

**National Rural Employment : Myth and Reality**

*Prof. (Dr.) Bhagirathi Panigrahi\**

**ABSTRACT**

Realization of human rights is only possible when there is a scope of substantial access to employment. Lack of employment are the reality for the millions of rural labourers in India. Unemployment is not only a social problem it is an individual problem also. An unemployed person loses self-respect and faces a discouraging and disappointing outlook. His plight affects himself, his family and the society too. Thus, in a democracy, opportunity for employment becomes imperative and this has to be provided by the State through appropriate governmental policies. The government of India in commitment of eradicating poverty and hunger by providing employment to the rural poor enacted NREGA renamed Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA), initiated on 5<sup>th</sup> September, 2005. The MGNREGA is enshrined in Article 41 (Right to work) in India's constitution. However, while implementing the Act, it reveals many drawbacks, which needs urgent attention hence, this paper strives to provide effective measures.

**Key words:** Right to work, Employment, Democracy, MGNREGA

**I. INTRODUCTION**

Father of the nation Mahatma Gandhi told that “Villagers are the backbone of the Indian economy” but today the backbone is damaged by

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\* Dean and Head, P.G. Department of Law, Berhampur University Berhampur (Odisha), 760 007

so many factors like poverty, unemployment, poor working conditions, social security, migration, indebtedness etc. Lack of employment is the daily reality for millions of rural labourers in India. Unemployment is not only a social problem, it is an individual problem also. An unemployed person loses self-respect and faces a discouraging and disappointing outlook. His plight affects himself, his family and the society too. Realization of human right is only possible when there is a scope of substantial access to employment. Employment opportunity is a prerequisite to achieve status. Thus, opportunity for employment becomes imperative in all such countries which claim to be democracies. This opportunity has to be provided and protected by the State through appropriate governmental policies. The Government of India in commitment to the first Millennium Development Goal of 'Eradicating Extreme Poverty and Hunger' through employment enacted Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA). The right to work is one of the basic needs of human beings, not only because it generates an income to the individuals but also it contributes to the development of the country as a whole<sup>1</sup>. The right to work is essential for realizing human rights and forms an inseparable and inherent part of human dignity. Every individual has the right to work, allowing him / her to live in dignity.

## **II. International Declaration**

By the strenuous effort of the United Nations Organization, the Universal Declaration of Human Right was adopted in 1948 having positive objectives of promotion of human rights which includes right to

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<sup>1</sup>. Van Dooren, Machteld inge (2003) "The Right to work: Background paper for the day of general discussion on right to work" UN Document 12/31.

work. Being keen on bringing the declaration working order, the UNO also took initiatives in framing two significant covenants – one on economic, social, and cultural rights and the other on civil and political rights. Universal Declaration of Human Rights states “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”<sup>3</sup>. The International Covenant on Economic, Social and Cultural Rights (ICESCR), as laid down in Article 6, deals more comprehensively the right to work<sup>4</sup>. The ICESCR proclaims the right to work in a general sense in its Article 6 and explicitly develops the individual dimension of the right to work through the recognition in Article 7 which states the right of everyone to the enjoyment of just and favourable conditions of work, in particular, the right to safe working conditions. The collective dimension of the right to work is addressed in Article 8, which enunciates the right of everyone to form trade unions and join the trade union of his / her choice as well as the right of trade unions to function freely. All these conventions aim at social advancement as well as economic advancement. In a nutshell, in all the above conventions the right of workers to employment is recognized as one among the indispensable human rights.

The International Labour Organization (ILO) was created after the First World War to promote social justice stating that ‘poverty anywhere constitutes a danger to prosperity everywhere’ and that ‘labour is not a commodity’<sup>4</sup>. In 1999, the ILO adopted a ‘Decent work’ agenda which

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<sup>3</sup> . Article 23.1 of UDHR

<sup>4</sup> . The right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely choose or accepts, and will take appropriate steps to safeguard this right.

<sup>4</sup> . ILO Constitution, [www.ilo.org](http://www.ilo.org).

consists of the fundamental rights at work, social protection, social dialogue and employment<sup>5</sup>.

In 2001, the ILO created a World Commission to look at the 'Social Dimension of Globalisation'. This led to a Report in 2004 on 'A fair globalization: creating opportunities for all' in which it was said that 'a minimum level of social protection needs to be accepted and undisputed as part of the socio-economic floor of the global economy.'<sup>6</sup>

In 2001, the International Labour Conference had also given the highest priority to policies and initiatives that could bring social security to those not covered by existing schemes. Following this, the ILO launched in 2003 a global campaign on social security and coverage for all. In 2008, the ILO adopted a Declaration on Social Justice for a Fair Globalization<sup>7</sup>. In 2009, the International Labour Conference with the participation of government, employers and workers delegates from the ILO's member states, unanimously adopted 'Global Jobs Pact' designed to guide national and international policies aimed at stimulating economic recovery, generating jobs and providing protection to working people and their families.

## **II. Indian Constitution and the right to work:**

The constitution of India is founded on the basis concept of justice, equality, liberty and fraternity. Right to work finds its place in the Directive Principles of the State Policy (DPSP) under Article 39<sup>8</sup> and

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<sup>5</sup> . International Labour Conference, 'Decent Work', Report of the Director General, 87<sup>th</sup> session, Geneva, June, 1999.

<sup>6</sup> . ILO, Report of the World Commission on the Social Dimension of Globalisation, Geneva, 2004, p.110.

<sup>7</sup> . ILO, Declaration on Social Justice for a Fair Globalization, adopted at the ILC of June, 2008.

<sup>8</sup> . The state shall, in particular, direct its policy towards securing that the citizens, men and woman equally have the right to an adequate means of livelihood.

41<sup>9</sup> of the Constitution. Further, there are other DPSP provisions that also recognize the right to work. Article 42 enjoins the State to make provisions for securing just and humane conditions of work and for maternity relief. Article 43 provides that the state shall endeavour to secure a living wage and a decent standard of life for all workers.

Reality is that there is no express provision in the Constitution of India which makes the right to work as fundamental right, however equality, freedom and right to life are the integral part of the Constitution<sup>10</sup>. The demand to make the right to work as a fundamental right in the constitution started in early 1978-1979.<sup>11</sup> Again in Jan. 1, 1990 the government of India announced the attention to introduce a bill in the budget session of Parliament to include right to work as one of the fundamental right. The government is unable to translate the right to work as fundamental right till date.

#### **IV. EMPLOYMENT OF RURAL GUARANTEE SCHEMES**

The concept of wage employment programmes is not a new one. Internationally, the concept of employment generation programmes can be traced back to the 19<sup>th</sup> century Europe when the Poor Employment Act was put forth in 1817 in Great Britain. Later, the Poor Law Employment Amendment Act was introduced in the Great Britain in 1834 and in the 1930s the New Deal Programmes was introduced in the United States of America. In India, a number of Rural Employment Generation Schemes

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<sup>9</sup> .The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work and to public assistance in cases of unemployment.

<sup>10</sup> Article 14, 19 (1) and 21 of the Constitution of India.

<sup>11</sup> . Lok Sabha Secretariat, Estimates Committee (1978-79), Thirty Fourth Report, para 2.28, reads 'the time has now come when the citizen right to work should be responsibility of the government to provide work to its citizens and in the event of its failure to provide work to its citizens give them employment assistance and thus honour the long ignored Directive Principles of State Policy enshrined in Article 41 of the Constitution'.

(EGS) have been implemented in the past<sup>12</sup>. The first nation-wide Public Works Programme (PWP) in India was the Rural Works Programme in 1960. Since then a significant number of PWPs, funded both by State and Central Governments, have been implemented in rural India. Later, various wage employment programmes were implemented with the aim of improving the lives of the rural poor by providing employment and the Food for Work Programme (FFWP) also the Crash Scheme for Rural Employment (CSRE) in the 1970s. During 1980's, wage employment programmes like the National Rural Employment Programme (NREP)<sup>13</sup>, the Rural Labour Employment Guarantee Programme (REGP), the Rural Landless Employment Guarantee (RLEG)<sup>14</sup> and the Jawahar Rojgar Yojana (JRY)<sup>15</sup> were implemented. In 1990s the Employment Assurance Scheme (EAS)<sup>16</sup> and the Jawahar Gram Samridhi Yojana (JGSY)<sup>17</sup> were introduced, and after the millennium the Sampoorna Grameen Rojgar Yojana (SGRY)<sup>18</sup>, the National Food for Work Programme (NFFWP)<sup>19</sup> and recently the NREGA stands out as the latest initiative by the Indian Government to reduce rural poverty. Although the main goal of these programmes has been to reduce rural poverty, the demand for public wage employment has rather increased. Today, the NREGA is implemented in the whole of India with the exception of districts that hold 100 percent urban population.

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<sup>12</sup> . Rural Work Programme, Food for work programme, National Rural Employment Programme, Rural Employment Guarantee Programme, Jawhar Rozgar Yojana, Sampoorna Grameena Rozgar Yojana.

<sup>13</sup> . The purpose of the NREP was to employ the unemployed and underemployed to create community assets.

<sup>14</sup> .The RLEG introduced a 100 days guaranteed employment for one member of every landless and rural household.

<sup>15</sup> . The JRY is a combination of the NREP and the RLEG

<sup>16</sup> . The EAS follows the RWP with the purpose of providing employment during the agricultural lean season.

<sup>17</sup> . The purpose of the JGSY was to develop infrastructure demanded by the rural population (ibid).

<sup>18</sup> . The SGRY is a combination of EAS and JGSY

<sup>19</sup> . The purpose of the NFFWP was to act as additional wage employment and to provide assets.

## **V. National Rural Employment Guarantee Act, 2005**

The National Rural Employment Guarantee Act, 2005, renamed as Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA), was initiated on 5<sup>th</sup> September 2005<sup>20</sup>. The NREGA is a rights based, income security scheme targeted for the rural poor. The objective of the Act is to enhance livelihood security of households<sup>21</sup> in rural areas<sup>22</sup> by providing at least 100 days of guaranteed employment at a statutory minimum wage<sup>23</sup> in a financial year to every household whose adult<sup>24</sup> members volunteer to do unskilled manual work.<sup>25</sup> The aim of the NREGA is to “foster conditions for inclusive growth ranging from basic wage security and recharging rural economy to a transformative empowerment process of democracy”.<sup>26</sup> The NREGA has four main goals: Firstly, the heart of the Act is to eradicate rural poverty by providing minimum income through employment for the poor. The purpose is to function as a social safety net during the agricultural lean season when other sources of employment are limited<sup>27</sup>. Secondly, the Act seeks to improve rural livelihoods through the initiation of preventive

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<sup>20</sup> . The National Rural Employment Guarantee Act, 2005 (NREGA), New Delhi, Ministry of Law and Justice (Legislative Department) GOI, 2005a.

<sup>21</sup> . Section 2(f) says that “household” means: “the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card.”

<sup>22</sup> . Section 2(0) says that “rural areas” means: “any area in a State except those areas covered by any urban local body or a Cantonment Board established or constituted under any law for the time being in force”.

<sup>23</sup> . Section 2(h) says that “minimum wage” implies “in relation to any area, means the minimum wage fixed by the State government under section 3 of the Minimum Wages Act, 1948 for agricultural labourers as applicable in that area”.

<sup>24</sup> . Section 2(a) says that “adult” means : “a person who has completed his eighteenth years of age”.

<sup>25</sup> . Section 2(r) says that “unskilled manual work” means: “any physical work which any adult person is capable of doing without any skill or special training”.

<sup>26</sup> The National Rural Employment Guarantee Act, 2005 (NREGA) operational Guidelines, 2008, 3<sup>rd</sup> Edition, New Delhi, GOI-MORD, 2008:2

<sup>27</sup> . Although the MGNREGA is entitled to provide employment throughout the year it is assumed that the demand for work will only occur during the lean season, because of limited employment opportunities related to agriculture during this period.

works that address the causes of chronic poverty, i.e., soil erosion, deforestation and drought. Thirdly, the Act is meant to empower the people by safeguarding legal rights. Fourthly, by promoting transparency and local participation, the Act aims at promoting democratic values and social security. The Act makes the Government legally bound to provide employment for the rural poor people and if employment is not provided the government is entitled to offer the workers unemployment allowances. The Act states nine types of works<sup>28</sup> as permissible, whereby seven involve water and soil conservation. They are listed according to priority to strengthen the rural poor's ability to improve their own livelihoods in surrounding environment. In previous public works programme private contractors implemented the works, in NREGA the local village government – the gram panchayat – implements at least 50% of the works. The objective is to strengthen grassroots process of democracy by means of transparent and accountable mechanism, promoted by the integration of, for instance, the social audit community monitoring mechanism.

## **VI. Conclusions**

The experiment with National Rural Employment Guarantee Act provides that majority of labourers who are working under the Act are female and landless agricultural labourers. They are having low awareness about guaranteed employment under the Act. Further they are not getting the wage in time and also not getting the full wage. The social security measures incorporated under the Act are not provided. Especially the worksite facilities are totally absent. The work quality is very poor. Important goal of NREGA is creation of permanent asset to the society is

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<sup>28</sup> . Schedule-I (1) NREGA Act, 2005.

not achieved. India should not miss the opportunity to demonstrate that the world's largest democracy cares for its people especially for deprived and vulnerable and that it is truly marching ahead in its quest to become a welfare state in its real sense. The NREGA has immense potential to provide employment to the rural poor masses, hence, the Act may become more effective if the following **suggestions** are carried out:

1. The government should launch an intensive awareness programme through different media and make the mass aware of the objective and provisions of the law.
2. To ensure transparency in wage payments and prevent misappropriations, the Government of India mandated that all NREGA wage payments should be made through banks / post office accounts opened in the name of the worker. This provision should be strictly enforced.
3. Rural solely depend on wage for their livelihood. The present duration for payment of wages within 7 days must be reduced to 'within three days'. Further wages must be credited in the account within three days from the date of work. This will enable agricultural labourers to get their wages early. In order to give effect, separate amendment should also be made in Payment of Wages Act, 1936.
4. Rural labourers are doing unskilled, manual labourer under NREGA. Therefore, the hours of work per day must be fixed as 7 hours.

5. The duty to provide drinking water, arranging tent for rest and keeping first aid box in the worksite is to be entrusted with one of the workers in the worksite with proper remuneration under NREGA.
  6. In respect of place of employment under NREGA, the labourers are to be classified on the basis of age and gender. Older people shall be given employment in the village itself. For others, employment may be provided out of the village with proper transport allowance.
  7. Strong grievance redressal rules should be framed at the national level. The provisions therein should include setting up of district level grievance redressal cells to adjudicate and redressal of complaints and setting up of toll-free help lines at the district level.
  8. The central and state governments should frame rules for activation of penalty provisions under section 25 of the NREGA to punish erring officials.
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