

Dear friends,

Just as the popular perception regarding NREGA seems to be changing, the programme is faced with new challenges: first, the delays in wage payments are crippling the programme. Two, the freeze on NREGA wages imposed by the Central Government. Three, the new Rural Development Minister is reportedly considering several amendments to the Act (including greater leeway for machines and contractors). More on these challenges below. Regards,

Reetika.

- 1. Delays in Wage Payments**
- 2. Freeze on NREGA Wages and AP High Court on the freeze**
- 3. Notification (22 July) on inclusion of small and marginal farmers**
- 4. NREGA meetings in Delhi, 17-20 August**

### **1. Delays in Wage Payments**

More and more instances of delays in wage payments are coming to light. Reports from at least Jharkhand, Maharashtra, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal have come in. Also below a message from Shiraz Prabhu (from Kashtakari Sanghatna in Maharashtra).

“It was heartening to read about the success in Khunti and also disheartening to read about all the other places where people have not been paid and of course there are many more such cases which we will not even hear about. So far the approach and attitude has been "if people of Khunti can achieve it so can you and may be all the others are not doing it right. However, the fact is that once in a while such carrots are dangled to get us all distracted from our struggles into filling forms, running from pillar to post, pleading and cajoling bureaucrats...claiming our earned wages also seems like receiving a dole.

One way of beating them at their game would be to create a national help line may be in the office of the Supreme Court Commissioner to follow up such cases at the Supreme Court level. The case of the payment in Khunti should be considered a precedent and we should try and get orders to that effect for all the states and all similar cases of non payment should be awarded compensation or treated as cases of contempt of Court.

Delayed payments will ultimately force people to opt for migration rather than NREGA works or worst still push them into debt and bondage as timely payments are critical for survival in the most vulnerable groups.”

### **2. Freeze on NREGA wages**

On the freeze on NREGA wages, see

<http://timesofindia.indiatimes.com/NEWS/India/Govt-to-cap-NREGA-wage-at-Rs-100-for-its-entire-term/articleshow/4946480.cms>

**Freeze struck down by Andhra High Court (forwarded by Kamayani, kamayani02@yahoo.com)**

“I would like to share the historical judgment of AP High Court cancelling the Central Government notification on the NREGA wages that are lower than the minimum wages revised by AP State Government. Andhra Pradesh Vyavasaya Vruthidarula Union - APVVU has filed a PIL with the High Court of AP Challenging the central government NREGA wages notification which is the clear violation of Minimum Wages Act of AP. Adv. Bala Gopal has argued the case on 3rd July-09. The High Court has passed the Judgment in favor to pay minimum wages as per the Minimum Wages revised by AP government.

As per the Minimum Wages Act 1948, the wages has to be revised once in every 3 years, but in practice no state governments in the country revise the wages on time without the workers agitations. Further, there is no historical evidence in Andhra Pradesh that the Minimum Wages Act 1948 is implemented ever for the rural workers (so called unskilled and agricultural workers!). For instance, the government of AP has revised the minimum wages in year 2002. As per the Act, the next revision should have been in the year 2005. After series of campaigns by various mass organizations, it is revised only in the year October, 2008. That means, the rural workers of AP are deprived of the wage increase one time in between 2002 and 2008.

Whenever the wages are increased for rural workers', it is only possible because of the collective efforts of workers' negotiations /agitations locally with the farmers and contractors. So, as usual, the government of AP has revised the wages in October 2008 (GO, No 93) but did not have political will to implement even in NREGA program.

APVVU, being a state level federation of agricultural workers unions involved extensively for the implementation of NREGA, challenged the central government notification of minimum wage (Rs. 80) that is lower than minimum wages (Rs. 119 zone 1, Rs 112 for Zone 2&3) of AP.

The High Court of AP suspended the Central government Notification of 2009 of January for 8 weeks and asked the Center and State governments to file a fresh affidavit. Mean time the wage should pay in NREGS according to AP state G.O. 93/ October 17th of 2008.

Many progressive social legislations and Judgments will remain paper tigers, if they are not implemented. Therefore, the role of social movements and trade unions is to see how the workers are organized to actualize the objectives of Acts like NREGA, Minimum wages Act, Equal Remuneration Act, Land Reform laws, Right to Information Act, SC& ST (prevention of Atrocities) Act, Bonded labor (abolition) Act, Domestic Violence Act and so on. We have many progressive Laws without proper implementation, on the other

hand, there are still many repressive Laws exist in the country, always implemented against the poor and vulnerable.

With Solidarity

P.S. Ajay Kumar, Secretary, Anadhpradesh Vyvasaya Vruthidarula Union (APVVU)

### **3. Notification (22 July) on inclusion of small and marginal farmers**

The Government has amended Schedule 1, Para 1 (iv) of the NREGA to allow works on the lands of small and marginal farmers. The amendment is as follows:

*“provision of irrigation facility, horticulture plantation and land development facilities to land owned by households belonging to the Schedule Castes and Schedule Tribes or below poverty line families or to beneficiaries of land reforms or to the beneficiaries under the Indira Awas Yojana of Government of India or that of the small farmers or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme, 2008.”*

The notification is available at [http://nrega.nic.in/circular/Amend\\_para1.pdf](http://nrega.nic.in/circular/Amend_para1.pdf). The following articles discuss some concerns related to the proposed amendments.

“Entitlements under NREGA violated”, Ajoy Ashirwad Mahaprashasta interviews Jean Dreze, Frontline, 1-14 August, 2009.

<http://www.hindu.com/fline/fl2616/stories/20090814261604000.htm>

Mihir Shah (2009), Taking goals of NREGA-1 forward, The Hindu, 14 August.

<http://beta.thehindu.com/opinion/lead/article2466.ece>

Nikhil Dey and Aruna Roy (2009) Dalits, the poor and NREGA, The Hindu, 27 August.

<http://beta.thehindu.com/opinion/op-ed/article10429.ece>

Brinda Karat (2009), Rejigging NREGA, the wrong way, Indian Express, 2 September.

<http://www.indianexpress.com/news/rejigging-nrega-the-wrong-way/511714/>

### **4. NREGA meetings in Delhi, 17-20 August (received from Jean Drèze and Aruna Roy)**

On 20<sup>th</sup> August, on the occasion of Rajiv Gandhi’s birthday, the Ministry of Rural Development held a “workshop” where ambitious new plans for NREGA were initially expected to be unveiled. Meanwhile, however, some of these plans had run into difficulties. The 20<sup>th</sup> August announcements eventually resulted in the unveiling of a blueprint for the creation of “Rajiv Gandhi Bharat Nirman Seva Kendras” in every Gram Panchayat. The Chief Guest, Shri Rahul Gandhi (MP), who was due to address the audience for 15 minutes, did not speak.

In the run-up to this event, a “consultation” was held by the Ministry of Rural Development on 17<sup>th</sup> August, to discuss some of the new proposals. Four parallel workshops took place, to discuss different sets of issues. It was a brainstorming which began a process of consultation but left much of the complexities undiscussed. A meeting of the reconstituted Central Employment Guarantee Council was held on the 18<sup>th</sup> August, without adequate notice and in a rushed manner. The meeting which lasted barely two and a half hours left no time for discussion of substantive issues (in spite of a momentous agenda, available at ([www.nrega.nic.in](http://www.nrega.nic.in))). The Ministry agreed to convene another, day-long meeting of the Council within a month, for more in-depth discussions. Members were also informed that special one-day meetings would be convened to discuss all important issues in the agenda of the 18<sup>th</sup> August meeting, which were either glossed over or merely raised and tabled.