

SCHEME ON SUPPORTING THE IMPLEMENTATION OF NREGS THROUGH STATE LEGAL SERVICES AUTHORITIES



राष्ट्रीय विधिक सेवा प्राधिकरण
National Legal Services Authority

NATIONAL LEGAL SERVICES AUTHORITY
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SCHEME ON SUPPORTING THE IMPLEMENTATION OF NREGS THROUGH STATE LEGAL SERVICES AUTHORITIES

1. Name of the Scheme:

Scheme on Supporting the Implementation of NREGS through State Legal Services Authorities.

2. Object:

A Scheme on Supporting the Implementation of NREGS by generating awareness through Legal Literacy and Awareness Campaigns and to establish a grievance redressal forum by organizing Lok Adalats to resolve the disputes/complaints or legal problems of any person in respect of implementation of the scheme and employment guaranteed under NREGA.

3. Legal Literacy and Awareness Campaign:

There shall be a team for conducting Legal Literacy and Awareness Campaign consists of :

- a. A judicial officer
- b. Two panel lawyers, preferably one lawyer from the area where the legal literacy camp is to be organized.
- c. One person from District Administration
- d. Councilor or the ward member or Panchayati Raj Member of the area
- e. Social worker/s
- f. Educationalist

4. Places where Campaign to be conducted:

In the Blocks and Gram Panchayats which are identified for the implementation of the NREGS.

5. Subjects for campaign:

- i) Rights under the National Rural Employee Government Act, 2005
- ii) Entitlements and benefits under NREGS

- iii) The essential guarantees under NREGS
- iv) Role and responsibilities of Key Agencies
- v) Role and responsibilities of Key players
- vi) Rights and benefits under Legal Services Authorities Act, 1987
- vii) The Concept of Lok Adalat

6. Methodology of the legal literacy and awareness campaign:

- The State/District Authorities/Taluk Legal Services Committees shall form Teams in the manner aforesaid and the team shall conduct legal literacy camps at the places mentioned above.
- The team before proceeding to the place shall equip themselves about the various provisions of NREGA and NREGS to be addressed in local language to the public concerned.
- The materials like pamphlets, posters, booklets highlighting the benefits of NREGA shall be supplied by the District Legal Services Authority/Taluk Legal services Committee
- More than one team may be constituted which can be delegated to different places.
- The District Authorities/Taluk Legal Services Committees shall prepare a calendar for each financial year for Legal Literacy and Awareness Camps and shall display on the notice Board of the respective committees and Authorities containing the place of Legal literacy camps, subjects to be taken, timings etc. so that the public could know about the same.
- More focus shall be on the NREGA and NREGS materials may be used and NREGA functionaries may be involved.
- The duration of the camps shall be 2 to 3 hours either in the morning or in the evening.
- The camp shall be conducted in a simple manner. Dais, garlanding, putting shawl, lunch or dinner, shall be strictly avoided.
- Public Address system (mike arrangements) shall be arranged if necessary.

- The camp shall be one of interactive and lengthy speech shall be avoided.

7. Lok Adalats under Chapter VI of the Legal Services Authorities Act 1987

1. The State, District and Taluka Legal Services Authorities/ Committees shall organize Lok Adalats under Section 19 of the Legal Services Authorities Act, 1987 to deal with the disputes arising out of NREGS between the rural worker and implementing agencies and any other person connected thereof.
2. Every Lok Adalat shall consist of:
 - (a) Serving or retired judicial officer
 - (b) A social worker or a retired Engineer not below the rank of Assistant Engineer of PWD or retired Revenue Officer not below the rank of Tehsildar
3. Lok Adalat shall have jurisdiction to determine and to arrive at compromise or settlement between the parties to a dispute in respect of complaints arise in course of implementation of NREGA, as that of pre-litigative case. Some of the disputes which can be brought before the Lok Adalat for compromise or settlement between the Rural Workers and the implementing agency are;
 1. Registration
 2. Allocation of work
 3. Custody of Job Cards
 4. Wages
 5. Unemployment Allowance
 6. worksite facilities
 7. Measurement of work
 8. banks and post office accounts
 9. Muster rolls
4. Cognizance of cases by Lok Adalat
 - i) The Centre/State Government;

- ii) Any Officer of the Ministry of Rural Development;
 - iii) State Legal Services Authority/District Legal Services Authority/
Taluka Legal Services Committee
 - iv) Any person or on behalf of any person who is holding a job card
given a Job/entitled for a Job Card or a Job;
may refer any dispute in relation to NREGA to the Lok Adalat.
5. i) The Lok Adalat shall have the powers as under Section 22 of the
Legal Services Authorities Act.
- ii) The Ministry of Rural Development (Centre or State) shall issue
guidelines to the Gram Panchayat, Sarpanch, any NREGA
functionaries or to any person in charge of implementation of NREGA
to appear before the Lok Adalat in respect of any dispute brought
before the Lok Adalat in the event of receiving a summon from Lok
Adalat.
6. **Sittings of Lok Adalats**
- i) As many as Lok Adalats may be organized as required, however,
there shall be at least five Lok Adalat per month in five Blocks or in
a group of Gram Panchayats.
 - ii) The place of Lok Adalats sitting will be at respective Block/Gram
Panchayat.

Expense for Legal Literacy and Awareness Campaign:

- A minimum of 4 camps shall be conducted in a month in the manner
above mentioned.
- A sum of Rs. 3000/- may be permitted to be spent by each team for
conducting one camp in the following manner.

Transportation	:	Rs. 1000/-
Printing of pamphlets	:	Rs. 250/-
Miscellaneous expenses	:	Rs. 250/
Other Fees	:	Rs. 1500/-

(Fees to the team members, if permissible, shall be as per the schedule of
fees)

Expense for Lok Adalats:

- Transportation : Rs. 1,000/-
 - Stationary : Rs. 250/-
 - Miscellaneous expenses : Rs. 250/-
 - Honorarium to the Members of the Lok Adalat : Rs. 1500/-
- Total Rs.3000/-**

Register to be maintained of Legal Literacy and Awareness Campaign:

S.No.	App. No.	Date	Name and address of applicant with Address	Nature of Relief	Entrusted to (Name of the lawyer)	Action Taken/Results
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Monthly statement:

No. of Legal Literacy Camps held (with month and date)	Places where Legal Literacy camps held	No. of Applications Received		Action taken /Not taken
		Legal	Non-Legal	
(1)	(2)	(3)	(4)	(5)

Lok Adalat Monthly Statement:

No. of Lok Adalats held (with month and date)	Places where Lok Adalats held	No. of Cases referred	No. of cases settled	Amount Awarded
(1)	(2)	(3)	(4)	(5)

(G.M. AKBAR ALI)
MEMBERSECRETARY, NALSA

CHAPTER VI of Legal Services Authorities Act, 1987

LOK ADALATS

19. Organisation of Lok Adalats: -

- (1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.
- (2) Every Lok Adalat organised for an area shall consist of such number of-
 - (a) Serving or retired judicial officers; and
 - (b) Other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.
- (3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (4) The experience and qualifications of other persons referred to in clause (b) of subsection (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of-
 - (i) Any case pending before; or
 - (ii) Any matter, which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

1. Subs. for sections 19 and 20 by Act 59 of 1994, sec. 15.

20. Cognizance of cases by Lok Adalats.

(1) Where in any case referred to in clause (i) of sub-section (5) of section 19; -

(i) (a) The parties thereof agree; or

(b) One of the parties thereof makes an application to the court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

(ii) The court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat,

the court shall refer the case to the Lok Adalat:

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.

- (5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.
- (6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.
- (7) Where the record of the case is returned under sub-section (5) to the Court, such court shall proceed to deal with such case from the stage, which was reached before such reference under sub-section (1)].

21. Award of Lok Adalat. –

- [(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, (7 of 1870).]
- (2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

22. Powers of Lok Adalats. -

- (1) The Lok Adalat shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely: -
 - (a) The summoning and enforcing the attendance of any witness and examining him on oath;
 - (b) The discovery and production of any document;
 - (c) The reception of evidence on affidavits;
 - (d) The requisitioning of any public record or document or copy of such record or document from any court or office; and

- (e) Such other matters as may be prescribed.
- (2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- (3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

PROFORMA FOR BRINGING THE DISPUTE TO THE LOK ADALAT

Name of the Applicant : _____

Father /Husband Name : _____

Job Card No. : _____

Address : _____

Nature of complaint : _____

Respondents; Name _____

Designation _____

Address _____

To
The Chairman,
District/Taluk Legal Services
Authority/Committee

_____ Taluk/District

YOUR RIGHTS UNDER THE EMPLOYMENT GUARANTEE ACT

WORK APPLICATIONS

1. With this Job Card, you are entitled to apply for work at any time. You can submit your application to the Gram Panchayat, or to the Block office.
2. If you apply for work, employment has to be given to you within 15 days.
3. When you apply for work, make sure that you get a dated and signed receipt.
4. If you do not get employment within 15 days, you are entitled to the unemployment allowance.

WORKERS' ENTITLEMENTS

5. All workers are entitled to the statutory minimum wage.
6. Men and women should be paid equally.
7. Wages should be paid within a week, or fifteen days at most.
8. Wages should be paid in public. When wages are paid, muster rolls should be read out and Job Card entries should be made.
9. Sign the muster roll after receiving your wages and checking the entries. Never sign a blank muster roll.
10. If you live more than 5 km away from the worksite, you are entitled to a travel and subsistence allowance (10% of the minimum wage).

AT THE WORKSITE

11. Muster rolls should be available and maintained at the worksite. You are entitled to check the muster roll at any time.
12. Shade, drinking water and first-aid should be available at every worksite.
13. If more than five children under the age of six years are present, child care facilities should also be provided at the worksite.

UNEMPLOYMENT ALLOWANCE

14. If you have not been given work within 15 days of applying, you are entitled to the "unemployment allowance".
15. The unemployment allowance amounts to one fourth of the minimum wage for the first 30 days, and one half thereafter.
16. You can apply for the unemployment allowance to the Gram Panchayat or Block Office (you will need the receipt showing when you applied for work).

WATCH YOUR JOB CARD!

17. This Job Card (with photograph) should be given to you free of cost. Don't let anyone charge you for it.
18. Every household is entitled to a separate Job Card.
19. Keep this Job Card with you. No-one has the right to take it away.
20. Entries have to be made in front of you when your wages are paid.
21. Make sure that no false entries are made in the Job Card.
22. If you lose this Job Card, you can apply for a new one from the Gram Panchayat.

HELP AND COMPLAINTS

23. If you have a problem, you should first approach the Gram Panchayat. If this does not help, you can submit a complaint to the Programme Officer at the Block level.
24. If you complain to the Programme Officer, it is his duty to register your complaint and take action within 7 days.

WHAT A RURAL EMPLOYMENT GUARANTEE SCHEME SHOULD HAVE?

A Rural Employment Guarantee Scheme (NREGS) will be expected to clarify, inter alia, the following matters:

- (a) Specify the implementing Department in the State.
- (b) Specify a senior officer in the State as State Programme Coordinator.
- (c) Specify the District Programme Coordinator.
- (d) Lay down the mode of recruitment for Programme Officers, supportive staff and other required professional services, and make interim arrangements till regular Programme Officer is appointed.
- (e) Define the relationship with the Block Development Officer.
- (f) Clearly delineate Agency-wise the roles and responsibilities for each task mandated in the Act and elaborated in the Guidelines. Establish coordination mechanisms among them, fixing clear accountability for each task, since activities under the Act are justiciable and the people and the Implementing Agency should know in whom the legal obligation for getting a task done vests.
- (g) Delineate the Fund Flow system for the Rural Employment Guarantee Scheme.
- (h) Specify the cheque-signing authorities at the District, Block (Programme Officer) and Gram Panchayat levels.
- (i) Specify the procedure for payment of unemployment allowance.
- (j) Specify the authorities for administrative and technical approval of works and define their powers.
- (k) Specify the procedure for maintenance of accounts, maintenance of muster rolls, material, unskilled wage and skilled wage content of the works and audit arrangements for internal and social audit.
- (l) Specify procedures for making entries in the job cards and for cross-checking them to avoid wrong entries.
- (m) Specify systems for measurement of works and rates of payment thereof

and methods for making this information transparent.

- (n) Specify the system of payment of wages. Possibility of payment through accounts in the bank or post office may be considered.
- (o) Specify procedures for social audit, public accountability and implementation of the Right to Information Act.
- (p) Specify grievance redressal mechanisms at the Gram Panchayat, Intermediate Panchayat, District and State levels.
- (q) Specify the terms and conditions of the Chairperson and Members of the State Employment Guarantee Council, time, place and procedure of meetings.

ROLES AND RESPONSIBILITIES OF KEY AGENCIES

1. CENTRAL GOVERNMENT

- Make Rules.
- Issue Guidelines.
- Notify areas of application of Act.
- Communication.
- Budget Provision for and Release of Central share.
- Set up Central Employment Guarantee Council.
- Set up Central Employment Guarantee Fund
- Facilitate technical support.
- Monitoring and Evaluation and Research.

2. CENTRAL EMPLOYMENT GUARANTEE COUNCIL

- Establish a central evaluation and monitoring system.
- Advise the Central Government on all matters concerning the implementation of this Act.
- Review the monitoring and redressal mechanisms from time to time and recommend improvements required.
- Promote the widest possible dissemination of information about the Schemes made under this Act.
- Monitor the implementation of this Act.
- Prepare of annual reports to be laid before Parliament by the Central Government on the implementation of this Act.
- Any other duty or function as may be assigned to it by the Central Government.
- 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.

3. STATE GOVERNMENT

- Make Rules on matters pertaining to state responsibilities under the Act(32(1)).
- Make and notify the Rural Employment Guarantee Scheme.
- Communication.
- Set up the State Employment Guarantee Council.
- Set up the State Employment Guarantee Fund.
- Budget Provision for and Release of State share.
- Planning and implementation of Rural Employment Guarantee Scheme.
- Provide technical support.
- Training.
- Pay Unemployment Allowance if employment is not given within 15 days despite adequate funds being available.
- Monitoring and Evaluation and Research.

4. STATE EMPLOYMENT GUARANTEE COUNCIL

- Advising the State Government on all matters concerning the Scheme and its implementation in the State.
- Determining the preferred works.
- Reviewing the monitoring and redressal mechanisms from time to time and recommending improvements.
- Promoting the widest possible dissemination of information about this Act and the Schemes under it.
- Monitoring the implementation of this Act and the Schemes in the State and coordinating such implementation with the Central Council.
- Preparing the annual report to be laid before the State Legislature by the State Government
- Any other duty or function as may be assigned to it by the Central Council or the State Government.

- 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.
- Terms and conditions of the Chairperson and Members of the State Employment Guarantee Council shall be prescribed by the State Government.

4. DISTRICT

4.1 Gram Sabha

- Assist in identification of beneficiaries.
- Recommend developmental works.
- Social audit of all projects within the Gram Panchayat jurisdiction.

4.2 Panchayati Raj Institutions

- The Village, Intermediate and District Panchayats shall be the principal authorities for planning and implementation of the scheme made under the NREG Act.
- The Panchayats at all levels can be the Implementing Agencies under the Act.
- At least 50% of the works in terms of cost will be allotted to Gram Panchayats for implementation.
- The Gram Panchayat shall be responsible for identification of the projects to be taken up in its area under the scheme as per the recommendations of the Gram/ward Sabha and the same shall be forwarded to Programme Officer for scrutiny and preliminary approval.
- The Gram Panchayat shall prepare a development plan and maintain shelf of possible works to be taken up under the scheme as and when demand for work arises.
- The Intermediate Panchayat shall approve the Block level plan and forward the same to the District Panchayat for approval.

- The District Panchayat shall finalise and approve Block-wise shelf of projects to be taken up for implementation under the Scheme.
- The plan approved by District Panchayat will assign implementation responsibilities to various agencies like Panchayats, line departments, NGOs etc.

4.3 Programme Officer

- Responsible for matching the demand for employment with the employment opportunities arising from projects in the area under his jurisdiction.
- Overall supervision and coordination of registration of applicants for employment and for providing wage employment in accordance with the provisions of the Act and the Scheme notified by the State.
- Prepare a Plan for the Block under his jurisdiction by consolidating the project proposals prepared by the Gram Panchayats and the proposals received from the Intermediate Panchayat.
- Receive resources from District Programme Coordinator and release them to the Implementing Agencies in accordance with these Guidelines and the Scheme of the State Government.
- Maintain proper accounts of the resources received, released and utilized.
- Monitoring of projects taken up by the Gram Panchayats and other Implementing/Agencies within his jurisdiction.
- Sanctioning and ensuring payment of unemployment allowance to the eligible households.
- Ensuring prompt and fair payment of wages to all labourers employed under a programme of the Scheme within his jurisdiction.
- 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.
- Dealing promptly with all complaints that may arise in connection with the implementation of the Scheme within the Block.
- Other work as may be assigned to him by the District Programme Coordinator or the State Government.

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

4.4 District Programme Coordinator

- To assist the District Panchayat in discharging its functions under this Act and any Scheme made there under.
- 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.
- To accord necessary sanction and administrative clearance, wherever necessary.
- 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.
- To review, monitor and supervise the performance of the Programme Officers.
- To conduct periodic inspection of the works in progress.
- To redress the grievances of the applicants.
- To 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.

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