



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Mahatma Gandhi NREGS 2014-15- Amended Schedules I & II-Selection of works- Orders issued.

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LOCAL SELF GOVERNMENT (DD) DEPARTMENT

GO(Rt.) No.1055/2014/LSGD

Dated,Thiruvananthapuram, 29.04.2014

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Read:- 1. S.O 19(E) Ministry of Rural Development, Government of India, Notification dated: 3rd January, 2014
2. Letter No. 179/EGS A/14/REGS Dated 24.4.2014 of Mission Director, Mahatma Gandhi NREGS State Mission

O R D E R

1. The Mahatma Gandhi National Rural Employment Guarantee Scheme is a flag-ship scheme of the Government of India. The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) was notified on 7th September, 2005. The mandate of the Act is to provide at least 100 days of guaranteed wage employment in a financial year to every rural household whose adult members volunteer to do unskilled manual work. It is an important objective under the Scheme to create productive assets and strengthen the livelihood resource base of the rural poor. The Schedule I of the Act envisages the minimum features of a Rural Employment Guarantee Scheme and Schedule II puts forward the conditions for guaranteed rural employment under a scheme and the minimum entitlements of labourers.
2. In exercise of the powers conferred by sub-section (1) of section 29 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005), the Central Government as per the notification referred as first paper above have amended the Schedules I & II of the Mahatma Gandhi NREG Act, and the same has been brought in to force on 03.01.2014.

3. Considering the amendments to the Schedules I and II, the Mission Director, Mahatma Gandhi NREGS State Mission, as per the letter referred as second paper above, has brought to the notice of the Government, the following matters:

4. The quality of assets and their productivity have become serious concerns for the Scheme in the State. The creation of productive assets of prescribed quality and durability is one of the core objectives of the Scheme.

4.1 Many activities which were allowed in the earlier form of the Schedule I have been disallowed. Many new works have been incorporated and it has become part of the Schedule I of the Act that *"works which are non-tangible, non-measurable, repetitive such as, removing grass, pebbles, agricultural operations, shall not be taken up"*. Any violation of the provisions of the Act would attract penal action under section 25 of the Mahatma Gandhi NREG Act, 2005

4.2 Further, while categorizing Mahatma Gandhi NREGS works into four (A, B, C and D), in case of creation of individual assets for vulnerable sections (Category B) it has been expressly provided in para 5 of the Schedule I of the Act as follows:

"Works creating individual assets shall be prioritized on land or homestead owned by households belonging to the:

(a) Scheduled Castes

(b) Scheduled Tribes

(c) nomadic tribes

(d) denotified tribes

(e) other families below the poverty line

(f) women-headed households

(g) physically handicapped headed households

(h) beneficiaries of land reforms

(i) beneficiaries under the Indira Awaas Yojana

(j) beneficiaries under the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007)

and after exhausting the eligible beneficiaries under the above categories, on lands of the small or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme, 2008 subject to the condition that such households shall

have a job card with at least one member willing to work on the project undertaken on their land or homestead”.

4.3 As the Action Plan and the Shelf of Projects prepared during 2013-14 under the pre-revised pattern of Schedule I is relied upon for implementation during the current financial year 2014-15, when the revised Schedules I & II are legally binding on the Scheme and its stake-holders, it has led to an anomalous situation (which tends to dilute the ‘non-negotiables’ prescribed by the amended Schedules I & II), hampering Scheme implementation in the current year in tune with the revised norms. Hence,

- i. in order to align the implementation of the Scheme and the works selected under the Scheme with the revised statutory provision (revised Schedules I & II of the Act);
- ii. to ensure quality and productivity of assets created;
- iii. to avoid works that are prohibited by law and
- iv. to ensure effective convergence with other departmental Schemes,

it has become imperative to incorporate the following checks in the process of implementation of the Scheme, hence forth, this financial year.

4.3.1. Only that works as specified in the amended Schedule I and capable of creating productive assets shall be taken up for implementation hence forth.

4.3.2 All the Joint Programme Coordinators and Block Development Officers will ensure that not less than fifty (50) works, capable of generating assets, in different categories permitted by the amended Schedule I are selected by the Grama Panchayats in the first phase from the existing Action Plan for 2014-15 and detailed estimates with expected outcomes of such works are drawn and technical sanction given. The President and Secretary of the Grama Panchayat concerned shall jointly certify in case of each work proposed to be taken that “it is in accordance with the amended Schedules of the Mahatma Gandhi NREG Act 2005 and that it is capable of generating productive assets of prescribed quality and meeting expected outcomes”. This exercise should be completed in a time bound manner within 2 weeks time. To ensure timely completion of this exercise, special meetings of Grama Panchayat Presidents, Secretaries and Accredited Engineers should

be arranged by Block Development Officers/ Block Programme Officers. District Programme Coordinators and Joint Programme Coordinators should ensure that the said exercise is completed on a war-footing.

4.3.3. Grama Panchayats who are the implementing agencies, should forward to the Block Development Officers/ Block Programme Officers, in case of each work the copy of the detailed estimates of work (certified by the President and Secretary), along with the request for muster rolls. Block Development Officers/ Block Programme Officers will get the items of the estimates verified through the Block level Accredited Engineers and ensure that the work selected for which muster roll has been requested, is in accordance with the categories and items of work permitted in the Schedule I and that it complies with the conditions set forth in the amended Schedule I. Muster roll should be issued only for such works which satisfy the conditions laid down in amended Schedule I. Block Development Officers/ Block Programme Officers should not issue muster rolls for works which are not certified by the President and Secretary of the Grama Panchayat concerned and which are neither asset generating nor complying with the stipulations of the amended Schedule I. Works which are non-tangible, not measurable, repetitive such as, removing grass, pebbles, agricultural operations, shall not be taken up.

4.3.4. In continuation of the above the Annual Action Plan of the Grama Panchayats, which were prepared prior to the amendment of Schedule I & II will have to be re-visited. District Programme Coordinators and Joint Programme Coordinators should conduct block level workshops, involving Grama Panchayat Presidents, Secretaries and contract staff of Mahatma Gandhi NREGS to scrutinize the Action Plan and weed out the works which are already included in the Action Plan but not capable of generating productive assets conforming to stipulations laid down in the amended Schedules I & II. Action Plan of those Grama Panchayats whose works are found not to be in conformity with guidelines should be modified after observing the procedure for Labour Budget preparation. Revision of Action Plan of the all such Grama Panchayats should be completed within a period

of one month. Appropriate/ corresponding entries should be effected in the MIS.

4.3.5. During the project initiation meeting, awareness among workers regarding the quality of the asset that is to be created (quality consciousness) and the awareness regarding the expected outcomes (outcome orientation), should be earnestly created by the technical staff of the Scheme.

4.3.6. Proactive inclusion of vulnerable sections indicated in para 5 of the amended Schedule I of the Act is important and proactive steps to ensure their participation in the Grama Sabha and articulation of their demand in the Grama Sabha for individual assets (Category B works) in their land and home stead, should be undertaken. Due diligence of the implementing agencies in operationalizing the Scheme in adherence to the conditions prescribed in para 5 of the amended Schedule I, is imperative and non-negotiable.

4.3.7. It shall be brought to the notice of all concerned that as per section 25 of the Act, *'who ever contravenes the provisions'* of the Act, shall on conviction, be liable to be penalized.

5. Government have examined the above in detail and are pleased to direct all those concerned with the implementation of the Scheme to comply with the suggestion of Mission Director, Mahatma Gandhi National Rural Employment Guarantee Scheme mentioned above, in letter and spirit, so that, the statutory provisions with regard to the selection of works under the amended Schedule I are strictly adhered to, while also ensuring the creation of productive assets of prescribed quality and durability.

(BY ORDER OF THE GOVERNOR)

James Varghese IAS

Principal Secretary to Government

To

1. The Commissioner for Rural Development, Thiruvananthapuram.
2. All District Collectors.
3. The Mission Director, Mahatma Gandhi NREGS, Thiruvananthapuram.
4. The Director of Panchayats, Thiruvananthapuram.
5. All District Panchayat Presidents and Secretaries (through the Director of Panchayats)

6. All Block Panchayat Presidents and Secretaries (through CRD)
7. All Grama Panchayat Presidents and Secretaries (through the Director of Panchayats)
8. All Joint Programme Coordinators
9. All Block Programme Officers
10. All Deputy Directors of Panchayats
11. The Principal Accountant General, Kerala (Audit), Thiruvananthapuram
12. The Accountant General, Kerala (A&E), Thiruvananthapuram
13. The Director, Information Kerala Mission, Thiruvananthapuram
14. Stock file/Office Copy.

Forwarded/By Order


Section Officer