

# Empowerment Guarantee Act

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The experience of the Jagrut Adivasi Dalit Sangathan in Madhya Pradesh shows the power of grassroots organisational work in activating the National Rural Employment Guarantee Act. Levels of NREGA employment in the Sangathan areas are as high as 85 days per household per year, and nearly half of all working households have got 100 days of work. They also earn the minimum wage. The Act can also be an opportunity to promote overall rural development and alter the balance of power in village society.

As many observers have noted, the National Rural Employment Guarantee Act (NREGA) is a unique opportunity for rural labourers to organise. Conversely, building strong workers' organisations is an essential condition for the success of the NREGA. The recent history of the Jagrut Adivasi Dalit Sangathan (JADS) in Badwani district (Madhya Pradesh) is an interesting example of this.

I spent four days in the Pati block in Badwani in June 2006 and again in May 2008, as part of a survey team looking at the implementation of the NREGA in this area. The 2006 survey involved worksite visits while the 2008 survey was part of a six-state survey covering Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Rajasthan and Uttar Pradesh. It covered two districts of Madhya Pradesh (Badwani and Sidhi), and two blocks in each district. Along with worksite visits, it included interviews with 50 randomly selected NREGA labourers in each block (10 from each of the five sample worksites in the relevant block). The sample blocks in Badwani were Pati and Rajpur.

Pati, once covered with lush teak forests, now has a depressing lunar landscape of denuded hills, where only subsistence agriculture is possible. As a result, many households survive on wage labour and seasonal migration. JADS, a labour union, has worked there for many years on issues of tribal land rights. Since the NREGA was launched on February 2, 2006, JADS has also struggled for the workers' entitlements: employment on demand, minimum wages, timely wage payments, and the unemployment allowance, among others.

Madhuri Krishnaswamy has been working in Badwani since 1993 and has been part of the Sangathan since its inception. Her involvement and vision have been crucial in inspiring and guiding its work. Speaking to her about the NREGA, one realises that for JADS the teething phase in the implementation of this act is over, and

it is now dealing with "second generation" issues such as increasing the levels of people's participation in the planning process. This article documents some aspects of that initial phase of struggle, the results of that struggle and also some of the second generation issues.

## Educate and Organise

JADS is an unregistered organisation with a membership of 3,500 families and is active in three blocks of Badwani district. All the organisational work is managed by members, all of whom are local residents and volunteer their time. There are no paid employees. It has an informal structure, with the district committee members and area committee members sharing work-related responsibilities. It has been working on a range of issues related to workers' rights (including control over local resources – land, water and forests among others), and also took up NREGA-related issues soon after the Act came into force in February 2006.

This organisational work has achieved important results. To start with, most labourers are aware of their rights under the NREGA – in the 2008 survey we found that all the sample workers in Pati knew that they are entitled to 100 days of work, 85 per cent were aware of the minimum wage, and 95 per cent knew that wages were supposed to be paid within 15 days (see the table, p 9). Another striking example of the high level of engagement and awareness is that many Sangathan members in Pati were aware of the increase in the statutory minimum wage in Madhya Pradesh to Rs 85 per day (from Rs 69) even though the increase had come into force just a few days before the survey began. We were also amazed to find that many women in this area were aware of their right to have childcare facilities at the worksite.

What is perhaps more significant is that apart from awareness of their entitlements, Sangathan members are aware of the process through which these can be claimed. To illustrate, even at the time of my first visit in June 2006, most of the workers had gone through the formal process of applying for work. In May 2008,

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92 per cent of the respondents from Pati block had got work in response to a written application.

The high levels of awareness, and also the fact that demand-driven employment has taken root in Pati, are significant achievements. This is clear when we contrast awareness levels in Pati with those in Rajpur block (where this kind of organisational work is yet to happen) and in other survey districts (see the table). For instance, in Rajpur and other survey districts less than one-fifth (17 and 19 per cent respectively) of the sample workers had applied for work in writing. In fact, in most of the sample districts the work application process was simply not in place, defeating the whole principle of demand-driven employment (most job cardholders were just waiting for NREGA works to open). The activation of this process in Pati is a major step forward.

Many other examples can be given of the effectiveness of the Sangathan's work of educating and organising. These include payment of statutory minimum wages and high levels of employment under the NREGA. In Pati, the payment of minimum wage is a matter of routine now. This has been achieved after a period of struggle which included refusal to accept anything below the minimum wage. Besides this, in 2007-08, many Sangathan members were able to work for a full 100 days on the NREGA (the upper limit under the Act). Among the workers interviewed in Pati, the average number of days of employment during the 12 months preceding the survey was as high as 85 days, compared with just 23 days in Rajpur block. Very few districts in the country, except in Rajasthan, can boast of similar levels of employment. The corresponding average for the two districts surveyed in Rajasthan (Dungarpur and Sirohi) is 71 days. However, Pati's record is mainly an achievement of the people, unlike in Rajasthan, where the high level of employment generation is primarily due to the district administration's proactive efforts.

Indeed, the most heartening aspect of the Sangathan's work in Pati is the sense of empowerment its members feel. Two examples are illustrative of this sense of empowerment. The first pertains to a fine levied by Sangathan members (at the rate

of Re 1 per day of delay) on the panchayat secretary for delayed wage payments. Under the Act, wages are supposed to be paid within 15 days, but this time limit is routinely violated without any sanction being imposed. While a fine of Re 1 per day of delay may seem trivial, the stigma associated with being fined is likely to have a deterrent effect (the concerned secretary was certainly anxious to avoid any such delays). This is an interesting example of the determination of the Sangathan members to assert their rights.

The other example is related to the introduction of bank payments of the NREGA wages. When asked what he thought about the introduction of bank payments, a Sangathan member, Malubhai said he was not sure; it would involve the cost of getting to the bank which was in the neighbouring village but would reduce the risk of being cheated. Since there was an order from the district administration, he said that they were willing to try it out. If they were not happy, all they needed to do was launch an agitation to revert to the old system of payments. This confidence of the Sangathan members in their ability to change the way things work contrasts sharply with the general resignation and fatalism we have observed among NREGA workers elsewhere, even in the face of gross exploitation.

What has empowered the Sangathan members so? I believe that the June-October 2006 struggle for unemployment allowance has much to do with it. In June 2006, five months after the NREGA came into force, the Sangathan waged a five-month long struggle for the payment of unemployment allowance. The fruits of that struggle were easy to see earlier this year.

### The Unemployment Allowance

As mentioned earlier, JADS has focused on creating wide awareness of the NREGA entitlements and the process whereby people can claim these entitlements. In 2006, when they were offered work without applying, they insisted on applying. They had also understood the importance

of demanding a receipt when applications for work are submitted. Many Sangathan members had gone through the entire process of applying for job cards, then for

**Table: Status of NREGA in Pati vs Other Survey Areas**

	Pati	Rajpur	Other States
Proportion (%) of workers aware of their entitlement to:			
100 days of work each year	88	37	51
The minimum wage	74	58	62
Timely wage payments	76	41	56
Proportion who had got work in response to a written application			
	92	17	19
Number of days of work obtained in the past 12 months	85	23	41

Source: Preliminary results from a survey of NREGA conducted by the G B Pant Social Science Institute in May-June 2008.

work, and finally for the unemployment allowance (in cases where work was not provided). On June 7, 2006, the unemployment allowance became due to more than 2,000 labourers of Pati. This opened a new chapter in the Sangathan's eventful history.

The NREGA states that if work is not provided within 15 days of an application being made, the applicants are entitled to an unemployment allowance at the rate of one-fourth of the minimum wage for the first 30 days, and one half thereafter. While the bulk (about 90 per cent) of employment costs is borne by the central government, the unemployment allowance is to be paid by the state government. Thus, one role of the unemployment allowance is to act as a "fine" on the state government if it fails to implement the guarantee. Seen in this light, the payment of the unemployment allowance plays a key role in the realisation of the work guarantee. If the unemployment allowance is not paid, the work guarantee itself becomes very weak.

However, the Madhya Pradesh government (as well as other state governments) has found various means of evading the payment of unemployment allowances. One escape route is to provide work within 15 days of an application being made, but only for a few days.<sup>1</sup> In Pati in 2006 we came across applications for 30 days of employment; but the labourers barely got 10 days of employment. This tactic effectively defuses the demand for unemployment allowance, even though labourers remain, strictly speaking, legally entitled to it as long as the number of days of employment falls short of what they have demanded.

Another escape route was to entangle villagers in a web of paperwork. When villagers submitted applications for the unemployment allowance, the administration surpassed itself in finding flaws in their applications. For instance, applicants were told that they had not used the correct form (“form 14”), or that they had not attached a copy of their work application along with the application for the unemployment allowance. The spurious nature of these objections is evident from the fact that requests for “form 14” were met with a blank look from the block officials, who had never heard of it.

JADS did not give up. In the face of threats of violence and false cases against the members, they continued to put pressure on the administration to pay the unemployment allowance. Finally, in October 2006 unemployment allowance was paid to 1,574 labourers of eight gram panchayats of Pati block, making this the first instance of payment of unemployment allowance in the country.

This victory seems to have turned the channel of accountability on its head. In most places that I have visited, the panchayat secretary (also known as the *sewak*) feels that they are accountable only to block level officials. In Pati block, for the first time it seemed that the panchayat *sewak* (PS) was actually a “*sewak*” of the villagers. A conversation with Virendra Patel, the PS of Ubdagarh panchayat (one of the gram panchayats where unemployment allowance had been paid in October 2006) illustrates this point.

On April 8, 2008, more than 1,000 workers in Ubdagarh village put in a group application for work under the NREGA. They were demanding 30 days of employment on cattle prevention trenches (CPT) work in their village. It is heartening to note that the concerned authorities provided them work within 15 days (as stipulated under the NREGA). Further, the secretary informed us that another 600 residents of the village had caught on to the “demand-driven employment” principle of the NREGA (learning from JADS members) and put in a separate work application. Patel has managed to ensure employment for these workers as well. It is noteworthy that when Patel talked about

this episode, he seemed to suggest that he did not have an alternative – if he had not provided work, he would have had to pay them the unemployment allowance.

### Participatory Planning

Probing further, I found that residents of Ubdagarh were happy about being given work but were agitated that the work was not what they had demanded. The Sangathan members had demanded contour trenches (also called CPT by local residents) in their collective work application and also in the gram sabha. On verifying the gram sabha minutes for February 2, 2008 we found that the first resolution pertained to NREGA works; it included a list of 22 works, of which the first two were contour trenching works. Instead the applicants have been given employment on a roadwork (the roadwork is listed third on this list).

This is not the first instance of a mismatch between what was demanded and has been provided: earlier when they had demanded a “*medh bandhi*” (water conservation), contour trenching work was opened. The Sangathan members are very keen on *medh bandhi* and CPT works because of the benefits to their lands (and the forest) from such soil regeneration and water conservation works. As Shivjia Barela of Ubdagarh says, *CPT mein bahut fayda hai – chara hoga, pani rukega aur mitti bachti hai* (“CPT is very useful – we can grow fodder, prevent water from running off and also conserve top soil on our lands”).

Overriding the decisions of the gram sabha, in the matter of selection of NREGA works, is not confined to Ubdagarh. Similar complaints have come to light from other gram panchayats in the area.

In this remote village of Pati block, the villagers are emphatic about the NREGA funds being put to good use, rather than being spent with the sole purpose of providing them employment. While they are keen that employment must be provided, they are equally concerned about the creation of useful assets. The JADS is now dealing with what can be termed as second generation issues (compared to the issues that are being dealt with in other states). They are demanding to know why a proposal passed in the gram sabha has been overturned.

The attempt at participatory planning has also brought the issue of transparency to the fore. The Sangathan is demanding transparency in the decision-making process and that transparency safeguards prescribed in the operational guidelines be taken seriously. For instance, JADS has been able to ensure that wages are not embezzled by activating the “monitoring and vigilance committees”, which in most other places exist, at best on paper.<sup>2</sup> Aside from participating in these committees, Sangathan members visit worksites regularly and maintain their own attendance records as a means of crosschecking the official “muster rolls”. In 2006, in Bamnali, for instance, the Sangathan’s records indicated that 510 persons were employed, but 535 names had been entered in the muster rolls.

The successful implementation of the NREGA in the Pati block goes beyond the ability of its residents to claim their rights. This is brought out by the high levels of engagement with the programme in terms of planning, implementation and monitoring. As Madhuri Krishnaswamy put it, “The struggle for the enactment of the NREGA was associated with a larger vision”. Apart from its immediate aim of being a form of social security for the rural poor, by providing them local employment, it was expected that the NREGA would contribute to activating gram sabhas, empowering women and developing rural areas. In this sense, JADS has fully imbibed the spirit of NREGA, where it is looked upon as an opportunity to promote the overall development of the village as well as to alter the balance of power in the village society. Aside from showing that it is possible to make the NREGA work, the Sangathan’s experience also provides important insights into the transformation that is possible if the act is effectively implemented.

### NOTES

- 1 In 2005, while conducting a field survey in Dahanu (Maharashtra) I learnt of cases where work was provided for as little as two days in order to evade the unemployment allowance.
- 2 The panchayat *sewak* said that the first day at a new worksite was hectic because apart from handing over the muster rolls to the mates and arranging worksite facilities, he also had to institute the vigilance committee for the worksite. While some of this needs to be taken with a pinch of salt (e.g. we did not find crèches at any of the worksites), vigilance committees are active in Sangathan areas.