

## **National Rural Employment Gurantee Act (NREGA)**

The Parliament enacted an Act No. 42 of 2005 called the National Rural Employment Guarantee Act. The Act provides a guarantee for rural employment to house holds whose adult members volunteer to do un-skilled manual work not less than 100 days of such work in a financial year in accordance with the scheme made under the Act

The scheme:-

Has been launched on February 2nd 2006 in 200 districts of the Country. In J&K State it has been introduced in the Districts of Kupwara, Poonch and Doda in the first instance.

Is being extended to all other districts within 5 years in a phased manner.

Is expected to enhance people's livelihood on sustained basis by developing economic and social infrastructure in rural areas.

Is a direct attack on the causes of chronic poverty such as drought, deforestation and soil erosion.

The scheme is different from the earlier wage employment programmes in different ways:-

It provides legal guarantee of 100 days work to every rural house hold whose adult member volunteer to do un-skilled manual work.

If an applicant is not provided employment within 15 days he / she shall be entitled to un-employment allowance.

Rural Employment Guarantee Scheme is demand-driven instead of being supply-driven . The focus of the scheme shall be on:-

Water conservation and water harvesting.

Drought proofing including afforestation and tree plantation.

Irrigation canals including micro and minor irrigation works,

Provision of irrigation facilities to land owned by house holds belonging to SC/ST or to land of beneficiaries of land reforms or that of the beneficiaries under IAY.

Conditions for Guaranteed Rural Employment under the scheme :-

1. Registration to be made at the level of Gram Panchayat for issuance of job cards.
2. Duty of the Gram Panchayat to issue the job card after making such an enquiry as it may deem fit.
3. The registration for not less than 5 years and to be renewed from time to time.
4. Every job card holder entitled to apply for unskilled manual work under the scheme.

5. All registered persons belonging to a house hold entitled to employment in accordance with the scheme for as many days as each applicant may request, subject to a maximum of 100 days per house hold in a given financial year.

6. Such job to be provided within a period of 15 days of the receipt of an application or from the date he/she seeks work in case of advance application which ever is later.

#### Main features of Rural Employment Guarantee Scheme.

1. The focus of the scheme shall be on the following works in their order of priority:-

i) Water conservation 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 house holds belonging to the scheduled Castes/Schedule Tribes or to land of beneficiaries of land reforms or that of the beneficiaries under the IAH of Govt.l 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 o f the rural poor shall be an important object 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, notified by the State Government.
7. When wages are directly linked with the quantity of work, the wages shall be paid according to the scheme of rates fixed by the state government for different types of work in 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 7 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 40% 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 levels 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 copy or relevant extracts therefrom may be provided such copies of 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 office of the Gram Panchayat and Programme Officer for inspection by

any person interested after paying such fee as may be specified in the scheme.

## CONDITIONS FOR GUARANTEED RURAL EMPLOYMENT UNDER A SCHEME AND MINIMUM ENTITLEMENTS OF LABOURERS

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 hospitalization of the injured worker is necessary, the State Government shall arrange for such hospitalization 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 exgratia 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.