

No. J-11011/2/2009
Government of India
Ministry of Rural Development
NREGA (Division)

Krishi Bhavan, New Delhi
Dated the 10th November, 2009

**Subject: Minutes of the 10th Meeting of the Central Employment
Guarantee Council held on 07th October, 2009 at 1100 hours in
Committee Room 'Unnati', Krishi Bhawan, New Delhi.**

Please find enclosed copy of Minutes of the 10th Meeting of the
Central Employment Guarantee Council held on 07th October, 2009 at 1100
hours in Committee Room 'Unnati', Krishi Bhawan, New Delhi for your kind
perusal.

Encl.: As above

S.K. Singh
10/11/09
(S.K. Singh)

Director (NREGA)

All Participants as per Annexure-I

Copy to:

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Minutes of the 10th Meeting of the Central Employment Guarantee Council held on 07th October, 2009 at 1100 hours in Committee Room 'Unnati', Krishi Bhawan, New Delhi.

1. The 10th Meeting of the Central Employment Guarantee Council was held under the Chairmanship of Hon'ble Minister of Rural Development, Dr. C.P. Joshi, on 07th October, 2009 at 1100 hours in Committee Room 'Unnati', Krishi Bhawan, New Delhi. The List of Participants is at annexure I

2. Hon'ble Minister welcomed all the members of the Council and requested them to offer their comments on the agenda items.

3. The Action Taken Report on the Minutes of the 9th Meeting was presented. Since no comment on the minutes of the 9th meeting of Central Employment Guarantee Council had been received from the members, minutes of the last meeting were confirmed.

4. The following observations and suggestion were made by the members.

4.1 Shri M.I. Shahnavas emphasised that convergence guidelines issued should be implemented in all the States specially with a focus on convergence with the Departments of Forests and of Agriculture.

(i). Social audit should be implemented in a proper manner. Persons should be selected from the Gram Panchayat and entrusted with social audit work.

(ii) Wage rates notified by the Centre should be according to the Minimum wages notified by the State Government.

(iii) Paddy cultivation and harvesting, plantation of pepper and coffee should be included in the list of permissible works.

4.2 Dr. Nirmal Khatri

- (i) The process of social audit should be implemented very quickly and seriously.
- (ii) Workers are not fully aware of NREGA processes to exercise their right to obtain job cards, to obtain wage payments on time.
- (iii) Since there is hardly any evidence of payment of unemployment allowance and the implication was that State governments were not capturing the demand for employment so as to avoid paying unemployment allowance.

4.3 Ms. Aruna Roy

She raised the following issues and also circulated a letter addressed to Hon'ble Minister from herself and Prof. Jean Dreze on the following key points:

- (i) The council should function as an effective forum for decision making.
- (ii) Clear safeguards are required for projects taken up under the Convergence Guidelines. These projects should be within the list of permissible works under NREGA, and all the transparency and other safeguards must apply. Clear instructions need to be issued for this purpose.
- (iii) While praising that the proposed establishment of the Ombudsmen at the district level was a step forward, there were concerns about the existing framework of Ombudsman like (i) the 'confidentiality' clause whereby information submitted to the Ombudsman is not to be disclosed; (ii) the lack of powers of Ombudsmen to impose penalties; and (iii) the power of state governments to remove Ombudsmen. These should be addressed.
- (iv) The issue of Central notification of wage rates needs detailed attention. The government should abide by its promise to guarantee a wage rate of at least Rs. 100 per day in real terms (i.e. indexed to the price level) throughout the country.
- (v) The proposed inclusion of the construction of Bharat Nirman Rajiv Gandhi Sewa Kendra should be reconsidered. Engaging "barefoot

engineers”, should also not be done as a form of casual employment under NREGA.

- (vi) The suggestion that only “permanent staff should be deployed for NREGA”, even at the risk of creating a “situation where posts may remain vacant” is difficult to agree with as there is an urgent need for a major expansion of NREGA support staff and this should be done on fair terms and conditions of employment and could be permanent in some cases (e.g, Programme Officers) and contracted in others (Gram Rozgar Sevaks).
- (vii) If Lok Sewaks have to be deployed, they should be unpaid workers. The “conceptual framework” of Lok Sewaks needs a great deal of further discussion, within and outside the Council.
- (viii) Non-payment of wages in time under drought situation was becoming a great problem. Payment cycles have to be very quick.

4.4 Dr. Mihir Shah made the following observations :

- (i) Delays in payment: Since there is a correlation between work done and wage payment, effective systems of measurement should be put in place. For this professional people should be engaged for measurement. Personnel at Block and Sub Block levels should be strengthened.
- (ii) Sub-heads under permissible 6% administrative expenditure should be clearly defined stating their percentage distribution among district, block and gram panchayat for use. At least 2% should be earmarked for gram panchayat.
- (iii) Lok Sewaks should be paid honorarium and the methodology for their recruitment should be well defined.
- (iv) Priority to SCs/STs/BPL/IAY beneficiaries/land reform beneficiaries and followed by small and marginal farmers while permitting works under Schedule-I (1) (iv) was a welcome step.

4.5 Ms. Ratan Ben Jadav stated that NREGS was under implementation in her area but very few households availed of 100 days of employment.

4.6 Ms. Sabina Yeasmin

People in Maldah (WB) were migrating to other places due to lower wage rate under NREGA. A new notification enhancing the wage rate of NREGA workers should be expedited.

4.7 Shri Pradeep Kumar Majhi reiterated his observation in the earlier Council Meeting that urgent action was needed to remedy shortage of technical staff which was causing delay in measurement and payment to NREGA workers.

4.8 Shri Charan Das Mahant

- (i) Delayed payment of wages to NREGA workers continue to be a matter of concern. There were instances of 6-8 months delay in wage payments. 53 lakh accounts had been opened in Post Offices. However, there was only one worker in a post office who was able to disburse wages only to around 30 persons in a day, Capacity of branch post offices need strengthening.
- (ii) An inquiry should be conducted in the plantation under NREGA in Bilaspur that cost Rs. 1.10 crore and on field not even 10% plantation had been done. The person incharge of the District had been awarded for his innovative work while there were serious shortcomings in the project itself.

4.9 Shri R. Dhruvanarayana

- (i) Wage rate under NREGA was Rs. 82/- but the Government of Karnataka had notified Minimum Wages for agricultural labourer at Rs 94. The wage rate in Karnataka under NREGA should be brought on par with Government of Karnataka's revised minimum wages for agricultural labourers.

- (ii) The cap of 100 days or guaranteed work should be relaxed in drought, flood areas and protected forests area.
- (iii) Timely payment to labour needs to be ensured.

4.10 Dr. Ashwani Kumar

- (i) The national average of days of work availed of by NREGA workers is far less than 100 days. Measures to enhance awareness among NREGA workers should be taken up.
- (ii) 2009-10 has been declared as year of Gram Sabha by the Ministry of Panchayati Raj. Capacity building at Gram Panchayat Level should be focused upon.
- (iii) The MIS is quantitative. It does not give voice to NREGA workers. A Group should look into and suggest ways in which the voice of NREGA workers is also captured in the system.

4.11 Shri K.S. Gopal

- (i) Convergence should be with works that are Labour intensive and address local needs.
- (ii) Field visits by Council members should provide inputs for improving the implementation of NREGS. A software should be developed to capture data reported on the field visits.

4.12 Shri Rangu Rao

- (i) In Madhya Pradesh, the Department of Forest had been entrusted with implementing works under NREGS but the funds given to them had not been used for the last two years. The state government should be asked to take action against the officials responsible for non utilization of the funds for such inordinately long periods.

4.13 Shri Narayan Singh Amlabe

- (i) There should be stringent penalty clauses against persons contravening the Act and these provisions should be made immediately.
- (ii) Delayed payments are discouraging workers from seeking work under NREGA. There should, therefore, be separate officers in banks/post offices at every level for NREGA wage payments.
- (iii) States should be advised to ensure that every small and marginal farmer have a pond in his field. It will create labour employment as well as increase the water level in the area. Kapildhara wells in MP created wage employment for farmers who benefited from this scheme.

4.14 Shri Sandeep Dikshit

- (i) Naming the Act as Mahatma Gandhi National Rural Employment Guarantee Act is a tribute to Mahatma Gandhi.
- (ii) Convergence guidelines should have clarity on financial dovetailing with schemes of other Ministries as there would be a tendency for substitution of funds of other schemes by funds under NREGA.
- (iii) Due care should be taken while implementing Ombudsman scheme for grievance redressal under NREGA.
- (iv) The role of NGOs in Social Audit should not substitute the role of Government Audit functionaries.
- (v) Studies conducted in States like MP/AP/Rajasthan suggest a need to orient agencies that undertake studies towards the Act.
- (vi) Technical personnel should be permanent staff under NREGS.
- (vii) Banks & Post offices have genuine problems. This matter should be taken up with P&T and Department of Financial Services.
- (viii) Wage rate should be based on Consumer Price Index. Competitive wage rate revision among states should be discouraged as it impacts national economy.

4.15 Shri Sanjay Dixit shared his experience of his tour to two districts in U.P. His tour report had been submitted to the Ministry. He suggested that :

- (i) deterrent action should be taken to minimize incidences of violation of law.
- (ii) A mechanism must be evolved to withhold fund release in case of proven misutilisation of funds.
- (iii) Action should be taken on the reports of members on Central Employment Guarantee Council and Action Taken Report should be placed in the next Council meeting

4.16 Dr. Jean Dreze

- (i) The cap of 100 days should be relaxed during crises like drought/floods.
- (ii) Delayed payments to NREGA workers was a major concern.
- (iii) If payment has not been done within 15 days it should be made without measurement during a drought situation.
- (iv) State Governments should be requested to clarify their time frame for wage payment/time bound process and it should be monitored.
- (v) Compensation should be paid for delayed wage payment.
- (vi) Wage payment should be tracked by MIS.
- (vii) Norms for deploying personnel should be made a part of the schedule of the Act.
- (viii) Observations submitted by him on the MIS may be considered.

4.17 Shri K.M. Acharya, Secretary(Ministry of Social Justice & Empowerment)

- (i) There should be separate data for SC/ST and persons with disabilities in the category of persons who have applied for job cards and who have got work.
- (ii) Works should be earmarked for disabled persons.
- (iii) Adequate representation of SCs/STs in the recruitment of Gram Sahayaks.

4.18 Shri. Ravi Kumar, Secretary (RD), Karnataka

The scheme of Ombudsman needs clarification on the issue on awards by ombudsman and appeal.

- (i) There are delays in payment of wages despite the fact that Karnataka has adequate outreach of Banks/Pos.

4.19 Shri Ashok Vardhan Shetty Secretary (RD),Tamil Nadu

- (i) There should be permanent staff to look after legally mandated processes like timely measurement of work.
- (ii) The scheme of Ombudsman should have a provision for appeal. Ombudsman should not be authorised to lodge FIR. The ombudsman scheme should have a separate administrative structure.
- (iii) The Central Government should not issue guidelines uniformly mandating construction of Bharat Nirman Rajiv Gandhi Sewa Kendra at panchayat levels, since States have different local needs and priorities dependent on their development level.

4.20 Shri D.S. Mishra, Secretary(RD), Govt. of Chhatisgarh

- (i) Wage rate of Rs. 100/- should be notified.
- (ii) In tribal areas, more than 100 days of work should be allowed.
- (iii) Despite the complex challenges of social audits in Chhatisgarh, it is proving to be effective.
- (iv) There are limitations in the capacity of the Business Correspondence models in payment of wages to NREGA workers as they are not able to service LWE affected areas.
- (v) Rs. 500/- per sitting to ombudsman is meager and may not attract suitable persons.

4.21 Dr. Moolchand Sharma, Vice Chancellor, Central University of Haryana

- (i) The federal structure of the country needs to be borne on mind, when deciding policy issues on Implementation through PRI. Core groups should be formed to discuss the same to arrive at acceptable solutions.

4.22 Shri A.N.P.Sinha ,Secretary (Ministry of Panchayati Raj)

- (i) The involvement of Gram Sabha is central to success of NREGA.
- (ii) There is a need for Capacity building of Gram Sabhas and Gram Panchayats. Adequate personnel and infrastructure are needed for strengthening Gram Panchayats.
- (iii) Social audit at Gram Sabha should not be limited to NREGA alone.

4.23 Shri R.N. Bhatta (Special Secretary), Himachal Pradesh

- (i) There is a need for training Gram Sahayaks for social audit.
- (ii) There are differential wage rates in tribal areas, these were prevalent prior to the central notification of wage rate on 01.01.09. Government of India may suitably rectify its notified wage rate.
- (iii) Works can not be provided in snow bound areas, as snow harvesting does not create permanent assets. The problem of meeting labour demand in snow bound regions /seasons yet to be resolved.

4.24 Shri K.B. Thampi, IG (Ministry of Environment and Forest)

- (i) There is a need for capacity building and social mobilization.
- (ii) Eco- restoration should be included in the shelf of works.

4.25 Ms. Amarjeet, DDG (Ministry of Labour & Employment)

- (i) Durability of assets should be given due attention.
- (ii) Skill development of NREGA workers should also be considered as with skill development the quality of assets could improve.
- (iii) Funds for maintenance should be identified.

Hon'ble Minister of Rural Development made the following observations :

- (i) There are 60,000 Gram Panchayats in the country without Panchayat Bhavan. The construction of Bharat Nirman Rajiv Gandhi Sewa Kendra will be an asset to these panchayat and construction of BNRGSK shall be taken up in a phased manner. It will lead to creation of durable physical asset and funds for material component may come from the 40% and convergence with BRGF will also provide an impetus towards it.

He also recommended that the technical persons including Village Development Officer should possess the qualification of BSc (agriculture) or MBA who can use computers and modern technologies and there should be a team of officers in Gram Panchayat including Panchayat Development officer, JE, Gram Sewak, accountant etc to support the system.

- (ii) Regarding Ombudsman, Hon. MRD said that within the existing provisions of law, Ministry had taken steps. Members could also give suggestions on measures strengthening ombudsman so to set up an independent grievance redressal mechanism.
- (iii) MRD also solicited the views of members on identification of measurable works for old people and physically challenged persons.
- (iv) On the proposed Lok Sevak scheme he said that NGOs could under the NREG Act be implementing agencies, so efforts should be made to identify credible NGOs for strengthening grass root implementation.
- (v) So far as NREGA is concerned, the provisions of the Act under section 6(i) clearly delink minimum wages from NREGA wage rate. If States were interested in paying more than 100 days work they could do so from their own funds. Central assistance would be limited to the notified wage rate.
- (vi) There did not appear to be an immediate need for opening up the 100 days entitlement of work as only 4% households have completed 100 days of work in the current financial year. Under section 3 of NREGA,

states can provide additional days of employment from their own resources if they so decide.

The meeting ended with vote of thanks to the Chair.

Annexure I

List of Participants of Central Employment Guarantee Council Meeting held on 7th October, 2009

Dr. C.P. Joshi Hon'ble Minister (Rural Development)	Chairperson
Sh. Pradeep Jain Minister of State (Rural Development)	Special Invitee
Dr. Mihir Shah Member Planning Commission	Special Invitee
Dr. Rita Sharma Secretary (Rural Development)	Member
Sh. A.N.P. Sinha Secretary Ministry of Panchayati Raj	Member
Sh. K.M. Acharya Secretary Ministry of Social Justice and Employment	Member
Sh. Sandeep Dikshit	Member
Sh. R. Dhruv narayana	Member
Dr. Charan Das Mahant	Member
Shri Pradeep Kumar Majhi	Member
Shri M I Shanavas	Member
Dr. Nirmal Khatri	Member
Sh. Narayan Singh Amlabe	Member
Sh. B.N. Kaithal Joint Secretary and LA Ministry of Law and Justice	Member
Sh. Subhash Garg Joint Secretary Ministry of Agriculture	Member

Smt. Amarjeet Kaur Deputy Director General Ministry of labour and Employment	Member
Sh. D.S. Mishra Principal Secretary Rural Development Government of Chattisgarh	Member
Sh. K. Ashok Vardhan Shetty Principal Secretary Rural Development and Panchayati Raj Department Government of Tamil Nadu	Member
Sh. P. Ravi Kumar Secretary(Rural Development) Government of Karnataka	Member
Sh. S.P. Choudhari Advisor (Rural Development) Planning Commission	Member
Sh. K.B. Thampi IGF Ministry of Environment and Forest	Member
Dr. R.N.Bhatta Special Secretary (Rural Development) Government of Himachal Pradesh	Member
Sh. B.L.Aggarwal Special Secretary, Gram Vikas Government of Uttar Pradesh	Member
Ms. Sabina Yeasmin	Member
Smt. Ratan Ben Jadav	Member
Shri Sanjay Dixit	Member
Dr. Moolchand Sharma	Member
Ms. Aruna Roy	Member
Dr. Jean Dreze	Member
Shri. K.S. Gopal	Member

Dr. Ashwani Kumar

Member

Shri Rangu Rao

Member

Ms. Amita Sharma

Member Secretary

Joint Secretary (Rural Development)