

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

July 8th 2008.

NREGA/578/Jharkhand

Shri. P P Sharma
Chief Secretary
Government of Jharkhand
Vidhan Sabha Bhavan
Ranchi
Jharkhand.

Sub: Alleged irregularities in the implementation of the National Rural Employment Guarantee Act (NREGA) in Palamau District, Jharkhand.

Dear Shri. Sharma,

As you are aware, the Office of the Commissioners of the Supreme Court (Writ 196/2001) is designated to monitor the implementation of food and employment schemes which fall under the purview of the Writ 196/2001 (PUCL v. UoI and Ors) including the ICDS, MDMS, SGRY, NREGA, NOAPS, TPDS, NMBS/ JSY, NFBS.

We would like to bring in your notice a letter that were sent, for which we have not received any response despite a reminder dated April 8th 2008.

S.No.	Date	Letter No.	Subject
1.	29.11.07	NREGA/519/all states	Absence of worksite facilities under NREGA.

We would also like to draw your attention to serious irregularities in the implementation of the National Rural Employment Guarantee Act (NREGA) in Palamau District, Jharkhand.

As you know, a survey of NREGA (initiated by the G.B. Pant Institute of Social Sciences, Allahabad University) was conducted by Prof Jean Drèze and Reetika Khera (survey coordinators) in Chainpur and Chhattarpur Blocks of Palamau District on 12-25 May 2008. They visited 10 randomly-selected Gram Panchayats in these two Blocks. In each Gram Panchayat, one NREGA worksite was surveyed.

The following serious violations of the Act (among others) were found at these worksites:

1. Fake muster roll entries and forged signatures.
2. Job Card hoarding and Irregular/Invalid/Fake Job Card entries.
3. Delays in wage payment and underpayment.
4. Fraudulent work applications and cases of bribery.

A summary of supporting evidence and the preliminary results of the survey are enclosed. We appeal to you to prevail upon the concerned authorities to take stringent action and also send us a copy of the action taken report in this matter. We look forward to hearing from you at the earliest.

Warm regards,

Dr. N.C. Saxena

Harsh Mander

CC: Shri. Balram , Advisor to the Commissioners to the Supreme Court, Jharkhand.

Summary of Affidavits

Affidavits on the following four issues were collected during the recent NREGA survey in Palamau District of Jharkhand.

1. Fake muster roll entries and forged signatures.
2. Job Card hoarding and Irregular/Invalid/Fake Job Card entries.
3. Delays in wage payment and underpayment.
4. Fraudulent work applications and cases of bribery.

Details of each case and supporting documents are also attached.

A. Fake Muster Roll (MR) entries and forged signatures

1. Village: Cheeru; Gram Panchayat: Cheeru; Block: Chhatarpur

Name of Work: Sangadva mein talab nirman.

We were given muster rolls for four weeks of work. Each muster roll had an identical list of 36 names. On verification it turned that all 36 names were fake: none of those listed on the muster roll had worked at this worksite. Some were not even present in the village at the time when the work was supposed to have been done. This evidence was presented to the BDO Chhattarpur on 23 May, and verified by him the next day. Action was taken on 24 May.

2. Village: Khendra Khurd; Panchayat: Pindrahi; Block: Chhatarpur

Name of Work: Pond Construction in Khendra Khurd

There are four affidavits wherein Dharmendra Singh, Gupteshwar Singh, Subai Singh and Devmuni Singh of Khendra Khurd, testified that eight people have worked at the worksite since the beginning of May but the MRs for the same period (Nos. 279572, 279573, 270574, 279575, 279576, 279575, 279578, 279579, 279580) show attendance of 108 workers. They have also testified that they did not sign on any MR after receiving their wage payment.

Above mentioned MRs have been attached to bring attention to the forged signatures of Ramdeni Singh (s/o Bhagwan Singh) and Bhagwan Singh (s/o Magan Singh) among many others. Urmila Devi (w/o Ramdeni Singh) testified before the Enquiry Committee that the signature against her name was false as she was illiterate and unable to sign; Sumitra Devi testified in front of the Enquiry Committee that she had been bribed with Rs.200 for signing the MR and several villagers testified that many of the names mentioned on the MR (e.g. Bikram Singh, s/o Bhagwan Singh) were of people who had been out of the village for months. Video evidence of testimonies in front of the Enquiry Committee are available with the Survey Team on request.

A note regarding this was submitted to the District Collector on 22 May, and the evidence was verified the next day by Mr. Ranjit Lal (Deputy Collector), who submitted his report the same day. Following on this, provisional action was taken.

3. Village: Mandiya Toli; Gram Panchayat: Masihani; Block: Chhatarpur

Name of Work: Saraidi Mukhya Path se Harijan Tola Mandiya hote hue tenpa Sevana tak Grade 1 Path ka Nirman.

Attached is an MR verification sheet which shows the names of 3 workers Satyendra Ram (s/o Janki Ram), Anil Ram (s/o Musan Ram) and Parvesh Ram (s/o Ganesh Ram) who have been out of the village for months but have been shown to work in MR for the pakhwada 7th May to 12th May. In two other cases of Sita Ram (s/o Jugan Ram) and Rajendra Ram (s/o Janki Ram) the job card entries were in the names of their respective wives while the MR entry was in their name. The MR in question has been attached. Video evidence of this enquiry carried out in the presence of the BDO is available. The mate has never seen a muster roll in the last one half months. Video recording of his statement is available on request.

4. Village: Ghamariya Dih; Gram Panchayat: Karkatta; Block: Chattarpur

Name of Work: Gamhariya Dih mein Talab Nirmaan

This is an affidavit by Shambhu Singh which says that the MR has been filled by the Rozgar Sevak and the entries are forged.

MR entries (in MR nos. 276931, 276928 and 276922) were made for Virju Singh (s/o Ramkesh Singh) even though Virju Singh died in May last year. Attached is an MR verification sheet which shows the names of 8 workers who did not work at all but have been shown to work in MR no. 276931, 276932, 276933, 276928, 276929, 276922, 276921 and 276923. All the above mentioned MRs have been attached.

5. Village: Samariya; Gram Panchayat: Nevra; Block: Chainpur

Name of work: Pond Construction

Attached is an MR verification sheet which shows that none of the randomly selected 18 workers from a sample of 60 worked for the number of days shown in MR 263784-267814. Nago Kumari (d/o Balkesh Bhuiya) has been shown to work for 48 days in MR no. 263814, 263810, 263806, 263802, 263786, 276790, 263794 and 263798 even though she has not worked at all. Video evidence of the same can be made available on request.

6. Village: Goriyathan; Gram Panchayat: Kheradohar; Block: Chhatarpur

Name of work: Goriyathan mein Talaab Nirman

Video recording of the details of MR nos. 332804-332807 (for pakhwadas from 8th May to 13th May and 15th May to 20th May) show that the MR was incomplete on 22 May 2008 in that there was no entry of job card nos. and the column for 'haajri' (attendance) was blank for a few people although the corresponding column of 'kul bhugtan ki raashi' had been filled for Rs.518.40. However, when the photocopies of the MRs were submitted on 23 May, they were complete and edited - showing a clear attempt by the Gram Panchayat Sevak to 'fix' the MR before submission. Also, the above mentioned MRs show 192 man days but Junior Engineer Indra Mohan Singh has given a measurement report showing work of only 38 man days. This report has been attached.

7. Village: Huttukdag; Gram Panchayat: Huttukdag; Block: Chhatarpur

Name of work: Hadhadva Seechai Bandh aur Payeen Nirman.

This is an affidavit wherein Vijay Yadav (mate and abhikarta) has testified that:-

- a. He has never filled a MR since work began.
- b. The MR is filled every fifteen days by the Gram Panchayat Sewak at the time of wage payment. As a result the MR entry is not done everyday.

B. Job Card hoarding and Invalid/Fake/Irregular Job Card entries

8. Village: Khendra Khurd; Gram Panchayat: Pindrahi; Block: Chhatrapur

Name of work: Pond Construction in Khendra Khurd.

There are four affidavits wherein Harinder Singh, Dharmendra Singh, Gupteshwar Singh, Subai Singh and Devmuni Singh have testified that their job cards have been taken away by the Forest Department (Paschimi Chattarpur) since January 2008. Several villagers of Khendra Kala who have been shown to have worked at Khendra Khurd in the MRs have testified before Enquiry Committee that their job cards had been taken away by Forester Baidyanath Ram for nearly a month. None of them had actually worked at the worksite in Khendra Khurd. Video evidence of the same is available on request. 6 workers have testified on 25th May that even after the orders of the Enquiry Committee to the forest department to return the job cards on 23rd May, the same has not been done.

9. Village: Arrarr; Gram Panchayat: Khodi; Block: Chattarpur

Name of work: Hadhadva Nale par Pucca Check Dam ka Nirmaan.

There is an affidavit wherein 17 workers have testified that despite giving job card applications 3 months ago, they are yet to receive their job cards. As a result these workers do not have any job card entries despite having worked at the NREGA site. They have also testified that the Gram Panchayat Sewak has rejected their repeated pleas for job cards.

10. Village: Mandia Toli; Gram Panchayat: Masihani; Block: Chattarpur

Name of work: Saraidi Mukhya Path se Harijan Tola Mandiya hote hue tenpa Sevana tak Grade 1 Path ka Nirman.

Job cards of all the workers had been taken away by Sita Ram (s/o Jugan Ram), member of former Vigilance Committee. He made a statement on record and in front of the BDO that he had been asked to collect the job cards so as to forward them to his senior officer. Video evidence of the same can be made available on request. Provisional action had been taken by the BDO as he ensured that the job cards were returned the following day but follow up of the officer involved is essential.

Once the job cards were returned, they were verified only to show that 5 out of the 12 entries were invalid. Attached is the MR verification sheet which shows that job card entries were made in for Satyendra Ram (s/o Janki Ram), Anil Ram (s/o Musan Ram) and Parvesh Ram (s/o Ganesh Ram) even though they have been out of the village for several months and have not worked at the site in question. Also, job card entries for Sita Ram (s/o Jugan Ram) and Rajendra Ram (s/o Janki Ram) were made in the names of their wives even though MR entries were in their names.

11. Village: Gamhariya Dih; Gram Panchayat: Karkatta; Block: Chattarpur

Name of work: Gamhariya Dih mein Talab Nirmaan

This is an affidavit wherein Shambhu Singh (Abhikarta) and Shital Singh (Sacheev) testify that the job cards have been taken by the Gram Rozgar Sewak. Provisional action has been taken and the job cards have been returned to the people.

This is an affidavit wherein Bhola Singh testified that he did not work on the pond but job card entry of 18 days of work had been made when he received it from Shanbhu Singh. This again points to the hoarding of job card by Shanbhu Singh at the behest of Rozgar Sevak.

C. Delays in Wage Payment and under payment

12. Village: Gamhariya Dih; Gram Panchayat: Karkatta; Block: Chattarpur

Name of work: Gamhariya Dih mein Talab Nirmaan

This is an affidavit wherein 14 workers have testified that they have not received full payment for the work on the pond.

13. Village: Sushiganj, Lathya, Parsara; Gram Panchayat: Shushiganj; Block: Chattarpur; Name of works: Well Construction in the three villages.

This is an affidavit wherein Rajendra Paswan (abhikarta of Well Construction at Shushiganj), Mahejar Ram (Abhikarta of the Well Construction at Lathiya), Bhudhan Bhuiyna (abhikarta of well construction at Parsara) have testified that payment for each worksite remains due even though the works were completed in May 2007. the amount sanctioned for each worksite was Rs. 89,300/-. However the abhikartas of Sushiganj, Lathiya and Parsara were paid Rs. 40,000, Rs. 45,000 and Rs. 54,000 respectively.

14. Village: Pindrahi; Gram Panchayat: Pindrahi; Block: Chattarpur; Name of work: Road Construction at Pindrahi.

This is an affidavit wherein 6 workers have testified that for their first two weeks of work they were paid in kind by giving rice and some money. Hence, there is no record of any wage payments according to the muster roll

15. Village: Khendrakurd; Gram Panchayat: Pindrahi; Block: Chattarpur

Name of work: Khendrakurd mein Talab Nirman

Attached are the MR nos. 279572- 279580 which show that payments were made at a wage rate of Rs.76.70. When the Range Officer at the Forest Department (Paschimi Chhattarpur) was questioned on this matter, his excuse was that the work was at its last stage when he received official information regarding change in wage rate in March 2008. This draws attention to two facts:

a. notice for change in wage rate was received by the Range Officer in March, three months after the implementation of a new wage rate of Rs.86.40 in the entire state. Even if the notice was received in March, it should not have been ignored on the grounds that work was at its last stage because the work is still ongoing on 25 May 2008.

b. according to all the MRs for the worksite (279522-279580, 228547-228558, 227290-227299, 228486-228504, 228539-228546, 228594-228599) the workers have been paid at the rate of Rs.76.70 since January- implying underpayment for nearly 5 months.

D. Fraudulent work applications and cases of bribery

16. Village: Khura Khurd; Gram Panchayat: Semra; Block: Chainpur

Name of work: Dhaba Aarhar ki Maramatti.

This is an affidavit wherein Ramkishan Urao (Adhyaksh) and Muneshwar Urao (Sacheev) have affirmed that they paid the Gram Panchayat Sevak Rs.4500/- each as bribe. Video recording of their statements is available on request.

17. Village: Charai; Gram Panchayat: Charai; Block: Chhattarpur

Name of work: Mukhya Path se Devi Sthan hote hue Mahua Nala tak Mitti Morang Path Nirman.

This is an affidavit by 15 members of the Nai community of Charai wherein they have complained that road construction was started on their land without prior information or any Gram Sabha. Despite complaints to the BDO and SDO in the past, no action has been taken.

18. Village: Kachanpur; Gram Panchayat: Kachanpur; Block: Chhattarpur

Name of work: Shiv Nath Tahkur ke Ghar se Mukh Dev Yadav ke Ghar tak path nirmaan.

This is an affidavit wherein the adhyakshya , Kapil Dev Yadav has affirmed that he had to give Rs. 15,000/- as bribe to the Panchayat Sewak.

19. Village: Madva; Gram Panchayat: Madva; Block: Chhattarpur

Name of work: Harijan Tola ke mukhya path se Sri Nagdev Ram ke Ghar tak Int Soling Road

In this affidavit Vinod Ram (s/o Charu Nandan Ram) has complained that Road Construction started without any prior Gram Sabha meeting and the road is not useful for the villagers.

NREGA Survey 2008 (Palamau): Preliminary Findings*

A. POSITIVE FINDINGS		
1. Proportion (%) of NREGA workers who: Belong to SC/ST households Are illiterate Live in kaccha house Own a fan	86% 76% 88% 0%	NREGA reaches the poorest sections of society.
2. Proportion (%) of workers who feel that NREGA is “very important” for them	76%	NREGA is seen as a potential lifeline by the rural poor.
3. Proportion (%) of workers who wanted at least 100 days of employment under NREGA over the year	100%	There is a big demand for NREGA work.
4. Proportion (%) of workers who said that NREGA had “helped them to avoid going hungry”	68%	NREGA helps to provide food security.
5. Proportion (%) of workers who felt that migration had decreased in their village after NREGA was launched	96%	NREGA helps people to avoid distress migration.
6. Proportion (%) of workers who had been paid within 15 days	85%	Wages are generally paid on time.
7. Proportion (%) of women workers who had other sources of cash earnings than NREGA	37%	NREGA is a unique employment opportunity for women.

* Based on a survey of 100 randomly-selected NREGA workers in 10 randomly-selected Gram Panchayats of Chainpur and Chhattarpur Blocks of Palamau District, conducted in May 2008 by the G.B. Pant Social Science Institute, Allahabad. These findings are illustrative, given the relatively small sample size.

8. Proportion (%) of workers who reported the use of machine at the worksite	8%	The use of labour-displacing machines at NREGA worksites has virtually disappeared.
9. Proportion (%) of workers who complained of harassment at the worksite	0%	There is no evidence of major worksite harassment.
10. Proportion (%) of workers who feel that the assets they are creating under NREGA are “very useful”	73%	NREGA works seem to be productive.
B. AREAS OF CONCERN		
11. Proportion (%) of sample Gram Panchayats where at least 50 people were working at the time of the survey	0%	The scale of NREGA works is very small.
12. Proportion (%) of NREGA workers who are aware of their entitlement to: 100 days of work minimum wages	32 50	Most people are not aware of their rights under NREGA.
13. Proportion (%) of workers who have ever made a formal application for work	0%	The application process is not in place.
14. Proportion (%) of workers who don't have a Job Card	16%	The distribution of Job Cards is incomplete. Even among NREGA workers, many don't have a Job Card.
15. Proportion (%) of cardholders who were in possession of their Job Card at the time of the survey	37%	In most of the sample GPs, Job Cards had been “hoarded” by government officials or middlemen.

16. Proportion (%) of sample GPs that had their own Panchayat Sevak	0%	There are severe staff shortages at all levels (e.g. Panchayat Sevaks, Junior Engineers, trained mates).
17. Proportion (%) of workers who reported that contractors were involved at the worksite	44%	The ban on private contractors is routinely violated.
18. Proportion (%) of workers who said that: Attendance was taken on the Muster Roll at the worksite They signed on the Muster Roll when they were paid Entries were made in their Job Cad when they were paid	12% 37% 15%	Transparency safeguards are grossly violated, e.g. Muster Rolls are fudged and Job Cards are not being maintained.
19. Proportion (%) of sample GPs where the survey team found evidence of corruption	100%	There is rampant corruption.