

Inauguration of
Initiative on Supporting the National Rural Employment Guarantee
Scheme (NREGS)
through
the State Legal Services Authorities
October 2, 2008
Vigyan Bhawan

Presidential Address by :
Justice K.G. Balakrishnan, Chief Justice of India

Ladies and Gentlemen.

It is my proud privilege to participate in this function. I feel happy because this Initiative is being launched today by Dr. Manmohan Singh, the Hon'ble Prime Minister, who has also initiated and was largely instrumental in the enactment of the National Rural Employment Act, 2005.

I am immensely pleased that this initiative has been launched today, the day being the Gandhi Jayanti the birthday of Mahatma, who believed in creating opportunities to the rural people of India to lead a life of dignity and self respect.

I am also thankful to Dr. Justice Arijit Pasayat and his colleagues in the National Legal Services Authority, the Supreme Court Legal Services Committee and Supreme Court Middle Income Group Legal Aid Society, who are the organizers of this function.

On the occasion of the National Colloquium on Poverty Alleviation, Food Security, Right to Development on 9th November, 2006 the Hon'ble Prime Minister stated that "NALSA and its State counterparts have to help give voice to the voiceless so that their right to work is realized. They should assist social audits of the NREGA by working with people's movements, trade unions, NGOs and other Civil Society Groups.

In this context, it is felt necessary that the judicial and legal fraternity through the State Legal Services Authorities should give a serious thought to involve themselves with supporting the implementation of the NREGS. Their main focus should be to help the poor to benefit to the maximum potential of the Act and the Scheme framed thereunder.

A majority of the poor in rural areas of this Country depend mainly on the wages they earn through unskilled, casual and manual

labour. The sinking labour demand and unpredictable natural disasters adversely affect their employment opportunity. They are vulnerable to the possibility of chronic poverty. The unemployment in the rural area forces them to migrate to the urban and the life become more miserable for them. When the professionals in the world of information technology flourish with more income and economic growth, their counterpart namely the rural youth are not provided with sufficient employment opportunity.

As we are aware, the National Employment Guarantee Act, 2005 (NREGA) aims at enhancing the livelihood security of the people in rural areas by guaranteeing 100 days of wage employment in a financial year, to a rural household whose members volunteer to do unskilled manual work. The pro poor policy of the Government is to create durable assets in one hand and at the same time strengthen the livelihood of the rural poor needs a special mention.

The National Rural Employment Guarantee Act is no doubt, one of the finest Social Welfare enactments, with an aim of improving the purchasing power of the rural people, primarily semi or un-skilled people living below poverty line in rural India. It attempts to bridge

the gap between the rich and poor in the country. Roughly one-third of the stipulated work force must be women.

As per the data available in the World Bank report more than 30 per cent of the Indian population lives on less than Rs 43.50 a day, but Indian economists believe the figure of poor, especially rural poor could be much higher. We have tried to fight poverty by various means, but have met with little success. So what India needs is something more lasting than patchwork policies to help its millions of poverty stricken people.

The National Rural Employment Guarantee Act is one of the means which can solve the problem, given that it has the potential to provide a livelihood of millions. The success of any scheme depends upon the proper and timely implementation. Awareness is one of the main component for the success of any Scheme. There are several rights guaranteed under NREGA. With job card the adult members of the household in the rural areas are entitled to apply for work at any time. If they apply for work, employment has to be given within 15 days and if they do not get employment within 15 days, they are entitled to unemployment allowance. The workers are entitled to the

statutory minimum wage, man and woman should be paid equally, wages should be paid within a week and in public. Experience shows that barely half of all adults in NREGA districts are aware of the Employment Guarantee Act. According to a survey the level of awareness ranges from 29% in Jharkhand to 98% in Andhra Pradesh. A comparison between total number of eligible household and number of households that registered for job cards or sought jobs shows a terrible lack of awareness about the NREGA. The Study shows that those who applied for job cards were unclear about the entitlements associated with the cards.

In implementing NREGS, there are many issues and challenges. Many of the issues involve the implementing agencies like State Governments and Department of Rural Development or Department of Panchayati Raj. We are not concerned with these issues and challenges. We are concerned with issues involving Legal Services Authorities.

The Legal Services Authorities are under an obligation to extend free legal aid under Section 12 of the Legal Services

Authorities Act, 1987. There is not only a lack of awareness about NREGS but also there is lack of awareness about free legal aid.

It is in this background the National Legal Services Authority, Supreme Court Legal Services Committee with the active support of Supreme Court Middle Income Group Legal Aid Society have come forward to convene a national level interaction on implementation of NREGS.

I hope in the morning Session you would have deliberated extensively on the issues and challenges in implementing NREGS, the Role of Civil Society and Media in making the citizens aware of the rights benefits and privileges granted under NREGS and legal aid and legal literacy programme in support of implementation of NREGS.

The Legal Services Authorities in order to secure and promote justice on basis of the equal opportunity need to emphasis various strategies for proper and timely implementation of NREGS. Nation wide legal literacy and legal awareness campaign on NREGA is the need of the hour. To counter the problems of withholding payment, delayed payment, non payment and any other issues between the

rural worker and the implementing agency, the Legal Services Authorities can organize Lok Adalats under Section 19 of the Legal Services Authorities Act, 1987. Lok Adalats are the time tested, no cost alternative disputes resolution forums which can easily solve the problems of the poor on the spot with an authority. Although the Act, is essentially need based and requires the initiation from the applicants, the Legal Services Authorities, by conducting the awareness camps and lok adalats shall take a proactive role in extending their services, without waiting for any other initiation.

The cause of complete justice cannot be achieved unless all stakeholders join hands in a real altruist approach and spirit of togetherness. The object of this Initiative is to bring various stakeholders of NREGS to a common ground and to ponder over the issues and challenges and to come up with an action plan to ensure proper and timely implementation of NREGS so that the true potential is attained. The State Legal Services Authorities with its wide legal knowledge, pragmatic approach and strategies can ensure that the poor rural workers are not thrown out to defend for themselves.

I would commend and request all the participants to take this opportunity and help evolve a concerted action plan so that the concept of legal services becomes an instrument in the services of the unemployed citizens of rural India.

JAI HIND