

राजस्थान सरकार
ग्रामीण विकास एवं पंचायती राज विभाग
(अनुभाग-3 मनरेगा)



क्रमांक एफ 1(16)ग्रावि/नरेगा/वाकायो 13-14/2012

जयपुर, दिनांक :

जिला कलेक्टर एवं जिला कार्यक्रम समन्वयक,
महात्मा गांधी नरेगा
समस्त राजस्थान।

07 MAR 2014

विषय:- लोकसभा चुनाव 2014 के कारण लागू आदर्श आचार संहिता के दौरान महात्मा गांधी नरेगा योजना के क्रियान्वयन के संबंध में।

संदर्भ:- ग्रामीण विकास मंत्रालय, भारत सरकार द्वारा जारी पत्र क्रमांक L-12031/1/2014-MGNREGA-IV दिनांक 20.02.2014

महोदय,


उपरोक्त विषयान्तर्गत लेख है कि लोकसभा चुनाव 2014 के मद्देनजर आदर्श आचार संहिता प्रभाव में आ चुकी है। आदर्श आचार संहिता के दौरान महात्मा गांधी नरेगा योजना के क्रियान्वयन के संबंध में ग्रामीण विकास मंत्रालय, भारत सरकार के पत्र दिनांक 20.02.2014 (प्रति संलग्न) के माध्यम से प्राप्त भारत निर्वाचन आयोग के मार्गदर्शन के परिप्रेक्ष्य निम्नानुसार कार्यवाही किया जाना सुनिश्चित किया जावे :-

- जॉब कार्ड धारी परिवारों द्वारा कार्य की मांग किये जाने के उपरांत महात्मा गांधी नरेगा अधिनियम के प्रावधानानुरूप उन्हें रोजगार उपलब्ध कराया जावे।
- प्रगतिरत कार्यों पर रोजगार उपलब्ध कराया जाना संभव नहीं होने की स्थिति में ही सक्षम अधिकारी द्वारा अनुमोदित कार्य योजना (Shelf of Project) में सम्मिलित कार्य ही जिला निर्वाचन अधिकारी को सूचित करते हुए प्रारंभ किये जा सकते हैं। इस संबंध में यह सुनिश्चित किया जावे कि रोजगार की मांग के अनुरूप प्रगतिरत कार्य उपलब्ध होने की स्थिति में नये कार्य प्रारंभ नहीं किये जावे। नये कार्य प्रारंभ किये जाने की स्थिति में सक्षम अधिकारी द्वारा जिला निर्वाचन अधिकारी को यह प्रमाण पत्र दिया जाना अनिवार्य होगा कि "प्रगतिरत कार्यों पर जॉब कार्डधारी परिवारों को रोजगार उपलब्ध कराये जाने की स्थिति नहीं होने के कारण ही नया कार्य प्रारंभ किया गया है"।
- जॉब कार्ड हेतु आवेदन किये जाने पर महात्मा गांधी नरेगा अधिनियम 2005 तथा समय-समय पर जारी तत्संबंधी दिशा-निर्देशों के प्रावधानानुसार जॉब कार्ड जारी किये जा सकते हैं।

- ग्रामीण विकास मंत्रालय भारत सरकार द्वारा अनुमोदित श्रम बजट के अनुरूप प्रशासनिक एवं तकनीकी स्वीकृति बिना किसी प्रचार-प्रसार के जारी की जा सकती है।
- कार्य के लिए आवश्यक सामग्री का क्रय (Procurement) आवश्यकतानुसार तथा नियमानुसार किया जा सकेगा।

उक्त दिशा-निर्देश ग्रामीण विकास मंत्रालय भारत सरकार से प्राप्त संदर्भित पत्र के क्रम में जारी किये गये हैं। किसी भी प्रकार के संशय की स्थिति में पत्र के साथ संलग्न भारत निर्वाचन आयोग द्वारा जारी दिशा-निर्देशों को देखें अथवा इस कार्यालय को संपर्क करें।

संलग्न :- उपरोक्तानुसार।


(नेवीन जैन)
आयुक्त, ईजीएस

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. अतिरिक्त जिला कार्यक्रम समन्वयक, महात्मा गांधी नरेगा एवं मुख्य कार्यकारी अधिकारी जिला परिषद, समस्त।
2. अतिरिक्त जिला कार्यक्रम समन्वयक, महात्मा गांधी नरेगा राजस्थान जयपुर/जोधपुर/बाडमेर।
3. रक्षित पत्रावली।


अतिरिक्त आयुक्त प्रथम, ईजीएस

MOST IMPORTANT

L-12031/1/2014-MGNREGA-IV
Government of India
Ministry of Rural Development
(Mahatma Gandhi NREGA Division)

D. No. 1322/PS/RD&PR/201
DATE 24 FEB 2014

Krishi Bhawan, New Delhi 110 001.
Dated the 20th February, 2014

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AU DPC & ADPC

To 3-3-14

Additional Chief Secretary/Principal Secretary/Secretary/Commissioner
In charge of MGNREGA
Government of Assam, Jammu & Kashmir, Karnataka, Meghalaya, Rajasthan and Tripura,

3/3/14

AD (EGS)
25/2/14

Subject: Model Code of Conduct to be adhered during the General Election to the Lok Sabha 2014 – relating to issues in the implementation of MGNREGS - Communication from the Election Commission of India- reg.

Sir/Madam,

Please find enclosed a copy of the D.O. letter No. 437/6/CG/2014/495 dated 3rd February, 2014 from the Chief Election Commissioner of India in the context of Model Code of Conduct which will come into force once the commission announces the schedule for the General Election to the Lok Sabha for information and appropriate action at your end.

ID. 364 2014/Secy
Date 28/2/14

SRD/Comm GHS
DIB
24/2/14

For M/R Jtd
27/2/14

Comm GHS
(r)

Yours faithfully,

(Prasanna V. Salian)
Assistant Commissioner (MGNREGA)
Tel: 011-23380850
Fax: 011-23382860
Email: pv.salian@nic.in



Sl. No. 1 (CR)

1842/2014

V. S. SAMPATH

Chief Election Commissioner of India

भारत निर्वाचन आयोग
Election Commission of India

Al see

[Signature]

Secy, RD

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D.O. No. 437/6/CG/2014
Dated: 03rd February, 2014

495

Dear Sh. Ramesh,

I am in receipt of your letter dated 11th January 2014 on the issues of Pradhan Mantri Gram Sadak Yojana (PMGSY) and the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), the on-going programmes of the Government. This letter apparently has been written in the context of the Model Code of Conduct which will come into force once the Commission announces the schedule for General Election to the Lok Sabha shortly later this year.

JS-REM
TRC
[Signature]

To be Communicated to all sections

I have got the matter examined in the Commission. While the Commission's stand has been that it may not be proper for the Commission to give its advice in such matters before the Model Code comes into force, nevertheless, I thought it fit to give some kind of guidelines in the matter.

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is not in v. Ker/ D: sev/ DS DKS
(KRT) / SPV
DKS

1. Generally, on the issue of PMGSY, while the preliminary works relating to the bidding process may continue, the finalization of the bids and the actual implementation of the same cannot be taken up without specific approval of the Commission, if they fall during the period when Model Code is in force.

This should be communicated by the Director DS to all the

2. Regarding the MGNREGS, I would like to point out that the points (i) to (iii) raised in para 10 of your letter are already covered and are permissible under the instructions of the Commission conveyed to your Ministry vide our letter No. 437//6/2006-PLN-III (Vol.VIII) dated 16th March 2006 (copy enclosed for ease of reference). As regards, points (iv) and (v) of the said para, these are consequential works to be undertaken for the implementation of the above works and the Commission has no objection in the matter. As regards the issue of

Nirvachan Sadan, Ashoka Road, New Delhi 110001, Tel : (0) 23716552, 23713689 Fax : 23711023

Email : vs.sampath@eci.gov.in Website : www.eci.nic.in



8/2/14

KKT To/2 All VSS

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Job cards to those applying for the same , the Commission stands by its decision conveyed in 2009 in the matter, as the same is governed by the relevant Act. 2

While your Ministry can go ahead on the above mentioned lines, I hope that you would like to advise your Ministry to separately write to the Commission in the matter intimating the status on the above issues, once the model code comes into force.

With warm personal regards,

Yours sincerely,

V.S. Sampath

(V.S. Sampath)

Shri Jairam Ramesh,
Minister for Rural Development,
Government of India
Krishi Bhavan,
New Delhi.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/2006-PLN III (Vol. III)

Dated: 16th March 2006

To

Dr. Renuka Viswanathan
Secretary to the Govt. of India,
Ministry of Rural Development,
Dept of Rural Development
Krishi Bhavan
New Delhi-110001

Subject: - Implementation of National Rural Employment Guarantee Act (NREGA) -Application of Model Code of Conduct- Regarding

Sir,

I am directed to refer to your D. O letter no 28012/11/05-06-NREGA dated 7th March 2006 on the above mentioned subject and to state that the Commission has reconsidered the matter and decided now as under:-

1. The Ministry of Rural Development shall not increase the number of districts in which NREGA is being implemented after announcement of elections in any State/UT.

2. The job card holders will be provided employment, if they demand work, after announcement of elections in the ongoing works.

3. In case no employment can be provided in ongoing works, the Competent Authority may start new work (s) from the shelf of projects that has been approved and inform the fact to concerned District Election Officer (DEO). No new work shall be started by the Competent Authority till such time employment can be given in ongoing works. In case no shelf of project is available or all works available on shelf have been exhausted then concerned Competent Authority shall make a reference to the Commission for approval through the concerned DEO. The Competent Authority shall also furnish a certificate to DEO to the effect that the new work has been sanctioned as no employment can be given to the job card holder in the on going work. Responsibility for following these instructions shall lie with the Authority sanctioning new work.

4. The Commission's instruction communicated vide its letter of even no. dated 7th February 2006 shall now stand withdrawn.

Yours faithfully,


(K. AJAY KUMAR)
SECRETARY

Copy forwarded to Chief Electoral Officers of all the States and Union Territories for information and appropriate action with request to acknowledge the receipt of this letter.



My dear Sri Sampath

11th January 2014

1. Please refer to the discussions we had on January 10th, 2014.
2. I wish to bring to your personal attention as well as to the attention of the Election Commission some very important issues related to the implementation of the Pradhan Mantri Gram Sadak Yojana (PMGSY) and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) during the period when the Model Code of Conduct would be in force.
3. PMGSY is a flagship programme fully funded by Government of India which provides connectivity to the unconnected habitations in the rural areas of the country. This programme is of special significance in the most backward districts a good number of which are affected by Left Wing Extremism. Detailed Project Reports covering each and every road are vetted by Government of India and approved by a multi-departmental Empowered Committee headed by the Secretary, Rural Development. After this, the States call for competitive bids and after evaluation of the bids, enter into an agreement with the selected bidder on the basis of the L-1 principle. PMGSY-II has also been introduced this year. We reckon that about 8000 road works measuring about 27,000 kms. costing about Rs.15,000 crore are in the process of being tendered/awarded.
4. Analysis of past experience shows that the peak season for construction is from January to May. If we miss the season, there could be delays having a negative cascading effect affecting future programme also. Therefore, I may request the Election Commission to issue the following clarification in regard to PMGSY:-
 - a) All sanctioning and tendering of works have to be completed before the Model Code of Conduct comes into force.
 - b) For tenders received after the Model Code of Conduct has come into force, States may be permitted to accept the tender if it is in order award the contract and start the work without any inauguration or publicity.
 - c) Payment to contractors by way of part bills or final bills may be allowed.
 - d) No tendering/re-tendering need be permitted during the period when the Model Code of Conduct is in force.

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5. I understand that Election Commission has upheld the primacy of seasonality while permitting the Ministry of Agriculture to provide the requisite inputs and support during cropping seasons even if the Model Code of Conduct is in force. I would request the Election Commission to adopt this principle for PMGSY as well.

6. As regards MGNREGS, it is not a scheme and it is actually the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 which mandates provision of employment on demand including provision of job cards for those without them. Here, the procedure is fixed in the Act and its Schedules and can be summed up as follows:-

(a) The shelf of works to be taken up are prepared through a process starting right from the Gram Sabha upwards through the Panchayati Raj system. This is called the Labour Budget and is normally finalized by Panchayats in January for the next financial year.

(b) The Labour Budget of the districts are aggregated by the State Government and the approval of Government of India is given through discussions in the Empowered Committee headed by the Secretary or the Additional Secretary.

(c) Thereafter, based on the demand, work is provided to the workers - after completing formalities like issue of Administrative Sanctions and Technical Sanctions.

7. In 2006, the Election Commission of India had issued the following clarification:-

“ The job card holder will be provided employment, if they demand work, after announcement of elections in the ongoing works. In case no employment can be provided in ongoing works, the competent authority may start new work(s) from the shelf of projects that has been approved and inform the fact to concerned District Election Officer (DEO). No new work shall be started by the competent authority till such time employment can be given in ongoing works. In case no shelf of projects is available or all works available on shelf have been exhausted then concerned competent authority shall make a reference to the Commission for approval through the concerned DEO. The competent authority shall also furnish a certificate to DEO to the effect that the new work has been sanctioned as no employment can be given to the job card holder in the ongoing work. Responsibility for following these instructions shall lie with the Authority sanctioning new work.”

8. In 2009, the Election Commission of India had conveyed their 'no objection' to the proposal of Ministry of Rural Development to provide job cards to those applying as it is a continuous process in accordance with the statute.

9. In the case of MGNREGS also, the peak work season would coincide with the likely period of Model Code of Conduct. To give the actual figures of persondays created in 2013:-

March - 22.60 crore

April - 18.31 crore

May - 25.82 crore

10. Therefore, in addition to the clarifications issued earlier, may I request the Election Commission to reiterate the following in regard to MGNREGS:-

(i) All works approved for inclusion in the Labour Budget by the Gram Panchayats, Intermediate Panchayats and District Panchayats before the Model Code of Conduct comes into force, should be deemed to be approved works.

(ii) The works from this approved list may be allowed to be started in accordance with demand.

(iii) No new work need be included.

(iv) Formalities like issue of administrative sanction and technical sanction for works in the Labour Budget approved by Government of India could go on without any publicity.

(v) Materials essentially required for the works, may be allowed to be procured.

11. I request for favourable consideration of both my requests put forward in para 4 and 10 above.

With regards,

V. S. Sampath

Yours sincerely,

Jairam Ramesh
(Jairam Ramesh)

Shri V.S.Sampath
Chief Election Commissioner
Nirvachan Sadan,
New Delhi