

# National Rural Employment Guarantee Act-2005 (NREGA)

*Work for everyone! Full compensation for all work!*



This is one of the best, if not the best, laws guaranteeing work to the poor in the entire world.

## **Right to employment:**

Under this law, all the adult members of a family, living in a rural area and willing to do unskilled, manual labor, may register for jobs. Within 15 days, they must be given employment within 5 km of their home, for up to 100 days per year at the state's minimum wage under the 1948 Minimum Wages Act.

## **Unemployment Allowance:**

If work can't be given within 15 days then he/she becomes eligible for unemployment allowance at a quarter of the wages for the first 30 days and half the wages for the rest. In any given year, the sum total of wages paid for work and the unemployment allowance must total up to full wages for 100 days.

## **The type of work to be performed:**

- Water conservation/harvesting, drought proofing
- Forestation/tree plantation
- Micro and minor irrigation canals
- Land development/irrigation work on SC/ST land
- Land development under the *Indira Awas Yojana*
- Renovation of traditional water bodies
- Flood-control and drainage work
- Construction of all-weather roads
- Other work approved by the Centre or the State

## **Where to apply:**

A written individual or group application may be submitted to the Panchayat or to the Block Program Officer. The officials must provide a dated receipt.

## **Job Card:**

After registration, the Panchayat will issue a job card with the names, ages, address, and photographs of the adult applicants from a household. It will be valid for at least 5 years and may be renewed from time to time. The government will pay for the photograph.

## **The work will be provided based on:**

- Priority from the Application Register
- A third of the opportunities reserved for women
- Work within 5 kilometers from his/her village
- If farther, the wages increase by 10%

## **Facilities at the work place:**

- One worker assigned to provide drinking water
- One woman assigned to baby sit children below 6
- Shade during rest periods
- First Aid kit for minor injuries

## **For major accidents or injuries at work:**

- Free medical services
- Half of the wages for the time spent in the hospital
- Rs. 25000 for death/permanent disability

## **Payment of Wages:**

- May be in cash or in the form of grains
- At least one fourth must be paid in cash
- Cash wages and unemployment allowance must be given out openly on pre-announced dates.
- If wages not paid in time (weekly or fortnightly) then workers entitled to compensation as per the provisions of the Payment of Wages Act, 1936.

## **Planning and execution of works:**

- Village Panchayat to prepare a development plan based on the input from the ward/panchayat meetings.
- The Village Panchayat responsible for the generation, execution and performance of all the jobs.
- At least 50 per cent of the works in terms of costs to be allotted to the Gram Panchayat for execution.

## **Social Audit and Public Scrutiny:**

- The muster rolls, permission orders and all other documents to be made available to the Village Sabha by the Panchayat within 15 days of the application.
- Village Sabha to carry out regular social audits.
- All efforts for transparency and accountability.
- All documents related to the jobs will be made available to the public OR their copies will be given after payment of some predetermined fees.
- Such copies can be obtained from the offices of the village panchayat or the program officer at block level.
- All information regarding the registered workers will be put on the Panchayat notice board and will remain open to scrutiny by the public.

## **Ban on Contractors and Machinery:**

- No contractor is allowed to execute any work
- All jobs should be completed using manual work and no machinery shall be used

## **Complaint Procedure:**

- Complaints regarding the Panchayat's execution of the scheme may be made to the Program Officer
- Program Officer will record every complaint in the register and will solve the complaints and arguments within 7 days
- There will be a method in place to deal with the complaints at block and district level

## Right to Information Act (RTI)

### *Transparency/Accountability: Pillars of Democracy!*

Parliament passed the "Right to Information Bill" on May 11, 2005 and the law became effective all over the country on October 13, 2005. Besides all the departments of the government and semi-government organizations, the law also applies to government funded private groups. All Indians now have the right to demand information from all such entities.

#### **Exceptions:**

Departments dealing with confidential and secret investigations, scientific research, nuclear and satellite issues, Kashmir issues and any such information that, if made public, might jeopardize the national security. Even here, information can be obtained if the matter concerns human rights' violation or about a probe after the investigation is over.

#### **You can ask for:**

Information about the village chief or the Panchayat at the village, block or district level and also about the works, the wealth and the income and expenditure of your members of Parliament, the Legislative Assembly, etc.

#### **You are entitled to:**

- Information in the form of photocopies or electronic copies e.g. floppies, CDs, video or audiotapes.
- Copies of comments made on reports, decisions, laws, minutes of any meeting, or letters exchanged.
- In case any information is not made available or your work is not done, you have the right to know the reasons and the names of the person(s) responsible.

#### **The procedure to obtain information:**

- File an application with a fee of Rs.10 that can be in the form of cash, bank draft, banker's check or treasury receipts (*chalaans*). Postal Order is also recognized in Central government departments.
- No fee for people living under poverty line. They will have to include a copy of their ration card.
- Separate fee for information in electronic form.
- Public Information Officers and staff have been nominated in every department at the *tehsil* and block levels and at the district level.
- Information Officer will get you the desired information within 30 days. If related to another department, the waiting time can be 35 days.
- If the information is not obtained within the prescribed time, or the information is incomplete, doubtful, unclear, or dissatisfactory, then the appeal for the same should be made to the department's appeal officer within 30 days.
- If satisfactory information is not obtained from the appeal officer, then the complaint will need to be registered with the State or the Central Information Committees.
- The Information Committee will investigate and make the information available within 10 days. It will

also take appropriate action against the offending officers and staff. It can deduct Rs. 250/day (up to a total of Rs. 25000) from their wages.

- If the information is not obtained at the Committee level, then an appeal can be made in a court of law.

#### **You can use RTI to:**

- Get broken roads repaired and drains cleaned.
- Obtain ration card, passport, telephone connection, proof of residency, etc., WITHOUT giving bribe.
- Have discontinued pension resumed and provident fund money paid.
- Stop unreasonable behavior of the police.
- Get your work done in banks, post office, and insurance office without hassle.

#### **You can use RTI to know:**

- Who is responsible for not doing your work?
- How much money was brought in for the village development and how was it spent?
- Who got the *antyodaya*, *annapoorna*, and below poverty line ration cards in your village?
- Who gets the widow, handicapped or old age pensions?
- Who have benefited from the *Indira* or Fisherman housing schemes, or toilet and hand pump installations?
- How many students are there in your village's primary school?
- How much money was given for the school?
- How many students received mid-day meals, scholarships, uniforms and books?
- Where was the money from your MP, district or village panchayat and municipality's funds spent?

The answers to these questions have profound implications for the success of all the efforts our society makes in helping the poor. The RTI gives us a unique opportunity not only to ask them but also to use the information to stem the waste and fraud that keep defeating all these efforts.



**Citizens doing a Social Audit of NREGA Works in UP.  
Such social audits are one important way in which  
RTI is crucial to the success of NREGA**