
Realising the Right to Work

ROB JENKINS

The *Battle for Employment Guarantee* is a collection of first-rate essays skilfully selected, organised, analysed and edited by Reetika Khera. The volume is an excellent resource for anyone seeking to understand the origins of the National Rural Employment Guarantee Act (NREGA) 2005, how it has fared during its first five years in operation, and the larger significance of this gigantic, ambitious, unwieldy, and ultimately worthwhile experiment in realising the right to work.

The book draws mainly on previously published work. Several chapters first appeared in *EPW* and *Frontline* – lengthy analytical pieces built around findings from the various (mainly survey-based) research projects overseen by Khera and the other main intellectual force behind this volume, noted economist Jean Dreze. Dreze did not serve as co-editor, but his presence suffuses the book nonetheless. Like Khera, he wrote or co-wrote eight of the book's 20 chapters. Only six chapters credit neither Dreze nor Khera as author or co-author. Some chapters originated as academic conference papers, and thus incorporate more sophisticated concepts and quantitative methodologies. For the most part, however, the questions posed are of general interest, and the findings rendered in terms comprehensible to non-specialists.

Tracking NREGA's Progress

Most of the additional contributors have participated in the research and advocacy networks established to track NREGA's progress and to "battle" for its full implementation. Khera and Dreze have been central figures in these impressive demonstrations of "engaged scholarship", or "academic activism", or whatever you want to call it. A few authors draw on first-hand observations gleaned during their participation in quasi-official

BOOK REVIEW

The Battle for Employment Guarantee edited by Reetika Khera (*New Delhi: Oxford University Press, 2011; pp 264, hardback, Rs 595.*)

"social audits" of NREGA implementation in various parts of India.

As most people by now know, social audits attempt to hold officials who implement NREGA accountable for their actions. Typically conducted in partnership with a local "people's organisation", a social audit involves the systematic review of documents related to NREGA works in a given locality. Files are scoured by teams of volunteer-auditors trained and overseen by facilitators with experience of similar audits elsewhere. Forms containing administrative clearances and technical sanctions are reviewed for procedural lapses. Financial records (muster rolls, job cards, material vouchers, expense ledgers, bank statements) are examined for inconsistencies.

The audits culminate in public meetings where local people (particularly NREGA workers) are invited to comment orally on specific issues raised by the audit teams. Testimonies are based on their direct experience as workers or supervisors on NREGA projects or suppliers to particular worksites. Discrepancies between government records and oral accounts are scrutinised. Officials are asked to offer explanations for apparent violations of procedural norms. These meetings are held either as an extension to – or, where local authorities are uncooperative, in lieu of – the gram sabha. The requirement that such social audits take place regularly and in conformity with specified procedures is a central pillar of the transparency and accountability architecture around which NREGA 2005 was constructed. And, yet, in most places nothing like a genuine social audit ever takes place. The same record-keeping

legerdemain that so effectively obscures systematic theft from NREGA projects can easily conjure a bogus paper trail showing fastidious adherence to the social audit requirements set forth in the Act.

Khera's editorial introduction provides a useful synthesis of the various authors' findings and a compelling account of NREGA's significance amidst an upsurge of demands for social justice in India and elsewhere. The campaign to realise NREGA's promise – itself part of a broader "right to work" movement – is but one example of a larger trend towards seeking recognition for, and institutionalised fulfilment of such basic human entitlements as the rights to food, to information, and to education. This conceptual reorientation – towards what might be called "development rights" – collapses the distinction between, on the one hand, civil and political rights, and, on the other, economic, social and cultural rights. Just as importantly, however, the development rights discourse blurs the line between the legal recognition of rights and programmatic interventions designed to ensure their realisation. While India has been at the forefront of this reinvention of rights, other emerging democratic powers (EDPs) in the developing world, such as Brazil and South Africa, have been pursuing similar initiatives with equal vigour.

Early Days

Part One of the book ("Early Days") consists of two chapters – one outlining the Act's origins, the other analysing the official statistics. Together they establish basic facts about NREGA and the machinery for operationalising it. In the opening chapter, Dreze provides an illuminating account, drawn from a piece first published in another OUP volume, of how NREGA came into being, including an enumeration of the improbable array of enabling factors that came together during 2004-05 to aid its passage into law. Dreze subscribes to the widely held view that, had the Congress thought it possessed even a remote chance of winning the 2004 general election, it never would have

committed – in its election manifesto, no less – to passing employment-guarantee legislation of such far-reaching political (and fiscal) significance. When the Congress did, unexpectedly, stumble into power – following an election result that was widely, if misleadingly, attributed to a revolt by the rural poor against the National Democratic Alliance government’s callous economic policies – what could it do except fulfil this commitment?

But even this stupendous piece of good fortune was not enough to ensure NREGA’s enactment. Leadership variables played a role as well. For instance, Sonia Gandhi’s decision, after renouncing her claim to the prime ministership in 2004, to ensconce herself in the National Advisory Council (NAC) was a key factor. The NAC was designed to Sonia Gandhi’s specifications as a strategically placed policy development unit. She conceived of the NAC as a body into which she could – and did – invite intellectuals, politicians (from Congress and its allies), civic leaders, iconoclastic former bureaucrats

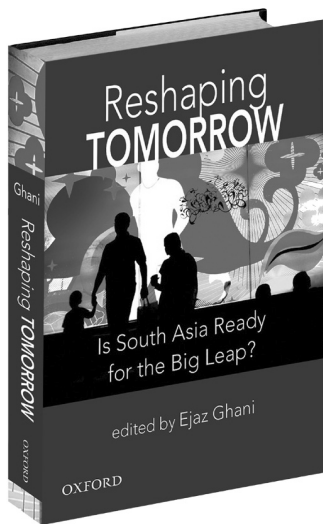
and others. Among Sonia Gandhi’s early recruits were the activists and former officials in Rajasthan whose demands for state-level employment-guarantee legislation she had found so impressive while campaigning in Jaipur just months earlier. People associated with the National Campaign for People’s Right to Information and with the Right to Food campaign were drawn into the NAC and its deliberations. These included Jean Dreze himself, as well as former IAS officers Harsh Mander, N C Saxena and Aruna Roy. Roy, along with fellow activist Nikhil Dey, has made the Mazdoor Kisan Shakti Sangathan (MKSS), the motor of this movement, operating at multiple levels and across diverse domains of political action.

Dreze’s deep knowledge, sharp eye and deft pen combine to paint an unforgettable picture of the debates that dominated NREGA’s passage. Dreze systematically rebuts the pre-emptive strikes levelled by NREGA’s most virulent opponents, including fiscal fundamentalists

who warned of budgetary ruin. He shows admirable self-restraint when gently deflating the bombast of corporate economist Surjit Bhalla, who (arguing against NREGA’s passage) had insisted that rural unemployment in India was much lower than what almost every other economist had calculated (and what basic common sense clearly indicated). Dreze responds to the irrational outbursts of anti-NREGA extremists with a steady stream of subtle sarcasm. When one incensed critic lashed out against the *jholawala* (shoulder-bag-carrying) economists involved in promoting NREGA, Dreze (known himself, on occasion, to sport a *jhola*) asks whether it would make a difference if they all carried barrister’s briefcases instead.

In recounting the story of NREGA’s formulation and passage, Dreze drops clues about (but stops short of pulling back the curtain on) the protracted negotiations between advocates for a universal, entitlement-based NREGA and the Act’s opponents, who worked assiduously to water down various drafts of the Bill

FROM OXFORD



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Contributors

1. EJAZ GHANI: *Reshaping Tomorrow: An Overview*

I REASONS FOR OPTIMISM: 2. DAVID E. BLOOM, DAVID CANNING, and LARRY ROSENBERG: *Demographic Change and Economic Growth*; 3. HOMI KHARAS: *The Rise of the Middle Class*; 4. WEISHI GRACE GU and ESWAR PRASAD: *Harnessing Globalization*; 5. CAGLAR OZDEN and CHRISTOPHER ROBERT PARSONS: *International Migration and Demographic Divergence between South Asia and the West*

II CHALLENGES AHEAD: 6. ARVIND PANAGARIYA: *Avoiding Lopsided Spatial Transformation*; 7. EJAZ GHANI, WILLIAM R. KERR, and STEPHEN O’CONNELL: *Promoting Entrepreneurship, Growth, and Job Creation*; 8. BARRY EICHENGREEN: *Managing Capital Flow*; 9. RAKESH MOHAN: *Managing Efficient Urbanization*; 10. RAVI KANBUR: *Avoiding Informality Traps*; 11. LAKSHMI IYER: *Managing Conflict*

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after failing to kill it outright. Dreze credits the left parties, at the time cohabiting with the Congress in an ill-tempered quasi-alliance, with providing crucial final impetus to bring NREGA over the legislative finish line. How much “credit” to assign to different actors has been a topic of considerable disagreement to date, a trend that seems likely to persist.

For many civic leaders, the experience of pushing and prodding for NREGA’s passage in a form they could live with reinforced a nascent belief that engagement with formal deliberative processes could, in fact, produce better legislation. Aruna Roy, a leading voice in the struggle for NREGA’s passage, specifically invoked this lesson in mid-2011 amidst disagreements with Anna Hazare’s inner circle over how to obtain the best possible Lokpal Bill. Working with parliamentary committees is not fruitless, Roy and others insisted. As the Lokpal Bill wended its way through the legislative labyrinth in late 2011, this “proceduralist” stance appeared to have been vindicated. Committee scrutiny, debate, hearings, and (ultimately) textual revision yielded substantial improvements over initial drafts, though not on every contested provision. Then again, it is likely that Roy and others working the committee rooms for a strong (but not omnipotent) Lokpal had their negotiating leverage with Members of Parliament (MPs) and party leaders strengthened – subtly but significantly – by the muffled yet still-audible cries of the Anna Hazare hardliners outside on the streets. Just because “good cop, bad cop” is a crime-drama cliché does not mean it cannot be an effective negotiating tactic.

Ground Realities

Part Two of the book is titled “Ground Realities”. The seven chapters cover key elements of NREGA’s design: women’s participation (e.g., a quota of at least 30% of employment days created), mandated worksite conditions (e.g., water provision, childcare facilities), payment modalities (e.g., bank account transfers). The title of the scene-setting chapter, “The Battle for Employment Guarantee” by Dreze and Khera, refers to the ongoing

struggle to make its promise a reality for poor people. Here we find – again from the 2008 survey – that 81% of NREGA workers live in *kaccha* houses; that 73% are scheduled castes (SCs) or scheduled tribes (STs); that 61% are illiterate; and that 72% have no electricity at home. More than two-thirds of workers report that NREGA wages help them to avoid hunger; more than half (57%) say the same about avoiding distress-induced seasonal migration. These grim statistics are a powerful reminder that NREGA is reaching its intended beneficiaries on a massive scale. The surveys do not of course capture “ghost workers”, whose “wages” flow to the powerful. Disagreements persist over the extent and distribution of such “leakages”. But even if the losses are considerable, the benefits that NREGA provides to some of India’s most destitute people cannot be denied. These real gains are too vital to abandon in the name of combating – as they say in the United States – “waste, fraud and abuse”.

A depressing feature of the NREGA’s early years was workers’ general lack of awareness concerning their rights under the Act. Hopes that understanding would spread and increase naturally over time were not always borne out. One place where people’s mindsets did undergo a fairly dramatic transformation was Pati block of Badwani district, in Madhya Pradesh. Khera’s chapter (“Empowerment Guarantee Act?”) sensitively analyses the work of the Jagrut Adivasi Dalit Sangathan (JADS), a people’s organisation that has for many years sought to mobilise people in the region to assert and protect their land rights. JADS’ decision in 2006 to expand its agenda to include NREGA workers’ rights has paid off handsomely in terms of increased awareness.

As Khera’s survey results from 2006 and 2008 indicate, NREGA workers in JADS’ catchment area became knowledgeable about not only general entitlements, but also specific implementation procedures. This translated into demands for more timely provision of employment and for the payment of NREGA-mandated unemployment stipends. A prolonged period of agitation and negotiation led

eventually to more employment days, higher wages, and improved worksite conditions in Pati block. These positive results contrasted sharply with poor NREGA performance in the neighbouring block, where no JADS-like force for social and political change existed.

I have observed similar effects in research conducted jointly with James Manor. Our surveys in both Rajasthan and Madhya Pradesh showed more worker awareness, increased assertiveness, and better outcomes in “movement-endowed” than in “movement-deprived” blocks.¹ Unfortunately, as Khera notes, strong, adaptable people’s organisations are thin on the ground.² She points out that “JADS has fully imbibed the spirit of NREGA, 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”. Why some people’s organisations in rural India prioritise mobilisation around NREGA workers’ rights while others do not is a mystery waiting to be unravelled.

Longitudinal Perspective

One of the advantages of having Khera and Dreze as guides to the realities of NREGA implementation is their long engagement, as researchers and activists, with similar employment programmes. This longitudinal perspective aids comparison between NREGA and predecessors such as the Employment Assurance Scheme (EAS), Jawahar Rozgar Yojana (JRY) and National Food for Work Programme. NREGA’s functioning can thus be assessed alongside employment programmes that once actually existed, or still do, rather than against theoretical alternatives that, in practice, would face the same (if not worse) implementation problems than NREGA does.

Contrasting Experiences

Part Three of the book (“Contrasting Experiences”) consists of four state case study chapters – on Orissa, Himachal Pradesh, Chhattisgarh and Tamil Nadu. Even from this relatively small sample, the vast differences between states’ NREGA experiences are evident. Orissa emerges as a textbook example of how not to implement a rights-based development

initiative. The state government's utter failure to deliver consistent employment at the minimum wage was made worse by ill-conceived projects disconnected from local priorities. These were all too often executed by ruthless and wily contractors, who are banned under NREGA from undertaking works, but flourish in Orissa nonetheless. Quite why the contractor culture should be so entrenched in Orissa compared to other states – some run by equally unaccountable governments – is not something the volume's authors have been able to determine.

Tamil Nadu stands near the other end of the NREGA performance spectrum. Despite patchy implementation in many respects, the state developed a robust system of administrative monitoring to track day-to-day operations all the way down to the worksite level. The Tamil Nadu government deviated substantially from the procedures stipulated by the Ministry of Rural Development in Delhi. (States routinely get away with seemingly statute-defying practices by asserting vague claims to provincial autonomy; frequently the central government has little interest in protecting its constitutional turf, and even less capacity to do so.) And yet, Tamil Nadu's political and bureaucratic leadership committed itself to making NREGA function creditably.

Tamil Nadu's top-down approach to administrative oversight notwithstanding, the state may have generated something more precious than popular awareness: a (sub)culture of accountability within the civil service. This has not been institutionalised to the degree found in Andhra Pradesh, nor have citizens and civic organisations been incorporated with the same gusto. Andhra Pradesh has the most impressive record of any Indian state in terms of implementing NREGA's transparency and accountability provisions: guilty officials sometimes actually get dismissed, pay fines, return stolen funds, or go to jail. Tamil Nadu has nevertheless established a foundation – a rejection of official impunity as the default setting – that can be built upon over time.

Tamil Nadu is a good example of how the studies in this volume highlight the idiosyncrasies of particular states, as

expressed through the peculiar idiom of NREGA implementation. Tamil Nadu's mixed performance on NREGA is consistent with the state's Jekyll- and- Hyde pattern of governance over the past three decades. The state government has, on the one hand, been able to institute complex regulatory reforms, execute major infrastructure projects, and devise innovative social programmes such as its mid-day school meal scheme, now a model for the rest of India. On the other hand, Tamil Nadu has produced some of the country's most stunning examples of venality and misgovernance. Both the current chief minister and her predecessor – not to mention their more flamboyant family members – have become national symbols of corruption. Fiscally speaking, the state's ability to keep budget deficits under control has alternated with, and sometimes coexisted alongside, bouts of extreme competitive populism.³

Somewhere in between these two extremes are the book's two other cases of NREGA "ground realities": Himachal Pradesh and Chhattisgarh. Himachal Pradesh has displayed some promising signs. In other respects, however, the state government has abdicated its responsibilities. Chhattisgarh as a whole is not covered. Dreze instead brings us along on a brief journey he took into the borderlands adjoining the state's Maoist-controlled areas. Even in these seemingly inhospitable circumstances, Dreze argues, far more could be done to make NREGA a positive influence on the lives of poor people. One can sense his discomfort at the prospect of "securitising" NREGA, of making the pacification of restive populations its overriding objective. But the possibility of enhancing people's well-being leads Dreze to call for a continued extension of NREGA's reach – all the way to the most remote locations, where Dreze discovers extremely marginalised people using NREGA employment to combat acute economic and physical insecurity.

Trouble Spots

Part Four of the book, consisting of six chapters, is entitled "Trouble Spots", as if most of the preceding accounts of

NREGA's difficult birth and harrowing infancy were relatively problem-free. One of the chapters, a thought-provoking comparison between official NREGA statistics and National Sample Survey (NSS) data, seemed rather out of place here. The other chapters – all authored or co-authored by the members of the core group of Khera, Dreze, Roy and Dey – offer further glimpses of NREGA "in action", as well "inaction" by the officials charged with NREGA implementation. Were this part of the book more forward-looking, it might hold together better. Instead, some of the chapters send us even further back in time. Among these is Dreze's 2007 account of a muster-roll verification exercise conducted in Chhattisgarh, Jharkhand and Orissa.

Other chapters, such as Roy and Dey's very brief piece – "The Wages of Discontent", originally published as an op-ed in October 2010 – bring us much closer to the present. The central government's hypocrisy in refusing to pay the legal minimum wage to labourers working under the ruling party's flagship anti-poverty programme is ably exposed. The role of centre-state buck-passing is also nicely illustrated, both here and elsewhere in the volume. Yet, we are no nearer to knowing why this government acts so small-mindedly in some instances – demonstrating what Roy and Dey call "the capacity of India's policymakers to turn a progressive piece of legislation upside down" – while at other times (for instance, when introducing the National Food Security Bill) it manages to do more or less the right thing.

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Khera's chapter ("Wage Payments: Live without Pay?") in this part of the book is a good example of the qualities that allow this at times unkempt bundle of essays to cohere so nicely. Khera uses quantitative evidence to generate estimates for the extent of non-payment, under-payment and delayed payment of NREGA wages. She then employs qualitative methods to analyse the underlying accountability-thwarting mechanisms at work. This is undertaken through a comprehensive disassembly of the wage-payment process, which also highlights distinctions of analytical relevance to researchers working in allied fields. For instance, Khera contrasts forms of corruption in which officials can obtain rents unilaterally (and largely invisibly) with forms of corruption that require officials to collude with other actors. Khera argues that the shift to paying NREGA wages directly into workers' bank accounts led to a shift away from a unilateral form of corruption to one necessitating collusion (with workers, bank managers, etc). The sophistication with which Khera advances these claims, and the subtlety of the policy advice to which they give rise, are of rare quality.

Conclusions

My only serious gripe with this volume is what is not included. In particular, one might have expected a book entitled *The Battle for Employment Guarantee* to contain a more systematic analysis of NREGA's many political dimensions. Little effort has been made to articulate a model of how political influence is brought to bear at the various stages of approving, implementing, and auditing an NREGA works project. Political analysis, where it can be found, is fleeting at best. At one point we learn that NREGA rules permit local officials to have their pet projects approved even when they lack clout at higher levels of the political system, and that this is indeed happening. As this phenomenon is at odds with reported behaviour among political actors in so many places, one might have expected a more explicit recognition of the novelty involved, perhaps even a preliminary analysis of the factors enabling these new practices to take root in

the face of rather daunting obstacles, not least opposition from erstwhile patrons now bypassed by their former clients. This diachronic comparative perspective was not adopted, unfortunately. Instead, the subject was changed.

Electoral politics gets equally short shrift. Though one of the book's central contentions in this regard is that, increasingly, there has been an "unhealthy politicisation of NREGA", very little evidence is adduced to support this claim. Khera and Dreze cite the United Progressive Alliance (UPA) government's inept decision to add the Mahatma Gandhi prefix to the NREGA brand name as an indicator of declining political health. But surely this was a minor, garden-variety sin, one of taste more than anything – at most an indicator of declining political judgment. After all, was not Gandhi more than just a Congress politician?

Khera and Dreze also mention in this connection rule changes permitting NREGA funds to be used to construct "Rajiv Gandhi" community centres. Is this tacky and brazen? Absolutely. Will it win Congress extra votes? Hard to believe. Given the litany of abuses documented in the rest of the book – almost all of which are ultimately traceable to politics of one sort or another – are we really supposed to find this tangential association between NREGA and Rahul Gandhi's father's name, especially ominous for the future of Indian democracy, or even the political sustainability of NREGA? The answers are no and no. Indian democracy is stronger than that, and India's politicians too astute to discard a useful symbol of state compassion, particularly one that chief ministers of almost every political persuasion have proven capable of turning to their electoral advantage. The effort to "own" NREGA should be seen as a sign of its political vitality rather than decrepitude.

For all its strengths, the book may leave some readers haunted by a sense that important parts of the NREGA story have been omitted. This is not necessarily the fault of the editor or the book's contributors, though the sense of dissatisfaction may in practice be inseparable from who they are. The ground-breaking social action research Khera, Dreze

and their colleagues have been conducting over the past several years has brought them into sustained contact with policymakers, politicians, street-level bureaucrats, and segments of the activist community from across India. Dreze has been a member of both the NAC and the Central Employment Guarantee Council (CEGC). But apart from the odd lament at the CEGC's dysfunctionality – indeed, the UPA government's unwillingness to let it work – Dreze's various sole and co-authored chapters do not closely analyse the full range of political conflicts that have attended NREGA's early years. Considering the unparalleled insider-outsider perspective that Khera, Dreze and other contributors could potentially bring to bear, this is a real shame. Perhaps, Dreze's memoir, if one day he can be persuaded to write one, will narrate the high politics of NREGA implementation before they are lost to history.

If, as Dreze once stated, the idea for employment guarantee legislation first arrived on the national policy agenda like "a wet dog at a glamorous party", this volume, under Khera's able editorial guidance, is very much the opposite: a highly welcome contribution to a set of policy debates that increasingly focus on everything except the people for whom NREGA is as close to a safety net as they are likely to get any time soon.

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NOTES

- 1 The survey research was conducted in conjunction with the Institute of Development Studies, Jaipur, under the guidance of Surjit Singh.
- 2 The MKSS in Rajasthan, with which Khera and Dreze have long been associated, is the classic case. It is worth noting that the Rajasthan-based survey research mentioned above (on movement-endowed versus movement-deprived blocks) was conducted outside the MKSS' main area of operations.
- 3 Perhaps the purest expression of clientelism, Tamil Nadu style, was the public ceremony staged by the state's previous chief minister, in which he personally handed out colour television sets to supplicant-supporters who queued up to his throne to receive this dollop of state largesse. The proceedings were broadcast live on television.