

NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005

(Act Number 42 of 2005)

CHARTER OF RIGHTS

RURAL MANAGEMENT AND DEVELOPMENT DEPARTMENT

Rural Management and Development Department is implementing the NREG Act. The objective of the Act is to enhance livelihood security of the people in rural areas which guarantees 100 days of wage employment in a financial year to the adult members of a rural household who demand and are willing to do unskilled work. The North district of Sikkim comes amongst the 200 districts in the country in which the Act is being implemented. Salient features of the Act are as follows:

- National Rural Employment Guarantee Act, 2005 was passed on September 2005. Two hundred districts of the country have been identified in the first phase for the implementation of the scheme, which includes 150 districts already under National Food for Work Programme.
- The unique feature of the Employment Guarantee Scheme is that it is demand based.
- This Act aims at enhancing the livelihood security of the household in the rural areas of the country by providing at least one hundred days of guaranteed wage employment to every household whose adult members volunteer to do unskilled manual work and is opened to all rural households.
- The emphasis in the Act on selecting works that built durable assets to improve productivity and offer sustainable solutions to some of the causes of chronic poverty.
- The nature of work suggested in the Act offers an unparalleled opportunity to states to rejuvenate rural economy of the state by addressing the fundamental causes of the poverty so that the people who now work as labour in building these assets, gradually on that basis engage in productive, income generating activities and so move away from wage employment to self employment, over a period of time.
- This Act provides employment opportunities on priority to at least one-third of the employment offered to women job seekers.
- The Panchayats, Line Departments, NGOS, Central and State Government Undertakings, Self Help Groups can be identified as implementing agencies.
- The Act requires every Gram Panchayat to prepare after, considering the recommendations of the Gram Sabha and development plan and maintain shelf of works to be taken up as and when demand arises.

Eligibility:

- Should be a local resident of the Gram Panchayat Unit. "Local" will imply those residing within the Gram Panchayat. It will include the migrant families of the area including those that may have migrated within the state since some time but may return.
- Every member of a household seeking employment should have attained at least 18 years of age at the time of registration.
- Applicants for the registration under EGS must be holder of Sikkim Subject Certificate/Certificate of Identification/ Voter identity card/land purchase or any other document as proof of Indian citizenship.

Entitlements:

- Every household whose adult members volunteer to do unskilled manual work would be entitled to get registered with the Gram Panchayat and get a job card.
- Every registered household would be entitled to at least 100 days of guaranteed employment at the wage rate.
- Every eligible applicant, subject to the household entitlement, is entitled to get work within 15 days for as many days as he/she applied failing which he or she shall be entitled to a daily unemployment allowance, in cash at the rate prescribed.
- 'Household' means the member of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card.

Process of registration:

- The applicants should apply as a household the local Gram Panchayat in a plain paper containing the names of those adult members of the family willing to do unskilled manual work, giving such particulars as age, sex, SC/ST,IAY/Land reform beneficiary, name of village and household number.
- All applications shall be verified by the Gram Panchayat and registered after due verification.
- After verification the Gram Panchayat will enter all particulars in the registration register in the Gram Panchayat.
- A Gram Sabha of the registered worker must be held.
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Job card:

- The Gram Panchayat will issue a job card to the household that has been registered. Photographs of the adult members who are applicants have to be attached to the job card.
- The job card should be issued immediately after the verification is completed and should be handed over to the applicant not later than a week after registration. A copy of the job card will be maintained at the Gram Panchayat.
- The job card shall be valid for a period of five years and will have provision for addition/deletion of members eligible to work.

Works permissible under the Act:

- Water conservation and water harvesting.
- Drought proofing (including afforestation and tree plantation).
- Irrigation canals.
- Provision of irrigation facilities to land owned by households belonging to SC/ST or to Land beneficiaries of land reforms or that of the beneficiaries under the IAY of the Government of India.
- Renovation of traditional water bodies including de silting of tanks.
- Land development.
- Flood control and protection works including drainage in water logged areas
- Rural connectivity.
- Any other work, which may be notified by the Central Government in consultation with the State Government.

Unemployment allowance:

- If a worker who has applied for work is not provided employment within 15 days from the date on which work is requested, an unemployment allowance shall be payable by the State Government at the rate prescribed by the state Government as per procedure specified in the estate scheme.

Work site facilities:

- Work site facilities are to be ensured by the implementing agencies. Medical aid, drinking water, shed, crèche, if there are more than five children below six years, will have to be provided.
- The cost of the work site facilities as indicated in the Act will be included as part of the programme cost and therefore has to be included in the cost estimate for each project.

In case of certain confusion regarding the objectives of the Act and entitlements, the programme officer and District Programme Coordinator should be approached.

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PROFORMA

Name of State/District	Prevailing Minimum wages for Agricultural labourers			
	2002-03	2003-04	2004-05	2005-06
SIKKIM/NORTH DISTRICT	Rs. 50/- PER MANDAY	Rs. 50/- PER MANDAY	Rs. 85/- PER MANDAY	Rs. 85/- PER MANDAY

1. Whether wages are paid on time rate or piece rate? On time rate.
2. **Date of last revision of minimum wages** ___ Prior to extension of Minimum Wages Act 1948 in Sikkim, state. The state Government have been revising and fixing the general rates of wages in respect of workers borne on Muster Roll on the basis of administrative decision and depending upon the inflation and market rate. The minimum wage rate of Rs. 85/- per day had been fixed effective from 1st April 2004 and there after Minimum Wages Act 1948 and enforced effective from 1st October 2004 and the minimum wages in respect of 26 schedule employment had been fixed @ Rs. 85/- w.e.f. 1st September 2005.
3. **Procedure for revision of minimum wages** ___ Prior to extension of Minimum Wages Act 1948 in Sikkim, state. The state Government have been revising and fixing the general rates of wages in respect of workers born on Muster Roll on the basis of administrative decision and depending upon the inflation and market rate. The minimum wage rate of Rs. 85/- per day had been fixed effective from 1st April 2004 and there after Minimum Wages Act 1948 and enforced effective from 1st October 2004 and the minimum wages in respect of 26 schedule employment had been fixed @ Rs. 85/- w.e.f. 1st September 2005.
4. **Any other relevant information 'X' below.**
If minimum wages are different in different district, district wise prevailing wages may be intimated.

'X' Minimum wages are different in different altitudes in Sikkim, State which are as under :-

SL No.	Wages per manday	Altitudes	Rate
1	Rs. 85/-	Upto 8000	Normal rate
2	Rs. 127.50p	From 8001 to 12000	50% of the normal rate
3	Rs. 148.75p	From 12001 to 16000	75% of the normal rate
4	Rs. 170/-	From 16001 and above	Double the normal rate

**NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME UNDER NATIONAL
RURAL EMPLOYMENT GUARANTEE ACT**

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In guidelines the Panchayats have been made the backbone for the implementation of the NREGA. Right from the time of inception they have been actively involved not only in making necessary arrangement for the implementation of the Act but one efforts have been towards making them the pivotal instrument ingenerating the wage employment to the rural poor for this purpose a desire of training and workshops have been conducted to give them a good feed back on the issue and to build their capacity in addressing the issues in letter and spirit. So far a series of Gram Sabhas have been held successfully. Training programme to give them a insight of on the Scheme have been held on the 18th and the 20th of January. Meetings also held on 9th and 10th of March for the Guardian Officer who are appointed oversee the activities of the Panchayat, conduct Gram Sabhas and also to guide them in strict compliance. They were also given a details briefing on the provision of the Act and their roles and responsibilities under the Act.

SIKKIM RURAL EMPLOYMENT GUARANTEE SCHEME
UNDER THE NATIONAL RURAL EMPLOYMENT GUARANTEE ACT

Among the four districts of Sikkim, North District has been identified as one of the districts in the Country for the implementation of the National Rural Employment Guarantee Act.

Profile of the District:

This District comprises of two sub-divisions viz. Mangan and Chungthang . Mangan sub-division is the district headquarters with 15 Gram Panchayat Units falling under its jurisdiction and the remaining five Units including the two traditional local bodies in Lachen and Lachung known as the Dzumsas, under Chungthang sub-division. The 18 Gram Panchayat Units comprises of a total of 101 panchayat wards. This 20 Gram Panchayat Units are represented by an equal number of Zilla Panchayats .

The District occupies around two third of the total geographical area of the State and has a population of around half a lakh with the majority of the population comprising of Scheduled Tribes. Agriculture is the main source of livelihood of the people in this District with ginger and cardamom being the major cash crop of the area. However, during the recent past, the production of the cardamom, which sustains the economy of the District, has fallen drastically thereby enhancing the poverty level in the District.

The status of the Sikkim Rural Employment Guarantee Scheme under national Rural Employment Guarantee Act, 2005, till date, are highlighted as under:

- The Act was launched in the District on the 26th of January, 2006 with the reading out of the Charter of Rights, as envisaged under the Act , by the Panchayat Sabhapatis and the Pipons (of the Lachen and Lachung Dzumsas) in the Gram Sabhas conducted in all the 18 Gram Panchayat Units and the 2 Dzumsas of the District.
- The ground work relating to the awareness about the Act and its implementation is being carried out at the District and the Gram levels in a phased manner and is nearing completion. Likewise, the formulation of the Sikkim Rural Employment Guarantee Scheme under Section 4 of the NREG Act is in the final stage and is to be notified very soon by the Government.
- The Registration process of the applications began from the 2nd of February, 2006 and is underway at the Gram Level

(2) Such meeting shall be presided over by the prescribe authority or such other officer as may be authorized by the prescribed authority. The prescribe authority or the official authorized by him shall not be entitled to vote at the election.

(3) Two-third number of total membership shall form a quorum of the meeting. On the date of the meeting if there is no quorum within an hour of the time fixed for the meeting presiding officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provision regarding notice in form –I to members of the Zilla Panchayat Municipalities referred to in sub-rule (1) shall apply: Provided that no quorum shall be necessary for an adjourned meeting.

(4) If in case there is no Municipality duly constituted for the urban areas within the district under the provision of the Sikkim Municipalities Act, 1995, or if there is likelihood of delay in constituting such urban local bodies for more than a period of three month from the date of publication of notification for constitution if the Zilla Panchayat, the prescribed authority may c The presiding Officer shall, all the meeting of the members of the Zilla Panchayat for constitution of District Planning Committee without further delay, however, in such case the representation from the urban areas as required under clause © of sub section (1) of section 184, till the constitution of the Municipalities Act, 1995 shall be kept vacant till the constitution of the Municipalities.

(5) The presiding Officer shall, immediately after the commencement of the meeting, call upon the member present to [proposed and second names of the candidates from amongst themselves for election of member of the District Planning Committee. He shall record the names of the candidate proposed together with the names of the propose s and seconders. The presiding Officer shall reject any proposals of the candidates refused to stand for the election and he may not accept any proposals after the list of candidates has been finalized by him.

(6) If the names proposed and seconded are not more than the seats allotted to be filled up by such members by election the presiding Officers shall declare them to be duly elected members of the district Planning Committee by filling up form 2.

(7) If more candidates have been proposed and seconded than the seats allotted to be filled up by such election and have agreed to stand for election. The Presiding Officer shall conduct the election in the following manner namely :-

- (a) The Presiding Officer shall, cause to be prepared as many ballot papers as there are members present containing the names of candidates arranged according to the alphabetical order of their surnames in Form 3 in such language or languages as the prescribed authority may direct.
- (b) The presiding Officer shall, immediately before the commencement of the election, satisfy all members present that the ballot box is empty and also allow the members present to inspect the ballot box and there after secure and seal such ballot box and have it kept at a place which can be seen by himself and all the members present.
- (c) The Presiding Officer shall, thereafter, hand over one such ballot paper as prepared under clause (4) to each member present after putting his initial on the back of each ballot paper. He shall then ask each member in turn to record his vote at a table so placed that no other person can see such member while putting the mark "X" in the palace provided for the proposed in the ballot paper opposite the names of the candidates for whom he intends to vote, to fold it up and insert it into the ballot box.
- (d) If a member is unable to write or is physically incapacitated form voting, the Presiding Officer shall, at the request of such member, take him to record his vote to the tables so placed, ascertain his choice and accordingly mark the ballot paper, fold if up and insert it into the ballot box. The Presiding Officer shall cause such arrangement to be made as to ensure secrecy of the ballot paper.

(8) Immediately after the voting is over, the Presiding Officer shall open the ballot box in the presence of the members present, take out the ballot papers therefore, count them and record the number there of in

