

ABSTRACT

National Rural Employment Guarantee Act 2005- Steps to operationalize the Act in Tamil Nadu- Orders- Issued.

RURAL DEVELOPMENT(CGS-1)DEPARTMENT

G.O.(Ms) No. 9

Dated : 01.02.2006

Read:

1. NREG Act 2005 published in the Gazette of Government of India in No. 48 Dated.7.9.2005.
2. JS to GOI, Ministry of Rural Development , New Delhi
D.O.No.V24011/5/2005/SGRY(M)/Pt.,dt.12.12.2005.
3. DRD Lr. No. 113667/2005/SGRY IV. Dated. 15.12.2005.

ORDER

The Government of India have passed the National Rural Employment Guarantee Act, 2005 on September 2005. This Act provides enhancement of livelihood security of the households of the rural areas providing at least 100 days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work. The main objective of the Act is strengthening the Livelihood Resource Base and creation of durable assets in rural areas. A separate Scheme under this Act will be notified by the State Government soon on the Notification of the Act by the Government of India. Guidelines and Rules under the Act shall also be issued separately.

Thus pending notification of the scheme by the State Government, the Government of Tamil Nadu propose to implement the Act immediately on notification of the Act by the Government of India adopting the following procedures.

I. THE PROGRAMME SHALL BE IMPLEMENTED IN THE FOLLOWING

DISTRICTS (vide GOI reference second read above)

1. Nagapattinam
2. Cuddalore
3. Villupuram
4. Tiruvannamalai
5. Dindigul
6. Sivagangai

The scheme will be implemented in all the Village Panchayats and Special Village Panchayats in the above districts. The scheme will be extended to other areas / districts as and when the same are notified by Government of India. Until the State scheme is notified by the State Government, the annual action plan or perspective plan for SGRY or NFFWP, whichever is in force in the concerned area immediately before such notification shall be deemed to be the action plan for the purpose of this Act.

At least 50% of the works in terms of its cost shall be allocated to Village Panchayats. The Village Panchayats may execute the works or may handover the works for execution to the Line Departments/ Self Help Groups, if necessary.

II. FUNDING PATTERN

Cost of wages, three fourth of material cost , administrative cost , and establishment charges of Block Programme Officer with supporting staff will be borne by the GOI.

The State Government shall meet the cost of unemployment allowance payable under the scheme, one fourth of the cost of the material component of the scheme including payment of wages to skilled and semi skilled workers subject to the provision of schedule of rural rates (if adopted) and the administrative expenses of the State Council from the State Employment Guarantee Fund.

III. FOCUS OF THE SCHEME

The focus of the scheme shall be on the following works in their order of priority

water conservation and water harvesting;

drought proofing (including afforestation and tree plantation);

irrigation canals including micro and minor irrigation works;

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;

renovation of traditional water bodies including desilting of tanks;

land development;

flood control and protection works including drainage in water logged areas;

rural connectivity to provide all weather access, and

any other work which may be notified by the Government of India.

IV) IMPLEMENTING AUTHORITIES

1. THE STATE EMPLOYMENT GUARANTEE COUNCIL

A State Employment Guarantee Council will be constituted for the purpose of monitoring and reviewing the implementation of the scheme at State level. The Council will consist of one Chairperson, official and non official members as determined by the Government as per the provision of the Act.

The terms and conditions subject to which the Chairperson and members of the State council shall 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 Government.

1.2 THE FUNCTIONS OF THE STATE EMPLOYMENT GUARANTEE COUNCIL

1. Advising the State Government on all matters concerning the scheme and its implementation in the State.
2. Determining the preferred works
3. Reviewing the monitoring and redressal mechanisms from time to time and recommending improvements.
4. Promoting the widest possible dissemination of information about this Act and the Schemes under it.
5. Monitoring the implementation of this Act and the Schemes in the State and coordinating such implementation with the Central council.
6. Preparing the annual report to be laid before the State Legislature by the State Government.

Orders constituting the State Employment Guarantee Council will be issued separately.

1.3 STATE PROGRAMME COORDINATOR

The Director of Rural Development will be the State Programme Coordinator, who will coordinate the functions of the District Programme Coordinators / District Collectors, and monitor the implementation of the scheme. The Director of Rural Development / State Programme Coordinator will be assisted by the Additional Director of Rural Development (General) as Joint State Programme Coordinator in the implementation of the scheme. DRD will be the

Convenor for the Tamil Nadu State Employment Guarantee Council and for operating the funds of State Employment Guarantee Fund to be established under the Act.

1.4 STATE EMPLOYMENT GUARANTEE FUND

A State Employment Guarantee Fund shall be established for the purpose of the implementation of the Rural Employment Scheme called The Tamil Nadu Employment Guarantee Fund. The State Fund shall be held and administered on behalf of the State Government by the Director of Rural Development.

2. DISTRICT PROGRAMME COORDINATOR

The District Collectors of the notified districts will be designated as the District Programme Coordinators and the Project Officers of DRDA will be the Joint District Programme Coordinators for the purpose of implementation of the Scheme.

THE FUNCTIONS OF DISTRICT PROGRAMME COORDINATOR

To co-ordinate with the Block Programme Officers functioning within his jurisdiction and other implementing agencies.

To consolidate the plans prepared by the Blocks, the proposals received from other implementing Agencies and line Departments so as to prepare a District Plan.

To finalize the shelf of Projects comprising prioritized works, administrative sanction, approve estimates and fund release order to the Village Panchayat/ Special Village Panchayat.

To ensure the conduct of Grama sabha and social audit

To review, monitor and supervise the performance of the Block Programme Officer.

Inspection of the works.

To liaise with the State Programme Coordinator and send periodic reports to the State Government.

To deal with all complaints and grievances.

3. BLOCK PROGRAMME OFFICER

The Block Development Officer (Village Panchayat), will be temporarily appointed as the Block Programme Officer for the purpose of the implementation of the scheme pending appointment of a regular Block Programme Officer.

THE FUNCTIONS OF THE BLOCK PROGRAMME OFFICER

Prepare the plan for block panchayat and consolidate the proposals received from the Village Panchayats and send the same to the DPC.

Be responsible for matching the demand for employment with the employment opportunities.

Monitor the projects taken up by the Village Panchayats and other agencies.

Ensure prompt and fair payment of wages to labourers.

Sanction and ensure the payment of unemployment allowances

Deal with all complaints and grievances.

To ensure the conduct of Grama sabhas and social audit.

Grievance redressal.

To undertake any other connected work assigned by the DPC.

4. IMPLEMENTING AUTHORITY AT VILLAGE PANCHAYAT LEVEL- VILLAGE PANCHAYAT PRESIDENT

The President of the respective Village Panchayat will be the Implementing Authority for the scheme. He/She will be provided necessary assistance from the supporting staff of the Block Programme Officer for the smooth implementation of the scheme in the villages.

5. IMPLEMENTING AUTHORITY AT SPECIAL VILLAGE PANCHAYAT LEVEL- EXECUTIVE OFFICER

The E.O of SVP shall be implementing authority at the SVP and shall report to the Block Programme Officer.

6. THE FUNCTIONS OF THE VILLAGE PANCHAYAT/SPECIAL VILLAGE PANCHAYAT

1. Preparation and approval of Annual Action Plan.
2. Preparation of prioritized list of works with likely cost /estimate.
3. Preparation of shelf of Projects and placing it in the Grama Sabha/Ward Sabha
4. Matching of opportunities with those who demand labour.

5. Receipt of applications for registration.
6. Identification and verification of Applications.
7. Registration of job seekers.
8. Issue of Job Cards.
9. Intimation to applicants.
10. Sanction and ensure the payment of unemployment allowances.
11. Publication of list of works, calendar of programmers and list of job seekers etc.,
12. Conduct of Grama Sabhas and ensure the social audit
13. Supervision and monitoring.
14. Disbursement of wages/ payment of unemployment allowances compensation etc.,
15. Maintenance of Records/ Muster rolls/ Household job cards/individual employment details etc.,

V. PAYMENT OF WAGES

- i) The wages under TNREGS shall be paid at the rate of Agricultural minimum wages as notified by the Government from time to time.
- ii) Equal wages shall be paid under the programme to both men and women workers. 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
- iii) In case the number of children below the age of six years accompanying the women working at any site is five or more, provisions shall be made to depute one of such women workers to look after such children. The person deputed for the above work shall be paid the Agricultural Minimum wage rate.
- iv) In case the employment is provided out side radius of 5 K.M. from the residence of the applicant, the labourer shall be paid 10% of the wage rate additionally to meet out transportation and living expenses. The wages shall be subject to the out-turn of work as determined by the schedule of rural rates. A portion of daily wages shall be paid daily as specified by the Government. The wages shall be disbursed at Work site / Panchayat Office on weekly basis.

VI. PAYMENT OF UNEMPLOYMENT ALLOWANCE

- i) If an applicant for employment under the Scheme is not provided with employment within 15 days of the receipt of the application or from the date on which the employment has been sought in the case of an advance application, whichever is later, he/she shall be entitled for unemployment allowance. The unemployment allowance payable shall be paid to the applicants of a household subject to the entitlement of the household @ 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.
- ii) **The liability of the Panchayat to pay unemployment allowance to a household during any financial year shall cease as soon as**
 - a) The applicant is directed by the village Panchayat or the Block 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.

e) The unemployment allowance payable to, the household of an applicant shall be sanctioned and disbursed by the Panchayat and paid in cash/credit order issued to the bank/post office. Every payment of unemployment allowance shall be made or offered not later than fifteen days from the date on which it became due for payment.

VII COMPENSATION

i) 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).

ii) 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

iii) 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.

iv) 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 State Government an exgratia payment at the rate of Rupees Twenty-five thousand, and the amount shall be paid to the legal heirs of the deceased or the disabled, as the case may be.

VIII SCHEDULE OF RURAL RATES:

A schedule of rural rates shall be issued separately, if deemed necessary.

IX SHELF OF PROJECTS

The District Programme Coordinator shall give administrative sanction in advance for the shelf of projects (with detailed estimates) prepared by village/special village panchayats, line departments, etc. These projects should have been placed in the Grama Sabha/Ward Sabha and approved by the Village/Special Village Panchayats. The consolidated village plans shall be approved by the Block Panchayat forwarded to the District Panchayat for final approval. The consolidated block plans shall then be sent to the District Programme Coordinator for Administrative Sanction.

The Block and District Panchayats can propose intervillage and interblock works respectively.

X FUNDS FOR STARTUP ACTIVITIES

The resources available under the ongoing schemes such as SGRY and NFFWP shall be initially utilized for the implementation of the scheme until funds are received from Government of India. 1% of the allocation may be used to meet out the expenses towards preliminary activities such as training programme and IEC activities before notification of the Act. Director of Rural Development shall send the draft scheme, rules, guidelines and other proposals for the implementation of the Act immediately.

(By order of the Governor)

SANTHA SHEELA NAIR

Secretary to Government

To

1. The DRD, Chennai-15.
2. The DSVP, Chennai-108.
3. Collectors of Cuddalore, Dindigul, Nagapattinam, Sivagangai, Tiruvannamalai and Villupuram
4. P.Os, DRDA of Cuddalore, Dindigul, Nagapattinam, Sivagangai, Tiruvannamalai and Villupuram
5. All Secretaries to Government, Secretariat, Chennai-9.
6. AG, Chennai-18.
7. Commissioner of Treasuries and Accounts, Chennai -15.

Copy to

1. The Secretary, Government of India, MoRD, Krishi Bhavan, New Delhi-110 001.
2. Secretary I to Hon'ble Chief Minister.
3. The Chief Minister's office.
4. Spl. P.A to Hon'ble Minister of I, P & L A
5. P.S to Chief Secretary
6. All Officers/All sections in Rural Development Department, Secretariat, Chennai-9.
7. Stock File/Spare copy.

//forwarded by order//

Under Secretary