

Dear friends,

This summer has been a mixed bag as far as the NREGA is concerned. On the one hand, it has found supporters across the board since the election results came in. On the other, the situation on the ground has not been too good. The same elections gave many states a convenient excuse to get away with low scale of works and inexcusable delays in wage payments causing much hardship to NREGA labourers in many states (see items 1, 3 and 4 below).

In a significant breakthrough, 265 NREGA workers were awarded Rs. 2000 each as compensation for delayed wage payment. This is the first time that the Payment of Wages Act, 1936 (amended in 2005) has been invoked in the context of NREGA (see item 1 below and the attached zip file which also contains material that can be used for similar applications elsewhere).

Highlights

- 1. Compensation for delayed wage payments to 265 NREGA workers in Khunti (Jharkhand)**
- 2. Dharna against pending payments in six districts (Uttar Pradesh)**
- 3. Delays in wage payments: Badwani (Madhya Pradesh), Rajsamand (Rajasthan)**
- 4. Invitation to Mazdoor Mela, 25 June 2009 (Vijaypura Panchayat, Rajasthan)**

Regards,
Reetika

1. Compensation for delayed wage payments to 265 NREGA workers in Khunti (Jharkhand)

Under the NREGA, workers are to be paid wages within two weeks of the work being done. Failing this, they are to be compensated as per the provisions of the Payment of Wages Act 1936 (POWA, 1936).

In Khunti District (Jharkhand), labourers complained that they had not been paid for work done as far back as December 2008. After the intervention of the NREGA Sahayata Kendra, 265 labourers were awarded compensation for delayed wages under POWA, 1936.

In a camp court held by the Assistant Labour Commissioner (Chota Nagpur Division), 265 NREGA labourers from Khunti District (Jharkhand) were awarded a compensation of Rs. 2000 each on 6 and 11 June, 2009. A total of Rs. 5.3 lakhs. In addition, the ALC said that he would also pursue fines under POWA. The relevant persons have already been fined under Section 25 of the NREGA.

Volunteers at the Sahayata Kendra compared the dates on the muster rolls with that on the payment order/advice (PO). On the PO they looked at the date that the bank/post office received the PO and looked at the date on which the money was credited into the labourers bank account by checking their pass books.

If the number of days between the last day of the week/fortnight and the date of crediting the bank accounts (or of the bank receiving the PO) is more than 15, then labourers ought to be compensated.

In Jharkhand, the ALC has been notified as the competent authority for ordering compensations and penalties. The Sahayata Kendra presented the documents in the camp court held in Khunti. In the presence of Mr. K. K. Soan (NREGA Commissioner, Jharkhand), Dr. M.A. Haque awarded this compensation.

All the relevant documents are attached as a zipped file – please feel free to use the same formats if there are delays in wage payments in your area.

List of Attached documents:

1. Letter from the Governor's office ordering the compensation.
2. Form used to detect delays (in English - a blank form as well as a scanned completed form as a sample).
3. Collective application for compensation (in Hindi).
4. Letter to the Governor apprising him of the situation.
5. The Assistant Labour Commissioner's judgement/order.
6. Extracts of relevant sections from the POWA, 1936.
7. Extracts of relevant sections from the NREGA 2005.

2. Dharna against pending payments in six districts of Uttar Pradesh (received from Arundhati Dhuru,arundhatidhuru@gmail.com)

Hundreds of labourers from various districts of Uttar Pradesh went on indefinite stir from 1 June, 2009 to draw attention to wide ranging grievances under NREGS. Workers from Sitapur (Sangtin), Hardoi, Varanasi, Chandoli, Unnao all under Asha Pariwar Jaunpur by DAG went on indefinite sit-ins in front of various blocks in their respective districts.

The main demand is payment of wages for the work done under NREGS. As per the Act workers should be paid within 14 days after completion of work. There have been inordinate and unwarranted delays in payment of wages. For example, in district Sitapur workers from Gram Panchayat Saiyapur (Block Pisawa) have not received wages for work done in month of December 2008. Same is the case of workers where workers were not paid Rs 3,87,386/-for work under NREGS in Gram Panchayat Kansraipur (Block Sewapuri, Varanasi).

The main reason for these inordinate delays is practice of extracting money either in sanctioning of estimates of the work or to sanction measurement of the completed work. There has been complete lack of sensitivity on part of district authorities and lack of clarity in terms accountability and unwillingness to take punitive and stringent action by state authorities. This has led to serious lapses at ground level in spite of few good initiatives taken by state officials.

Though there has been huge demand for work, authorities have not been able to provide work as they have not made serious and sincere efforts to capture the demand. As a result promise of 100 days of guarantee of work is not fulfilled.

The other issues of marginalization of women and differently able people from NREGA, complete lack of transparency, lack of systematic grievance redressal mechanisms are hampering the progress of NREGS.

Authorities were forced to move by this determined will of workers demonstrated in many districts simultaneously and bank advice were prepared by government officials well past night. Approximately Rs 80 lakhs pending wages were paid within two days. In Chandauli and Sitapur committees were formed by order of higher state officials to look into complaints about measurement (MB).

It is really criminal and should be treated as criminal offense when wages are not paid to workers whose daily earnings are their only source of livelihood. Authorities will have to realize that in absence of far reaching governance reforms NREGA is nothing but just a handout.

3. News of delays in wage payments: Badwani (Madhya Pradesh), Rajsamand (Rajasthan) and Surguja (Chhattisgarh)

In the past few weeks, there have been weekly demonstrations in Bhim (Rajasthan) under the banner of the Mazdoor Kisan Shakti Sangathan and a rally in Badwani (Madhya Pradesh) by Jagrut Adivasi Dalit Sangathan to against delays in wage payments.

Similar complaints were also brought to the notice of an NREGA Sahayata Kendra in Udaipur Block (Surguja District, Chhattisgarh). There, as in Rajasthan, it is the post offices that are holding up NREGA wage payments.

4. Invitation to Mazdoor Mela, 25 June 2009 (Vijaypura Panchayat, Rajasthan), received from ncpri.india@gmail.com

Invitation to the NREGA Rozgaar Guarantee Mela, 11:00-5:00 pm; 25th of June, 2009, Vijaypura Panchayat, Rajsamand District, Rajasthan

Dear Friends,

We cordially invite you to the NREGA Rozgaar Guarantee Mela to be held on 25th of June, 2009 from 11:00 am-5:00pm. The Mela will be held in Vijaypura Panchayat.

The Rozgaar Guarantee Mela is been jointly organized Vijaypura Panchayat, Panchayat Samthi Deogarh in collaboration with the Mazdoor Kisan Shakti Sangathan (MKSS), School for Democracy, the State and Central Government.

Shri C.P. Joshi (Minister RD, GOI), Shri Bharat Singh (Minister RD, GOR) and Dr. Rita Sharma will also be present on this occasion. All Panchayats of that block along with all block and state level officers will participate in the Mela.

The NREGA Rozgaar Guarantee Mela aims to raise issues and discuss all concerns related to implementation of the National Rural Employment Guarantee Act, in an open and inclusive atmosphere. The Mela will therefore have stalls, displays, communications through songs, theatre etc; help desk for recording of grievances, plenary sessions in which major issues will be discussed; stories and examples of the impact of NREGA will also be shared and an attempt will be made to built a consensus by which some of the problems faced in implementation can be overcome. A more detailed note on the proposed activity and agenda is attached with this letter.

How to Reach

Vijaypura is on the Delhi- Bombay Highway (NH-8), at Kamlighat Chowraha, near Deogarh. The two nearest railway stations are Beawar and Udaipur. Beawar is a major station on the Delhi Ahmedabad route.

Bhim is 65 KMs South Of Beawar on the Delhi- Bombay highway (NH 8). Beawar is a major railway station on the Delhi Ahmedabad route. In case you need to talk to us on the phone, you could call :02951-250180, or 02909-243254, or 9414003247 (Shanker).

Travel costs have to be borne by participants. Inexpensive food will be locally available.

Zindabad

Kalu Ram, Sarpanch of Vijaypura Panchayat, School for Democracy and the Mazdoor Kisan Shakti Sangathan (MKSS)