

Most Immediate  
Court Matter

**File No. B-18015/9/2016-MGNEGA-IV**  
**Government of India**  
**Ministry of Rural Development**  
**Department of Rural Development**  
**MGNREGA Division**

**Krishi Bhawan, New Delhi**

**Date: 24<sup>th</sup> March 2017**

**To**  
**The Principal Secretary/Secretary/Commissioner**  
**Rural Development/ Panchayati Raj Department,**  
**Government of (All States/ UTs)**


**Subject:** Payment of Compensation for delayed payment of wages to the workers in compliance with the judgement passed by the Hon'ble Supreme Court of India in the Writ Petition (C) No.857 of 2015 (Swaraj Abhiyan V/s Union of India & Ors) on 13<sup>th</sup> May 2016.

Madam/Sir,

Kindly refer to the Ministry's letter of even number dated 26<sup>th</sup> May 2016 and 7<sup>th</sup> June 2016 and 11th July, 2016 ( copies enclosed) wherein the Ministry had communicated the directions of Hon'ble Supreme Court of India in the Writ Petition (C) No.857 of 2015 (Swaraj Abhiyan V/s Union of India & Ors) and requested to take appropriate action.

2. In this regard I am to further enclose the status of payment of compensation for delay in wage payment as per para 29 of Schedule II of the MGNREGA 2005 as indicated in MIS data in NREGASoft. As the Ministry of Rural Development has to file a status report in the Hon'ble Supreme Court of India by **21<sup>st</sup> April 2017** the direction of the communications mentioned in para 1 above are re-iterated for urgent compliance.

Encls: As above

  
**(Dr Suparna S Pachouri)**  
**Director, MGNREGA**

**Copy to:**

1. PS to JS (RE) for information.

3/25/2017		Status of payment towards delay compensation: Year-2015-17 (Amt in Rs Lakh)																			
S.No	Name of the State	Payable amount					Approved Amount					Amount yet to be verified					Delay compensation paid (Rs Lakh)				
		2013-14	2014-15	2015-16	2016-17	Total	2013-14	2014-15	2015-16	2016-17	Total	2013-14	2014-15	2015-16	2016-17	Total	2013-14	2014-15	2015-16	2016-17	Total
1	ANDHRA PRADESH	643.28	929.56	459.38	9.36	2041.58	0.00	0.00	1038.84	163.22	1202.06	0.00	929.56	-579.45	-153.86	196.24	0.00	0.00	47.11	0.00	47.11
2	ARUNACHAL PRADESH	0.63	50.80	942.55	144.68	1138.66	0.00	0.61	547.96	6.59	555.16	0.63	45.76	370.92	138.09	555.40	0.00	0.57	469.22	4.85	474.65
3	ASSAM	136.99	638.06	2700.14	295.17	3770.36	0.00	0.04	1.70	1.01	2.75	47.09	82.78	13.97	8.82	152.67	0.00	0.00	0.0000	0.0126	0.01
4	BIHAR	890.82	3357.97	2740.89	895.61	7885.28	3.19	48.91	53.81	45.33	151.25	647.82	1613.58	899.81	41.88	3203.10	0.00	0.00	37.77	18.20	55.97
5	CHHATTISGARH	1434.21	2310.74	3419.07	2457.50	9621.53	0.56	0.20	15.82	0.00	16.59	910.43	166.67	1298.15	41.27	2416.52	0.00	0.00	13.98	0.00	13.98
6	GOA	0.22	1.37	2.40	0.59	4.59	0.00	0.00	2.37	0.20	2.57	0.00	1.37	0.03	0.39	1.80	0.00	0.00	2.36	0.19	2.55
7	GUJARAT	79.51	185.45	300.48	258.31	823.75	0.00	0.00	0.43	4.76	5.19	69.33	19.11	17.33	6.10	111.86	0.00	0.00	0.2715	1.7403	2.01
8	HARYANA	78.59	299.77	172.43	105.41	656.21	0.00	0.00	0.50	2.86	3.36	48.60	33.70	1.33	6.35	89.99	0.00	0.00	0.50	2.77	3.27
9	HIMACHAL PRADESH	105.99	525.40	435.58	279.71	1346.68	0.00	0.00	2.50	23.66	26.17	82.34	166.65	36.45	16.69	302.13	0.00	0.00	1.87	4.02	5.90
10	JAMMU AND KASHMIR	520.75	1443.70	2144.89	383.04	4492.37	0.02	0.00	0.09	1.09	1.19	517.38	1289.55	2015.36	365.02	4187.31	0.00	0.00	0.00	0.00	0.00
11	JHARKHAND	22.17	247.54	629.05	178.65	1077.41	0.69	28.12	137.55	68.47	234.82	19.47	32.67	95.29	13.57	161.00	0.00	10.86	122.70	50.57	184.14
12	KARNATAKA	988.57	3086.50	1401.58	1487.36	6964.01	0.22	1.75	6.72	146.63	155.33	515.11	687.26	201.51	68.19	1472.06	0.00	0.96	1.91	39.90	42.76
13	KERALA	775.56	1965.22	2406.06	176.82	5323.66	0.00	1.05	2.06	4.81	7.92	616.89	387.74	382.59	11.36	1398.57	0.00	0.00	2.05	2.23	4.28
14	MADHYA PRADESH	565.59	3810.19	2103.53	579.27	7058.58	1.32	53.97	74.16	42.38	171.82	411.50	894.27	791.88	17.98	2115.63	0.00	1.62	41.64	32.06	75.31
15	MAHARASHTRA	333.60	1137.20	884.67	588.15	2943.62	138.99	963.52	771.75	549.17	2423.43	194.57	171.96	84.94	21.96	473.43	50.26	717.09	544.87	325.29	1637.51
16	MANIPUR	5.51	23.09	24.72	32.49	85.82	0.00	0.00	14.23	0.21	14.44	5.42	22.80	0.68	21.41	50.31	0.00	0.00	1.39	0.21	1.60
17	MEGHALAYA	252.84	1318.58	2116.95	732.62	4421.00	0.00	0.00	104.75	0.00	104.75	107.56	805.54	1.72	33.75	948.57	0.00	0.00	101.76	0.00	101.76
18	MIZORAM	0.26	0.06	90.56	205.49	296.37	0.00	0.00	32.79	0.06	32.85	0.00	0.02	0.00	205.42	205.44	0.00	0.00	32.78598	0.00000	32.79
19	NAGALAND	15.27	813.60	4154.30	607.81	5590.97	0.00	0.00	0.00	0.00	0.00	0.00	813.60	4154.30	607.81	5575.71	0.00	0.00	0.00	0.00	0.00
20	ODISHA	192.87	1568.22	1531.27	1289.57	4581.92	0.10	2.63	13.45	10.41	26.59	152.75	534.73	52.99	52.11	792.58	0.00	0.42	9.57	4.28	14.27
21	PUNJAB	174.46	1032.11	768.71	215.21	2190.49	0.00	15.43	180.19	92.93	288.55	120.55	257.69	94.57	17.11	489.92	0.00	2.26	151.0159	67.6214	220.90
22	RAJASTHAN	590.14	725.27	1075.19	310.01	2700.60	0.00	4.32	20.48	23.38	48.18	512.06	71.15	313.63	11.74	908.58	0.00	1.38	19.01	9.11	29.50
23	SIKKIM	11.80	72.68	84.26	21.26	190.00	0.00	0.00	7.49	0.37	7.86	11.71	55.06	0.77	3.06	70.59	0.00	0.00	6.99	0.06	7.05
24	TAMIL NADU	164.48	3802.72	4020.63	8515.81	16503.63	1.06	0.52	76.86	411.64	490.07	98.09	614.12	811.20	256.58	1779.98	0.00	0.00	10.50	375.09	385.59
25	TELANGANA	370.15	963.52	480.83	21.85	1836.35	0.00	0.00	396.23	1.68	397.92	0.00	963.52	84.59	20.17	1068.28	0.00	0.00	396.23	1.68	397.92
26	TRIPURA	7.99	184.00	299.16	231.19	722.34	0.00	0.00	0.52	6.48	7.00	7.71	37.04	6.88	8.92	60.55	0.00	0.00	0.43	4.18	4.61
27	UTTAR PRADESH	570.84	3675.29	4744.88	3951.52	12942.54	0.00	0.00	0.00	0.00	0.00	451.93	865.03	634.15	336.76	2287.88	0.00	0.00	0.00	0.00	0.00
28	UTTARAKHAND	242.36	822.99	624.13	146.36	1835.83	0.00	0.15	29.20	15.68	45.03	240.33	446.82	21.99	13.52	722.66	0.00	0.02	25.19	12.46	37.67
29	WEST BENGAL	5599.35	15596.83	12023.28	9093.70	42313.15	4.07	11.76	22.23	9.01	47.07	3627.41	6631.26	4257.80	1017.48	15533.96	0.00	4.79	6.95	0.37	12.11
30	ANDAMAN AND NICOBAR	6.17	13.10	1.76	0.28	21.32	0.00	0.00	0.00	0.00	0.00	0.00	12.57	1.76	0.28	14.61	0.00	0.00	0.00	0.00	0.00
31	LAKSHADWEEP	0.00	0.23	0.05	0.00	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.23	0.00	0.00	0.23	0.00	0.00	0.00	0.00	0.00
32	PUDUCHERRY	0.06	7.21	6.99	24.98	39.24	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.20	5.17	5.42	0.00	0.00	0.00	0.00	0.00
0	<b>Total</b>	<b>14781.03</b>	<b>50608.96</b>	<b>52790.36</b>	<b>33239.79</b>	<b>151420.15</b>	<b>150.22</b>	<b>1132.97</b>	<b>3554.70</b>	<b>1632.03</b>	<b>6469.92</b>	<b>9416.66</b>	<b>18653.87</b>	<b>16067.35</b>	<b>3215.10</b>	<b>47352.98</b>	<b>50.26</b>	<b>739.96</b>	<b>2048.09</b>	<b>956.91</b>	<b>3795.22</b>

**Most Immediate**  
**Hon'ble Supreme Court Judgement**

File. No. B-18015/9/2016-MGNREGA-IV  
Govt. of India  
Ministry of Rural Development  
Deptt. of Rural Development

Krishi Bhawan, New Delhi  
Dated 11<sup>th</sup> July, 2016

To

**All the Principal Secretaries/Secretaries –in –Charge of MGNREGA /Commissioner (MGNREGA) of all States and UT's.**

**Subject: Payment of compensation for delayed payment of wages to the workers in compliance with the Judgement passed by the Hon'ble Supreme Court of India in the Writ Petition (C) No. 857 of 2015 (Swaraj Abhiyan-(III) Vs Union of India & Ors) on 13<sup>th</sup> May, 2016.**

Sir/Madam,

May kindly refer to this Ministry's letter of even no dated 26<sup>th</sup> May 2016, and its reminders issued dated 7<sup>th</sup> June 2016 and 28<sup>th</sup> June 2016 on the subject above. **The Hon'ble Supreme Court of India has directed that compensation for delayed payment is made over to the workers.**

2. Accordingly, the Ministry has requested all states to ensure that compensation on delayed payment is made over to the workers out of funds available with the state govt by 30<sup>th</sup> June 2016. **However, as per MIS and as reported by the state Govts, as on date only 20 states are have initiated payment of compensation for delayed payment of wages to the workers in compliance with the para 29 of schedule II of MGNREGA 2005.** No action has been taken by the remaining 12 states which is not an acceptable situation.

3. Hence, it is requested that those states who have not initiated payment of compensation on delayed payment must start without further loss of time. Those states who have initiated payment of compensation on delayed payment must ensure that all payments due as such are paid as soon as possible.

**5. The Ministry of Rural Development has to file status report latest by 25<sup>th</sup> July 2016 in the Hon'ble Supreme Court of India.** Compliance of the directions of the Hon'ble Supreme Court of India will be helpful in avoiding unpleasant circumstances.

Yours faithfully

Aparajita Sarangi  
Joint Secretary (MGNREGA)

11/7/16

Copy for information to:

1. Sr. PPS to Secretary (RD)
2. PS to AS(RD)
3. PSO to AS &FA
4. PS to CEA
5. PPS to JS(RE/SAGY)
6. All officers of the level of Under Secretary & above in MGNREGA Division
7. NIC for uploading on the website

Most Immediate  
Hon'ble Supreme Court Judgement

File. No. B-18015/9/2016-MGNREGA-IV

Govt. of India

Ministry of Rural Development

Deptt. of Rural Development

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Krishi Bhawan, New Delhi

Dated 7<sup>th</sup> June, 2016

To

**All the Principal Secretaries/Secretaries –in –Charge of MGNREGA /Commissioner (MGNREGA) of all States and UT's.**

**Subject: Payment of compensation for delayed payment of wages to the workers in compliance with the Judgement passed by the Hon'ble Supreme Court of India in the Writ Petition (C) No. 857 of 2015 (Swaraj Abhiyan-(III) Vs Union of India & Ors) on 13<sup>th</sup> May, 2016.**

Sir/Madam,

This is with reference to the above judgement of the Hon'ble Supreme Court of India on the implementation of the MGNREGA 2005 and the MGNREGS framed under provisions of the Section 4 of the said Act (copy available in the MGNREGA website [www.nrega.nic.in](http://www.nrega.nic.in)).

2. The Hon'ble Court has given seven directions which have to be complied with in letter and spirit. All States have been asked to submit ATRs on all of them except direction no. 5 pertaining to the constitution of CEGC within 60 days from the day of the judgement as it pertains to the Govt. of India. The Govt of India has already constituted CEGC vide its notification published in the Gazette of India dated 5<sup>th</sup> February 2016.

3. As regards direction given by the Hon'ble Court on the compensation for delayed payment to workers whose wages have been delayed beyond 15 days as postulated by paragraph 29 of Schedule II of the NREGA Act and guidelines for compensation formulated pursuant thereto, the same has been communicated to the States for compliance by the letter of even no. dated 26.05.2016.

4. **The direction of the Hon'ble Court is clear that compensation for delayed payment is made over to the workers. Hence, all States are requested to ensure that all delay compensation due is paid by 30<sup>th</sup> June 2016 out of the funds available with you.**

5. A video conference has also been scheduled on 9<sup>th</sup> June 2016 between 12.00 AM and 1.00pm. It is being reiterated that effective implementation of sub.

**Para (1) of Para 29 schedule II of MGNREGA Act. is very necessary for the purpose of the section 27 of the Act.**

*For any query or doubt you are requested to contact(Dhruva Kumar Singh, Director(MGNREGA) :dhruvakumarsingh73@gmail.com,+91-9868465568)*

This may be given **“TOP PRIORITY”**.

Yours faithfully

Aparajita Sarangi  
Joint Secretary (MGNREGA)

7/6/16

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**Most Immediate**  
**Hon'ble Supreme Court Judgement**

F. No. B-18015/9/2016-MGNREGA-IV  
Government of India  
Ministry of Rural Development  
Department of Rural Development  
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Krishi Bhawan, New Delhi  
Dated: 26<sup>th</sup> May, 2016

To,

**All the Principal Secretaries/Secretaries-in-charge  
of MGNREGA/Commissioner(MGNREGA) of all States and UTs.**

**Subject: Payment of Compensation for delayed payment of wages to the workers in compliance with the Judgement passed by the Hon'ble Supreme Court of India in the Writ Petition (C) No. 857 of 2015 (Swaraj Abhiyan-(III) vs. Union of India & Ors.) on 13<sup>th</sup> May, 2016.**

Sir/Madam,

I am directed to request you to refer to the above Judgement of the Hon'ble Supreme Court of India (copy available in the MGNREGA website [www.nrega.nic.in](http://www.nrega.nic.in)) under "What's New".

2. The Hon'ble Supreme Court of India in the above Judgement has, inter-alia, passed the directions as under:-

***"The Government of India is directed to ensure that compensation for delayed payment is made over to the workers whose wages have been delayed beyond 15 days as postulated by paragraph 29 of Schedule II of the NREG Act and the Guidelines for Compensation formulated pursuant thereto".***

3. As you are aware, under paragraph 29 of Schedule II of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and the Guidelines thereof:-

(i) In case the payment of wages is not made within fifteen days from the date of closure of the muster roll, the wage seekers shall be entitled to receive

payment of compensation for the delay, at the rate of 0.05% of the unpaid wages per day of delay beyond the sixteenth day of closure of muster roll;

(a) Any delay in payment of compensation beyond a period of fifteen days from the date it becomes payable, shall be considered in the same manner as the delay in payment of wages.

(b) For the purpose of ensuring accountability in payment of wages and to culpability of various functionaries or agencies, the State shall divide the process leading to determination and payment of wages into various stages such as-

- measurement of work;
- computerizing the muster rolls;
- computerizing the measurements;
- generation of wage lists; and
- uploading Fund Transfer Orders (FTOs),

and specify stage-wise maximum time limits alongwith the functionary or agency which is responsible for discharging the specific function.

(c) The computer system shall have a provision to automatically calculate the compensation payable based on the date of closure of the muster roll and the date of deposit of wages in the accounts of the wage seekers.

(d) The State Government shall pay the compensation upfront after due verification within the time limits as specified above and recover the compensation amount from the functionaries or agencies who is responsible for the delay in payment.

(e) It shall be the duty of the District Programme Coordinator or Programme Officer to ensure that the system is operationalised.

(f) The number of days of delay, the compensation payable and actually paid shall be reflected in the Monitoring and Information System and the Labour Budget.

(ii) Effective implementation of Sub-paragraph (i) shall be considered necessary for the purposes of the section 27 of the Act.

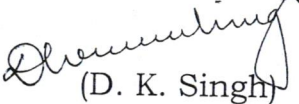
4. In compliance with the aforesaid directions of the Hon'ble Supreme Court of India and in accordance with Para 29 of Schedule II of the Act, you are requested to kindly take immediate action for payment of compensation for delayed payment of wages to the workers and send the action taken report in



the matter to the Ministry and also keep the Ministry informed about the progress in this regard.

5. This may be accorded "Top Priority".

Yours faithfully,

  
(D. K. Singh)

Director (MGNREGA)

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1. Sr. PPS to Secretary(RD).
2. PS to AS(RD)
3. PSO to AS & FA
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- 169175/16
6. All officers of the level of Under Secretary & above in MGNREGA Division.
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OTC  
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30/17/16