

Lok Adalat On NREGS in Boden, Naupada District, Orissa

A *Lok Adalat on NREGS* was organised at Boden on March 20 and 21 by the District Level Legal Services Committee *(DLLSC)* in the presence of the Judicial Magistrate First Class *(JMFC)*, Khariar Court. It is the 3rd District Level Lok Adalat in a series of three conducted in the jurisdiction of Khariar JMFC court by the DLLSC. The DLLSC of Naupada has been constituted recently under Section 19 of the Legal Services Authorities Act, 1987 to deal with *the disputes arising out of NREGS between the rural workers and implementing agencies*.

On the first day of the Lok Adalat, various cases of disputes were registered for hearing in the presence of the JMFC, Mr. Ashok Kumar Pahi and other members of DLLSC. The cases were heard by the magistrate on 21st. A total number of 13 cases were heard. 12 of them were on job application. The complainant reported that the Panchayats functionaries are not accepting job applications. The *JMFC* passed written order to the BDO to provide job to the applicants within 7 days. Out of the 13 cases, one case was on late allocation of work and delayed wage payment. The complainant Mrs. Subhadra Paharia of Bhaisadani village (Bhaisadani G.P. of Boden block) had demanded unemployment allowance for the delayed allocation of work and at the same time compensation under Payment of wage Act, 1936 (4 of 1936). The JMFC asked the BDO to explain provisions of compensation. But the BDO had no knowledge of this. The Advocate of the Legal Aid Cell of JMFC Court explained in detail about the provisions under NREGA. The JMFC has ordered the BDO to give a written explanation on the case within 15 days. The BDO has also been asked to fix the responsibility.

It is to be noted that the workers of Bhaisadani village along with Mrs. Subhadra Paharia are fighting for more than a year to establish their right. They had applied for 14 days work on 6th of Nov. 2008. The block had provided work for 3 days and stopped. When the workers demanded unemployment allowance after one & half months (on 23rd December 2008) the block authorities provided work for more 4 days. The payment of wage was delayed for 6 months.

This matter was brought in to the notice of the Hon'ble governor of Orissa, Minister and Secretary Panchayati Raj. The District Collector was ordered by the Secretary of the Governor to look in to the matter and comply. The Collector ordered the PD, DRDA to look in to the matter and the PD gave the responsibility to one of his efficient APDs who could find ways to protect his fellows. It is learnt that the APD has found the way and it was after more than a year of the complaint registered by the people. The APD has said that the work has been allocated in time but it was shown in the official documents after a month by mistake. So the people are not entitled for unemployment allowance. For compensation aspect it is obvious that the APD or the district administration has nothing to do. It is a matter to be decided by the court. The APDs, BDOs, PDs and the Collectors know that 'Subhadras' of 'Bhaisadanis' in our state will not be able to reach to the Court.