

**DR. N. C. SAXENA, COMMISSIONER AND
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT
IN THE CASE: PUCL v. UOI & Ors. WRIT PETITION (Civil) No. 196 of 2001**

August 25th, 2009.

NREGS/669/UP.

Shri. Atul Kumar Gupta
Chief Secretary
Mantralaya
Lucknow
Uttar Pradesh.

Sub: Regarding the implementation of NREGS in Uttar Pradesh.

Dear Shri. Gupta,

As you are aware, in our capacity as Commissioners of the Supreme Court in CWP 196/2001, PUCL v. UOI and others, we monitor the implementation of the food and employment related schemes in the country which fall under the purview of the case including the ICDS, MDMS, NREGA, NOAPS, TPDS, NMBS/JSY and NFBS.

We are writing to you to raise some serious issues of concern regarding the implementation of the NREGS in the state of Uttar Pradesh. We have received a report from our advisor in the state Ms. Arundhati Dhuru based on her visits to various blocks in Mirzapur and Chandoli districts, where she spoke to many workers who worked under NREGS and also to district and block officials (please find enclosed a copy of her report).

The following are the main problems faced by the workers under the NREGS in the state, on which we request you to take urgent action:

- 1. Delay in payment of wages:** There are many complaints of delay in payment of wages to workers. Workers have not been paid their wages even two months after they have worked in the NREGS worksites. We request you to kindly look in to this matter and ensure that all pending wages are paid to workers immediately. Further, please ensure that workers whose wages have been delayed are duly compensated, in accordance with the provisions in the Act.

A system must be put in place to ensure that such delays do not occur in future. The state government may consider providing funds in advance in banks where there are accounts of NREGS workers, so that there are not delays in payment.

- 2. Corruption and embezzlement of funds:** We request you to kindly enquire into the allegations of corruption and embezzlement of funds by the implementing agencies, especially the Forest Department, urgently and take necessary punitive action. This is necessary not only to ensure that

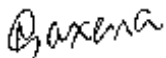
**DR. N. C. SAXENA, COMMISSIONER AND
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT
IN THE CASE: PUCL v. UOI & Ors. WRIT PETITION (Civil) No. 196 of 2001**

justice is rendered to the workers who have been victimised but also to send a serious message across the state that such acts of corruption under the NREGS will not be tolerated.

- 3. Muster Rolls in worksite and other transparency provisions:** It has been reported that muster rolls are not available in the worksites. This again is a violation of the provisions of the Act. It must be ensured that muster rolls are always available in the worksites and that the workers sign on the muster rolls. Other transparency and accountability provisions available under the Act such as putting up a board in the worksite with details of the work being undertaken, making muster rolls available of public scrutiny, conduct of regular social audits etc. must be strictly adhered to.
- 4. Worksite Facilities:** The NREGA also provides for worksite facilities for workers such as shades, drinking water, first-aid and crèches for children. Steps must be taken to ensure that all these facilities are available in all the worksites.
- 5. Compensation:** It has been reported that Lalchand s/o Kauleshwar (SC) from village Golhanpur block Rajgarh of district Mirzapur died on the plantation site 16th July'09 while working (Job card no-31620095320307). It is unfortunate that the wages due to him (he had worked for one and half month on site) have not yet been paid. Further his family has not been given any compensation under either the NREGS or the National Family Benefit Scheme (NFBS). The Supreme Court order of 21st November 2001, directs that benefit under the NFBS should be paid within four weeks of the death. Non-payment of compensation to this family is both a violation of the NREG Act and Supreme Court orders. We request you to urgently ensure that Lalchand's family is duly compensated for both delay in wage payments and under NFBS.
- 6. Other Problems:** There are many other issues raised in this report such as lack of response to demand for work, no involvement of the panchayats and gram sabhas in the planning of works, use of material etc. There are clear guidelines on all of these under the NREGA and they must be strictly followed.

The NREGA becomes even more important to provide income and food security to people in the current context of drought. We request you to kindly look into the above issues urgently and send us an action taken report within the next two weeks.

With Regards,



Dr. N.C. Saxena



Harsh Mander

CC: Ms. Arundhati Dhuru, Advisor to the Supreme Court Commissioners, Uttar Pradesh.