

Right to Work in India



National Rural Employment Guarantee
Act (NREGA), 2005

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Why NREGA?



In the 1990s

- Unemployment rate was very high
- Increase in casual labour: for men from 27% to 36%; for women from 35% to 40%
- In dry areas, employment available only for 30-40 days in a year
- In irrigated areas, for 100-150 days
- The Public Distribution System provided for only a small minority of the population

Hunger in the midst of plenty



- Massive accumulation of food grains in the 1990s. By mid 2002, foodgrain stocks reached 70 million tonnes
- Between 2002 and mid-2003 India exported about 17 million tonnes of foodgrains
- At the same time, there were reports of starvation amongst the Sahariya tribes in Rajasthan and tribals in Orissa were reported to be eating poisonous mango kernels
- Rising indebtedness was reported as well as distress migration

NREGA a result of public action



- In 2001, a public interest litigation was filed by the People's Union for Civil Liberties with a writ petition to the Supreme Court
- Supreme Court orders the state to provide open-ended employment, subsidized food-grains and 'relief'
- NREGA drafted by activists & academics after examining national and global experience on cash transfers in 2004-5

NREGA main objectives



- Demand-driven employment creation
- Development of productive assets to provide long-term livelihood options

What is NREGA?



- Judicially enforceable obligation on the state to provide 100 days of guaranteed employment to every household where an adult is willing to do unskilled manual work within 15 days of application and within 5 kms of the village
- Failing this, the state government is to provide an unemployment allowance
- Every household entitled to a Job Card so that they can verify their own employment & wage details

Some NREGA Provisions



- Workers entitled to minimum wages for unskilled work
- Equal wages for men and women
- Wages to be paid based on output
- Use of contractors and middlemen prohibited
- Use of labour-saving machinery not allowed
- Provision of work-site facilities: creches, drinking water, first aid
- Provision for compulsory social audit

Type of works permitted



- Water harvesting structures
- Afforestation
- Soil and water conservation
- Drought and flood prevention
- Construction of rural roads
- Land development on private land



Close links between RTI and NREGA

People's Participation



- Panchayati Raj system (local self-government)
- Citizens' Participation

Role of Social Audit and the RTI



- Social Audit mandated by the NREGA
- Citizens to monitor measurement of work, payment of wages and govt. books of accounts
- Making government accountable to the people

Non-negotiable elements for social audit



- ⌘ Govt. has to make available all bills, vouchers, measurement books, copies of sanction orders, books of accounts and records for public scrutiny on request as mandated by RTI Act, 2005
- ⌘ Participation of Civil Society Organisations in social mobilization, capacity-building, awareness generation and monitoring of implementation to be facilitated by the state

Some elements of Social Audit




- ⌘ Making available all documents related to payment of wages
- ⌘ Making available all documents related to measurement of work
- ⌘ Discussing these records in village meetings
- ⌘ Organizing public hearings
- ⌘ Setting up grievance redressal mechanisms

Andhra Pradesh, a case study



- ⌘ A.P. set up an independent Social Audit unit to monitor NREGA
- ⌘ Partnered 150 CSOs
- ⌘ 35 State Resource Persons identified and trained
- ⌘ 25 District Resource Persons per district
- ⌘ 50,000 Village Social Auditors trained

Andhra Pradesh, a case study...



- Social audit conducted in all districts
- 50,000 villages and hamlets covered
- Village social auditors audited EGS work worth USD 600 million in partnership with NGOs & Community-based Organizations

Public hearing in A.P.

Villagers depose before officials



Social audit in Andhra Pradesh

- Corrupt officials return USD 1 million voluntarily to workers whose wages were pocketed by them
- Hundreds of corrupt officials at various levels dismissed from service



World Bank evaluation of social audit process in AP

- 59% jump in awareness about NREGA
- Significant increase in awareness of payment process from 25% to 45%
- 91% respondents felt they could freely express themselves in public meetings
- However, awareness of RTI very low at 8%

Overall NREGA achievements since April 2009

- 27.5 million person days of employment generated
- Women's share of employment 51 %
- Scheduled Castes 30 %
- Scheduled Tribes 22 %

NREGA achievements so far...



- ⌘ Addressing hunger, poverty and unemployment
- ⌘ Major impact on stemming distress migration
- ⌘ Providing employment opportunities to women in and around their villages
- ⌘ Ground water levels have risen in some areas
- ⌘ Improvement in road connectivity has helped marketing of farm produce in some areas

Major bottlenecks



- ⌘ Illiteracy and acute poverty
- ⌘ Corruption and apathy at the local level
- ⌘ Vulnerability of the poor and marginalized in the face of powerful vested interests
- ⌘ Lack of awareness amongst workers of their rights
- ⌘ Inability of workers to organize themselves and articulate their grievances

Major challenges for governments....



- Provide 100 days of work to every household
- Ensure that wages are paid on time
- Ensure that workers get an unemployment allowance if they don't get work
- Institutionalize social audit in every district

Major challenges (contd....)



- Create durable assets
- Ensure that records are maintained according to prescribed norms and provided to citizens on request
- State Govts. give information to people and provide employment when people demand it



Thank you