

KARNATAKA LOKAYUKTA, BENGALURU

No:

05-10-2021

ORDER

In 'The New Indian Express dated 01.10.2021, a news item with the heading **“Paid Less Wages, allege MGNREGA workers”** has been published. Instead of repeating the same, it is useful to extract the said news item, which reads as here under:

Belagavi: Paid less wages, allege MGNREGA workers

Published: 01st October 2021 05:57 AM



BELAGAVI: Workers employed under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) at Kadoli village near Belagavi were paid a meagre Rs 100 as

wages as against Rs 289 per day, fixed by the government. While panchayat officials maintain that wages were paid as per the work done, the villagers claim they were paid less.

On Thursday, they even stages a protest in front of the gram panchayat office. At Kadoli Gram Panchayat, there are over 2,000 active workers registered for MGNREGS scheme and taking up various works such as lake development, desilting of canals, rivers and lakes, cleaning and creating new trenches, building water tanks in the forest regions, etc. When there were no jobs for some time in Kadoli and surrounding areas, these workers had to trek 20 km for jobs. Under the scheme, workers must be paid Rs 275 as daily wages. Every family having a job-card is given 100 days of work. However, some panchayat officials are cutting the wages citing various reasons.

According to the workers, many of them were paid a paltry Rs 100 per day despite working in forest and hilly regions round the clock. When they came to know that they were paid lesser wages, they gathered in large numbers and staged a sit-in protest in front of the Gram Panchayat office. The panchayat officials and the engineer who supervised the work tried to defend the decision to pay lesser wages

claiming that the workers had not completed the quantum of work. However, the workers alleged that the engineer and panchayat officials did not visit the work site when the works were in progress.

“We never left any work mid-way and ensured that the entire work assigned to us was completed. But the officials have cut our wages for no reason this time. After realising his mistake, the engineer has now assured us of full wages. Panchayat officials say they will review the works done before clearing our wages,” the workers said. Despite several attempts, the Taluk Panchayat Executive Officer and Zilla Panchayat CEO Darshan H V were not available for comments on the wage issue”.

2. The news item extracted above indicates that, workers employed under the Mahathma Gandhi Rural Employment Guarantee Scheme (MGNREGS) by Kadoli Grama Panchayath were paid a meager wages of Rs.100/- as against Rs.289/- per day fixed by the Government. In this connection, the workers are stated to have staged a protest in front of Grama Panchayath Office on 30th September,

2021 demanding the concerned authorities to pay their actual wages as fixed by the Government.

3. It is relevant to point out that as per the News Item, Rs.289/- is being fixed by the Government as wages per day. Therefore, it is the duty and responsibility of the concerned Officers/Officials who are in-charge of making payment of wages to the workers to make the payment of the actual wages prescribed by the Government and payment of less wages than the wages fixed by the Government would not only amounts to mal-administration, but also amounts to violation of fundamental right to life guaranteed under Article 21 of the Constitution of India. When the Government fixed the minimum wages to be paid to the workers, who works under MGNREG Scheme, they cannot be denied of the wages.

4. The Hon'ble Supreme Court in the case of **People's Union for Democratic Rights Vs Union**

of India (1982) 3 SCC 235 has observed that the non-payment of minimum wages or payment of wage less than minimum wage prescribed by the Government under any law being in force would amount to forced labour. In this connection, it is useful to extract Paragraph No.14 of the said judgement which reads as hereunder;

14. Now the next question that arises for consideration is whether there is any breach of Article 23 when a person provides labour or service to the State or to any other person and is paid less than the minimum wage for it.....

We are therefore of the view that where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words “forced labour” under Article 23. Such a person would be entitled to come to the court for enforcement of his fundamental right under Article 23 by asking the court to direct

payment of the minimum wage to him so that the labour or service provided by him ceases to be “forced labour” and the breach of Article 23 is remedied. It is therefore clear that when the petitioners alleged that minimum wage was not paid to the workmen employed by the contractors, the complaint was really in effect and substance a complaint against violation of the fundamental right of the workmen under Article 23.

5. The News Item extracted above indicates that there is a mal-administration on the part of the concerned authorities of the State in payment of wages to the workers, which requires investigation to fix up the responsibility on the concerned Officers/Officials, who are in-charge of executing work under MGNREGA Scheme, which is meant for eradicating unemployment in rural areas.

6. The object of the Karnataka Lokayukta Act 1984 (hereinafter referred to as ‘K.L. Act’) is to redress the grievance of the public as a

consequence of mal-administration and also to prevent mal-administration in the State Administration. The less payment of wages to the workers, in my considered view falls within the meaning of 'mal-administration' under Sec. 2(10) of the K.L. Act and as such the hardship or injustice caused to the workers on account of payment of less wages is required to be redressed.

7. Therefore, I am of the view that it is desirable for me to consider the news item published in 'The New Indian Express' as source material to exercise the power conferred on me under Sec. 7(1)(b) and 9(3)(a) of the K.L. Act. Accordingly, I exercise my suo-moto power and the office is directed to register this proceedings as suo-moto proceeding.

8. With a view to examine the issues raised in the news item referred to above, I am of the view, that it is necessary to implead the officers mentioned herein below as parties/respondents to

this proceeding and issue notice to them and call for comments from them.

1.	The Deputy Commissioner, Belagavi District, Belagavi.
2.	The Chief Executive Officer, Zilla Panchayath, Belagavi.
3.	The Executive Officer, Taluk Panchayath, Belagavi.
4.	The Panchayath Development Officer, Kadoli Grama Panchayath, Belagavi Taluk and District.

9. The Officers/Officials referred to above are directed to examine the issues raised in the news item extracted above and redress the grievance of the workers. They are given three weeks time to submit their report/comments. However, it is needless to mention that before the next date of hearing, it is open to the authorities referred to above to redress the grievance of the workers.

10. Further, the S.P., Karnataka Lokayukta, Belagavi is directed to get an investigation conducted with regard to the issues raised in the News Item extracted above and submit a detailed report by the next date of hearing with regard to the Officers/Officials responsible for payment of less wages to the workers.

11. Communicate this order to the authorities referred to above and also to the S.P., Karnataka Lokayukta, Belagavi along with the copy of news item published in 'the New Indian Express'.

List this matter on 09.11.2021.

Sd/-

(Justice P. Vishwanatha Shetty),
Lokayukta,
Karnataka State.

GAK*

12) ARLO-4 (Complaints Section)}