

' EMPLOYMENT GUARANTEE '

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Act and Experience in Maharashtra

The growth of the industrial and agricultural sectors has not been able to absorb the growing rural force is widely acknowledged fact. Hence there arises a need to provide off farm employment to combat, the problem of unemployment, underemployment and poverty of rural poor. The Rural Public Works Programms (RWP) have assumed a prominent place among the different anti-poverty instruments. The Employment Guarantee Scheme (EGS) of Maharashtra is a widely acclaimed RWP having extensive coverage and large budgetary allocations.

The year 1972-73 witnessed a severe drought in Maharashtra and The situation deteriorated in following years. The starving rural poor were struggling hard to survive. There was a massive strike throughout Maharashtra on 20th April 1974, for the demand of work for rural poor, landless labourers, small farmers and artisans. These demonstrations were supported by urban and rural workers throughout the state and continued for some years These demonstrations were (HMS) lead by Shetkari Shetmajoor Panchayat (HMS) Maharashtra Rajya Shetmajoor Parishad, Socialist Party, Red Flag Party, Peasants and workers party Republican Party, CPM and CPI along with Rural Workers Organisations of Maharashtra. The Government in power promised to provide employment to rural unemployed and underemployed persons.

THE EMPLOYMENT GUARANTEE ACT

Since the year 1972-73 Government tried various experiments in providing rural employment at different levels and finally, The Employment Guarantee Act was passed unanimately in the legislative assembly in 1977, and came into force from January 26, 1979. The act made it mandatory for the state government to provide unskilled manual work to whosoever needs it in rural areas and 'C' Class municipal areas and later extended to 'B' class municipalities, failing provision of employment within fifteen days of demand, The Government was to pay the workers an unemployment allowance of Rs. 1 perdays for the unemployed days in excess of fifteen days, Since having made the

the demand for work, (the quantum of unemployment allowance was originally fixed at Rs. 1 per day. In a writ petition filed by Ahmadnagar Zilla Shetmajoor Union and two EGS labourers. The Bombay High Court directed the state Government that ----- the unemployment allowance should be so fixed as to ensure living at least at a starvation level ----- and as an adhoc measure till the State government as a result of further study, altered it later, The employment allowance should be fixed at Rs. 2 per day from 2nd Oct 1984. (Judgement of the Bombay High Court in writ petition no 4554 of 1983.)

The Act provided that the wages under the EGS should be linked to the quantity and quality of work such that a worker working diligently for 7 hours was able to earn minimum wages prescribed for the agricultural workers.

THE ADMINISTRATIVE SET UP

At the state level the scheme came under the purview of the Planning Department, which looked after the co-ordination, monitoring and policy aspects of the EGS. At the district level and below, the revenue machinery was entrusted with the task of providing employment whereas the actual implementation of the work was entrusted to the various departments.

The Act provided for Registering Authorities at the village level, who were either the talathis or gramsevakas. They were required to maintain a register of employment seekers, route their several applications to the samiti officer and route the work order to the labourers.

THE STATUTORY NON - OFFICIAL BODIES

The Employment Guarantee Council is a state level statutory body constituted by the state Government to advise the Government on all matters concerning the EGS.

There is also a Committee of the Legislatures composed entirely of the members of both the Houses of the Legislatures, which is entrusted with a watchdog function and undertakes periodic review and supervision of the EGS through field level visits.

RESOURCES FOR EGS

For raising additional resources needed for implementing the EGS and to provide for establishment of the Employment Guarantee fund taxes were levied on professions, trades, callings and employment by an act made effective from April 1, 1975 (Maharashtra State tax on Professions, Trades, callings and employment Act 1975) The Government added the maching amount to this fund.

To emphasize the labour intensive nature of the Act, the cost of unskilless component of expenditure was originally kept at 60% of the total cost later on since 19th Oct 1996 it has been reduced to 51 percent.

Government of Maharashtra over the year implemented the programme of rural employment and till the year 1995-96 has in all spent about Rs. 4,600 crores over the years and 290 crores of mandays of employment was generated over these years. The employment generated in the year 1985-86 was 18.95 crores of mandays while mandays generated in 1994-95 were only 9.42 crores. The attendance of labour in 1987-88 was 62.23 lacs but in 1995-96 it was 22-81 lacs.

The unutilised EGS fund accumulated till the March 1996 was Rs. 2109 crores.

Even though Government of India in the planning commission, and also world Bank and ILO had taken a serious note of this unique rural employment programme backed up by legal guarantee, the employment generation has declined over the years.

WHETHER WORKERS DON'T NEED EMPLOYMENT OR BUREAUCRACY DON'T NEED THE EGS.

The bureaucracy's contention about decline in employment generation is that labourers don't need work anymore while labourers and their organisation disagree on this point.

Labourers in want of employment prefer to migrate in distress conditions than wait for EGS work.

The reasons are as follows.

1) The inability of the administration to provide continuous employment in relation to need.

2) The delay involved in getting employed after due application, lengthy procedure for getting employed and delayed payment to those

who live hand to mouth.

- 3) The district level co-ordination for EGS among various departments left much to be desired.
- 4) In 1983 the government increased the minimum wages in agriculture by fifty percent. Accordingly the task rates prescribed for EGS were also revised. However the fifty percent increase in minimum wage was not affected across the board for all the tasks under EGS. In fact for task under which majority of the labour force was working like earthwork etc., the affected increase was 25 percent or even zero⁰.
- 5) The wages paid for construction and forest department are for less than the prescribed minimum wages for the same industry.
- 6) Discontinuation of part wage payment in kind under the wage schedule prevailing since 1978, a labourer was paid a kilogram of foodgrain for every Rs. 3 earned in cash in lieu of a k~~ilo~~ of foodgrain worth about Rs. 1-50, 30 paise were deducted from labourers cash earnings. In 1981 the quantum of food grain was initially reduced by half and finally discontinued completely.
- 7) Difficulties faced by the administration in identifying and designing works in the vicinity of the village and its consequent ^{inability to} ~~employment to~~ provide ~~continuous~~ employment in relation to need.
~~continuous~~
- 8) The role assigned to the implementing machinery under the EGS can be contrasted with other anti poverty programmes like the IRDP & MNP where the bureaucracy has specific target to accomplish. Under the EGS the emphasis was on provision of employment if and when the demand arose, rather than on provision^{of} employment as a means of alleviating poverty. This misplacement in emphasis has led to the bureaucracy in making very little effort in building up awareness regarding the schedule and right to work generated there under.
- 9) The apathy and non-co-operation of bureaucracy in implementing ^{the} ~~the~~ EGS.

CORRUPTION ON EGS WORKS

Every district is provided with approximately 14 to 17 Crores of Rupees. Sometimes this amount exceeds the amount sanctioned for District Development and planning budget. The vigilance squads are appointed in various departments upto the divisional commissioners level to find out the cases of corruption. They have identified several cases of corruption and after preliminary investigations and finding officers involved in such cases, they were not provided with proper documents and tries to destroy the evidence.

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ROLE OF VOLUNTARY ORGANISATIONS IN THE IMPLEMENTATION OF SCHEME.

The mere enactment of laws was no guarantee for effective delivery of the programme benefits. The existence of a receiving mechanism in the form of labour organisation has ensured provision of employment on large scale

The organisations have helped in spreading awareness of the scheme among the poor and illiterate labourers. It mobilised labour to make a demand on administration for provision of employment. It checked the malpractices and leakages ^{from} for the scheme. It helped administration in resolving the field level conflicts.

- It helped illiterate workers to understand the rules regulation of Act.
- It assisted workers to understand the mode of the payment of wages, to measure the work output and its relation to the prescribed wages ^{at} on piece rate.
- It increased the bargaining strength of the labourers with their employers, (to exert an upward pressure on agricultural workers).

THE FUTURE OF EGS ?

This widely acclaimed scheme and Act with extensive coverage in providing employment to rural poor with statutory provision for unemployment allowance (Though hardly fulfilled) and thus fulfilling the "Right To WORK " is being slowly sabotaged through non-co-operation of bureaucracy and politicians in power of course they will not have courage to withdraw it

Now, its the duty of workers and their trade unions and rural workers organisation have to fight it out and demand the proper implementation with some modifications it needed.

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