

Report on implementation of NREGS in the State-Its Gaps, Grievances and Demands

Introduction:

National Rural Employment Guarantee Act is a landmark step of the central government to ensure employment to the under-privileged. Till date its implementation is far away from satisfactory. In this regard the performance of West Bengal is extremely disappointing. There are many states that are ahead of West Bengal in India. In 2007-08 little more than 12 work days were generated per job card holders whereas the promises made that each job card holder will earn at least Rs.8100 per year. As per the data on NREGA website¹ only 2373 house holds got 100 days employment where as the total registered job card households in West Bengal is 96,13,577. Participation of women in work is much below than 33% in the state. Very often women are deprived of work under several pretexts. Women and physically challenged people are harassed and threatened while they claim their entitlements under NREGA. Though the government website has reported completion of social audit but there are ample incidents of tampering of social audit processes. It is reported that people's involvement in the social audit process is almost nil.

In many cases we have found that no work was provided even after written application, no unemployment allowances are paid, irregularities in wages payment and delay in wages payment varied from minimum 15 days to 4 months, even a year. There are thousands of cases where wages were not paid to the people even after 2 and ½ years. There are no ends to these kinds of rights violations. Due to lack of employment villagers in desperation are leaving their villages in search of work. There are increasing incidents of distress migration due to AILA cyclone, erratic rainfall during last monsoon and inadequate kharif cultivation. It is also not un-common to see cases of starvation deaths and sufferings from mal nourishment in the state.

Everyday we could see news of people's protests around issues of NREGA that are reported from different parts of the state, but nothing concrete has been done in the ground to improve implementation of the NREGS in the state. Very few civil society organizations are there which are working for livelihoods rights of people through building political awareness of the poor and excluded people. Under this situation, Paschim Banga Jiban Jibika Suraksha Mancha (PBJSJM), a network of many like minded organizations and community platforms of West Bengal is working on the issue of food and livelihoods rights of the poor since the year 2006. Since last couple of months PBJSJM took a focused approach on the NREGA rights violation issues. PBJSJM members along with village level people's alliance² members identified and consolidated different issues and submitted written complaints to the concern GPs, BDO, and DM. But there was no proactive response found from the Panchayat or local administration to address those issues. Considering the gravity of the issues and vulnerability of poor, the PBJSJM with people's alliances planned to go for an intensive campaign to amplify the voice of poor against injustice. The facts and figure are shared in the reports that

¹ http://nrega.nic.in/netnrega/writereaddata/state_out/MoreJust10032_local_0809.html

Marigalized people's alliance are their at village level, GP, Block and district level to take forward the social movement to protect their rights as citizen.

are collected from 1514 villages of 55 blocks in 9 different districts in West Bengal where PBJJSM members have been intensively working on NREGA issues.

The Campaign for better implementation of NREGS

After the poor people being frustrated due to poor response from the Panchayat and local administration on various grievances related to NREGS, people's alliance along with PBJJSM decided to go for mass rally and deputation in 9 different districts and thus, such programme was planned during 8 – 10th December 2009 in the state. The districts are North and South Dinajpur, Coochbehar, Murshidabad, Malda, Darjeeling, South 24 Parganas, West Midnapur and Purulia. Charter of demands was submitted to each District Magistrate cum District NREGA Coordinator. As per the report received so far the District Magistrate assured the people to take action on issues raised by them. We expect that the Dist. NREGA Coordinator will investigate all the demands of aggrieved people at the earliest.

Rally, Deputation and Public Hearing at Kolkata

Around 3000 people consisting of men, women, tribals, Muslims and Dalits from 9 different districts will participate in a rally to be organized on 18th Dec. 09 in Kolkata. It will start from College Square and will end at Rani Rasmoni Road. Deputation followed by submission of charter of demands will be made to the Principal Secretary, P&RD Department, Govt. Of West Bengal.

This document prepared in support to the campaign will also be shared with Panchayat and Rural Development Minister, the different civil society forums, individuals, Supreme Court Commissioners and political party leaders. We expect that NREGA campaign starting from district level process to state level will be able to build up opinion in favor of people who are engaged in challenging various discrimination and injustices that they are facing everyday as far as NREGA is concerned. The people are confident that NREGA campaign will be able to build up pressure on the state so that rights of the poor people get protected promised under NREGA.

Most pressing issues

The PBJJSM has observed many issues that need immediate attention and they are as follows:

1. The individuals have applied for job cards but in spite of the lapse of the stipulated 15 days no employment was given.
2. Those people who have been employed receive only 18 days of average employment instead of the guaranteed 100 days.
3. The wages must be paid within 15 days of the actual work done but in reality it is not so.
4. The unemployment allowance is not paid to the people.
5. Women who must form one third of the beneficiaries in this Act are actually being denied employment.
6. There is difficulty in obtaining the job cards in spite of the Central government directives that the job cards must be free of costs. Despite it, the ignorant people are charged often if they want to obtain job cards.

7. In many cases job cards and passbooks remain in the hands of the few influential people who misuse them as per their own needs.
8. There is delay in making entries in the job cards and sometimes entries are made without actual work done.
9. Minors, missing, dead or non-existent persons' names are mentioned in the Master rolls and the scheme money is being misappropriated in this way.
10. People are being asked to open bank accounts but there are lot of cases where extra money was charged to open these bank accounts.
11. Manipulation in the payment of wages and irregularities in social audit were extensively observed.
12. No proper signboard and worksite facilities were observed at any worksite. Women workers particularly who brought their children at the worksite had faced major inconvenience due to lack of worksite facilities.

Description of Issues:

Rights violation

Denial of work was found across all the 9 districts. There are number of problems revolved around this issue of denial of work. The people demanded for the work through written applications but no receipt was given to the applicant. It was noticed that people were unable to claim un-employment allowances. Another problem is that applications are received but the work was not provided within 15 days and in this situation, they are entitled for un-employment allowance as per the NREGA provision but the state is reluctant to give it. Moreover giving un-employment allowances imply state's inefficiency to implement NREGA. The other set of common problem is that the number of days of work provided is less than what was demanded by the applicant. Further case of denial in payment gets delayed always for long and in fact such delay in wage payment to daily wage earners is a case of harassment. There are incidents where payments are not made even after 2 and ½ years.

The data on website³ indicates that there are only 2373 house holds got the full 100 days work whereas there were 96,13,577 registered job cardholders. There are 2875 individuals who have given written applications for the job but they have not got the job. So this data itself prove the degree of denial to the poor people from NREGA.

No. of people applied for work but work not given:

Malda	120
Darjeeling	54
South 24 Pragana	1108
Purulia	1388
West Medianapur	205

False entry/corruption

The measurement of work was taken in absence of the people who worked under the scheme and the entries in Job Card and Master roll were also never made in presence or in

³ http://nrega.nic.in/netnrega/writereaddata/state_out/MoreJust10032_local_0809.html

consultation with the people who worked. Cases of tampering of Master rolls and job cards were also found. There were cases where people worked less but the wages were shown higher in the Job card and thus extra amount was siphoned off. The wage was also siphoned off because the claimant does not have the bank pass book. Number of cases was observed where payment was made to the influential individuals who never worked under the scheme. People worked but their work was shown in some other's job card and payment was made to the members of Gram Sansad. Passbook and the original claimant who worked under the scheme did not get the payment.

Unemployment allowance issue

The sample data collected from 1514 villages of 55 blocks says that 3094 applications for un-employment allowances are pending at BDO and DM office. As per the data on state government website⁴ there are 5, 52,717 applications were received by the administration for un-employment allowances where as only (2 days) Rs.162/- were paid against these applications.

Cases of denial of Unemployment

Malda	305
Darjeeling	110
South 24 Pragana	430
Purulia	1175
West Medianapur	777
Coochbehar	96
Dakshin Dinajpur	96
Total.	2989

Non-payment and delay in wage payment

Both are the common problem across the state. For example, in Samsad Dakshin Karanji under 2 No. Karanji GP of Kushmandi Block, Dakshin Dinajpur wher people worked in a village road from 25.03.2009 to 15.4.2009 but payment was made in installments only in August 2009 and October 2009. There are examples where people worked but they have not received their wages.

Cases of non-payment

Malda	753
West Midnapur	881

Cases of Delay Payment

Dakshin Dinajpur	14
West Midnapur	98
South 24 pargana	40
Purulia	215
Uttar Dinajpur	300

⁴ http://nrega.nic.in/netnrega/writereaddata/state_out/unempall_32_local_0809.html

Issue of Worksite facilities: As per the act there should be at least 4 facilities such as a. Shed facilities. b. First aid, c. Drinking water and d. Crèches facilities. So far, only drinking water and shed were found in some cases whereas, no First Aid and Crèches facilities were found at the worksites. All the facilities are quite central to the requirement of NREGA work. There were old and PWD⁵ persons who could have been engaged to take care of crèche or distributing drinking water but as there were no such facilities available, the scope of providing employment to those people does not arise. So far our knowledge there was no Crèches found in Purulia.

Issue of bank pass book and Job Card: Number of cases was found where Job cards and bank passbooks are not in possession of Job Cards holders. The influential people like GUS Secretary, GUS member, work supervisor, Panchayat member and political party people keep such Job cards and money was thus siphoned off using these job cards. In a number of cases Post Office and the Bank did not handover the Pass Book to the Job Card holders. Job Card holders only signed on the withdrawal slip and got the money but he/she could not see his/her passbook. So, this might lead to manipulation in the passbook amount. One of the SBI banks asks for Rs. 500/- as a deposit in the bank account of the Job Card holder but the account holders refused to deposit such money and in turn they were not given their passbooks back. As far as our knowledge goes, this demand of the bank is a violation of Zero balance account principle under NREGA rules. In many a time, Job card holder do not know how much money is lying in their passbooks.

No. of people denied from work as they do not have Passbook:

South 24 pargana	207
Coochbehar	247

Master roll preparation are being done at their own house: It is observed almost in all cases that Job Assistants/Work Supervisors do not take attendance of the labor as well as prepare master rolls at worksite. The whole process of preparing master roll and job card is made at the house of local leaders or house of the Panchayat member. The following issues are concerning:

- Many of the master rolls have duplicate name and signature of the labour who have not taken part in the work. Thus, payment was made to the people who never worked.
- Miss match of the amount shown in the Job card and Master roll.
- Payment was made to missing persons like dead, minor or person not in existence.

The issues of Job card and master rolls preparation at home found in many districts like, Purulia, West Medianapur, South 24 Pragana, Malda.

Denial of employment because of not having passbook: Job claimants are being frequently denied from the work who do not have passbook. Where as Local Bankers or Post Office used to harass people in many ways if they want to open their “O” balance account. People

⁵ People with Disability

are asked to pay the money to open their accounts. For example, in Cooch Behar, Rs.50/- was taken from each of Job card holders to open the account. Even, there were cases in South 24 Paragana where money was taken from people but accounts were not opened and thus all these prevented people to get NREGA work.

Social Audit: Panchayat, Block and district administration have already completed number of social audit processes. But, the panchayat and block authority did not inform this to people in general or specific to the Job Card holders. There was no awareness created on Social Audit. So, people were completely unaware about the social audit and its guidelines. Many a time people's platform like PBJJSM, BJJAS, Pramila Bahini etc. were trying to know the date and time of social audit with an intention to take part in the process but they failed as the officials and Panchayat did not show any proactive role to inform or involved them. This is a critical issue of accountability and transparency cases found in Purulia and South 24 Pragana.

NREGA and Muslim women

Muslim women's participation in NREGA in all districts is poor. Most of the rural Muslim women feel that work under NREGA is only for male members of the family. Normally Job card is being issued in the name of husband or male members of the family. Panchayat and local party members discourage Muslim women's participation in NREGA works. They criticize and demoralize women by saying that being Muslim woman how can they do digging of soil with male persons other than their families? Earlier Women were afraid and reluctant to take part in NREGA. With the active awareness campaign by civil societies slowly women are realizing the fact that they also can increase family's income by working under NREGA. This is very useful for those poor women whose husbands migrated or moved to other places for earning money. Now women are going to panchayat to get job card issued in their name. But they faced problems to get job card or open bank account in time. Most of the time political leaders and members of Panhayat are trying to prevent them demoralizing and harassing them in different ways.

The Law and the Real

The NREGA 2006 was to boost the rural economy by guarantying at least 100 days work and wages at government arte to the rural people. All the rural families are entitled to avail the opportunity. It was also supposed that by the virtue of its implementation, the agricultural and rural wage labourers would have the opportunity to bargain for minimum wages from their private employers.

It's now almost 4 years that such a democratic and pro-poor act is being executed in our state. We believe it's now time to take the account of the facts and understand the outcomes. How far it has boosted the poor people's house hold economy? What's the PRI's percept and practice of the act? Is it really rejuvenating rural economy or somehow help women and disabled persons getting on an equal footing with their counter part?

Let's start with some facts, which itself, we believe, reveal the real.

Cases of Violation of Rights in NREGS Programme

1. The cost of a zero balance pass book (West Medinapur)

If a claimant does not have a bank account, how she/he is to receive her/his wages? Here is a very instant and original solution practiced by the GPs. Pradeep Singh and Arati Sing, a ST couple of Binai village, Makarampur GP, Narayangarh Block, West Medinapur. Pradeep worked for 3 days and Arati Sing worked for 5 days in the month of March 2009. Since the couple does not have any bank account, Panchayat convinced them to receive their wages through someone else's account. Gautam Sing and Sandhya Sing, the wife of Sudhansu Sing (politically influential people in the village) received their wages and later handed over their money. And certainly not in full – Pradeep received Rs. 200/- instead of Rs. 243/-, and Arati got nothing but only assurance.

Their story does not end there. The GUS member Sudhansu Sing helped them to open their zero balance account with the bank for which he took Rs.105/- from Pradeep and Arati.. This has been complained verbally so many times to the Panchayat, afterwards a written complain was submitted to the BDO. So far the couple has not received any response BDO or panchayat.

2. No work carried out but wages were paid

250 people worked under NREGA during March 2008 of Purbagopali village of Gopali GP of KGP-I Block. While receiving their wages, they noticed that 5 persons from family of Guru Dey (Job Assistant, bearing Job Card No.244) received wages and entry was made in Job card of Guru Dey. It was instantly brought to the notice of Panchayat Pradhan but no action was taken by him. Then how to stop such organised siphoning of government's money?

People complained this to the PO along with lodging a RTI on 15-11-2009 to get the copy of the Master roll of the work. After 5 months they got the copy of the Master roll and extensive manipulations were found in the Master roll. Extra 3 days of work were mentioned against each individual worker. Name of these 5 members of Guru Dey's family were found in the master roll who did not work at all.

Then they complained this sort of siphoning of money to BDO and Dist. Nodal Officer in October 2008, again in February 2009 and in November 2009. But all their efforts were in vain. So far neither BDO nor District Nodal Officer has taken any step or assured them against such organized draining away people's money. How long people need to wait for PRI to stop such organized crime?

3. Panchayat Pradhan is in defense of the Ghost workers

People of Purbamarkunda village of Kashipur 7, Block Narayangar worked under NREGA from 23-3-2008 to 25-3-2008. During payment they noticed that 8 days wages were charged in Job card and Master roll whereas they worked for only 6 days. But, they were paid wages of 6 days only. More than that, extra payment was shown in the name of Ghost workers who never worked for a single day. Should we allow the ghost workers to survive on public money? How to keep them off from the master roll?

This was complained to the DM, who ordered an enquiry through BDO. People's complain was found genuine during the investigation. BDO ordered for payment of 6 days' wages as the master roll reflected it. He also ordered to lodge a criminal case against people involved in siphoning of the government money. But so far no action was taken against the culprits.

4. How a extremely poor tribal woman was harassed and threatened by other powerful men Panchayat and administration remain silent?

Bulu Bhakta aged 30 is now living in the village of Sagarhbhanga, Makrampur GP, Block Narayangarh. Bulu is a deserted woman and lives with her 12 year old daughter. She belongs to Lodha Sabar Tribal group. She along with 12 other people applied for work in June 2008 to the Panchayat, but panchayat did not receive their applications. Then Bulu applied to the BDO for work. Again she received no response from the BDO office.

She and other 32 women applied for un-employment allowances to BDO. Now, the Panchayat Pradhan issued the work order to Bulu and others. The work site was 2 Km. away from her village. Their real story started at this point. When Bulu along with her 11 co-workers reached to the worksite, the GUS Secretary asked Bulu and other job claimants to come on the next day for work. In the next day Bulu with rest of the claimants reached to the work site and were again asked to come on the next day. In this situation, Bulu was forced to complain to DM with a demand for two days' wages as all of them had traveled 2 Kms to reach to the worksite.

In October 2008, Bulu again applied for work along with 31 other people of her village but she received no-response. She worked for 3 days in March 2009 in her village but she was not paid her wages. In June 2009 she applied for un-employment allowance for her work application submitted in October 2008 to BDO and DM. Thus she was being continuously harassed.

The Panchayat members asked her to stop her botheration for wages instead of paying her due wages. In the last week of June 2009, GUS members along with some of his friends ventured out to teach her a lesson. They attacked Bulu's home and her household articles were looted. She was declared socially outcast and bared to take the drinking water from the village tube well. To survive Bulu and her daughter had to flee from her village. On 11th July 2009 Bulu personally met the Collector and explained all the atrocities she had to face.

Then she along with her previous 11 co-workers got the un-employment allowance for their application of work they made in June 2008. But till now she has not got her wages for her work carried out during the last March and June 2009 and also for her un-employment allowances for her job application submitted in October 2008. She and all other claimants now are learning to live under threats from the people of power in the village.

But why such people who are already marginalized have to face such harassment and threats to avail right that was guaranteed through NREGA? How long they have to go on paying for demanding their right?

5. Punishing the job seekers (Purulia)

Uttam Sahis of Simultard of Kenda G.P of Pancha Block, Dist. Purulia has the job card bearing the no. 040503/067. He applied for job under NREGA scheme for 7 days from 7.7.2009 to 13.7.09 and further 15 to 21st July 09 for another 7 days to Gram Pradhan of Kenda Panchyat. He applied for work along with other 40 job card holders of his village. Pradhan gave them the receipt copy of their application for job.

But they did not get any work from the Panchayat against their job applications. After expiry of their applications, they again asked for work. Panchayat Pradhan told them to go for work from 21st July. As their application date got expired and some other people were already engaged with some other work on the site, they did not agree to go for work on the basis of his verbal communication. After few days, on 12th August 09, Pradhan issued a suspension letter against them mentioning that according to the inspection report of the concern supervisor, job card holders ignored the work order and they did not attend the work site for Bamundih tank renovation work which was supposed to work from 21st July '09. So all the 40 workers were suspended for three months from 12-08-09 and they would not be eligible for any NREGA work for the said period. It is also mentioned in his letter that if any worker engages in work under NREGA on their own, the Panchayat may take legal action against them.

Is their right to work subject to Gram Panchayat's whim? Under which law Gram Panchayat can prevent a person from right to work?

6. Delay in measurement delays payment of the workers

Dayamay Bouri lives in Sindurpur, Gram Panchayat Jitujuri, Block Manbazar – I of Purulia district. Dayamay with 215 other people worked under NREGA for 7 days during the month of February 2009. No measurement was done after the work and subsequently no payment of wages was made even after almost 2 months. Daymaya and his 215 co-workers lodged a written complain for the delay of their payment to GP on 07.04.09 and to BDO on 08.04.09. They complained to the BDO again on 10-09-09 and DM on 15-09-09.

Then all the workers along with their family members organised a gherao against Jitujuri Gram panchayat on 14th October 2009 to get their work measured and release of their payment. On that same day GP staff along with the joint BDO and BDO had come to GP Office to solve the issue. After a long discussion with the BJJAS⁶, one of the people's alliance members, the joint BDO issued a letter, Memo No. 88 (14) JGP dated 14.10.09, to solve the problem caused by not measuring the work and subsequent delay payment. Following the above memo there was another meeting among BDO, GP member and the people's representatives, the meeting concluded with the resolution that within 20 days the measurement would be done in presence of the said officials, panchayat representatives and wage claimants and that the wage would be made against this measurement.

⁶. Banchita Jana Jagaran Adhikar Samity (BJJAS) is a people's alliance of poor, excluded men & women from ST, Dalits,. The BJJAS is engaged with social movement in Purulia district.

According to the resolution dated 15.10.09 BDO, Manbazar block-I informed Dayamay Bouri (who led the group of 215 wage claimants) that on 31st October 2009 the measurement of the tank would be done jointly with Panchayat staff, wage claimants and the block officials.

But block officials and panchayat staff took the measurement early in the morning in absence of the said wage claimants of the village. When the wage claimants came to the site of the tank at 11:00 a.m. BDO declared that based on the measurement only 645 work days would be paid. The wage claimants strongly objected to the decision of BDO and the argument continued for 4 hours at the work site under police protection. At the end the BDO agreed to give the written assurance to pay the workers for 1200 work days within 7 days. They are still to receive their wages.

Why there was deliberate delay and later on measurement in absence of the claimants? Why people have to go through all these hassles for their due wages?

7. Panchayat's apathy towards engaging women in NREGS work

Sahanaj Begam aged 32 lives in Devipur village of Udayapur-2 GP, Kusmundi Block, Dakshin Dinajpur. She is the main bread earner of her family of 6 members including 2 old ones. She is the community leader who leads the village SHGs. She developed awareness among the women on NREGA. Under her leadership, women in her village approached GP with their demand for work. Panchayat was not ready with such sudden demand of women for work. Panchayat member tried to avoid the demand by persuading them that the NREGA work is meant for men since the work under NREGA is to dig soil. Besides misleading these women, Panchayat members misbehaved with them and warned Sahanaj to keep away from such demand and agitation. Will the panchayat member ever be gender sensitive and will realize the social cost of being insensitive to women's right over work?

8. Asking for due wage is the result of a death of a person

Mantu Mandal, a resident of Satishmandal para (Shujapur) Krishnapur GP under Kaliachak III block in Malda district, had worked under the NREGA work bearing job card no.150906009. Mantu, a wage labourer, was the only earning member in his family of 5 members. He along with other 25 co-workers worked under NREGA from 10.6.2009 to 16.7.2009 in a road construction work. No wages were paid to them against the work. In August 2009 he started demanding his wages to the GP along with all other workers who have not received their wages. He first complained to the work supervisor Sobharani Sarkar. He also contacted the Panchayat Samiti member Digambar Mandal on the issue. The site supervisor's son, Prahlad Sarkar, threatened him to murder if he did not stop demanding the wages and went on complaining. However, later he was called to the house of site supervisor Shobharani Sarkar where her son became violent and then hit a fatal blow on his head and murdered him.

Now Mantu's family – his widow with her 9 month old son and his old father and mother, is on the verge of starvation. The incident was published in different electronic and print media. But all in vain – justice for this family is now nobody's concern, and is being systematically delayed and denied.

When a law is to ensure right of work and wages but demanding due wages causes murder of the person, then what is the use of the law?

9. An early lesson for demanding rights

Pinky Khatun a 19 year old girl and a resident of Nathinagar village, Shobhanagar GP, Enlishbazar, Malda district was an active member in the awareness campaign for the NREGA in association with Nathinagar Samaj Kalyan Society (NSKS). Her efforts developed a widespread awareness on NREGA in the village. This in turn resulted in hike of the demands for work under the NREGA and subsequent unemployment allowance for not getting work within the stipulated time.

She was also among the 82 people who applied for job, but whose applications were not accepted. Her leading role caused the local influential people angry with her who first tried to prevent her from leading and demanding people's right. Consequently she was threatened and then kidnapped while she was campaigning for people's rights, to stop her further awareness campaign. This was to create fear in the minds of her fellow workers and to stop them demanding their right. The incident was published in local print media.

Now should the villagers learn that to survive they must not demand right? May we request the GP rather to be explicit in denying people's right than go for harassing and kidnapping green horns like Pinky Khatun who is only 19 years old?

10. Wages denied

753 people of Birnagar-I GP Nasirtola P.O. Palgachhi under Kaliachak-II, Malda district Block were provided with NREGA work on 21-02-2007 to 23-02-2007 for work on the road in booth No. 4, under the supervision of Manirul and Raissuddin.

No payment has been made till date though complaints to BDO and Dist. Nodal Officer were lodged, but they did not have any botheration for payment of wages of 753 people. A copy of the Master roll of the 753 people is available. Two RTI have been filed, one on 22nd December 2008 and the other on 24th June 2009. But for reasons unknown they have not received any response/answer so far.

In a single stroke GP can deny wages of 753 people and RTI authority can afford silence! Now should they learn not to demand? Or how else people can ensure their due wages?

11. Cases of false entry and financial manipulation in job cards and Master rolls is not uncommon

Hazra Bewa is a widow aged 51 of Diwani village of Bairgachhi GP Block Gazole of Malda district who has a job card. She was forced to handover her job card to Ajijur Rahaman a 24 year old youth of her village who does not have a job card. Ajijur worked under NREGA with an understanding with panchayat member that Ajijur's work will be mentioned in Hazra's job card and in the master roll and Anjijur will get payment for his work.

Now it's Ajijur's turn to be deprived. Ajijur worked under NREGA but no entry was made in the job card and Anjijur did not get any payment for the work he did. Though no work was mentioned in the job card but a payment of Rs 2280/- was made in the job card.

Sounds too tricky? But it's really very simple given the kind of governance and GP we have – snatch away one's job card and pass book, and verbally assured another person. It's a very common practice in the area. Here another usual practice is that details of work are not reflected in the job card but only aggregated amount for the work was reflected.

Of course not every body's story is so merciless; there are cases of GP's kind heartedness as well. Serina Bewa is another widow aged 31 of the same village of Bairgachhi GP Block Gazole of Malda district. She has a job card bearing job card no. 090409016. Instead of Serina, her 12 year son worked

under NREGA, it was supposed to be reflected in her job card. The fun is that while job card reflects nothing but the passbook reflects a transfer of Rs.4546/-. And the mercy is that Serina received Rs. 125/-against her son's work, whose worth, it is reflected in her pass book, is Rs. 4546/-. Again it's very simple – the job card and the pass book both are with GP member.

Here are number of ghost workers – mainly from the GP members' families, - who exist only in the master roll and do not need to turn up at the work site. This is extensively found in Kendua village, Kharba GP in Chachol – I block.

All the people complain against the such manipulative practice got into the local media. Why people have to bear the burden of so much innovative manipulations of GP? Is it because they are hapless, democratic and non-violent?

12. The case of harassment by Panchayat Pradhan

Bina Rani Barman lives in a Village of Gitaldaha II GP under Dinhata I block of Cooch Behar district, who has job card and bank account. She applied for job under NREGA to the Gram Panchayet (Gitaldaha I) on 12/10/2009 by filling up 4 (a) Form. But GP did not want to accept her application. Then she went to BDO office and submitted her application, she also filled a complaint against Gram Panchayet for not receiving her application for job. The BDO contacted with Gitaladaha I, GP and ordered them to receive her application and give her the receipt for her application.

Then Bina Rani Barman came back to Gram Panchayet and submitted her job application and got the receipt. But gram Panchayet did not allot her any job within 15 days. After the completion of 15 days she went to BDO office and submitted application for un-employment allowances. Till now she along with other 96 women is yet to receive any allowances or to get any job.

Every visit to GP or BDO costs them money and time. So instead of entitlement, NREGA drains away their money and time – is it why the PRI is there?

13. Negative attitude of Panchayat denies work to women

Sadhana Biswas lives in Kharija Gitaldaha, a village of Gitaldaha II GP under Dinhata I block of Cooch Behar district. She has a job card bearing the no. 050908027. She applied for job under NREGA to the Gram Panchayet (Gitaldaha II GP) on 16/10/2009 by filling up 4 (a) Form. But GP did not receive her application under the alibi that no work can be allotted to those who do not have any pass book.

Then she went to Gitaldaha United Bank of India for opening a zero balance account. But the Bank Manger informed her that opening of zero balance account has been closed as the branch is now under Core Banking System. To open a zero balance account the Branch Manager asked her to give Rs. 500.00. Then she met GP member and sought GP's help, but Gram Panchayet did not take any initiative to get her open a zero balance account.

Now she along with other 158 women are being denied work for not having their pass books. Thus NREGA failed to change women's plight for the mear inertia and insensitivity of the Panchayat. Since it is always easy to deny, refuse and return a woman, GP always first try it out. How long poor and marginalized women have to go on paying the cost of GP's callousness?

14. Panchayat attempt to deny work and proper wage to women

Nurkhatun Bibi lives in Dari bosh II of Gitaldaha I, GP under Dinhat I block of Cooch Behar district. She has a job card and pass book. She along with other 263 women applied for job under NREGA to the Gram Panchayet (Gitaldaha I GP) on 6/10/09. But GP did not receive their applications, and instead kindly informed them that no work could be provided to them for the lack of fund. Then Nurkhatun led all the women to BDO office and submitted their applications. They also filed a complaint against Gram Panchayet. BDO asked the GP to receive these women's applications.

They all came back to Gram Panchayet and submitted their applications. Now Gram Panchayet started its own trick; it allotted them the work of cleaning water-hyacinth (Kachuri Pana) from a big swampy pond (Chhara). The pond's depth was 5 ft. to 6 ft. and the working condition was very hazardous for these women. It was clear to them that, now if they deny to accept the work GP would go on using it against them – they would never be allotted any work in future. So they protested against allotting such work to them, but defying GP's trick they agreed in the end and at the same time they made GP to arrange for an ambulance with a doctor during the work, since such facilities are there in NREGA.

While the work was going on, BDO visited the site. Women used the opportunity and made him come down from his car to have a better understanding of their work. After the completion of the work they were offered Rs. 35/- as wages. They instantly flared up and a there was fight between these women and the GP on the issue of wage as the GP wanted to give them less wages for the work. Finally they made GP to pay Rs. 81/- per day instead of Rs. 35/-.

Now Nurkhatun Bibi and others are going on protesting against this harassment and the kind of work provided to these women, they submitted a complaint to the DM. The entire dealing of the GP was inhuman and non committal. But they are yet to receive any response from any of the offices. Would GP ever stop inventing tricks to deny women's right to work? Or have the women to go always an extra mile for work and wages?

15. No work given in a condition where Aila has taken away everything

Sarati Gain lives in village Herambagopalpur, GP: Herambagopalpur, Block Pathar Pratima. Sarati is 42 years old and is one of the worst affected people by cyclone AILA in the region. She is a daily wage labourer. She has a job card bearing the no. 271005092. Sarati along with other 39 people joined in the NREGA work during the month of February 2009 and worked for 20 days. After the work they did not get any payment for their work. They asked the GP for their due wages for number of times. Aila swept away all they had or could depend for their livelihood, now their only livelihood option is NREGA or migrating to the cities.

So Sarati and other 39 people of the village again had to join the NREGA work during June 2009. But they had to wait for their wages up to November 2009. Usually GP always has its answer ready – either fund is not available, BDO office has not yet released the money, or just assurance. This time the Pradhan said that they have not received money from the BDO office.

They went to BDO office on 26/11/09 and submitted complain to BDO. Receiving no response or justice from BDO office they went to DM office on 4/12/09 and submitted complain to DM. This is one of the reasons people are not interested to join the NREGA work though there is employment crisis in the villages. Distress migration started increasing in AILA affected area.

Though Aila had changed the entire landscape and life of thousands of people, but failed to bring about a substantial change in GP's percept and practice. So then how many Ailas our Gram Panchayat need to go through to re-orient themselves towards people?

16. Lack of cooperation of bank is a barrier to open Zero balance account

Nandarani Haldar, aged 37, lives in the village of Ramchandrapur, GP Abad Bhagabanpur, Block- Mathurapur 1. Nandarani along with other 55 people have their zero balance account at SBI Chandipur branch since 2008, but the pass book is being kept by the bank. Some of the people have worked under NREGA and got the payment from the bank, but the bank did not handover the passbooks to their respective owners. The job details are not being reflected in the job card. So people do not know what the balance of their account is or for that matter if any other persons had withdrawn any amount from their account.

When people demanded their passbook to be handed over to them, the Branch Manager said that each passbook holder has to pay Rs. 500/-. Nandarani along with 56 people then complained to the BDO on 15/09/09. BDO did not bother about it. Then they all went to DM and the Chief Manager on 3/11/09 and lodged a complaint against the Manager of the branch.

All of them again applied for work during October and November, but intentionally they were not allotted any work, just to teach them a lesson for their protest against such injustice. Nandarani Halder is still leading this movement. According to her this is a very common practice of GP and the bank. One day Nandarani must win the struggle, but why they have to face so much deceiving? Are GPs there to keep them vulnerable forever?

17. Help them to learn, not to demand

Kanchan Pradhan aged 35 from Dhakhinarayanpu, GP and Block Patherpratima has a job card bearing the no. 271218219. Kanchan took the leading role for demanding NREGA work in her village. Kanchan along with 20 other people of the village applied for 14 days work under NREGA on 15.10.2009 and then another group of 21 people applied for work under NREGA on 23-10-2009. They did not get any response from the Panchayat then Kanchan along with all the other job claimants applied to BDO for un-employment allowances on 29-10-09.

Then the Panchayat Pradhan called all the job claimants to the Panchayat Office and threatened Kanchan and all the other claimants and expressed anger for their application for un-employment allowances. The Pradhan also asked to fill up fresh application for the job and assured that work would be provided to them immediately. Kanchan and the other claimants argued and insisted that they must first be paid the allowance for they were entitled for it. They made it clear that now it being the paddy season they did not want work from GP, whenever they would require it in future they would apply again. Finally they

complained to the DM for un-employment allowances on 18-11-09, till now they received no reply or allowance from any office.

Usually GPs are more innovative and proactive in deceiving people than developing works for the people. If only they channelise their efforts in right direction a great social and economic change would have already taken place.

18. Threats and only assurance, instead of work and wages

Sabita Das aged 37 and Kakali Bera aged 41 are residents of Nischintapur village of Netaji Gram Panchayat of Kakdwip block. Both of them are wage earners. Under their leadership 30 women and 20 men went to the Panchayat and applied for job on 16-11-09. The Pradhan did not receive their applications. Then Sabita and Kakali went to the BDO office and complained to the BDO. Incidentally pradhan was there in the BDO office. Pradhan requested Sabita and Kakali to come to the GP office again and to submit their applications on 23-11-09.

Sabita with 10 other women went to the panchayat office on 23-11-09, but the Pradhan did not receive their applications, rather warned them that they might face dire consequences if they further went to BDO office. He explicitly told them that they would get no work under NREGA. If they were at all given work they would be given difficult works at distant places. Defying Pradhan's threats Sabita and Kakali with other 3 women again went to BDO office and applied for work and got the received copy form BDO office. Till the 1st week of December there was no response from the GP or BDO.

If only, instead of warning these poor women, GP kindly made these women understand what's their wrong is – it would certainly help them avoid threats and harassment.

19. Delay in giving work and wage payment is common in North Dinrajpur

Kulsum Begam is a 37 year old women living in Bindol Gram Panchayat of Raiganj Block in Uttar Dinajpur District. Kulsum was suffering from bone disease, which rendered her physically challenged. She and her husband worked as agricultural labourers in their village. Often Kulsum did not get any work because of her disability.

Kulsum applied for work under NREGA but Panchayat did not receive her application. In the month of November'08 from 3.11.08 to 8.11.09, Kulsum got the opportunity to work for digging a pond. It was very difficult given her disability, but she went on and completed her work for she had no other go. The secretary of Gram Unnayan Samity was supervised by the work. After completion of the work the secretary said all the labourers that he would arrange their wages within few days. After 15 days, when Kulsum did not get wages, she asked the secretary, but he neither took it seriously nor took any measure for payment of their wages. He only said 'the money has not yet come from the District, payment will be made once the money comes from the district'.

Later in January, she met Gram Panchayat member and submitted an application for the wages, but she did not get her wages. On 10th March'09 the GP member and the secretary of GUS⁷ asked her to come to the bank with her pass book. She went to the bank with other

⁷ GUS: Gram Unnayan Samity is a body constituted by Panchayat for looking after the Panchayat work of Gram Sansad.

labourers and took her wages from the bank after 5 month. Later GUS secretary went on discouraging the women from joining work under NREGA since those are digging earth. Thus people like Kulsum are being continuously harassed in many ways, she was given the work which her health did not permit and she got the payment after 5 month without interest. She lost the interest to work under NREGA.

Discouraging and dissuading people from joining NREG work has been turned into an art by the GPs. Now how to dissuade them from practicing this art against poor people? Or how else NREGA could ensure poor people's entitlement and wages?

20. Defying physical disability (Darjeeling)

Arun Biswakarma lives in Mamala T. E. Saila Line of Ghoshpukur GP bearing the Job Card no. 110612039. Total 17 people including 4 People With Disability (PWD) and their family applied for work under NREGA on 13/10/2009 to the GP. But the Pradhan did not receive their application. The Pradhan said, 'Now audit is going on, after the audit every body will be provided with work under NREGA'. Then disabled people argued with the Pradhan that it was difficult for them to come time and again to the Panchayat Office. After a long argument between Panchayat and these people, the Pradhan received their application for job and handed them a receipt.

They received no response for their job application from the Panchayat within 15 days. During the meeting of alliance⁸ of PDW the issue was discussed. Similar cases were also found in Hatimuri GP. So on 9/11/09 Arun along with 47 people, including 13 PWDs, from Hatimuri and Ghoshpur GP met the BDO of Phansidava and handed him the application for un-employment allowances. The BDO called the Pradhans of above GPs and asked them that all the applicants for job under NREGA should get the work within 15 days and all the disable people applied for the job under NREGA should get the job as well. BDO received the application for un-employment allowances. But there is no response so far against their application for the un-employment allowances. Although Pratibandhi Unnyan Samity (PUS) made an attempt to participate in the NREGA planning process so that the Panchayat could not completely ignore their rights.

Conclusion

NREGA is the only Act in this country that ensures guaranteed employment to the people who want to engage in manual labor. With enforcement of the act everybody expected that this act will not only enhance income level of the poor people in India but also reduce distress migration which is one of the chronic problems in the state of West Bengal. Unfortunately, even after 4 years of enforcement of act status of implementation of the State's NREGS programme is abysmally poor, despite the fact that there are committees and councils existing at various levels to monitor and review the programme. Due to various lapses, leakages and lack of political will, NREGA implementation is far from the satisfactory. This low level of implementation has had a negative impact on the thousands of poor people in the state who are deprived from the benefits of the act.

⁸ Pratibandhi Unnyan Samiti is a PWD people's alliance working to protect the rights of PWD people at Siliguri.

Right from the day the Act was enforced, we as a part of civil society organizations got engaged in building awareness and mobilizing the poor people around the Act. We believe that through systematic struggles and advocacy starting right from the villages upto the state, we will be able to generate pressure on the administration, so that the government will start looking into various denials people face and demands made included in the report. At this juncture, the leadership of the people has strong confidence that their struggles for legitimate rights under NREGA will be met with justice.

People's Demands

1. To ensure 'receipt' of all job applications made by the job claimant. At GP, Block level.

2. To ensure work under NREGS only within a fortnight of Application for work.
3. To ensure worksite facilities as per the Act.
4. To ensure '33 percent' participation of women under NREGS work
5. To ensure work for the people with disability as per the provision of work.
6. To ensure 'Participatory Planning of NREGA' with job card holders in Gram Sansad.
7. To ensure 'compensation' as per 'Wage Act-1936' all those who do not get the wages within a fortnight.
8. To ensure 'Unemployment Allowances' to all the applicants under NREGS.
9. To ensure the 'Social Audit' with active consultation and involvement of Job Card holders.
10. To ensure preparation of 'Master Role' and 'JOB CARD' at worksite.
11. To ensure to take 'Legal Step' against all the false payments and all misappropriation made in under NREGA.
12. To ensure opening of 'Zero Balance Account' under NREGS to every Job Card holders.
13. To ensure all the Job Card and Passbook should be under the possession of the Job Card holder.