

7.2 Implementation procedures for the implementation of the Act

Rural Development (CGS I) Department

G.O. (Ms) No.10

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Read:

1. National Rural Employment Guarantee Act 2005 published in the Gazette of Government of India in No. 48 Dated. 7.9.2005
2. The Director of Rural Development Letter No.113667/2005/SGRY IV Dated. 17.12.2005

ORDER

The Government of India have passed the National Rural Employment Guarantee Act 2005 in September 2005. This Act provides for the enhancement of livelihood security of the households of the rural areas by 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 Government soon on the Notification of the Act by the Government of India.

The procedure for the implementation of the Scheme will be as follows:

1. Eligibility

Tamil Nadu Rural Employment Guarantee Scheme shall be open to all rural households* in the areas notified by the Government of India. The entitlement of 100 days of guaranteed employment in the financial year is in terms of households. The 100 days entitlement of a household can be shared among the members of that household. Within the said entitlement all adult members of the household can register and apply for work, provided they are local residents. This implies they must be residing within the village panchayat/special village panchayat area and willing to do unskilled manual work. They may apply as an individual or a household to the local village panchayat.

* Household means a nuclear family comprising mother, father, and their children, and also single parent/single member households.

2. Application for Registration

- i) The application for registration may be given in a plain paper / in a printed format to the President of village panchayat /Executive Officer of Special Village Panchayat/ Block Programme Officer in the application format as per Annexure I A & I B
- ii) Any person may appear in person and make an oral request for registration. The President of village panchayat /Executive Officer of Special Village Panchayat / Block Programme Officer shall arrange for converting the oral request into a written application. The Block Programme Officer shall arrange to send the application received by him/her to the Panchayat President/ Executive Officer of Special Village Panchayats immediately.

A. Time of Registration

- i) Application for registration shall be accepted on all working days at the village panchayat office / Special Village Panchayat office / office of the Block Programme Officer.
- ii) The application from migrants shall be registered on the basis of the certificate from the Village Administrative Officer / Village Panchayat President of their native place or on the basis of job card received from their native panchayats.

7. NREGS-TN

B. Verification

All applications shall be verified by the staff of the Village Panchayat /Special Village Panchayat/any other official assigned for this work. In case of rejection, the reasons shall be recorded specifically and intimated to the applicant on his/her request.

- i) The process of verification shall be completed not later than a fortnight after the receipt of application in village panchayat/Special Village Panchayats
- ii) The final list of applicants seeking Job cards shall be placed before the Grama Sabha/Ward Sabha for its approval.

C. Assigning Unique Number:

Every registered household will be assigned with a unique number adopting the 2002 BPL census coding. The copies of registration shall be sent to Block Programme Officer and District Programme Co-ordinator, for further planning, tracking and record. If any registration is made based on false information and Job Card is found to be misused, it will be cancelled by the Block Programme Officer on the recommendation of the President of Village Panchayat/Executive Officer of Special Village Panchayats, or on his own decision after giving him/her due opportunity.

D. Issue of Job Card :

A Job card will be issued by the village panchayat President/Executive Officer of Special Village Panchayat to all registered applicants. The cost of photographs and cost of the card shall be charged under the Scheme. The Job Card shall be issued immediately after the completion of verification not later than a fortnight after registration. The Job Card shall be valid for 5 years and shall be renewed after such period if necessary. A copy of Job Card for both individual and family shall be maintained in village panchayat office. Draft individual and family Job Cards have been prepared to suit computerization of the same. The computerized format with photo will be affixed as the first page of the job card. In this case preprinted job cards without the first page will be issued.

- i) All the additions and deletions proposed by the Village Panchayat/Special Village Panchayats shall be placed before the Grama Sabha/Ward Sabha for its approval .
- ii) A Card holder may apply for a duplicate card if the original card is lost or damaged. The application for such claim shall be processed in the manner of new application and issued duplicate Job Card.

3 . Application for work

Any adult member of a registered rural household with a Job Card may apply for work to the President of village panchayat /Executive Officer of Special Village Panchayat/Block Programme Officer.

(i) Mode of application

The application may be given in writing on a plain paper with details such as name, mother's/father's/husband's name, individual job card number, address, age, male/female, job requirement (with the specification of number of days and dates), preference of work, signature of the applicant.

A single application may be given for number of days in different periods during the year for which wage employment is required. More than one application may be given. The applications may be given at Panchayat Office / Office of Executive Officer of Special Village Panchayat /Office of the Block Programme Officer. The Block Programme Officer shall arrange to transmit the application to the concerned Panchayat office/Special Village Panchayat office immediately with due acknowledgment. The format of application shall be as per Annexure II A and II B.

(ii) Allotment of work:

The applications shall be properly numbered and registered . They shall be classified on the basis of their preference and period for which work is required. The Village Panchayat shall be responsible for providing work to the applicant from the date the work has been sought for if an advance application is given or within 15 days from the date of receipt of such application , which ever is later.

The allotment of the work must be for at least 14 days continuously There is no limit on the number days of employment for which a person may apply but allotment of work will be restricted to 100 days of eligibility of his household.

The responsibility of allocating employment opportunities lies with the President, Village Panchayat/Executive Officer of Special Village Panchayats. The President, Village Panchayat/ E.O, SPECIAL VILLAGE PANCHAYATS shall have a right to allocate employment to the Labourers for the works executed by other implementing agencies.

iii) Allotment of Work outside the Panchayat :

If the Village Panchayat/SPECIAL VILLAGE PANCHAYATS is not able to allocate work to the applicant within its jurisdiction from its shelf of projects, the Village Panchayat will inform the Block Programme officer immediately. In this situation the Block Programme Officer will allot work to the applicant in nearby Panchayats within the block, with a provision of 10 % of the wage rate additionally to meet out the transportation and living expenses, if the location of the work is situated beyond 5 K.M. radius of the village where the applicant resides at the time of applying.

(iv) Intimation to the applicant:

The applicants who are provided work shall be intimated by the President, Village Panchayat /Executive Officer of Special Village Panchayats /Block Programme Officer by means of a letter to the address given in the Job Card. The details of allotment of work shall also be displayed in the Notice Board of the Village Panchayat / Block Panchayat . The format for intimation shall be as per Annexure III

(v) Works to women, aged and disabled:

While allocating the work priority shall be given to women in such a way that at least 1/3 rd of the beneficiaries shall be women who have registered and have requested for work under the scheme. Women and aged people shall be preferably allotted work nearer their residence. Any disabled person who applies for work will be given work suitable to their ability and qualification. This may also be in the form of services that are identified as integral part of the Scheme.

(vi) Time frame for allocation of work :

The Village Panchayat President/Executive Officer of Special Village Panchayats shall allot work to every applicant within 15 days of his/her applying. This shall be ensured by the Block Programme Officer. If an implementing agency is not able to start the work on time or does not provide work to the applicants as directed by the Village Panchayat, the Block Programme Officer shall make alternative arrangements to provide work to those applicants.

4. Payment of wages

- i) The wages under Tamil Nadu Rural Employment Guarantee Scheme shall be at the rate of Agricultural minimum wages as notified by the Government from time to time.

7. NREGS-TN

- 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) 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/Office of EO, Special Village Panchayats on a weekly basis or credited into the SB account of the labourer maintained at the nearby Post Office or Bank. The format for the same shall be as per Annexure IV

(A) 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 of the financial year and not less than one-half of the wage rate for the remaining period of the financial year. It shall either be paid in cash or credited into the SB account of the labourer maintained at the nearby Post Office or Bank.
- 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 / Special Village Panchayats 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 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.
- iii) The unemployment allowance payable to the household of an applicant shall be sanctioned and disbursed by the Panchayat and paid in cash or be credited into the Saving Bank Account of the applicant at the nearby Post office or Bank. 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.

(B) 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 the 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 Rupees Twenty-five thousand 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.
- v) If any personal injury is caused by accident to a child accompanying any person who is employed under the 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.

5. Muster roll

- i) The Block Programme Officer shall supply each village Panchayat with the muster rolls for the works sanctioned to be executed by it; and a list of employment opportunities available elsewhere to the residents of the village Panchayat. Muster rolls shall be maintained for every work separately, showing the details of wages paid to workers. The muster rolls for all works should have entries showing the number and details of scheduled Castes/Scheduled Tribes/Women and others who have been provided employment. Those responsible for the preparation of muster rolls should be responsible for these entries also. The format of the Muster Roll shall be as per Annexure V
- ii) To prevent non-payment or under payment of wages or any manipulation, muster rolls should be maintained in stitched forms and all its pages must be numbered.
- iii) The village Panchayat / Special Village Panchayats shall allocate employment opportunities among the applicants and ask them to report for work through public notice and notice to individuals.

6. Maintenance of Employment Register

Each village Panchayat shall maintain an Employment register for the works being implemented within its jurisdiction under its own component which would contain the details of number of persons employed including the number of SCs/STs, gender of the workers and number of mandays generated for each work under the Tamil Nadu Rural Employment Guarantee Scheme. This information should be based on the Muster Rolls to be maintained work-wise. The required Muster Rolls forms shall be made available to the Village Panchayat/Special Village Panchayats by the Block Programme Officer. The Muster Roll would be open to public for scrutiny. The format for employment register shall be as per Annexure VI

7. Perspective Plan, Annual Plan and Shelf of projects:

- i) A five year perspective plan for the district and shelf of project - Gram Panchayat wise, Special Village Panchayats wise, Block-wise incorporating the village development plan will be prepared under the scheme covering the estimate of labour demand and estimates of works expected to respond to the demand. The perspective plan will map the existing infrastructure facilities and also list out the requirements of infrastructure in rural areas as against the labour demand.
- ii) The Annual Action Plan must flow from the perspective plan . The size of the plan and priority of the work should be decided annually keeping in view the demand for the employment. The works selected should fall in the permissible items of work in the National Rural Employment Guarantee Act, 2005. Every year the Village Panchayat shall convene a special Grama Sabha to estimate the demand of labour to prepare annual action plan and Shelf of projects with prioritized list of works. The Block Programme officer will scrutinize the village development plan and fulfill the technical feasibilities and consolidate them into Block plan, and after

7. NREGS-TN

approval by the Block Panchayat, send it to District Panchayat for finalization of the block plans. This will be sent to the District Programme Co-ordinator/Collector for administrative sanction. The District and Block Panchayats shall not alter the proposals of the Village Panchayat. Even if there is technical inadequacy, the same has to be returned to the Village Panchayat for correction. The priority of works in a village panchayat will be as determined by the village panchayat.

- iii) The District Programme Co-ordinator will examine the plan proposal of all the village panchayats along with the plan prepared by the Block panchayats, District Panchayats and line departments with reference to adequacy, likely demand of labour, financial commitment and technical feasibilities. He will consolidate them into the district plan and accord administrative sanction. The District Programme Co-ordinator shall ensure that detailed estimates are prepared by the Rural Development Engineering wing/ Engineering wing of Special Village Panchayats at the appropriate levels and transmitted to the Block Programme Officer. This shall then be communicated to the implementing agency.

8. Works & Execution

Works

The following priority of works shall be taken into consideration while formulating shelf of Projects – Annual Action Plan and Perspective Plan under the scheme.

1. Water Conservation and Water Harvesting works
2. Drought proofing works (including afforestation and tree plantation)
3. Irrigation canals including micro and minor irrigation works
4. Provision of irrigation facilities to land owned by the households belonging to the scheduled caste and scheduled tribes or beneficiaries of land reforms or the beneficiaries under the Indira Awaas Yojana of the Government of India.
5. Renovation of traditional water bodies including desilting of tanks.
6. Land development works
7. Flood control and protection works including drainage in water logged areas
8. Rural connectivity to provide all - weather access and
9. Any other work which may be notified by the Government of India.

Execution

1. Works taken up under the Programme should be of a durable nature and should meet technical standards and specifications, if any, for the concerned work/area.
2. Efforts should be made to utilize local materials and cost effective and disaster resistant technology developed by various institutions and as applicable to the area.
3. In order to facilitate the technical scrutiny of the works, authorities at the Joint Programme Co-ordinator/ District Rural Development Agency may prepare and approve standard designs and cost estimates of those items of works, which are common in nature.
4. 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 department/ Self Help Groups if necessary.

9. Facilities at work site

- i) The facilities of safe drinking water, shade for children and place 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.
- ii) 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 among such women to look after such children. The person deputed for the above work shall be paid the Agricultural Minimum wage rate.

10. Supervision & Quality control:**Supervision**

- i. For effective implementation of the scheme, Officers at the Block, District, State levels shall closely monitor all the implementation aspects. The schedule of inspection which prescribes a minimum number of field visits for each supervisory level functionary shall be drawn up and strictly adhered to. The schedule so drawn shall ensure the inspection of works in at least 10% panchayats by district level officers and in 2% panchayats by the State Level officers. In addition, the State Government shall advise the monitoring officers, and other officials to inspect the works during their field visits.
- ii. The officers dealing with Tamil Nadu Rural Employment Guarantee Scheme / Rural Development at the state headquarters shall visit districts regularly and ascertain through field visits that the programme is being implemented satisfactorily and that execution of works is in accordance with the prescribed procedures and specifications. The representatives of the block and district panchayat shall also inspect the works.
- iii. The village level and the district level Vigilance and Monitoring Committee shall also inspect the works to ensure the smooth implementation of the scheme.

Quality Control

To provide technical inputs in the process of planning, designing, estimation, monitoring evaluation and quality audit in the implementation of the scheme a net work of resource institutions shall be created at District and State level by the State Employment Guarantee Council. The technical resource net work will assist the department under following areas:

- 1) to identify the labour intensive technologies
- 2) to standardize the estimation procedures to prepare standard model estimates.
- 3) to prepare manuals for estimation
- 4) to prepare software manuals, charts for the use of Panchayats/ vigilance committees
- 5) to propose quality parameters for various types of works
- 6) to prepare people's manuals for quality checking
- 7) to undertake quality appraisal in different worksites on sample basis
- 8) to suggest ways and means for removal of deficiency in quality
- 9) to train the technical staff of Rural Development department and staff of Panchayat Raj Institutions and members of the Vigilance and Monitoring Committee.

11. Monitoring and Evaluation

- i. Grama Sabha will monitor all works at the Village Panchayat Level.
- ii. The Block Panchayat and the Block Programme officer will monitor registration, allotment of work, payment of wages, payment of unemployment allowance, social audit, progress and quality of works etc.

7. NREGS-TN

- iii. Evaluation studies shall be entrusted to reputed institutions and organizations, on issues meriting detailed studies. Copies of the evaluation studies conducted by the State Government shall be furnished to the Central Government. Remedial action shall be taken by the State Government on the basis of the observations made in these evaluation studies.
- iv. The District Programme Co-ordinator may also conduct studies from time to time. The District Programme Co-ordinator shall report the outcome of the studies to the State Government and the Central Government from time to time.
- v. The Programme officer shall be responsible to send all reports and returns to District Programme Co-ordinator/ Collector who in turn shall send reports to the State and the Central Government.
- vi. The State Government will send consolidated reports and returns to the Government of India.

12. Social Audit

- i) Gram Sabha/ Ward Sabha shall monitor the execution of works within the village. Social audit of Panchayat work by Grama Sabha/Ward Sabha shall be conducted regularly on all the projects under the Scheme taken up within the Village Panchayat.
- ii) The Village Panchayat/Special Village Panchayats / other executing agencies shall make available all relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders, photos before, during and after the execution of the work and other connected books of account and papers to the Gram Sabha / External Agencies for the purpose of conducting the social audit.
- iii) Sign boards be erected in all work sites showing relevant informations such as name of work, number of workers employed, funds allocated, details of material and cash component, date of commencement of the work, probable date of completion etc.

13. Transparency and accountability

- i) District Programme Co-ordinator and all implementing agencies in the District shall be responsible for the proper utilization and management of the funds placed at their disposal for the purpose, of implementing the Scheme.
- ii) The State Government shall, by rules, determine the arrangements to be made for the proper execution of Scheme and programmes under the Schemes and to ensure transparency and accountability at all levels in the implementation of the Schemes. The accounts of the Scheme shall be maintained in such form and in such manner as may be prescribed by the Government
- iii) A list of persons who are provided with the work shall be displayed on the notice board of the village Panchayat. A copy of the same shall be sent to Block Programme Officer and the list shall be opened for inspection by the both State and Central Government Officials and any other person interested.
- iv) Muster rolls shall be made available to public for scrutiny and a copy of the same will be made available on demand on nominal price. In respect of all the works taken up by the Village Panchayats/Special Village Panchayats, copies of muster rolls shall be placed before the Gram Sabha / Ward Sabha for its scrutiny.
- v) Inspection Register shall be available at all work sites.

14. Grievance Redressal

- i) If any dispute or complaint arises concerning the implementation of a Scheme by the village Panchayat/Special Village Panchayat, the matter shall be referred to the Block Programme Officer.

7. NREGS-TN

- ii) The Block 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.
- iii) A complaint cell will be constituted at District Level under the Assistant Director (Panchayats)
- iv) A complaint cell will be constituted at State Level under the control of Additional Director of Rural Development.
- v) Local Beneficiary Committee shall be constituted for effective articulation of their rights and entitlements and their access to them.
- vi) A Complaint Register will be maintained at all Village Panchayat Offices / Special Village Panchayats / Block Panchayat Offices / Offices of the Block Programme Officer and District Programme Co-ordinator.
- vii) The Panchayat President/Executive Officer of Special Village Panchayat /Block Programme Officer and District Programme Co-ordinator shall install **Complaint Boxes** at conspicuous places in their offices. All the complaints at all level shall be disposed off within 15 days of its receipt.

(By order of the Governor)

SANTHA SHEELA NAIR
SECRETARY TO GOVERNMENT