchayat to issue a dated acknowledgement for the application for employment to count the 15 days within which employment has to be given.
- 1 Employment application to be entered in an employment register in the Gram Panchayat.

5. ALLOCATION OF EMPLOYMENT

To oversee the modality of allocation of employment.

What must be done

- 1 Work must be allocated within 15 days of demand. If applicant does not report for work no unemployment allowance payable, but he/she is not barred from re-applying for work.
- 1 Gram Panchayat must inform the applicant where to report to work.
- 1 The work site should be within 5 kilometers of the applicant's residence, else 10% of wages payable additionally.

What must not be done

- 1 Delay in allotting employment. This will create the liability of the unemployment allowance on the State government to be borne out of State government's own financial resources.

6. SELECTION OF WORKS

Permissible Works: water conservation, land development, plantation and afforestation, roads... in that priority and any other work proposed by state governments that is labor intensive can be notified by the Centre. 60:40 ratio to be maintained for wages and material ratio.

What must be done

- 1 All works sanctioned with physical/technical/financial details in public domain (notice boards/web).
- 1 Work identified and approved by Gram Sabha.
- 1 Work list approved by intermediated District Panchayat, displayed in Gram Panchayat.
- 1 Asset register at GP with unique number to each work to prevent duplication.
- 1 Perspective Plans to be made for each district for five years to map existing resources to prevent duplication.
- 1 Technical estimates to be displayed at all work-sites in simple local language.
- 1 Progress report by Implementing Agency to local vigilance committee.
- 1 An Annual Labour Budget has to be prepared according to the following process:

Gram Sabhas to initiate the Planning process and recommend works and estimate likely quantum and season of labour demand for the districts Labour budget.

Gram Panchayat to consolidate recommendations of Gram Sabha & forward to the intermediate Panchayat level. GP must also indicate what works it would like to execute.

Intermediate Panchayat to consolidate Gram Panchayat Plans into Block Plans with addition of works that cut across gram panchayats; Programme Officer to scrutiny feasibility of works proposed and to ensure that they are adequate to meet likely employment demand.

District Panchayats to approve the labour budget with addition of works that cut across Intermediate panchayats.

District Labour budget to contain Shelf of Projects to be ready at each implementing level with necessary approvals and must mention executing agency for each work.

- 1 At least half the works in value should be executed by gram panchayats.
- 1 District labour budget for the succeeding financial year to be ready by December of each year.
- 1 District labour budget to be approved by the State Employment Guarantee Council and sent to GOI for enabling release of budget.

What must not be done

- 1 Contractor- based works.
- 1 Concocted works records.
- 1 The priorities of the Gram Panchayat are not to be superseded by block and district Panchayats, though they may add to the shelf of projects inter Gram Panchayat, inter block and departmental works.
- 1 Use of machinery.
- 1 Exceeding 40% of material component.
- 1 Taking up any other work than prescribed in schedule I of the Act. Centre will not finance this.

7. EXECUTION OF WORKS

What must be done

- 1 Only job card holders should be employed on works.

- 1 Numbered Muster rolls should be issued for each work by Programme Officer (this is a check on false muster rolls).
- 1 Muster rolls must mention Job Card numbers of workers (this is a check on false names and contractors).
- 1 Maintenance of the muster roll should be by the executing agency.
- 1 Muster rolls should be read out on the work site during regular measurement to prevent bogus records and payment of wages below prescribed levels.
- 1 Schedule of rural rates, if work is paid on task basis, must take into account the productivity capacity of unskilled manual labour.
- 1 Regular measurement and supervision of works by qualified technical personnel on time.
- 1 Recording measurement in authenticated measurement books.
- 1 Regular maintenance of measurement books.
- 1 Reading out measurement detail to workers.
- 1 Provision of adequate quality of work site facilities for women and men labourers.
- 1 Creation and maintenance of durable assets with foremost priority to water conservation measures and plantation.

What must not be done

- 1 Inflate Muster Rolls with bogus names.
- 1 Book non working persons or skilled labour as unskilled labour and pay him/her out of a portion of the labouring persons' wage.
- 1 Delay in measurements.
- 1 No temporary (*kachcha*) muster roll should be used under any circumstance.
- 1 Minors not employed on works.

8. PAYMENT

Minimum wages for State agricultural labourers to be paid unless Centre notifies a wage rate.

What must be done

- 1 Payment must be made within a week and on no account be delayed beyond a fortnight.
- 1 Payments must be made publicly known.

What must not be done

- 1 Lower payments than due to a worker based on his/her work.

9. TRANSPARENCY

What must be done

- 1 Establishing adequate audit and evaluation mechanisms.
- 1 Ensuring widespread institution of social audit and use of findings.
- 1 Establishing an effective grievance redressal mechanism at the village, block district and State levels.

10. STAFFING TO IMPLEMENT NREGA

Instructions to States have been issued suggesting they recruit key personnel that include the following staff:

- 1 fulltime block level programme officers
- 1 an administrative assistant for each GP
- 1 a technical assistant per 10 GPs
- 1 data entry operators at block level
- 1 technical assistants and accounts assistant at block level

11 MONITORING AND REPORTING SYSTEM

What must be done

- 1 Operationalise MIS: NIC has developed a generalised software that enables States, if they want, with appropriate modifications, to collect village and household based data on all aspects of NREGA operations.
- 1 Progress reports can also be generated.
- 1 Make critical data available in public domain.
- 1 Ensure field monitoring: States also need to put in place a system of regular monitoring and verification at their level to obtain concurrent feedback on the quality of implementation processes and introduce suitable correctives.
 - 2% monitoring by State level officers
 - 10% monitoring by District level officers
 - 100% monitoring by Block level officers
- 1 States need to ensure that State schemes under Section 4 of NREGA are notified by July, 2006.

What not to do

Collect and report unverified, unauthentic information.

12. FUND RELEASE AND UTILISATION

Adequate funds have been placed with each district. All requests for funds by districts and States are processed by examining the following:

- 1 the reported demand for employment, checked against job cards,
- 1 demanded and issued,
- 1 employment provided and average turnout at work sites (as reported by the State and observed field visits),
- 1 the manner in which Job Card registration and demand for employment are being processed at the field level (as seen from reports of area officers and NLMs),
- 1 and fund availability (as computed and reported by State).

State and districts should transfer funds to blocks and Gram Panchayats on the basis of demand for employment and not on the basis of demand for works.

एनआरईजीए उद्देश्य की प्राप्ति के महत्वपूर्ण मुद्दे

एनआरईजीए उद्देश्य की प्राप्ति तभी हो सकती है जब राज्य इनको कानून में निर्देशित प्रक्रियाओं के अनुरूप लागू करते हैं। इसके अंतर्गत निम्नलिखित बिंदु आते हैं:

1. पंजीयन

एनआरईजीए जिलों के सभी ग्रामीण परिवार अकुशल शारीरिक कामों के लिए पंजीयन के लिए आवेदन कर सकते हैं।

क्या किया जाना चाहिए

- 1 पंजीयन के लिए आवेदन !लिखित या मौखिक! ग्रामीण परिवारों द्वारा ग्राम पंचायत को दिया जाना चाहिए
- 1 परिवार का पंजीयन होगा, परंतु उसके प्रत्येक वयस्क सदस्यों, जो अकुशल शारीरिक काम करने के इच्छुक हों, उनका भी पंजीयन हो सकता है।

क्या नहीं किया जाना चाहिए

- 1 मौखिक आवेदन अस्वीकृत नहीं किया जाना चाहिए

2. आवेदन का सत्यापन

स्थानीय अधिवासी ग्रामीण परिवार, जिनकी की अकुशल शारीरिक श्रम मांगने की संभावना है, उनकी पहचान सुनिश्चित करने के लिए।

क्या किया जाना चाहिए

- 1 योग्यता की सत्यापन केवल स्थानीय निवास और वयस्कता के संबंध में न कि आर्थिक स्तर के लिए।
! एनआरईजीए केवल गरीबी रेखा के नीचे के परिवारों के लिए सीमित नहीं है!
- 1 पंजीयन के आवेदन के 95 दिनों के अंदर सत्यापन पूरा हो जाना चाहिए।

क्या नहीं किया जाना चाहिए

- 1 केवल गरीबी रेखा के नीचे के परिवारों का पंजीयन नहीं होना चाहिए।
- 1 स्थानीय अधिवासी परंतु प्रवासी परिवारों को अस्वीकार नहीं किया जाना चाहिए।
- 1 लिंग, जाति और मत के आधार पर पंजीयन अस्वीकार करना।
- 1 सत्यापन में अनुचित विलंब

3. जॉब कार्डों को जारी करना

जॉब कार्ड एक मूलभूत कानूनी दस्तावेज है जो पांच वर्षों के लिए वैध है और जो पंजीकृत परिवार को सुनिश्चित रोजगार की मांग करने के योग्य बनाता है।

क्या किया जाना चाहिए

- 1 एक संपूर्ण परिवार को एक जॉब कार्ड जारी किया जाना चाहिए।

- 1 एक पारिवारिक जॉब कार्ड में उस परिवार के सभी पंजीकृत वयस्क सदस्यों का चित्र और नाम होगा।
- 1 चित्र सहित जॉब कार्ड को खर्च कार्यक्रम द्वारा उठाया जाएगा।
- 1 आवेदन के 95 दिनों के अंदर निश्चित रूप से जारी किया जाना चाहिए।
- 1 जॉब कार्ड में महत्वपूर्ण आंकड़ों को नियमित भरने के लिए जगह होनी चाहिए, जिसके अंतर्गत:
 - अनोखी पंजीयन संख्या
 - मांगे गए कार्यदिवसों की संख्या
 - कार्य किए गए दिनों की संख्या
 - भूगतान की गई राशि
- 1 जारी किए गए जॉब कार्डों का दाखिला ग्राम पंचायत के जॉब कार्ड रजिस्टर में किया जाएगा

क्या नहीं किया जाना चाहिए

- 1 पंजीयन और जॉब कार्ड जारी करने में अनुचित समय अंतराल नहीं होना चाहिए।
- 1 प्रत्येक व्यक्ति को जॉब कार्ड जारी नहीं किया जाना चाहिए।
- 1 जॉब कार्ड में अवयस्कों का नाम नहीं डालना चाहिए।
- 1 जॉब कार्ड की कीमत नहीं लगाई जानी चाहिए।
- 1 लाभार्थी से फोटो का शुल्क नहीं वसूला जाना चाहिए।
- 1 कार्यस्थल पर जॉब कार्ड नहीं जारी किया जाना चाहिए।

4. रोजगार के लिए आवेदन

- 1 दुर्बल मौसम में रोजगार के बारे में परिवारों की इच्छा और दृष्टिकोण जानने के लिए
- 1 रोजगार के कानूनी अधिकार का निर्दिष्ट समय पंद्रह दिनों के अंदर इस्तेमाल सुनिश्चित करने के लिए
- 1 यह सुनिश्चित करने के लिए कि काम की शुरुआत वहां हों जहां और जब श्रम की जरूरत है न कि काम की मांग के आधार पर
- 1 रोजगार की मांग को दर्ज करने और मॉनिटर करने के लिए

क्या किया जाना चाहिए

- 1 जॉब कार्ड धारी द्वारा ग्राम पंचायत या कार्यक्रम अधिकारी के पास एक लिखित आवेदन जमा किया जाना चाहिए।
- 1 रोजगार के आवेदन से 95 दिन की गिनती करने के लिए, जिसके अंदर रोजगार दिया जाना है, ग्राम पंचायत एक दिनांक सहित रसीद प्रदान करेगी
- 1 रोजगार आवेदनों का दाखिला ग्राम पंचायत के रोजगार रजिस्टर में किया जाएगा

5. रोजगार का आवंटन

रोजगार आवंटन की विधि का प्रेक्षण करने के लिए

क्या किया जाना चाहिए

- 1 मांगने के 95 दिनों के अंदर काम का आवंटन किया जाना चाहिए। यदि आवेदक काम के लिए उपस्थित नहीं होता है तो कोई बेरोजगारी भत्ता नहीं दिया जाएगा, परंतु उसे पुनः आवेदन करने से बाधित नहीं किया जाएगा।

- 1 ग्राम पंचायत निश्चित तौर पर आवेदक को यह सूचना देगी की काम के लिए कहां उपस्थित होना है।
- 1 कार्यस्थल, आवेदक के आवास से ५ कि.मी. के अंतर्गत होना चाहिए, अन्यथा मजदूरी का १० प्रतिशत अतिरिक्त दिया जाएगा।

क्या नहीं किया जाना चाहिए

- 1 रोजगार आवंटन में देरी नहीं की जानी चाहिए। यह राज्य सरकार पर बेरोजगारी भत्ता देने का भार बढ़ाएगा, जिसका कि भूगतान राज्य सरकार के अपने आर्थिक संसाधनों से किया जाएगा।

6. कामों का चुनाव

अनुमति प्राप्त काम: जल संरक्षण, भूमि विकास, वृक्ष रोपण और जंगल बनाना, सड़ककृये काम प्राथमिकता में और राज्य सरकारों द्वारा प्रस्तावित जो मजदूर आधारित हों, केंद्र सरकार द्वारा अधिसूचित किए जा सकेंगे। मजदूरी और सामग्री में ६०:४० का अनुपात रखा जाएगा।

क्या किया जाना चाहिए

- 1 सभी अनुमोदित कामों की जानकारी धरातलीय/तकनीकी/आर्थिक विवरणों सहित सार्वजनिक दायरे !सूचना पटल/ वेबसाईट! में।
- 1 ग्राम सथा द्वारा चिन्हित और अनुमोदित काम।
- 1 माध्यमिक जिला पंचायत द्वारा अनुमोदित कार्य सूची का ग्राम पंचायत में प्रदर्शन।
- 1 ग्राम पंचायत के परिसंपत्ति रजिस्टर में हर काम का दाखिला अलग नंबर के साथ जिससे दोहराव से बचा सके।
- 1 प्रत्येक जिले के लिए पांच वर्षों के लिए एक दशष्टिकोण योजना का निर्माण जिससे उपस्थित संसाधनों को पहचाना जा सके और दोहराव से बचा जा सके।
- 1 सभी कार्यस्थलों पर तकनीकी जानकारी सरल स्थानीय भाषा में प्रदर्शित की जानी चाहिए।
- 1 कार्यकारी एजेसी द्वारा प्रगति रिपोर्ट स्थानीय सतक्रता समिति को जमा करना।
- 1 निम्नलिखित प्रक्रियाओं के अनुसार एक वार्षिक लेबर बजट का निर्माण:

ग्राम सभा द्वारा एक योजना प्रक्रिया की पहल करना और जिला लेबर बजट के लिए काम और श्रम मांग के मौसम और संभावित परिमाण के संबंध में सिफारिश देना।

ग्राम पंचायत ग्राम सभा की सिफारिशों को एकत्रित करके उसे माध्यमिक पंचायत स्तर पर भेजेगी। ग्राम पंचायत को निश्चित तौर पर यह भी बताना होगा कि वह कौन सा काम करवाने की इच्छुक है।

माध्यमिक पंचायत ग्राम पंचायत योजनाओं को एकत्रित करेगी और उन अतिरिक्त कामों के साथ जो सारे ग्राम पंचायतों में शामिल है, एक ब्लॉक योजना बनाएगी; कार्यक्रम अधिकारी प्रस्तावित कामों की साध्यता की जांच करेगा और यह सुनिश्चित करेगा कि वे संभावित रोजगार मांग को पूरा करने योग्य हैं।

जिला पंचायतें लेबर बजट को उन अतिरिक्त कामों के साथ जो सारे माध्यमिक पंचायत में शामिल है के साथ अनुमोदित करेगी।

जिला लेबर बजट में लागू करने के हर स्तर की परियोजना अवधि आवश्यक अनुमोदन सहित होगी। जिला लेबर बजट निश्चित तौर पर प्रत्येक काम की संपादन एजेसी का भी विवरण होगा।

- 1 कीमत के कम से कम आधा काम ग्राम पंचायत द्वारा संपादित किए जाएंगे।
- 1 आने वाले वर्ष का जिला लेबर बजट प्रत्येक वर्ष के दिसम्बर माह तक तैयार हो जाना चाहिए।
- 1 जिला लेबर बजट का अनुमोदन राज्य रोजगार गारंटी काउंसिल द्वारा किया जाएगा और उसे फंड जारी करने के लिए भारत सरकार के पास भेजा जाएगा।

क्या नहीं किया जाना चाहिए

- 1 ठेकेदार आधारित काम नहीं किया जाना चाहिए।
- 1 काम के झूठे रिकार्ड।
- 1 ब्लॉक और जिला पंचायतें, ग्राम पंचायत की प्राथमिकताओं की अवहेलना नहीं करेंगी, यद्यपि वे ग्राम पंचायतों के बीच, ब्लॉकों के बीच या विभागीय कार्यों के बीच परियोजना की अवधि में जोड़े जा सकते हैं।
- 1 मशीनों का इस्तेमाल नहीं होना चाहिए।
- 1 सामग्री पक्ष ४० प्रतिशत से ज्यादा नहीं होना चाहिए।
- 1 कानून के शेड्यूल १ में निर्दिष्ट कामों के अतिरिक्त कोई दूसरा काम नहीं किया जाना चाहिए। केंद्र इसके लिए पैसा नहीं देगा।

7. कामों का संपादन

क्या किया जाना चाहिए

- 1 काम पर केवल जॉब कार्डधारी को लगाया जाना चाहिए।
- 1 कार्यक्रम अधिकारी द्वारा प्रत्येक कार्य के लिए नंबर लिए हुए मस्टर रोल जारी किए जाने चाहिए। !यह झूठे मस्टर रोलों के लिए जांच है!
- 1 मस्टर रोलों में मजदूरों के जॉब कार्ड का नम्बर अवश्य होना चाहिए। !यह झूठे नामों और ठेकेदारों के लिए जांच है!
- 1 मस्टर रोलों को रखरखाव संपादन एजेंसी द्वारा किया जाना चाहिए।
- 1 मस्टर रोलों को कार्यस्थल पर नियमित नापजोग के समय पढकर सुनाया जाना चाहिए जिससे झूठे रिकार्ड और निर्दिष्ट मजदूरी से कम मजदूरी देने से बचा जा सकता है।
- 1 ग्रामीण दरों का शेड्यूल, यदि काम का भूगतान टास्क आधार पर किया गया है, तो अकुशल शारीरिक मजदूर की उत्पादन क्षमता को भी ध्यान में लिया जाना चाहिए।
- 1 कामों का समय पर नियमित नापजोग और निरीक्षण योग्य तकनीकी कर्मियों द्वारा किया जाना चाहिए।
- 1 अधिकृत नापजोग पुस्तिका में नापजोग का रिकार्ड रखें।
- 1 नापजोग पुस्तिका का उचित रखरखाव होना चाहिए।
- 1 मजदूरों का नापजोग विवरण पढकर सुनाया जाना चाहिए।
- 1 महिला और पुरुष मजदूरों के लिए कार्यस्थल पर उचित सुविधाओं का प्रावधान।
- 1 स्थाई परिसंपत्तियों का निर्माण और रखरखाव जिसमें सबसे पहली प्राथमिकता जल संरक्षण और पौधा रोपण के कामों को दी जानी चाहिए।

क्या नहीं किया जाना चाहिए

- 1 झूठे नामों से मस्टर रोल को बढ़ाया नहीं जाना चाहिए।

- 1 काम न करने वाले व्यक्तियों या कुशल मजदूरों को अकुशल मजदूरों की तरह निर्धारित करें और उन्हें काम करने वाले व्यक्तियों की मजदूरी से एक हिस्सा प्रदान करें।
- 1 नापजोग में विलंब नहीं किया जाना चाहिए।
- 1 किसी भी परिस्थिति में कोई कच्चा मस्टर रोल इस्तेमाल नहीं किया जाएगा।
- 1 अवयवों को काम में नहीं लगाया जाना चाहिए।

8. भूगतान

राज्य कृषि मजदूरों को दी जाने वाली न्यूनतम मजदूरी दी जाएगी, यदि केंद्र एक मजदूरी की दर निर्धारित नहीं करता है।

क्या किया जाना चाहिए

- 1 भूगतान निश्चित तौर पर एक सप्ताह के अंदर किया जाना चाहिए और किसी भी कारण से एक पखवाड़े से ज्यादा विलंबित नहीं किया जाना चाहिए।
- 1 भूगतान सार्वजनिक तौर पर सबको पता कराया जाना चाहिए।

क्या नहीं किया जाना चाहिए

- 1 एक श्रमिक को उससे कम मजदूरी नहीं दी जानी चाहिए, जो उसके लिए बनती हो।

9. पारदर्शिता

क्या किया जाना चाहिए

- 1 उचित अंकेक्षण और मूल्यांकन व्यवस्था स्थापित की जानी चाहिए।
- 1 सामाजिक अंकेक्षण का उसके और निष्कर्षों का चौतरफा इस्तेमाल सुनिश्चित करना।
- 1 गांव, ब्लॉक, जिला और राज्य स्तर पर प्रभावी शिकायत निवारण व्यवस्था स्थापित करना।

10. एनआरईजीए लागू करने के लिए स्टाफ

राज्यों को संबंधित कर्मियों को नियुक्त करने के लिए निर्देश जारी किए जा चुके हैं जिसमें निम्नलिखित स्टाफ भी सम्मिलित है:

- 1 फुलटाईम ब्लॉक स्तरीय कार्यक्रम अधिकारी
- 1 प्रत्येक ग्राम पंचायत के लिए एक प्रशासकीय सहायक
- 1 प्रत्येक 90 पंचायत के लिए एक तकनीकी सहायक
- 1 ब्लॉक स्तर पर डाटा एंट्री ऑपरेटर
- 1 ब्लॉक स्तर पर तकनीकी सहायक और एकाउंट सहायक की व्यवस्था

11. निगहवानी !मॉनीटरिंग! और रिपोर्टिंग व्यवस्था:

क्या किया जाना चाहिए

- 1 एमआईएस को कार्यान्वित करें: एनआईसी ने एक सामान्य सॉफ्टवेयर बनाया है जिसे यदि राज्य चाहें तो, उचित बदलाव के साथ एनआरईजीए कामों के लिए गांव और परिवार स्तरीय आंकड़े एकत्रित करने के लिए इस्तेमाल कर सकते हैं।

- 1 प्रगति रिपोर्ट भी एकत्र किए जा सकते हैं।
- 1 महत्वपूर्ण आंकड़ों को सार्वजनिक दायरे में उपलब्ध कराएं।
- 1 स्थलीय मॉनिटरिंग सुनिश्चित करें: लागू करने के प्रक्रियाओं और उचित सुधार लागू करने के लिए समवर्ती आंकड़े एकत्र करने के लिए राज्यों को भी अपने स्तर पर नियमित फीडबैक और सत्यापन की व्यवस्था करनी चाहिए।
 - २ प्रतिशत मॉनिटरिंग राज्य स्तरीय अधिकारियों द्वारा
 - १० प्रतिशत मॉनिटरिंग जिला स्तरीय अधिकारियों द्वारा
 - १०० प्रतिशत मॉनिटरिंग ब्लॉक स्तरीय अधिकारियों द्वारा
- 1 राज्यों को यह सुनिश्चित करने की जरूरत है कि एनआईजीए की धारा ४ के अंतर्गत राज्य स्कीमों को जुलाई, २००६ तक अधिसूचित किया जाए।

क्या नहीं किया जाना चाहिए

- 1 बिना सत्यापन के और अनाधिकृत जानकारी को एकत्रित नहीं किया जाना चाहिए और न ही रिपोर्ट की जानी चाहिए।

12. फंड जारी करना और उपयोग

प्रत्येक जिले के पास उचित फंड रखे गए हैं।

जिलों और राज्यों के फंड के सभी आग्रह निम्नलिखित बातों की जांच के बाद ही बढ़ाई जाती है:

- 1 रिपोर्ट किए गए रोजगार की मांग का जॉब कार्डों से मिलान
- 1 मांगे गए और जारी किए गए
- 1 जितना रोजगार दिया गया और कार्यस्थल पर मजदूरों के आने का औसत !जैसा राज्यों द्वारा रिपोर्ट किया गया है, और स्थल निरीक्षण में प्रेक्षण किया गया है !
- 1 स्थल स्तर पर जॉब कार्ड पंजीकरण और रोजगार की मांग का निपटारा किस तरीके से किया गया है। !जैसा कि क्षेत्र अधिकारी और एनएलएम की रिपोर्ट में दिया गया है !
- 1 और फंड की उपलब्धता !जैसा राज्य द्वारा गणित और रिपोर्ट किया गया है !

राज्य और जिले, ब्लॉकों और ग्राम पंचायतों को फंड का हस्तांतरण रोजगार की मांग के आधार पर करें न कि काम की मांग के आधार पर।

200 DISTRICTS UNDER NREGA

Sl. No	STATE NAME	DISTRICT NAME
1	ANDHRA PRADESH	ADILABAD
2		ANANTAPUR
3		CHITTOOR
4		CUDDAPAH
5		KARIMNAGAR
6		KHAMMAM
7		MAHBUBNAGAR
8		MEDAK
9		NALGONDA
10		NIZAMABAD
11		RANGAREDDI
12		VIZIANAGARAM
13		WARANGAL
14	ARUNACHAL PRADESH	UPPER SUBANSIRI
15	ASSAM	BONGAIGAON
16		DHEMAJI
17		GOALPARA
18		KARBI ANGLONG
19		KOKRAJHAR
20		LAKHIMPUR
21	NORTH CACHAR HILLS	
22	BIHAR	ARARIA
23		AURANGABAD
24		BHOJPUR
25		DARBHANGA
26		GAYA
27		JAMUI
28		JEHANABAD
29		KAIMUR (BHABUA)
30		KATI HAR
31		KISHANGANJ
32		LAKHISARAI
33		MADHUBANI
34		MUNGER
35		MUZAFFARPUR
36		NALANDA
37		NAWADA
38		PATNA
39		PURNIA
40		ROHTAS
41		SAMASTIPUR
42		SHEOHAR
43		SUPAUL
44		VAISHALI
45	CHATTISGARH	BASTAR
46		BILASPUR
47		DANTEWADA
48		DHAMTARI
49		JASHPUR
50		KANKER
51	KAWARDHA	

Sl. No	STATE NAME	DISTRICT NAME
52		KOREA
53		RAIGARH
54		RAJNANDAGON
55		SURGUJA
56	GUJARAT	BANAS KANTHA
57		DANG
58		DOHAD
59		NARMADA
60		PANCH MAHALS
61		SABAR KANTHA
62	HARYANA	MAHENDRAGARH
63		SIRSA
64	HIMACHAL PRADESH	CHAMBA
65		SIRMAUR
66	JAMMU AND KASHMIR	DODA
67		KUPWARA
68		POONCH
69	JHARKHAND	BOKARO
70		CHATRA
71		DHANBAD
72		DUMKA
73		GARHWA
74		GIRIDIH
75		GODDA
76		GUMLA
77		HAZARIBAGH
78		JAMTARA
79		KODERMA
80		LATEHAR
81		LOHARDAGA
82		PAKUR
83		PALAMU
84		RANCHI
85		SAHEBGANJ
86		SARAIKELA KHARSAWAN
87		SIMDEGA
88		WEST SINGHBHUM
89	KARNATAKA	BIDAR
90		CHITRADURGA
91		DAVANGERE
92		GULBARGA
93		RAICHUR
94	KERALA	PALAKKAD
95		WAYANAD
96	MADHYA PRADESH	BALAGHAT
97		BARWANI
98		BETUL
99		CHHATARPUR
100		DHAR
101		DINDORI
102		EAST NIMAR

Sl. No	STATE NAME	DISTRICT NAME
103		JHABUA
104		KHARGONE
105		MANDLA
106		SATNA
107		SEONI
108		SHAHDOL
109		SHEOPUR
110		SHIVPURI
111		SIDHI
112		TIKAMGARH
113		UMARIA
114	MAHARASHTRA	AHMEDNAGAR
115		AMRAVATI
116		AURANGABAD
117		BHANDARA
118		CHANDRAPUR
119		DHULE
120		GADCHIROLI
121		GONDIA
122		HINGOLI
123		NANDED
124		NANDURBAR
125		YAVATMAL
126	MANIPUR	TAMENGLONG
127	MEGHALAYA	SOUTH GARO HILLS
128		WEST GARO HILLS
129	MIZORAM	LAWNGTLAI
130		SAIHA
131	NAGALAND	MON
132	ORISSA	BOLANGIR
133		BOUDH
134		DEOGARH
135		DHENKANAL
136		GAJAPATI
137		GANJAM
138		JHARSUGUDA
139		KALAHANDI
140		KANDHAMAL
141		KENDUJHAR
142		KORAPUT
143		MALKANGIRI
144		MAYURBHANJ
145		NABARANGAPUR
146		NUAPADA
147		RAYAGADA
148		SAMBALPUR
149		SONEPUR
150		SUNDARGARH
151	PUNJAB	HOSHIARPUR
152	RAJASTHAN	BANSWARA
153		DUNGARPUR

Sl. No	STATE NAME	DISTRICT NAME
154		JHALAWAR
155		KARAULI
156		SIROHI
157		UDAIPUR
158	SIKKIM	NORTH DISTRICT
159	TAMIL NADU	CUDDALORE
160		DINDIGUL
161		NAGAPATTINAM
162		SIVAGANGAI
163		TIRUVANNAMALAI
164		VILLUPURAM
165	TRIPURA	DHALAI
166	UTTAR PRADESH	AZAMGARH
167		BANDA
168		BARABANKI
169		CHANDAULI
170		CHITRAKOOT
171		FATEHPUR
172		GORAKHPUR
173		HAMIRPUR
174		HARDOI
175		JALAUN
176		JAUNPUR
177		KAUSHAMBI
178		KHERI
179		KUSHI NAGAR
180		LALITPUR
181		MAHOBA
182		MIRZAPUR
183		PRATAPGARH
184		RAE BARELI
185		SITAPUR
186		SONBHADRA
187		UNNAO
188	UTTRANCHAL	CHAMOLI
189		CHAMPAWAT
190		TEHRI GARHWAL
191	WEST BENGAL	24 PARAGANAS SOUTH
192		BANKURA
193		BIRBHUM
194		DINAJPUR DAKSHIN
195		DINAJPUR UTTAR
196		JALPAIGURI
197		MALDAH
198		MEDINIPUR WEST
199		MURSHIDABAD
200		PURULIA

National Rural Employment Guarantee Scheme

A Cross-Country Appraisal at the End of Eight Months

Early Lessons Learnt¹

The National Rural Employment Guarantee Scheme (NREGS) – an important policy response of the ‘United Progressive Alliance’ government that promised various policy initiatives in its Common Minimum Programme – was launched by Prime Minister Shri Manmohan Singh in February 2006. NREGS guarantees a minimum of hundred days’ employment at minimum wages every year to each rural household on demand (in the selected districts of its operation).

This note seeks to bring together key lessons from various parts of India, relating to initiation of the Scheme and its implementation.

Registration needs to be an ongoing process

A large number of seasonal migrants from western Orissa, estimated to be in excess of two *lakhs* by a local organization, who leave for the brick kilns of Andhra Pradesh by the onset of every winter due to lack of viable livelihood opportunities in the region, were completely excluded from coverage under the NREG Scheme, primarily on account of discontinuation of the registration process. When migrant labourers like Jagannath Sagaria returned to their village in the third week of June, they not only found their families excluded from receipt of job cards, but were discouraged by the local *panchayat* secretaries from filing fresh applications seeking registration under the scheme on the ground of procedural difficulties.

One of the key suggestions emerging from a large number of seasonal migrants in Orissa was to make registration an ongoing process in the local *panchayat*, to enable migrant families to benefit from the Scheme. While the national framework for operation of the scheme does provide for such an arrangement, this is not being complied with in most states covered under the progressive scheme. As a result, a large number of migrant labourers in poor states like Bihar, Orissa and Jharkhand have been excluded during the first year.

Need for Greater Safeguards in Payment of Wages

In Anantapur (Andhra Pradesh), the district from where the National Rural Employment Guarantee Scheme was launched and dedicated to the nation by the Prime Minister in February 2006, complaints relating to discrepancies in deposit of wages in the post office accounts of workers employed under the scheme have surfaced on a large scale. In several instances identified during an audit conducted by officials of rural development department and functionaries of prominent local NGOs, labourers employed under the scheme were found to have been paid at the rate of Rs. 40/- per cubic meter of earthwork, as against Rs. 50/- prescribed under the scheme. In many cases, substantial amounts have been withdrawn from the post office accounts of labourers by means of forged signatures. According to a news release of Times News Network, irregularities have been found in more than 65 percent of the 300 post office branches of the district where wages are credited into the accounts of the labourers, and the amount of swindling in the Madakasira constituency of the district alone is estimated to be in the range of Rs. 20 – 50 lakh. Often the passbooks of the labourers relating to NREGS accounts lie with the postmasters of the local post offices, which makes timely detection of such irregularities difficult. In Madakasira *mandal* of the district, a large number of labourers employed under the scheme are from the neighbouring state of Karnataka, and tractors have commonly been used to dig bunds in violation of the spirit of the Scheme relating to creation of job opportunities for manual labourers.

¹ Compiled by Anindo Banerjee of Praxis – Institute for Participatory Practices for the ‘*Wada na Todo Abhiyan*’

Vigilant CBOs, activists and local organizations can make a difference

Collective assertion counts – cases from various states

In the drought-prone Bolangir district of Orissa, where very few *panchayats* had managed to even complete the processing of applications for registration of households under the NREG Scheme by end of June 2006, as many as 92 households in Nagphana, one of the villages in the Boddokla *panchayat* of Turekela block had already witnessed distribution of as many as 92 job cards out of its total population of 119 households. This was possible solely due to the efforts of Bhaja Tandi, a 50 years old community leader and a respected labour union activist associated with '*Shramik Shakti Sangha*'. Bhaja hails from the socially disadvantaged *Ganda* caste (treated by many as 'untouchable') and is a *sukhobasi* (a person lacking vital assets like land or house) in terms of his economic standing. He has played a momentous role in organizing poor agricultural labourers in Bolangir district of Orissa to assert and secure their rights.



One of the significant acts of assertion of the wage labourers in Nagphana was to go on a mass-strike in protest against non-payment of rightful wages as per the standard piece-rate amounts specified under the provisions of the state version of the Rural Employment Guarantee Act. The labourers, under the leadership of Bhaja Tandi, insisted on payments on a pro-rata basis on producing work valued in excess of the locally specified minimum wages. Not a single labourer from Nagphana turned up for work in protest against underpayments, and the contractors had to pay them their due wages.

Of late, the labourers have also set up a committee of seven people in the village, which keeps copies of all relevant documents and muster rolls relating to employment activities and other schemes in the village, including works implemented directly by the *panchayat*. The labourers also managed to ensure that wages in lieu of earth-digging work are paid in keeping with the officially prescribed units of 90 cubic feet and not at the rate of the prevalent norm of 100 cubic feet. To press for speedier and effective implementation of the Rural Employment Guarantee Act, the labourers from Nagphana and various nearby villages have organized mass-rallies at prominent places, and plan to undertake a social audit in near future to expose various irregularities under the scheme. This year, most families that migrated to the brick kilns of Andhra Pradesh could not be registered under the scheme.

Similar acts of protest were organized at Villupuram, Tamil Nadu, where the local labourers, belonging mostly to *dalit* communities refused to accept wages falling short of the minimum wages prescribed by the state government.

In Gurwalia village of West Champaran district in Bihar, where Chief Minister Shri Nitish Kumar launched the 'Bihar Rural Employment Guarantee Scheme' by employing 68 local labourers in earth digging work, it took the persistent efforts of a local organization called DEEP to ensure full payment of wages to the labourers. The outstanding payments were finally made after a delay of one month. On an average, 9 days' work was commissioned to the labourers, most of who hailed from scheduled castes. Initially, wages were paid to the labourers at the rate of Rs. 50/-, short of the minimum prescribed wage of Rs. 68/-. After persistent campaigns in the media and sustained lobbying with the district level administrative functionaries, undertaken at the behest of DEEP and other likeminded agencies, the remainder of the outstanding wages was paid to the labourers, after a lapse of nearly a month and a half.

In Sarguja district of Chhattisgarh, the collective efforts of a consortium of sixteen organizations working across 10 blocks of the district were greatly instrumental in facilitating registration of hundreds of additional households in the list of potential NREGS beneficiaries. '*Path Pradarshak*', one of the local organizations playing an active role in facilitating the inclusions, was instrumental in convening special *gram sabhas* in the Sitapur block aimed at ensuring the inclusion of households that had earlier been backed for selection vide a *gram sabha* resolution, and whose names did not get registered. The following Table exhibits the levels of inclusion in ten *gram panchayats* of the district, thanks to the efforts of the local organizations.

Name of GP	No. of registered households before campaign	No. of registered households after campaign	Net increase in the number of households
Gersa	400	411	11
Sarga	386	486	100
Shivnathpur	349	560	211
Rajauti	412	431	19
Petla	668	682	14
Tara	311	320	9
Banshipur	252	302	50
Dhodhagaon	254	304	50
Kunmera	333	386	53
Kerju	466	516	50
Total	3831	4398	567

Due to persistent efforts of organizations like Eklavya Sangathan and Disha, an NREGS workers' Union has come into effect in Gujarat, which has been approved by the Gujarat Labour Commissioner. This NREGS-focused Union, probably the first of its kind registered under the Labour Act (trade union) of Gujarat aims to work towards securing the entitlements of labourers under the scheme.

Padyatras (rallies) undertaken by Jan Chetana Sansthan in Sirohi district of Rajasthan have also been instrumental in increasing wages under NREGS, and the estimated differential amounts to nearly 4 lakh rupees, benefiting nearly 910 labourers of 9 *panchayats*. The following table indicates the impact of the efforts towards bringing about greater awareness about entitlements under the scheme.

Names of panchayats	Wages paid earlier (Rs.)	Wages after Padyatra (Rs.)	Difference (Rs.)	No. of benefited workers	Days of Work	Increase in wages (Rs.)
<i>Surpagala</i>	40	72	32	120	28	10,7520
<i>Khadat</i>	38	48	10	40	14	5,600
<i>Redavakala</i>	30	60	30	200	14	84,000
<i>Umarni</i>	27	68	41	100	14	57,400
<i>Danvav</i>	40	72	32	50	14	22,400
<i>Candela</i>	50	68	18	100	14	25,200
<i>Jambudi</i>	35	55	20	100	14	28,000
<i>Ambaveri</i>	52	72	20	100	28	56,000
<i>Mordu</i>	37	47	10	100	14	14,000
Total						4,00,120

Defining 'household' – need for a more realistic approach

In Tentulikhunti village of Bolangir district of Orissa, Rukmini – an elderly woman of sixty years, struggled to explain the difficulties in sharing the employment opportunities within her extended household of 16 members, including her four adult sons, her daughters-in-law, two adult grand-children, herself and her husband. Her joint family of 16 members had been issued only one job-card, issued in the name of her husband. While her second son had availed of about a week's employment in the month of June, she felt that staying together in a joint family had become a disincentive for her family to adequately avail of the employment opportunities under the

scheme. She has requested the local *panchayat* functionaries to separately register the names of her four sons as heads of independent households, so that their families could adequately benefit from the scheme.

As a matter of fact, joint families are a common reality in many parts of rural India, and the registration process needs to be take into account family structure and size for issuing job cards in an appropriate number, particularly in the case of families below poverty line and those belonging to socially disadvantaged sections. According to NREGA guidelines on registration and employment (section 4.1.3), a household means a nuclear family comprising mother, father, and their children (and may include any person wholly or substantially dependent on the head of the family). A single-member family can also be counted as a household.

‘Dalits’ are most likely to be excluded

The likelihood of exclusion of households hailing from scheduled castes (e.g. *Musahars, Bhuians* etc.) from their employment rights under the NREG Scheme needs to be carefully guarded against. Such instances were evident even in some of the well-publicized hot-spots of hunger and disasters in Bihar (e.g. in Kiratpur in Madhubani where many SC people lost their lives during the floods of 2004; Piprahi, Bongia and Jalhi villages in Mohanpur and Barachatti blocks in Gaya, where about fifteen SC people lost their lives after being compelled to eat off the carcass of a rotten goat; to name a few) is a matter of serious concern.

The need to effectively guarantee the entitlements under NREGS to at least the socially disadvantaged scheduled castes cannot be emphasized more. This can happen only if the monitoring designs of the governments purposively seek to examine the coverage of scheduled castes and other *dalit* segments of society under the Scheme. The government of Kerala has begun doing this, and nearly 32% of scheduled castes and 65% of scheduled tribes have been covered under the scheme in Palakkad and Waynad districts so far.

Similarly, a large number of Muslim families in Gujarat that had to abandon their villages after the riots of 2002 and had to take refuge in places like Vadali, Gamirpura and Kalol have not been able to avail of their entitlements under NREGS. In May 2006, the National Commission for Minorities, taking *suo motu* cognisance of newspaper reports about Muslims being kept out of the purview of the National Rural Employment Guarantee Act in three districts of Gujarat, i.e. Panchmahals, Banaskantha and Sabarkantha, had to seek a full report from the State Government on this issue.

People with disability need to be guaranteed jobs with greater urgency

The early trends relating to distribution of job cards and employment opportunities point at people with disability being highly prone to exclusion. In locations like Jamalpur (Madhubani district) and Kacharia Dih (Nawada district) having an unusually high concentration of people with disability, employment opportunities created by NREGS haven't reached out to most people with disability.

Recently in September 2006, in response to a state-wide consultation organized by Ashagram Trust in Bhopal on inclusion of people with disability in employment opportunities offered by NREGS, a monitoring format to ascertain the number of days of employment gained by people with disability was promised by the Secretary, Panchayat and Rural Development Department, Madhya Pradesh.

Unemployment Allowance – a persistent rarity

The provision relating to payment of unemployment allowance in case of delays exceeding fifteen days in issue of jobs has turned out to be completely redundant in most NREGS districts. Authorities have found imaginative ways to avoid paying the cost of their inefficiency – the commonest being the refusal to issue dated receipts against demand for employment. The provision of 'unemployment allowance' is yet to become adequately popular for people to demand damages for inordinate waiting periods.

The distribution of time-lags between demand of employment and employment provision needs to be systemically recorded for enabling the poor to avail of the opportunity cost of waiting for jobs.

State level institutional arrangements – business as usual?

Till the beginning of August 2006, only eight out of India's twenty-seven states where the NREG scheme was launched with effect from February 2006 had constituted the State Employment Guarantee Council. These include Andhra Pradesh, Chhattisgarh, Himachal Pradesh, Karnataka, Madhya Pradesh, Rajasthan, Tripura and Uttar Pradesh. Similarly, in most states, important executive roles have been assigned to already overburdened administrative functionaries, e.g. in Bihar, DDCs have been allotted additional responsibilities to officiate as District Programme Coordinators, while BDOs have been entrusted with the functions of Programme Officers.

Panchayati Raj Institutions need to be Effectively Enabled to Govern the Scheme

In several states of India, the District Rural Development Authorities have been entrusted with a key role relating to administration of the Scheme, while the critical role of *Panchayati Raj* institutions remains to be adequately appreciated and actualized. In a state like Jharkhand, where elections to local *panchayats* haven't taken place for over two decades, the government needs to pro-actively engage traditional *gram sabhas* of local communities in operationalization and governance of the Scheme. The role of institutions like DRDA becomes particularly questionable, when they unilaterally initiate critical processes, e.g. preparation of shelf of projects, without any local level consultations and involvement of *panchayat* functionaries – a common reality in many states where NREGS has been initiated.

Lack of provisions for mandatory devolution of funds to Panchayati Raj institutions is an important lacuna of the NREG Scheme. At least 50% of funds must be compulsorily devolved to *panchayats*.

Need for enabling arrangements like crèches for children of workers

Despite clear guidelines in the NREG Act relating to provision of arrangements like crèches to enable workers with small children to avail of employment opportunities without being required to leave their children uncared, work sites in most NREGS states haven't been able to provide for the same. For instance, this discrepancy was one of the key outcomes of the recent social audits conducted by organizations like MKSS and Aravali in districts like Dungarpur and Jhalawar in Rajasthan.

Need to look beyond the conundrums of quantitative reports

If the progress report on Bihar State Rural Employment Guarantee Act for the month of June 2006 is any indication, as many as 14700 individuals have so far been provided employment in Khagaria district in Bihar, where a state-modified version of the scheme is in operation, though the number of job cards issued is only 1016 and the cumulative number of employed demanded is also 10165. Similarly, while so far 65648 individuals have availed of employment in East Champaran, the report for the same month also claims that as many as 56135 households have already completed 100 days of employment. Similar discrepancies exist also in relation to records of several other districts.

It is indeed important that the format of progress reports being used by various states to report on the performance of the scheme ensures reporting on the following:

- 1 Distribution of lag times between the dates of employment demanded and employment provided
- 1 Breakdown of achievements separately for scheduled castes, scheduled tribes, women, people with disability and the elderly.

Need to look beyond employment provision

In a country with nearly 300 million people living below the officially defined poverty line, and over 40% of rural population estimated to be landless, provision of a hundred days' employment cannot be held as an adequate safeguard against poverty. The state also needs to bring to effect comprehensive legislations guaranteeing land

rights to the poor, so that the livelihoods of the latter aren't contingent upon a few days of employment delivered by the administrative machinery of the state under circumstances that aren't always adequately responsive to the urgencies and crises faced by poor households. On the other hand, the land development programmes of some state governments under the NREG scheme are causing land alienation of socially and economically disadvantaged communities, e.g. in Betul, Madhya Pradesh, tribal communities are being displaced from their locations of habitation on the pretext of tree plantation programmes carried out under the NREGS scheme. According to an update of the Right to Food Campaign, tribal communities are estimated to have lost 58.88 hectares of land in village Tadhar of Chicholi block of Betul district alone.

Land, Livelihoods & Food Security

At the time of our Independence Jawaharlal Nehru said, "Everything else can wait, but not agriculture". The 4th report (13th April 2006) of the National Commission on Farmers notes that govt. the "unfortunately this profound truth is yet to be converted into concrete policies and action on an adequate scale". Agricultural growth has decelerated during the last decade leading to a decline in the real per capita incomes in rural India. 65% of India's population has farming as its principal source of livelihood. Our farm population is rising annually by 1.84% and the average farm size is becoming smaller each year and the cost-risk-return structure is becoming increasingly adverse. There has been a drop in govt. investment in agriculture while private investment has also slowed down. Land use and fertilizer consumption have promoted unsustainable exploitation of groundwater and soil micronutrient deficiencies. Land holding is severely skewed with the bottom half the rural households having a total ownership of only 3.33% of the land.

The worst effected are the areas dependent on rain-fed agriculture and holding the bulk of the rural poor and hungry. In such places the livelihoods of pastoralists and small farmland owners is threatened by progressive loss of grazing lands for farmers. No wonder recent NSSO survey showed that 40% of the farmers want to quit farming. So the situation on the ground is of nearly 75% of children in the country being underweight due to inadequate nutrition. India has the largest number of under-weight and low birth weight and their prevalence is almost double that of Sub-Saharan Africa. Micronutrient deficiencies are widespread. More that 75% of preschool children suffer from iron deficiency anemia while 57% have sub-clinical vitamin deficiency while adult farmers are committing suicide while there is a rising household debt in the agricultural community.

Several significant initiatives have been taken up over the last two years including the Bharat Nirman, National Rural Employment Guarantee Act, National Horticulture Mission, National Rain-fed Area Authority, National Fisheries Board, expansion of agricultural credit at lower interest rates, etc. But they are all on paper as two years is considerable time and some momentum should have gathered in its work. At the same time this period witnessed the negotiations at the WTO on agriculture, licensing of BT seeds, commodity futures market, import of five million tons of wheat, fall in cereal production despite an overall okay rainfall regime, contract farming and liberalization in land holding size, giving away of large productive lands to industries and knowledge companies and "rehabilitation later but dam first". The only silver lining was that interstate water disputes were low because we had adequate rainfall all over India especially in peninsular India. The performance of the Agriculture Minister done by a well-known weekly magazine showed it to be lesser than his counterparts in other ministries.

Two items were included in the Common Minimum Programme announced in June 2004. One was a national rural employment guarantee, the focus of this note, and the other to develop a medium term strategy to address food and nutrition security along with strengthening the public distribution system. One may add that while NREGA came into effect only in the last three months the UPA govt. undertook in October 2004 a National Food for Work. (NFFW). The dismal performance of NFFW in terms of the work and wages it generated for the poor shows that the UPA govt. was tall on promises but very short on performance. No effort was made to learn the deficiencies of NFFW and take corrective measures in the NREGA. As regards food and nutrition security more seems to be coming from the Supreme Court rather than from the govt. Even here the recent scheme of grain banks is a repeat of what has failed and well known as being bogus.

One of the most debated CMP commitment and with potential to significantly impact and improve the lives of the rural poor is the NREGA. Let me review its performance and what must be done to make it work effectively on the ground. In Feb 2006 the NREGA was launched by the Prime Minister Dr Manmohan Singh in Ananthapur district in Andhra Pradesh and in all it has begun. It is now one hundred days old scheme that offers one hundred days of employment as a guarantee to each rural household. What is its performance? First not one state has constituted the State Employment Guarantee Council while the Central govt. has not decided to set an example by setting the national one. States are making their own NREGA guidelines and diluting some of the key provisions of the Act.

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These include the provisions related to the role of Panchayats and gram sabhas, allocation of state contribution to the NREGA financing in the state budget, making laws related to unemployment compensation being vague, procedurally cumbersome and the responsibility being vested with the lowest officials, incompatible with minimum or equal wages etc.

Let me present the NREGA as it is unfolding in Andhra Pradesh. I am doing so because that is the state I belong to and closely watching its implementation. It is also for other reasons that I choose AP because it was launched in Andhra Pradesh by the Prime Minister, claims of being a pioneer and innovator in this task, has a bureaucracy known for better deliverance of social programmes with a congress govt. and paraded as a model to other states by the minister for Rural Development Sri Raghuvansh Prasad Singh.

In Andhra Pradesh thirty-eight lakh households have registered from employment covering thirteen districts. Of this about a third are yet to receive their job cards. To obtain the job card poor households had to take a photo at their own costs. In some places they had to pay some money to the village secretary for obtaining a receipt for their job card application. But in the guidelines and the Act all these were to be done by the govt. at its cost. In a television interview with this author the Chief Minister proudly reported that 3.5 lakh households have taken to NREGA even while from his own records only ten percent of the people seeking employment cards have been provided with work. In Ananthapur itself only two villages have been taken up per Mandal for implementing the NREGA.

The Act stipulates that at least fifty percent of the “works” are to be decided by the Panchayat. But they are nowhere in the picture and the decision wrests with the bureaucrats. This can be seen from the fact that in Ananthpur district only two types of works are taken up – farm ponds and bunds on private lands. Also the govt. has given targets to various departments to come up with works and hence the whole participatory nature of choosing works in the NREGA is ignored. The forest and irrigation department has prepared a shelf of works even while they acknowledge that they cannot take up such massive schemes, as they are five to ten times higher than what they have done in the past. Thus transparency in decision-making on works is completely missing.

In AP the wage payment to the workers is paid through post offices. For this the poor have to take individual photos each costing rupees twenty, must give a deposit of twenty rupees to open the account and after all this the post office is deducting two percent of the wage received by the worker as service costs. All these are costs to be incurred by the govt. but the responsibility has been shifted to the wage seekers. Above all this the job card notes the “head of the household” who is invariably a man and thus all the wage incomes are accruing to men even while women are doing the actual work. The Act also provides for work place facilities but only drinking water was observed as being made available and that too in only some places. There is provision of village boards giving details of works sanctioned and their estimates, display details of the muster rolls, show who have been paid how much for their wage work etc but nowhere is it being practiced. One reason is that both transparency and work place facilities is the monopoly of Village Organizations which were created under a World Bank funded poverty alleviation project. These village organizations are getting substantial money for tasks that they do not undertake but show cased to impress the World Bank as a sustainable institutional model in order to seek fresh borrowings.

There are some positive things done by the AP govt. and they are worth mentioning as being of value to other states. They are good as intent of the AP govt. but seeing what is happening on the ground there is something missing in the content. Thus merely enshrining them will not help unless there is commitment to see it effectively through by addressing other bottlenecks.

The first was that AP undertook a “Time, Motion & Work” study that showed that workers were receiving less than a third of the minimum wage as out turn is paid for and this is valued against the Standard Schedule of Rates. Following the study findings the SSR has been revised for works taken up under NREGA and people are likely to get fair wage. But although the issue of minimum wages not accruing to the worker is well recognized and the central govt. has advised states to do this before implementing the Act, no state has come forward. Officials in the states I visited did not want to open the Pandora box and took umbrage saying that this would have a cascading effect on agriculture and it is already unprofitable. I am told that even the central govt. has developed cold feet on this issue.

The second good step was that AP developed an IT based APREGA. For instance the entire calculation of the costs of the “works” is by a software and gives details of how many can work and for how long and other details, it also decides on the payments for each worker when the work progress data is recorded and advises the post office of the same. This has denied the engineer who was the king pin not having any role to enhance payments or bring in contractors. But bureaucrats in states are reluctant to using software and other new tools and prefer the old approach despite acknowledging its weaknesses and being the source of corruption and information opaqueness.

The key NREGA officials at the cutting edge namely the village secretary, panchayat engineer and programme implementation officer are just not interested and openly say that have nothing to gain from NREGA works and do something only when pressurized by a top official most of whom seem reluctant to interfere in view of local powerful vested interests. They want NREGA to fail so that the govt. will go back to “business as usual” as that is of benefit to them. This task is made easy because on one side being a “right” the onus is shifted on the worker while all the decision making power is vested with the bureaucracy. There is no locus standi for anyone else and activists have to helplessly watch a good law being made to fail. It is vital for the UPA to put the NREGA a mission mode with clear outputs being demanded of officials rather than leaving it to helpless poor people to get the legislation effective on the ground.

A whole lot of stories abound leading to the workers distrusting and not coming forward especially as their past experience has been one of being cheated on the rightful wages, inordinate delays in making payments and denials in case they protested. There is no external grievance redressal mechanism and villagers have to only be at the mercy of the village secretary and lower level officials. Unless transparency is widely and proactively taken forward, workers get their wages properly and on time, facilities at workplace are created and flexible working timing is allowed to suit summer heat, the workers will continue to be distrustful of NREGA and unless they challenge the system and take on its might the NREGA will meet the fate of similar development interventions.

The Center for Environment Concerns looks at the NREGA as a valid approach to meet some of the CMP goals in terms of reducing poverty and hunger. It recognizes its potential to address multiple development objectives in the rural areas. So even before NREGA was launched, we undertook a pilot under a memorandum of understanding with the state department of rural development. I am sharing a few learning’s, space and time being the constraint.

NREGA can work effectively only when key players such as the community leaders, elected representatives and activists work together with clarity on what must be done and by whom. For this to happen the power must be shifted and officials held accountable. The officials must serve on a mission mode with the administrative mechanism designed to deliver services on time and with courtesy. The existing govt. system is just not suited to serve NREGA and must be thoroughly overhauled. In the whole task the village secretary plays a key role and this must be shifted to the panchayat who should have clear authority, responsibility and accountability to the outcomes. NGOs must assist the panchayat in making its task effective through facilitation services, resources to undertake the task effectively, make available technology including connectivity and bond closely with the workers by providing them with information and tackling the myriad problems they face in taking employment under NREGA. If such a process could be triggered even in some places it will have a multiplier with people seeing and knowing the steps for the fruition of their goals.

In short, unless the workers gain confidence there is no way they are going to participate in it even if it is a right conferred on them. Once the workers have the confidence the bottlenecks NREGA is now facing will be overcome through their challenge and collective strength. One of the outcomes of the pilot is that villagers refused to apply for work unless a third party such as the NGO gives them the assurance. The task of civil society activists in NREGA is to take responsibility to volunteer being an honest intermediary and develop worker teams who can work to seeing work that provides proper wages and on time along with developing the natural resource base so as to improve the quality of life. Once these forces move and taste NREGA they will create a new dynamic that could be harnessed to spiral a process that realizes to full potential the multiple goals conceived in the Act.

THE NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 7th September, 2005/Bhadra 16, 1927 (Saka)

The following Act of Parliament received the assent of the President on 5th September, 2005 and is hereby published for general information:-

THE NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005
No. 42 of 2005

[5th September; 2005.]

An Act to provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the National Rural Employment Guarantee Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States or for different areas in a State and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision in such State or as the case may be, in such area:

Provided that this Act shall be applicable to the whole of the territory to which it extends within a period of five years from the date of enactment of this Act.

2. In this Act, unless the context otherwise requires -

- (a) "Adult" means a person who has completed his eighteenth years of age;
- (b) "Applicant" means the head of a household or any of its other adult members who has applied for employment under the Scheme;
- (c) "Block" means a community development area within a district comprising a group of Gram Panchayats;
- (d) "Central Council" means the Central Employment Guarantee Council constituted under sub-section (1) of section 10;
- (e) "District Programme Coordinator" means an officer of the State Government designated as such under sub-section (1) of section 14 for implementation of the Scheme in a district;

- (f) "Household" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;
- (g) "Implementing agency" includes any department of the Central Government or a State Government, a Zila Parishad, Panchayat at intermediate level, Gram Panchayat or any local authority or Government undertaking or non-governmental organisation authorised by the Central Government or the State Government to undertake the implementation of any work taken up under a Scheme;
- (h) "Minimum wage", in relation to any area, means the minimum wage fixed by the State Government under section 3 of the Minimum Wages Act, 1948 for agricultural labourers as applicable in that area;
- (i) "National Fund" means the National Employment Guarantee Fund established under sub-section (1) of section 20;
- (j) "Notification" means a notification published in the Official Gazette;
- (k) "Preferred work" means any work which is taken up for implementation on a priority basis under a Scheme; ,
- (l) "Prescribed" means prescribed by rules made under this Act;
- (m) "Programme Officer" means an officer appointed under sub-section (1) of section 15 for implementing the Scheme;
- (n) "Project" means any work taken up under a Scheme for the purpose of providing employment to the applicants;
- (o) "Rural area" means any area in a State except those areas covered by any urban local body or a Cantonment Board established or constituted under any law for the time being in force;
- (p) "Scheme" means a Scheme notified by the State Government under subsection (1) of section 4;
- (q) "State Council" means the State Employment Guarantee Council constituted under sub-section (1) of section 12;
- (r) "Unskilled manual work" means any physical work which any adult person is capable of doing without any skill or special training;
- (s) "Wage rate" means the wage rate referred to in section 6.

CHAPTER II

GUARANTEE OF EMPLOYMENT IN RURAL AREAS

3. (1) Save as otherwise provided, the State Government shall, in such rural area in the State as may be notified by the Central Government, provide to every household whose adult members volunteer to do unskilled manual work not less than one hundred days of such work in a financial year in accordance with the scheme made under this Act.

(2) Every person who has done the work given to him under the Scheme shall be entitled to receive wages at the wage rate for each day of work.

(3) Save as otherwise provided in this Act, the disbursement of daily wages shall be made on a weekly basis or in any case not later than a fortnight after the date on which such work was done.

(4) The Central Government or the State Government may, within the limits of its economic capacity and development, make provisions for securing work to every adult member of a household under a Scheme for any period beyond the period guaranteed under sub-section (1), as may be expedient.

CHAPTER III

EMPLOYMENT GUARANTEE SCHEMES AND UNEMPLOYMENT ALLOWANCE

4. (1) For the purposes of giving effect to the provisions of section 3, every State Government shall, within six months from the date of commencement of this Act, by notification, make a Scheme, for providing not less than one hundred days of guaranteed employment in a financial year to every household in the rural areas covered under the Scheme and whose adult members, by application, volunteer to do unskilled manual work subject to the conditions laid down by or under this Act and in the Scheme:

Provided that until any such Scheme is notified by the State Government, the Annual Action Plan or Perspective Plan for the Sampoorna Grameen Rozgar Yojana (SGRY) or the National Food for Work Programme (NFFWP) whichever is in force in the concerned area immediately before such notification shall be deemed to be the action plan for the Scheme for the purposes of this Act.

(2) The State Government shall publish a summary of the Scheme made by it in at least two local newspapers, one of which shall be in a vernacular language circulating in the area or areas to which such Scheme shall apply.

(3) The Scheme made under sub-section (1) shall provide for the minimum features specified in Schedule I.

5. (1) The State Government may, without prejudice to the conditions specified in Schedule II, specify in the Scheme the conditions for providing guaranteed employment under this Act.

(2) The persons employed under any Scheme made under this Act shall be entitled to such facilities not less than the minimum facilities specified in Schedule II.

6. (1) Notwithstanding anything contained in the Minimum Wages Act, 1948, the Central Government may, by notification, specify the wage rate for the purposes of this Act:

Provided that different rates of wages may be specified for different areas:

Provided further that the wage rate specified from time to time under any such notification shall not be at a rate less than sixty rupees per day.

(2) Until such time as a wage rate is fixed by the Central Government in respect of any area in a State, the minimum wage fixed by the State Government under section 3 of the Minimum Wages Act, 1948 for agricultural labourers, shall be considered as the wage rate applicable to that area.

7. (1) If an applicant for employment under the Scheme is not provided such employment within fifteen days of receipt of his 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 in accordance with this section.

(2) Subject to such terms and conditions of eligibility as may be prescribed by the State Government and subject to the provisions of this Act and the Schemes and the economic capacity of the State Government, the unemployment allowance payable under sub-section (1) shall be paid to the applicants of a household subject to the entitlement of the household at such rate as may be specified by the State Government, by notification, in consultation with the State Council:

Provided that no such rate shall be less than one-fourth of the wage rate for the first thirty days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year.

(3) The liability of the State Government to pay unemployment allowance to a household during any financial year shall cease as soon as-

(a) the applicant is directed by the Gram Panchayat or the Programme Officer to report for work either by himself or depute at least one adult member of his household; or

- (b) the period for which employment is sought comes to an end and no member of the household of the applicant had turned up for employment; or
- (c) the adult members of the household of the applicant have received in total at least one hundred days of work within the financial year; or
- (d) the household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for one hundred days of work during the financial year.

(4) The unemployment allowance payable to, the household of an applicant jointly shall be sanctioned and disbursed by the Programme Officer or such local authority (including the Panchayats at the district, intermediate or village level) as the State Government may, by notification, authorise in this behalf.

(5) Every payment of unemployment allowance under sub-section (1) shall be made or offered not later than fifteen days from the date on which it became due for payment.

(6) The State Government may prescribe the procedure for payment of unemployment allowance under this Act.

8. (1) If the Programme Officer is not in a position to disburse the unemployment allowance in time or at all for any reason beyond his control, he shall report the matter to of the District Programme Coordinator and announce such reasons in a notice to be displayed on his notice board and the notice board of the Gram Panchayat and such other conspicuous places as he may deem necessary.

(2) Every case of non-payment or delayed payment of unemployment allowance shall be reported in the annual report submitted by the District Programme Coordinator to the State Government along with the reasons for such non-payment or delayed payment.

(3) The State Government shall take all measures to make the payment of unemployment allowance reported under sub-section (1) to the concerned household as expeditiously as possible.

9. An applicant who -

(a) does not accept the employment provided to his household under a Scheme;

or

(b) does not report for work within fifteen days of being notified by the Programme Officer or the implementing agency to report for the work; or

(c) continuously remains absent from work, without obtaining a permission from the concerned implementing agency for a period of more than one week or remains absent for a total period of more than one week in any month, shall not be eligible to claim the unemployment allowance payable under this Act for a period of three months but shall be eligible to seek employment under the Scheme at any time.

CHAPTER-IV

IMPLEMENTING AND MONITORING AUTHORITIES

10. (1) With effect from such date as the Central Government may, by notification specify, there shall be constituted a Council to be called the Central Employment Guarantee Council to discharge the functions, and perform the duties, assigned to it by or under this Act.

(2) The headquarters of the Central Council shall be at Delhi.

(3) The Central Council shall consist of the following members to be appointed by the Central Government, namely:-

(a) a Chairperson;

(b) not more than such number of representatives of the Central Ministries including the Planning Commission not below the rank of Joint Secretary to the Government of India as may be determined by the Central Government;

- (c) not more than such number of representatives of the State Governments as may be determined by the Central Government;
- (d) not more than fifteen non-official members representing Panchayati Raj Institutions, organisations of workers and disadvantaged groups:
 Provided that such non-official members shall include two chairpersons of District Panchayats nominated by the Central Government by rotation for a period of one year at a time:
 Provided further that not less than one-third of the non-official members nominated under this clause shall be women:
 Provided also that not less than one-third of the non-official members shall be belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Minorities;
- (e) such number of representatives of the States as the Central Government may, by rules, determine in this behalf;
- (f) a Member-Secretary not below the rank of Joint Secretary to the Government of India.

(4) The terms and conditions subject to which the Chairperson and other members of the Central Council may be appointed and the time, place and procedure of the meetings (including the quorum at such meetings) of the Central Council shall be such as may be prescribed by the Central Government.

11.(1) The Central Council shall perform and discharge the following functions and duties, namely:-

- (a) establish a central evaluation and monitoring system;
- (b) advise the Central Government on all matters concerning the implementation of this Act;
- (c) review the monitoring and redressal mechanism from time to time and recommend improvements required;
- (d) promote the widest possible dissemination of information about the Schemes made under this Act;
- (e) monitoring the implementation of this Act;
- (f) preparation of annual reports to be laid before Parliament by the Central Government on the implementation of this Act;
- (g) any other duty or function as may be assigned to it by the Central Government.

(2) The Central Council shall have the power to undertake evaluation of the various Schemes made under this Act and for that purpose collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes.

12. (1) For the purposes of regular monitoring and reviewing the implementation of this Act at the State level, every State Government shall constitute a State Council to be known as the (name of the State) State Employment Guarantee Council with a Chairperson and such number of official members as may be determined by the State Government and not more than fifteen non-official members nominated by the State Government from Panchayati Raj institutions, organisations of workers and disadvantaged groups:

Provided that not less than one-third of the non-official members nominated under this clause shall be women:

Provided further that not less than one third of the non-official members shall be belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and Minorities.

(2) The terms and conditions subject to which the Chairperson and members of the State Council may be appointed and the time, place and procedure of the meetings (including the quorum at such meetings) of the State Council shall be such as may be prescribed by the State Government.

- (3) The 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 this Act and the Schemes under it;
 - (e) monitoring the implementation of this Act and the Schemes in the State and coordinating such implementation with the Central 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 Central Council or the State Government.

(4) 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.

13. (1) The Panchayats at district, intermediate and village levels shall be the principal authorities for planning and implementation of the Schemes made under this Act.

(2) The functions of the Panchayats at the district level shall be -

- (a) to finalise and approve block wise shelf of projects to be taken up under a programme under the Scheme;
- (b) to supervise and monitor the projects taken up at the Block level and district level; and
- (c) to carry out such other functions as may be assigned to it by the State Council, from time to time.

(3) The functions of the Panchayat at intermediate level shall be-

- (a) to approve the Block level Plan for forwarding it to the district Panchayat at the district level for final approval;
- (b) to supervise and monitor the projects taken up at the Gram Panchayat and Block level; and
- (c) to carry out such other functions as may be assigned to it by the State Council, from time to time.

(4) The District Programme Coordinator shall assist the Panchayat at the district level in discharging its functions under this Act and any Scheme made thereunder.

14. (1) The Chief Executive Officer of the District Panchayat or the Collector of the district or any other district level officer of appropriate rank as the State Government may decide shall be designated as the District Programme Coordinator for the implementation of the Scheme in the district.

(2) The District Programme Coordinator shall be responsible for the implementation of the Scheme in the district in accordance with the provisions of this Act and the rules made thereunder.

(3) The functions of the District Programme Coordinator shall be-

- (a) to assist the district panchayat in discharging its functions under this Act and any scheme made thereunder;
- (b) to consolidate the plans prepared by the Blocks and project proposals received from other implementing agencies for inclusion in the shelf of projects to be approved by the Panchayat at district level;

- (c) to accord necessary sanction and administrative clearance wherever necessary;
- (d) to coordinate with the Programme Officers functioning within his jurisdiction and the implementing agencies to ensure that the applicants are provided employment as per their entitlements under this Act;
- (e) to review, monitor and supervise the performance of the Programme Officers;
- (f) to conduct periodic inspection of the works in progress; and
- (g) to redress the grievances of the applicants.

(4) The State Government shall delegate such administrative and financial powers to the District Programme Coordinator as may be required to enable him to carry out his functions under this Act.

(5) The Programme Officer appointed under sub-section (1) of section 15 and all other officers of the State Government and local authorities and bodies functioning within the district shall be responsible to assist the District Programme Coordinator in carrying out his functions under this Act and the Schemes made thereunder.

(6) The District Programme Coordinator shall prepare in the month of December every year a labour budget for the next financial year containing the details of anticipated demand for unskilled manual work in the district and the plan for engagement of labourers in the works covered under the Scheme and submit it to the district panchayat.

15. (1) At every Panchayat at intermediate level, the State Government shall appoint a person who is not below the rank of Block Development Officer with such qualifications and experience as may be determined by the State Government as Programme Officer at the Panchayat at intermediate level.

(2) The Programme Officer shall assist the Panchayat at intermediate level in discharging its functions under this Act and any Scheme made thereunder.

(3) The Programme Officer shall be responsible for matching the demand for employment with the employment opportunities arising from projects in the area under his jurisdiction.

(4) The Programme Officer shall prepare a plan for the Block under his jurisdiction by consolidating the project proposals prepared by the Gram Panchayats and the proposals received from intermediate panchayats.

- (5) The functions of the Programme Officer shall include-
 - (a) monitoring of projects taken up by the Gram Panchayats and other implementing agencies within the Block;
 - (b) sanctioning and ensuring payment of-unemployment allowance to the eligible households;
 - (c) ensuring prompt and fair payment of wages to all labourers employed under a programme of the Scheme within the Block;
 - (d) ensuring that regular social audits of all works within the jurisdiction of the Gram Panchayat are carried out by the Gram Sabha and that prompt action is taken on the objections raised in the social audit;
 - (e) dealing promptly with all complaints that may arise in connection with the implementation of the Scheme within the Block; and
 - (f) any other work as may be assigned to him by the District Programme Coordinator or the State Government.

(6) The Programme Officers shall function under the direction, control and superintendence of the District Programme Coordinator.

(7) The State Government may, by order, direct that all or any of the functions of a Programme Officer shall be discharged by the Gram Panchayat or a local authority.

16. (1) The Gram Panchayat shall be responsible for identification of the projects in the Gram Panchayat area to be taken up under a Scheme as per the recommendations of the Gram Sabha and the Ward Sabhas and for executing and supervising such works.

(2) A Gram Panchayat may take up any project under a Scheme within the area of the Gram Panchayat as may be sanctioned by the Programme Officer.

(3) Every Gram Panchayat shall, after considering the recommendations of the Gram Sabha and the Ward Sabhas, prepare a development plan and maintain a shelf of possible works to be taken up under the Scheme as and when demand for work arises.

(4) The Gram Panchayat shall forward its proposals for the development projects including the order of priority between different works to the Programme Officer for scrutiny and preliminary approval prior to the commencement of the year in which it is proposed to be executed.

(5) The Programme Officer shall allot at least fifty per cent of the works in terms of its cost under a Scheme to be implemented through the Gram Panchayats.

(6) The Programme Officer shall supply each Gram Panchayat with-

(a) the muster rolls for the works sanctioned to be executed by it; and

(b) a list of employment opportunities available elsewhere to the residents of the Gram Panchayats

(7) The Gram Panchayat shall allocate employment opportunities among the applicants and ask them to report for work.

(8) The works taken up by a Gram Panchayat under a Scheme shall meet the required technical standards and measurements.

17. (1) The Gram Sabha shall monitor the execution of works within the Gram Panchayat.

(2) The Gram Sabha shall conduct regular social audits of all the projects under the Scheme taken up within the Gram Panchayat.

(3) The Gram Panchayat shall make available all relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders and other connected books of account and papers to the Gram Sabha for the purpose of conducting the social audit.

18. The State Government shall make available to the District Programme Coordinator and the Programme Officers necessary staff and technical support as may be necessary for the effective implementation of the Scheme.

19. The State Government shall, by rules, determine appropriate grievance redressal mechanisms at the Block level and the district level for dealing with any complaint by any person in respect of implementation of the Scheme and lay down the procedure for disposal of such complaints.

CHAPTER V

ESTABLISHMENT OF NATIONAL AND STATE EMPLOYMENT GUARANTEE FUNDS AND AUDIT

20. (1) The Central Government shall, by notification, establish a fund to be called National Employment Guarantee Fund for the purposes of this Act.

(2) The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants or loans such sums of money as the Central Government may consider necessary to the National Fund.

(3) The amount standing to the credit of the National Fund shall be utilised in such manner and subject to such conditions and limitations as may be prescribed by the Central Government.

21. (1) The State Government may, by notification, establish a fund to be called the State Employment Guarantee Fund for the purposes of implementation of the Scheme.

(2) The amount standing to the credit of the State Fund shall be expended in such manner and subject to such conditions and limitations as may be prescribed by the State Government for the purposes of implementation of this Act and the Schemes made thereunder and for meeting the administrative expenses in connection with the implementation of this Act.

(3) The State Fund shall be held and administered on behalf of the State Government in such manner and by such authority as may be prescribed by the State Government.

22. (1) Subject to the rules as may be made by the Central Government in this behalf, the Central Government shall meet the cost of the following, namely:-

- (a) the amount required for payment of wages for unskilled manual work under the Scheme;
- (b) up to three-fourths of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule II;
- (c) such percentage of the total cost of the Scheme as may be determined by the Central Government towards the administrative expenses, which may include the salary and allowances of the Programme Officers and his supporting staff, the administrative expenses of the Central Council, facilities to be provided under Schedule-II and such other item as may be decided by the Central Government.

(2) The State Government shall meet the cost of the following, namely:-

- (a) the cost of unemployment allowance payable under the Scheme;
- (b) one-fourth of the material cost of the Scheme including payment of wages to skilled and semi-skilled workers subject to the provisions of Schedule-II;
- (c) the administrative expenses of the State Council.

23. (1) The District Programme Coordinator and all implementing agencies in the District shall be responsible for the proper utilisation and management of the funds placed at their disposal for the purpose of implementing of Scheme.

(2) The State Government may prescribe the manner of maintaining proper books and accounts of employment of labourers and the expenditure incurred in connection with the implementation of the provisions of this Act and the Schemes made thereunder.

(3) The State Government may, by rules, determine the arrangements to be made for the proper execution of Schemes and programmes under the Schemes and to ensure transparency and accountability at all levels in the implementation of the Schemes.

(4) All payments of wages in cash and unemployment allowances shall be made directly to the person concerned and in the presence of independent persons of the community on pre-announced dates.

(5) If any dispute or complaint arises concerning the implementation of a Scheme by the Gram Panchayat, the matter shall be referred to the Programme Officer.

(6) The Programme Officer shall enter every complaint in a complaint register maintained by him and shall dispose of the disputes and complaints within seven days of its receipt and in case it relates to a matter to be resolved by any other authority it shall be forwarded to such authority under intimation to the complainant.

24. (1) The Central Government may, in consultation with the Comptroller and Auditor General of India, prescribe appropriate arrangements for audits of the accounts of the Schemes at all levels.

(2) The accounts of the Scheme shall be maintained in such form and in such manner as may be prescribed by the State Government.

CHAPTER VI
MISCELLANEOUS

25. Whoever contravenes the provisions of this Act shall on conviction be liable to a fine which may extend to one thousand rupees.

26. (1) The Central Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules) may, in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or such officer subordinate to the Central Government or the State Government as it may specify in such notification.

(2) The State Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules and Schemes) may, in such circumstances and subject to such conditions and limitations, be exercisable also, by such officer subordinate to it as it may specify in such notification.

27. (1) The Central Government may give such directions as it may consider necessary to the State Government for the effective implementation of the provisions of this Act.

(2) Without prejudice to the provisions of sub-section (1), the Central Government may, on receipt of any complaint regarding the issue or improper utilisation of funds granted under this Act in respect of any Scheme if prima facie satisfied that there is a case, cause an investigation into the complaint made by any agency designated by it and if necessary, order stoppage of release of funds to the Scheme and institute appropriate remedial measures for its proper implementation within a reasonable period of time.

28. The provisions of this Act or the Schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law:

Provided that where a State enactment exists or is enacted to provide employment guarantee for unskilled manual work to rural households consistent with the provisions of this Act under which the entitlement of the households is not less than and the conditions of employment are not inferior to what is guaranteed under this Act, the State Government shall have the option of implementing its own enactment:

Provided further that in such cases the financial assistance shall be paid to the concerned State Government in such manner as shall be determined by the Central Government, which shall not exceed what the State would have been entitled to receive under this Act had a Scheme made under this Act had to be implemented.

29. (1) If the Central Government is satisfied that it is necessary to expedient so to do, it may, by notification, amend Schedule I or Schedule II and thereupon Schedule I or Schedule II, as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

30. No suit, prosecution or other legal proceedings shall lie against the District

Programme Coordinator, Programme Officer or any other person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code in respect of anything which is in good faith done or intended to be done under this Act or the rules or Schemes made thereunder.

31. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(2) In particular, and without the prejudice of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the number of representatives of the State Governments under clause (e) of sub-section (3) of section 10;

- (b) the terms and conditions subject to which the Chairman and other members of the Central Council may be appointed, and the time, place and procedure of the meetings (including the quorum at such meetings) of the Central Council, under sub-section (4) of section 10;
- (c) the manner in which and the conditions and limitations subject to which the National Fund shall be utilised under sub-section (3) of section 20;
- (d) the rules relating to funding pattern to meet the cost of certain items under sub-section (1) of section 22;
- (e) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

32. (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the terms and conditions upon which eligibility for unemployment allowance may be determined under sub-section (2) of section 7;
- (b) the procedure for payment of unemployment allowance under sub-section (6) of section 7;
- (c) the terms and conditions subject to which the Chairperson and members of the State Council may be appointed, and the time, place and procedure of the meetings (including the quorum at such meetings) of their appointment to the State Council, under sub-section (2) of section 12;
- (d) the grievance redressal mechanism at the Block level and the District level and the procedure to be followed in such matter under section 19;
- (e) the manner in which and the conditions and limitations subject to which the State Fund shall be utilised under sub-section (2) of section 21;
- (f) the authority who may administer and the manner in which he may hold the State Fund under sub-section (3) of section 21;
- (g) the manner of maintaining books of account of employment of labourers and the expenditure under sub-section (2) of section 23;
- (h) the arrangements required for proper execution of Schemes under subsection (3) of section 23;
- (i) the form and manner in which the accounts of the Scheme shall be maintained under sub-section (2) of section 24;
- (j) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

33. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised 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, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall have thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule or Scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

SCHEDULE I

[See section 4(3)]

MINIMUM FEATURES OF A RURAL EMPLOYMENT GUARANTEE SCHEME

1. The focus of the Scheme shall be on the following works in their order of priority:-
 - (i) water conservating and water harvesting;
 - (ii) drought proofing (including afforestation and tree plantation);
 - (iii) irrigation canals including micro and minor irrigation works;
 - (iv) provision of irrigation facility to land owned by households belonging to the Scheduled Castes and Scheduled Tribes or to land of beneficiaries of land reforms or that of the beneficiaries under the Indira Awas Yojana of the Government of India;
 - (v) renovation of traditional water bodies including desilting of tanks;
 - (vi) land development;
 - (vii) flood control and protection works including drainage in water logged areas;
 - (viii) rural connectivity to provide all-weather access; and
 - (ix) any other work which may be notified by the Central Government in consultation with the State Government.
2. Creation of durable assets and strengthening the livelihood resource base of the rural poor shall be an important objective of the Scheme.
3. The works taken up under the scheme shall be in rural areas.
4. The State Council shall prepare a list of preferred works for different areas based on their ability to create durable assets.
5. The Scheme shall be subject to appropriate arrangements as may be laid down by the State Government under the rules issued by it for proper maintenance of the public assets created under the Scheme.
6. Under no circumstances shall the labourers be paid less than the wage rate.
7. When wages are directly linked with the quantity of work, the wages 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. The schedule of rates of wages for unskilled labourers shall be so fixed that a person working for seven hours would normally earn a wage equal to the wage rate.
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.
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.
13. Every Scheme shall contain adequate provisions for ensuring transparency and accountability at all level of implementation.
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 implementing 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 and on payment of such fee as may be specified in the Scheme.
16. All accounts and records relating to the Scheme shall be made available for public scrutiny and any person desirous of obtaining a copy or relevant extracts therefrom may be provided such copies or extracts on demand and after paying such fee as may be specified in the Scheme.
17. A copy of the muster rolls of each Scheme or project under a Scheme shall be made available in the offices 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.

SCHEDULE II

(See section 5)

CONDITIONS FOR GUARANTEED RURAL EMPLOYMENT UNDER A SCHEME AND MINIMUM

ENTITLEMENTS OF LABOURS

1. The adult members of every household who-
 - (i) reside in any rural areas; and
 - (ii) 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.
2. 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 such details of adult members of the household affixing their photographs, as may be specified by the State Government in the Scheme.
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.
7. Applications for work must be for at least fourteen days of continuous work.

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 the district, intermediate or village level.
12. As far as possible, employment shall be provided within a radius of five kilometers of the village where the applicant resides at the time of applying.
13. A new work under the Scheme shall be commenced only if-
 - (a) at least fifty labourers become available for such work; and
 - (b) the labourers cannot be absorbed in the ongoing works:

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. .
14. In cases the employment is provided outside such radius, 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.
15. A period of employment shall ordinarily be at least fourteen days continuously 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.
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 allowance is involved.
18. Provision shall be made in the Scheme for advance applications, that is, applications 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 passbooks 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 places 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 hospitalisation of the injured worker is necessary, the State Government shall arrange for such hospitalisation 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 disabled, 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 of 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).

31. The wages under a Scheme may be paid either wholly in cash or in cash and kind provided that at least one-fourth of the wages shall be paid in cash only.

32. The State Government may prescribe that a portion of the wages in cash may be paid to the labourers on a daily basis during the period of employment.

33. If any personal injury is caused by accident to a child accompanying any 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 the 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.

B.A.AGRAWAL,
Addl. Secretary to the Govt. of India.

The National Rural Employment Act, 2005 has been enacted by Parliament during September 2005 and the Orissa Rural Employment Guarantee Scheme formulated as per Section-4 of that Act will be notified / launched in the state with effect from 2.2.2006.

Source : Panchayati Raj Department, Government of Orissa.

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एनआरईजीए : काम का वादा

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- प्रत्येक ग्रामीण परिवार के लिए 100 दिन का रोजगार
- वयस्क मजदूरों का पंजीकरण ग्राम पंचायत/ब्लॉक प्रोग्राम अधिकारी द्वारा
- प्रत्येक पंजीकृत वयस्क के लिए ‘जॉब कार्ड’ का प्रावधान
- काम का आवंटन ग्राम पंचायत/ब्लॉक प्रोग्राम अधिकारी के पास आवेदन करने के दिन से 15 दिनों के अंदर
- काम की अधिसूचना पत्र द्वारा और ग्राम पंचायत/ब्लॉक प्रोग्राम अधिकारी के सूचना पटल पर
- राज्य के कृषि मजदूरों पर लागू अधिनियमित न्यूनतम मजदूरी का भुगतान
- बेरोजगारी भत्ते का भुगतान यदि काम आवेदन देने के 15 दिनों के अंदर नहीं दिया जाता है
- एनआरईजीए कार्यों द्वारा गरीबों के लिए स्थाई परिसम्पत्तियां और आजीविका संसाधन आधारों का निर्माण
- ठेकेदारों द्वारा काम करवाया जाना बाधित

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