

Initiative on Supporting the National Rural Employment  
Guarantee Scheme (NREGS) through State Legal Services  
Authorities

Organised by *National Legal Services Authority (NALSA),  
Supreme Court Legal Services Committee,  
& Supreme Court Middle Income Group Legal Aid Society;*  
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Comments by: Justice K.G. Balakrishnan, Chief Justice of India

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Ladies and Gentlemen,

The National Rural Employment Guarantee scheme (NREGS) is one of the most progressive social welfare measures undertaken in our country in recent years. This scheme indeed is intended to tackle the problem of chronic rural poverty. Over the last three years or so, this scheme has been implemented in scores of backward districts and presently plans are in motion to extend its application to most parts of the country.

The origins of the scheme of course lie in the efforts of some leading voluntary sector organisations which demanded a comprehensive programme for government-assured employment in rural areas. These efforts bore fruit with the enactment of the National Rural Employment Guarantee Act, 2005 whose objective is to ensure the creation of one-hundred days of employment for one adult from each rural household, in selected districts. This scheme seeks to ensure livelihood security and improve the purchasing power of rural households through the payment of statutory minimum wages for the work undertaken. In the process, the NREGS also seeks to check rural-urban migration and deploy rural labour for building public works such as bridges, water-flow channels, wells, rain-water harvesting units, roads, schools, health centres and granaries among others. Several State Governments have adopted innovative strategies like relying on the NREGS to find personnel to run programmes such as the 'mid-day meal' schemes in government-run schools.

However, at the present juncture the potential of the NREGS can only be described as partially fulfilled. Though there have been several favourable reports about its success in limiting distress

migration in some districts, there are several systemic problems which can only be addressed through the persistent efforts of the implementing agencies, civil society institutions as well as the legal system. The primary problem is that of corruption and lack of transparency in the maintenance of 'muster-rolls' and records of payment of wages. The unholy nexus between local contractors and governmental officials is further complicated by social realities such as the exploitation of illiterate workers, especially those of a vulnerable profile such as scheduled castes, scheduled tribes and women. It is not uncommon to come across accounts by the press and those by several NGO's working in the field which describe instances of falsification of records. In some cases the records indicate that a particular individual has worked only for a few days on a site, while the reality would be that the same person had been engaged there for a much longer period than what is recorded. Similarly, there are frequent reports about falsification of wage-payment records wherein illiterate workers are compelled to assign their thumb impressions to acknowledge payments that were never actually received. There is also a tendency on the part of local contractors to not allow access to 'muster rolls' on the demand of

workers and social activists. In this regard, the Right to Information Act (RTI) confers an effective remedy in order to ensure transparency in matters such as the allocation of employment and payment of wages.

The long-term success of a scheme like the NREGS necessarily relies on the initiative and efforts of the local community in question. It is important for individuals to be aware of their entitlements under the scheme and also collectively participate in the 'Social Audits' concerned with the implementation of the same. 'Social Audits' are not only a method to gauge the effective implementation of the NREGS in a specified local area, but also provide a forum for the local population to interact with personnel from the implementing agencies and shape decisions about the working conditions as well as the nature of projects to be undertaken in the future. In this way, the government's role of guaranteeing employment can act as the precursor to wholesome rural development.

In this regard, the State Legal Services Authorities can play the crucial role of generating awareness about the employment-guarantee scheme through legal literacy camps and also provide grievance-redressal mechanisms in the form of '*Lok Adalats*' to hear and decide complaints related to the NREGA. Especially in instances where local contractors or officials may have engaged in wrongdoing, the presence of a judicial officer will lend the necessary credibility for the effective redressal of these complaints. A draft has been circulated on behalf of the National Legal Services Authority (NALSA), which lays down a proposal for the widespread involvement of Legal Services Authorities in improving awareness about the NREGS at the grassroots level. Besides touching on the issue of budgetary requirements, the proposal also contemplates the involvement of several stakeholders such as lawyers, local government officials, social workers and educationists in the mass-awareness campaign. I hope that this proposal has been duly considered and that all those present here will actively reflect on the modalities for proceeding with the implementation of the same.

Thank You!