

EMPLOYMENT AND EMPOWERMENT

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In a conversation with Mulk Raj Anand, way back in May 1950, Dr. Ambedkar aptly described capitalism as a “dictatorship of the private employer”. I often remembered this expression last summer, during the Rozgar Adhikar Yatra, as we travelled through some of India’s poorest districts – Badwani, Banswara, Nandurbar, Palamau, Puruliya, Sonebhadra, Surguja, among others. Everywhere we went, the rural economy looked like a graveyard and unemployment was people’s main concern. This concern was poignantly expressed at public hearings held on the way. One labourer, for instance, said: “the dream I have for my son is that he should get at least 15 days of casual labour every month”. His dream was not that his son would earn the minimum wage, or become a skilled labourer – he just wanted 15 days of casual work every month. With agricultural wages as low as 25 or 30 rupees a day in many of these districts, it is not difficult to imagine the living conditions of a family that survives on 15 days’ earnings.

In the same conversation, Mulk Raj Anand asked Ambedkar why the right to work had not been made a fundamental right in the Indian Constitution. Dr. Ambedkar laconically replied, “I was only one of the members of the drafting Committee”. The right to work ended up in the Directive Principles of the Constitution, along with other economic and social rights such as the right to education and the right to health.

The Directive Principles of State Policy were expected to be fought for politically. Article 37 of the Constitution explicitly states that they “shall not be enforced by any court”. However, this does not preclude enacting laws that embody these Directive Principles. In fact, the same Article goes on to say that these Principles are “fundamental in the governance of the country”, and that it is the duty of the government to “apply these principles in making laws”.

Recent Supreme Court orders on mid-day meals in primary schools illustrate the possibility of building legal safeguards for economic and social rights. Today, every child attending primary school is entitled to a cooked mid-day meal as a matter of right. This is a legal entitlement, enforceable in Court. Without these orders, it is very unlikely that mid-day meals

would have been extended to more than 100 million children in the last four years. The Right to Education Bill is another example of the possibility of framing laws that give concrete expression to the Directive Principles.

Similarly, the National Rural Employment Guarantee Act 2005 can be seen as a step towards legal enforcement of the right to work. It is a limited step, especially since the employment guarantee is limited to “100 days per household per year”. Nevertheless the Act has much value as a tool of empowerment for rural labourers.

In particular, the Act can help to break the “dictatorship of the private employer”. Today, rural labourers have no bargaining power. The fear of unemployment divides them and puts them at the mercy of private contractors and other exploiters. If rural labourers can get employment on public works at the minimum wage, as a matter of right, they will be able to demand minimum wages from private employers as well. Guaranteed employment on public works will also empower them to resist exploitative work conditions in the private sector. Further, the Employment Guarantee Act is a unique opportunity for them to organise and fight for related rights such as the right to social security.

The Employment Guarantee Act can also help to empower women, by giving them independent income-earning opportunities. This point emerges in many studies of Maharashtra’s Employment Guarantee Scheme (EGS). For instance, in her interviews with women working under EGS in the 1980s, Devaki Jain often found that “having once tasted the value of bringing home a money wage from their own labour, they had developed a sense of confidence and also release from the authority of the family and had started to gain the confidence to take up other types of work in the area”. Similarly, in a recent assessment of Maharashtra’s EGS, Aruna Bagchee argues that the payment of equal wages to men and women is one reason “why the EGS was so popular among women labourers”. In areas where rural women are traditionally homebound, such as Uttar Pradesh, the Employment Guarantee Act has an even more significant role to play as a means of empowering rural women and curbing gender discrimination.

The passage of the National Rural Employment Guarantee Act (NREGA) is a victory of sorts for Indian democracy. It shows that the underprivileged majority is not completely

marginalised in this elitist political system. With adequate political organisation, their demands can prevail over privileged interests.

However, the real challenge is not the enactment of NREGA but its implementation on the ground. In India as elsewhere, the history of social legislation shows that it often takes a long time for people to be able to claim their rights, even after laws have been passed. Some laws, such as the Minimum Wages Act, have remained on paper for decades without making much impact, except in states like Kerala where labourers are vocal and organised. Similarly, NREGA is unlikely to succeed without sustained political commitment and public pressure.

Recent developments are not particularly encouraging in this respect. So far, little progress has been made towards timely and effective implementation of NREGA. Three months after the Act was passed in Parliament, the draft Rules and Guidelines of NREGA are full of unresolved issues. The National Employment Guarantee Council is yet to be formed, and no financial mechanism has been put in place to ensure that budget allocations adjust to the demand for work. More importantly, the government has made little effort to publicise the Act and create the political momentum required for such an ambitious programme to succeed. There is a sharp contrast here with the situation in Maharashtra in the 1970s, when the Employment Guarantee Scheme, according to Aruna Bagchee, “galvanised the administration with a rare sense of momentum”.

Politically, there is something puzzling about the government’s apathy on this issue. The Employment Guarantee Act is a visionary initiative that could fire the imagination of the public. Unfortunately, the government seems to be swallowing the Act like a bitter pill.

There is also some lethargy among citizens’ organisations. Last year, the campaign for NREGA led to a nice wave of conventions, rallies, yatras, public hearings and other creative initiatives. Also, there were impressive demonstrations of solidarity and unity among organisations committed to the right to work. But after the Act was passed the movement lost steam, temporarily at least.

The imminent “notification” of NREGA in 200 districts is an opportunity to revive this movement for the right to work. As Anuradha Joshi puts it in another recent study of Maharashtra’s EGS, the Act is likely to lead to “a flourishing of activist organizations that

would help mobilize the poor in their interests”. It is chiefly through this empowerment process that the Act has the potential to lead to far-reaching economic, social and political change in rural India.