



**THE PEOPLE'S VERDICT**  
**Outcomes of the National**  
**Tribunal on NREGA**  
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Supported by PACS

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## The People's Verdict

# Outcomes of the National Tribunal on NREGA

### NREGA – The Promise of Work

The National Rural Employment Guarantee Act is undoubtedly the most well known and closely watched social initiative of the United Progressive Alliance, and is also one of the key commitments of their Common Minimum Program for the period 2004-09.

The NREGA promises 100 days of employment for every rural household, and the creation of durable assets and livelihood resources for the poor through the works undertaken in this program. In the financial year 2006-07, it has been operational in 200 districts across 27 states of the country.

The NREGA also emphasizes the participation of women (a third of the intended workers are to be women), and the active involvement of the village level *panchayats* in determining the nature of works that are undertaken (at least 50% of the works are to be determined by the Panchayat).

#### What Does the NREGA Promise?

- 100 days of adult employment for every rural households; 1/3<sup>rd</sup> of workers to be women
- Registration of work through the Gram Panchayat / Block Program Officer & Provision of 'Job Card'
- Allocation of work within 15 days from the date of application by the Gram Panchayat / Block Program Officer
- Payment of the statutory minimum wage applicable to agricultural workers in the State
- Payment of unemployment allowance if work is not provided within 15 days of application
- Creation of durable assets & livelihood resource base of the poor through works
- Work done by contractors is not permissible

### Taking NREGA to the People

The NREGA has been the focus of civil society action and attention even before was 'launched' by the Prime Minister Manmohan Singh at Ananthpur district, Andhra Pradesh in February 2006.

During the 2<sup>nd</sup> Civil Society Review of the National Common Minimum Program held in May 2006, a review of how the NREGA had performed in 100 days of its existence revealed that there was more to worry about than celebrate. Reports of the hurdles in procuring the required 'job cards', the marginalization of women due to the emphasis on the 'head of household' as the key beneficiary, and the absence of panchayat engagement were common experiences across states.

In the months between June and November, mass mobilization and social audit processes were undertaken across several states of India with the objective of creating a public and political momentum for the NREGA. 'Rozgar Adhikar Yatras' or 'Rallies for Employment Rights' were initiated by partners of Wada Na Todo Abhiyan and PACS in states such as Uttar Pradesh, Madhya Pradesh and Jharkhand, while State Tribunals on NREGA were held in states Maharashtra, Chattisgarh and Bihar. Two district level social audits were also organized in Andhra Pradesh in this period.

These processes have played a role in popularizing the 'promises' of NREGA at the grassroots, while at the same time identifying its existing loopholes and defining policy and administrative recommendations to correct the course of its implementation.

### **Rozgar Adhikar Yatra, Madhya Pradesh (16 – 31 October 2006)**

A Rozgar Adhikar Yatra to promote awareness of and participation in the National Rural Employment Guarantee Act in Madhya Pradesh was organized across 18 districts. The Yatra brought to light the key difficulties being faced by people in accessing the NREGS. The administrative process for obtaining Job Cards has been very slow and payments of wages have been delayed. The creation of ecologically sustainable infrastructure and the improvement of the land of marginalized and Dalit farmers have not been prioritized as per the provisions of the Act. Workers have been deprived of relevant equipments and crèche facilities for the children, and contractors are being permitted to work in a clear-cut violation of the provisions of NREGA.

The Rozgar Adhikar Yatra concluded with a public awareness meeting and a massive rally to the Madhya Pradesh Legislative Assembly. A delegation met with Chief Minister and delivered a memorandum of suggestions for effective implementation of NREGA. This included recommendations for the training of Panchayat representatives in implementing the NREGA, training of the elected Dalit & Adivasi representatives, and the provision of compensation allowance in absence of work allotments.

Source: National Conference of Dalit Organizations (NACDOR)

### **The National Tribunal on NREGA**

The National Tribunal on NREGA was the culmination of awareness and social audit processes held across several states. On 10 November 2006, more than 1000 people representing experiences of NREGA across 14 states gathered at the capital, Delhi to contribute to an evaluation of the program from the perspective of the most marginalized communities. More than 50 persons 'deposed' as part of this process which extended across six hours, and culminated with the presentation of key findings before a Jury comprising of K. R. Venugopal - Former IAS officer, Former Secretary to the Prime Minister and Special Rapporteur, National Human Rights Commission, and Annie Raja – General Secretary, National Federation of Indian Women (NFIW).

Reports of the exclusion of households hailing from scheduled castes – such as the Musahars and Bhuians in districts such as Madhubani and Gaya of Bihar – were tabled. Similarly, a large number of Muslim families in Gujarat who had to abandon their villages after the riots of 2002 and take refuge in places like Vadad, Gamirpura and Kalol have not been able to avail of their entitlements. Women workers across states too reported the difficulties that they have faced in being included in the scheme. Early trends also indicate the exclusion of people with disabilities. In locations like Jamalpur (Madhubani, Bihar) and Kacharia Dih (Nawada, Bihar) which have a high concentration of people with disability, employment opportunities created by NREGS have not reached most of them.

However there was also encouraging news of civil society action taken to ensure that the implementation of NREGA. In Nagphana of Bolangir district, Orissa wage labourers went on a mass strike till their rightful wages were paid, and have also set up a committee to monitor the implementation of the. Collective protests were also organized by dalit labourers in Villupuram, Tamil Nadu. In Chattisgarh a consortium of civil society organizations was instrumental in facilitating the registration of hundreds of additional households. Persistent media campaigns and lobbying with district level functionaries has also been taken up - such as West Champaran district of Bihar, and *padyatras* have been organized to reach and organize people across villages - such as in Sirohi district of Rajasthan. An NREGS Workers' Union – possibly the first of its kind - has also been formed and registered with the Labour Commissioner in Gujarat.<sup>1</sup>

<sup>1</sup> National Rural Employment Guarantee Scheme – A Cross-Country Appraisal at the End of Eight Months, Early Lessons Learnt – Compiled by Anindo Banerjee (Praxis) for Wada Na Todo Abhiyan

## The Verdict on NREGA

The Jury was emphatic in its verdict on the National Rural Employment Guarantee Act. It recognized that the implementation of the NREGA is among the most significant steps taken by the United Progressive Alliance towards the fulfillment of the promises made to the people through the National Common Minimum Program. There is also a notable level of expectation, energy and efforts among civil society groups across states to ensure that the NREGA is successfully implemented across the country. In this context, it is imperative that the government takes into account the recommendations that have emerged from this Tribunal to enable the NREGA to meet its intended objectives.

The inherent exclusion of women from the equal opportunity for employment – by virtue of the provision for only one member of the household to gain work – is one of the weakest links of the program. This when compounded with the reports of exclusion from almost every section of the marginalized and across states, points out to the urgent need for concerted action between government agencies and civil society organizations to ensure that the program reaches those who need it the most – the poorest of the poor. The government must purposively seek to include scheduled castes and other marginalized sections of society in the NREGA.

The stipulated wage provided through the program – an average of Rs. 60 per day – is judged to be grossly inadequate, and a wage revision to the amount of Rs. 120 – 130 is recommended to ensure that a family is able to meet its basic entitlements of food, clothing, housing, education and health.

The Jury concluded that the NREGA can only succeed with a combination of strong political will and able administration. The role of civil society organizations towards opinion building and advocacy needs to be sustained and strengthened towards this objective.

### Key Findings of the National Tribunal on NREGA

1. Factual information about the program appears lacking, not only among the people but also among those who are responsible for implementation
2. There are tremendous hurdles faced at the first stage of registration and acquiring of the Job Card itself. Proofs of identity and fees have been demanded for registration. There is also reluctance on behalf to accept applications for work even after the individual is registered.
3. Women headed households and joint families are at a distinct disadvantage in accessing the benefits of the scheme. The provision of work to one person of the household has been interpreted to mean that it is applicable only to the male head of the household.
4. Even after the procurement of a receipt for the application for work – work has not been made available in many instances, and there is no case reported where an individual has actually received the unemployment allowance.
5. There appears to be a lack of transparency in the allocation of works. In several instances, no reasonable explanation has been given for the selective distribution of works to certain hamlets within the village, or specific individuals. Dalits, women, minority groups and persons with disabilities bear the brunt of this selective process of allocation.
6. Systems for measurement of work are inadequate and disparate. There is no distinction between skilled and unskilled work, and the same wage is provided for both.
7. Facilities for shade, water, first aid and crèche are not being provided at the work site.