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**‘Workers’ or ‘Beneficiaries’: The varied politics of NREGA implementation in south-west Madhya Pradesh**

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*1. Introduction*

The Mahatma Gandhi National Rural Employment Guarantee Act (NREGA hereafter) enacted by the Indian Parliament in 2005, created a legal, justiciable ‘right to work’ for all households in rural India. Adult members of all rural households in India were now eligible to ‘demand’ work on publicly funded worksites, for ‘at least’ a hundred days per household per financial year.

In this paper, I look at how the text of rights defined under the NREGA interacts with a politics of claiming rights from the state. I will discuss the work of the Jagrut Adivasi Dalit Sangathan (JADS), an adivasi sangathan, or indigenous people’s collective working in Barwani district in south west Madhya Pradesh. I focus in particular on strategies adopted by members of the sangathan to seek work under the NREGA. By drawing on the example of Barwani district, Madhya Pradesh, I also highlight that NREGA implementation at the district level involves a varied set of institutional and civil society actors (See figure 1, annexed). I suggest that novel rights defined under the NREGA can be drawn on for varied, and sometimes competing political agendas. The process of implementation of rights under the NREGA is therefore far from linear and generates a new layer in the production of local politics.

In this paper, I will look at the period between 2006 and 2009, i.e., the first three years of NREGA implementation. The empirical material presented in this paper draws on ethnographic field work, on letters and memorandums (or, *gyapan*) submitted by the JADS membership to the local state and other civil society organisations regarding implementation of public works programmes, and on secondary literature on the Government of Madhya Pradesh and the central government’s role in NREGA implementation.

I start the next section with a discussion on the Jagrut Adivasi Dalit Sangathan and strategies adopted by sangathan members to claim work under NREGA. In section three I discuss the engagement of the central government and the Government of Madhya Pradesh with NREGA implementation. In section four, I highlight the work of civil society actors other than JADS engaged in NREGA implementation in Barwani district, Madhya Pradesh. The intention of these sections will be to highlight that rights talk can be deployed towards competing agendas. In section five, I conclude.

## *2. Collective action and the NREGA: The work of Jagrut Adivasi Dalit Sangathan*

The question of adivasi political mobilisation has formed the backdrop to a polarised debate in India in recent years.<sup>1</sup> The prominent focus of this debate has remained the nature of adivasi engagement with the Maoist movement in east-central India (Bhatia, 2005, Harriss, 2010; Kunnath, 2006, Nilsen, 2012). As highlighted by Nilsen (2012) west-central India, including south-west Madhya Pradesh has seen a trajectory of adivasi political mobilisation since the 1980s that is quite distinct from what has attracted mainstream attention in recent years. Baviskar (1997, 2001, 2004), Banerjee (n.d.), Godbole & Vira (2004), Nilsen (2010, 2012), Rahul (1998, 1999),<sup>2</sup> amongst others discuss the work of diverse adivasi collectives that have engaged with questions of access to natural resources and livelihoods, adopting strategies of political resistance centred on asserting claims to local natural resources and ‘reclaiming citizenship’.

In this backdrop, I demonstrate how the NREGA, is used as an important tool for political mobilisation by the Jagrut Adivasi Dalit Sangathan (JADS). After starting work around 1999 in Pati block, Barwani district,<sup>3</sup> JADS had expanded to a membership of about 4500 households in Pati, Pansemal, Barwani, Rajpur and Sendhwa blocks of Barwani district by late 2010. JADS is funded via a membership fees contributed per household.

The NREGA effected the institution of a language of justiciable rights in relation to employment works that have been part of developmental interventions of the Indian state since Independence. The NREGA created a specific legal tool of action with the enactment of

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<sup>1</sup> The ‘Naxalite’ movement itself dates back to the 1950s but reference is being made here to more recent revival of the debate related to the Maoist movement.

<sup>2</sup> A discussion on adivasi sangathans in Madhya Pradesh is also available in the Cambridge Harda Report (2005)

<sup>3</sup> In the years before this, JADS worked as a ‘sub-sangathan’ of the Adivasi Mukti Sangathan (AMS), discussed by Banerjee (n.d.), Baviskar (2001) and Nilsen (2010, 2012). JADS started working independently of AMS in 2000 following differences in with the AMS leadership.

the 'right to work', though this was not the first time that laws were used for the purpose of collective action by sangathans in west-central India. As highlighted by Banerjee (n.d.) and Nilsen (2012), sangathans such as the Khedut Mazdoor Chetana Sangathan (KMCS) and the Adivasi Mukti Sangathan (AMS) working in south-west Madhya Pradesh have in the past drawn on the Panchayat Extension to Scheduled Areas Act (PESA) for their work. The significance of the NREGA nonetheless lay in offering specifically defined universal claims against the state, which were entirely new and unique. Thus while civil and political rights were expanded in earlier legislations, the NREGA expanded economic rights and a specific material claim against the state.

In the early 2000s prior to NREGA enactment, public works programmes of the Government of India were an important focus of the work of JADS not least because of recurrent droughts in the region and the precarious access to livelihood available to the Bhil, Bhilala and Barela adivasi communities in Barwani. In the years before NREGA enactment, both the Sampoorna Gramin Rozgar Yojana (SGRY) and the National Food for Work Programme (NFFWP) were implemented in Barwani. The question of claiming livelihoods and employment on public works was therefore part of the political terrain into which NREGA implementation was introduced in 2006.

Barwani was one of the first 200 districts where NREGA implementation was begun in February 2006. In the early months of NREGA implementation, there was a brief period of overlap between NREGA and SGRY implementation, while ongoing SGRY works were being completed. The nature of works implemented under SGRY and NREGA was effectively the same, particularly in the initial months of NREGA implementation. The prominent focus of both programmes was the construction of rural roads and soil conservation works of various types. In some sense, from the perspective of the administration and in terms of the strategies employed by the sangathan, there was fluidity in the transition from the earlier employment programmes to the NREGA. This is also specifically incorporated in the law under Section 4, NREGA.<sup>4</sup>

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<sup>4</sup> Section 4, NREGA, 2005 reads: '... until an (Employment Guarantee Scheme) is notified by the State Government, the Annual Action Plan or Perspective Plan for the Sampoorna Gramin Rozgar Yojana (SGRY) or the National Food for Work Programme (NFFWP), whichever is in force in the concerned area immediately before such notification shall be deemed to be the action plan for the scheme...'

An important ‘tool of contention’ adopted by JADS to challenge the local state was to submit letters to the district administration detailing problems with implementation of various government programmes. The content of these letters was compiled by sangathan members in village meetings.

In the initial months after NREGA was brought into effect in February 2006, sangathan members therefore continued to file letters with the administration in relation to SGRY implementation in Barwani district.

One such letter, filed on 12 May 2006 by sangathan members from village Dervalia in Pati block, Barwani district, was about non-payment of wages under an SGRY work. The letter states that 600 workers employed on road works under SGRY in village Dervalia between 12 February and 19 April 2006, were not paid till May 2006. Further, it states that the ‘Supreme Court has directed that payment for public works should be made within a week of work having been completed’.<sup>5</sup> The Barwani District Collector (DC) is asked by the sangathan to arrange to pay the workers *immediately*<sup>6</sup>, and is asked to take action against the sarpanch and the sachiv who have delayed the payments thus far.<sup>7</sup>

A **second** letter, submitted by sangathan members from village Pokhlya in Pati block on 12 May 2006, is about work being implemented under NREGA. The letter states that people employed on a small dam in the village from 1 May 2006 were told, on 7 May 2006, not to return to the site of work. On the night of 10 May 2006, an earth moving machine was used for doing work which could have been done by employing workers (in other words, a ‘labour displacing machine’ was used). ‘Labour displacing machines’ are banned from use in all government employment programmes, unless the work cannot be done by human labour.<sup>8</sup> The reason for this is that the NREGA is envisaged as a programme to generate wage employment. Further, machines are typically owned by local contractors and businessmen, and their use allows contractors to usurp money intended for payment as wages to labourers. The letter pertaining to village Pokhlya goes on to state that the owners of the machines are local businessmen from Pati town in Barwani district and Harda town in Harda district, Madhya Pradesh. Sangathan members ask the District Collector to take *disciplinary action*

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<sup>5</sup> Reference is being made here to Supreme Court orders under the ‘Right to Food case’, Civil Writ Petition 196/2001, People’s Union of Civil Liberties v. Union of India, where the court issued orders related to SGRY.

<sup>6</sup> Emphasis mine.

<sup>7</sup> Letter from the sangathan to Barwani District Collector (DC) submitted on 12/05/2006, signed by Kuwar Singh; translated from Hindi.

<sup>8</sup> This is specified in Paragraph 12 of Schedule I, NREGA, 2005.

against the sarpanch and sachiv of Pokhlya village and to re-employ the laid-off workers for the ongoing worksite.<sup>9</sup>

A **third** letter filed on 23 May 2006 from village Keli, Barwani block, Barwani district, reflects the beginnings of a change in dynamics between the sarpanch and sachiv on the one hand and members of JADS on the other, in claiming work under the NREGA. In the two letters cited earlier, there is a ‘demand’ for wages and for ‘disciplinary action’ against erring and corrupt Panchayat functionaries. However, other than these specific demands and the call for public probity, the letters reflect a form of ordinary petitioning and do not reflect any changes in the dynamic of power between sangathan members and office bearers of the village panhayat.

As indicated in this third letter pertaining to village Keli, soon after the enactment of the NREGA, sangathan members start demanding work by way of written applications that make it ‘legally binding’ on the local administration to provide work. While the local administration could dictate when a public work would be started under earlier wage employment programmes (including SGRY), the sangathan effectively wrests this power from the local state after enactment of the NREGA, by making use of the provision to claim work on demand. This new assertion for work by sangathan members is viewed as a threat by constituents of the local state like the sarpanch and sachiv and in turn this leads to instances of physical and verbal violence against sangathan members.<sup>10</sup>

The letter filed on 23 May 2006 from village Keli, Barwani block, Barwani district, states that on 14 April 2006 an (undisclosed number) of workers submitted a written application seeking NREGA work from 1 to 14 May 2006. Work had begun on 3 May 2006, but had stopped after half a day due to a death in the village. It was resumed on 8 May 2006, and stopped again after only eight days (on 15 May 2006) by the sarpanch and sachiv of the village. Workers at the site sought to complete the 14 days of work for which they had originally applied. Signatories of the letter to the Barwani DC say, *‘we were told we will not be employed, nor paid for the full fourteen days of work we had originally applied for. Later, when we questioned the sarpanch and sachiv, they came to blows with us. They said they will not ‘employ’ anyone who submits a written application for work. We have not been paid for*

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<sup>9</sup> Letter from JADS to Barwani DC, signed by Ter Sinh, submitted to the DC on 12/05/2006; translated from Hindi.

<sup>10</sup> As highlighted in Khera (2011), it is important to note that the practice of ‘demanding’ NREGA work by way of written applications was relatively rare in 2008 and continued to be so later (see Gaiha et. al., 2010)

*the eight days of work done by us, neither have we got work for the full period for which we applied for work.*<sup>11</sup>

The letter further states that on 18 May 2006 workers who had not applied for NREGA work were engaged by the sarpanch and the sachiv on the said worksite. The Barwani DC is informed that ‘the sapanch and sachiv have since (15 May 2006) refused to employ workers who have submitted written applications for work.’

The suggestion here is that the sarpanch and sachiv associate a questioning of their position, with giving work to those who have submitted a written application for work. There is therefore an effort on the part of representatives of the local state (the sarpanch and the sachiv) to overtly resist this new form of power accorded to workers under the NREGA.

A copy of a letter filed with the Station House Officer (SHO) of the Silawad Police Station<sup>12</sup> on 16 May 2006 was also annexed along with the above letter submitted to the Barwani DC by sangathan members from village Keli.

The letter, addressed to the SHO of the Silawad Police Station on 16 May 2006, was filed a day after workers were removed from work in village Keli on 15 May 2006. This is a complaint with details of the fight with the sarpanch and sachiv referred to in the main text of the letter to the Barwani DC. The complainants state that they were ‘walking towards their homes when an associate of the sarpanch approached them on a motorcycle. Referring to the written applications for work, and in the middle of a string of foul abuses and threats, he asked, “You think your father’s the ruler around here? So you’re going to dictate when work starts?” (*“Tere baap ka raaj hai? Tu kaam karvaega?”*) Getting more aggressive and abusive, he got off his motorcycle and slapped (Ikka Khajan) from the sangathan. As he left he said “Come to me tomorrow” ... “I’ll castrate you, turn you into a fly and swot you.”’

The letter goes on to describe events on the next day when some sangathan members went to the village Patel’s house.<sup>13</sup> The sarpanch came to the house while sangathan members were present there, and verbally abused and threatened them. The sarpanch caught Sardar Sutar<sup>14</sup> by his collar, used foul language and said “You think you’re going to rule now? I rule around here, not you” (*“..tu raaj chlayga? Mera raj chalega, tera nahi”*). Then the sarpanch turned to the women sangathan members who had also come to the Patel’s house. He said to them,

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<sup>11</sup>Translated from Hindi.

<sup>12</sup> This is the local police station for village Keli in Barwani block, Barwani district.

<sup>13</sup>Regarded the head of the village as per Bhil custom, not the elected village head (sarpanch), as per constitutional law.

<sup>14</sup>Member of JADS.

“...and you lot... just watch out, I’ll add you to my harem...” (*“tumhe to main rakhunga ...”*).’

The letter to the Barwani DC then asks, ‘(S)o is this the law now? That the sarpanch keeps women after he is elected? If there is any such law, then all of us women will go the sarpanch’. It is signed by 15 members of the sangathan.

In addition to specific instances of delays in payment of wages, corruption by way of using machines and overt violence, letters detailing a wider list of problems with NREGA implementation were also submitted to the Barwani DC by JADS in the months after the legislation came into force in February 2006. The text of a **fourth** letter from the sangathan to the local state emphasises not only locationally specific collective action, i.e., from a particular village, but collective action that is spread wider, across several parts of Barwani district. It may be argued that this letter actively and overtly demonstrates the wider organisation of JADS, and highlights a wider assertion for the ‘right to work’ by the sangathan. One of the important outcomes of NREGA enactment commonly cited by JADS members is that the NREGA served as a tool for the collective to organise (Khera, 2008). The letter cited below provides evidence of this.

This letter details problems with NREGA implementation faced in villages spread across Pati, Pansemal and Barwani blocks of Barwani district and highlights - 1) delays encountered in the receipt of job cards (JCs) after applications for job cards have been submitted; 2) non-payment and late payment of NREGA wages for work already completed; 3) underpayment of NREGA workers in some cases where payment has made at an old wage rate, despite an increase in the wage rate; 4) delays in offering NREGA work to applicants; 5) a shortfall in the days of work offered, compared with the number of days applied for by workers; 6) work being denied to NREGA work applicants and being offered to those who have not applied for work; 7) the use of labour displacing machines at some worksites; 8) the presence of private contractors in NREGA work implementation at some worksites.<sup>15</sup>

The contents of this fourth letter submitted to the Barwani District Collector on 23 May 2006, three months after the NREGA was enacted, demonstrate a heightened sense of awareness about the enabling aspects of the NREGA. Where problems with implementation are cited, they are juxtaposed with a statement of formal rules as stated in law, to which the collective is asserting a claim. Rather than a form of ordinary petitioning, entrenched power hierarchies

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<sup>15</sup> Letter from JADS to Barwani DC, Submitted 24/05/2006, Signed by M. Krishnaswamy.

are challenged with an expansion of ‘repertoires of contention’ routed through the assertion of a claim to ‘rights’ in law. The information presented in this letter was collated by sangathan activists in fortnightly sangathan meetings. The act of collation itself serves a political purpose. The text of rights under NREGA serves as a unifying thread and point of reference in spatially dispersed discussions. Thus, hurdles to claiming the right to work in specific locations are rendered ‘commonplace’ in sangathan meetings. As routinely experienced hurdles are listed, they are at the same time viewed as surmountable problems, due to the text of the law that supports these claims, and, more fundamentally, due to the commonly shared ethic of collective claim making itself. Within this setting, the prospect of claiming work under NREGA also serves as a useful rallying point around which people can organise and even expand the collective.

In his discussion on the relationship between ‘political society’ and the developmental state in India, Partha Chatterjee highlights that developmental programmes of the state, including earlier public works programmes, were claimed ‘as a matter of right’ (Chatterjee, 2004: 40) from a ‘pastoral’ state. However, with the enactment of the NREGA, there is a modified assertion made in relation to the state. Moreover, the language of the state – including the text of law - is effectively used to challenge state power.

The letters cited above aim to demonstrate an attempt by the sangathan to use the novel rights defined under the NREGA. Before moving to Section 3, I continue with a discussion on efforts in Barwani in 2006 to claim the ‘unemployment allowance’ defined under the NREGA. It is worth noting that the unemployment allowance is an important section of the NREGA statute, that specifies the penalty that must be paid by a state government if an application for work is not honoured. In December 2006, the unemployment allowance was paid to 1575 workers in Barwani district, though only after a protracted struggle that started in May 2006. The payment of the unemployment allowance was significant because this was the first time such a payment was being made anywhere in the country after NREGA implementation commenced in February 2006.<sup>16</sup> The possibility for workers to penalise the state government for not honouring the ‘right to work’ also set apart the NREGA from earlier public works programmes.

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<sup>16</sup> It is also worth noting that there was a provision for payment of unemployment allowance under the Maharashtra Employment Guarantee Scheme, implemented in Maharashtra since the 1970s. However, the unemployment allowance was never paid since, according to Aruna Bagchee, there was a ‘tacit understanding within government that this payment should never have to be made’ (Bagchee, 2005: 4535). See also, Joshi (2010).



Section 7 of the NREGA defines the ‘unemployment allowance’ payable under the NREGA. As per the legal definition, if an applicant under the scheme is not provided employment within fifteen days of receipt of the application seeking employment *or* from the date on which employment has been sought in the case of an advance applications then work applicants are entitled to a daily unemployment allowance.

In keeping with this section of the NREGA, 2877 sangathan members from 15 villages applied for the ‘unemployment allowance’ on 23 and 30 May 2006 and 6 June 2006, at sub-district level government offices in Barwani district (Khera, 2008; Nayak, 2008).<sup>17</sup>

These applications for unemployment allowance were initially rejected by the Block or Janpad Panchayat on ‘technical grounds’ by the sub-district bureaucracy at Pati. The ‘grounds’ for rejection of the application for unemployment allowance provided by the administration were a) that the applications had not been submitted on the right application form, b) that the application was submitted as a collective application rather than as individual applications from individual workers and c) that relevant work applications had not been attached with the application for unemployment allowance.

It could be argued that the Barwani district administration was using ‘legal grounds’ (Sundar, 2009) to challenge the sangathan’s *legal* claim to the unemployment allowance. Here the text of the law itself became a site for contestation.

Under the NREGA, although there is a statutory provision for payment of the unemployment allowance, no specific procedure is laid out for claiming the allowance. Section 7(6) of the NREGA stipulates that State Governments should prescribe the procedure for payment of unemployment allowance. In the Madhya Pradesh Employment Guarantee Scheme issued in January 2006, however, no procedure for the payment of unemployment allowance was laid down. Thus, *any* proforma on which applications were submitted to the administration could potentially have been rejected, since specific procedural norms for claiming unemployment allowance did not exist.<sup>18</sup>

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<sup>17</sup> On 23 May 2006, 2508 workers filed applications for unemployment allowance (The number of applications from Pati block were as follows: village Kandra - 298; village Kalmijhavar - 141, village Ubadagad - 394, village Limbi - 497, village Borkhedi - 120, village Kalakhet - 74, village Ghatbara - 39, village Tapar - 69, village Ban - 87, village Nalti - 50. The number of applications from villages in Pansemal block were as follows: Malgaon Panchayat - 407, Karanpura - 144, village Bhatki - 78, village Umarbaida - 108. On 30 May 2006, 193 workers, and on 6 June 2006, 178 workers from Piparkund Panchayat also filed claims. (Source: Letter from JADS to Sonia Gandhi, President, Indian National Congress, dated 31/07/2006).

<sup>18</sup> Conversation, Krishnaswamy, 12/04/2011.

The rejection of unemployment allowance applications on technical legal grounds was raised with the administration in two ‘public hearings’ or public meetings with the district administration where the audience is invited to air grievances related to government programmes. Revealing the fraught terrain in which efforts to claim rights operate, the second of these meetings, held in Barwani on 16 June 2006, took a violent turn. The first meeting on 13 June 2006 was not attended by the Barwani District Collector. Other block and district level administrators attended the meeting only briefly and refused to answer questions. In the meeting on 16 June 2006 a violent scuffle broke out between JADS members and some elected village representatives (*sarpanch*), that included the physical assault of Madhuri, a female non-advansi activist working with JADS, despite the presence of the Barwani District Collector and the Barwani Police. This conflict was followed by the filing of criminal complaints both by and against JADS members. In the period following, several letters were written by JADS members on the above incidents, including to the district administration, the central Ministry of Rural Development (MoRD), to Congress-(I) President Sonia Gandhi and to other civil society organisations. Since the letters to the district administration and the MoRD got no response, JADS members staged a sit-in at the Barwani District Collectorate from 18 to 23 July 2006, to demand the unemployment allowance and protest the violent incidents of 16 June 2006.

The sit-in at the Barwani district collectorate was concluded on 23 July 2006, when the Collector gave a number of *written* assurances to the gathered JADS members. Amongst other things, the Collector stated in a letter that a) lists of job card holders would be displayed on Panchayat notice boards, b) that ‘social audits’ of NREGA work would be conducted in the August 2006 gram sabha<sup>19</sup> and c) that work would be started in four villages where the administration had not started work till then. However, while the commitments mentioned above were recorded in *writing*, the Collector *verbally* conceded that the applications for unemployment allowance thus far summarily dismissed by sub-district level staff should, in fact, be considered favourably. In *writing* he stated that the unemployment allowance claims would be settled in fifteen days.

After the sit-in at Barwani was lifted on 23 July 2006, sangathan members ‘gheraoed’ or encircled the office of the Barwani Superintendent of Police (SP), demanding that action be

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<sup>19</sup> In the normal course, four gram sabhas are held in all Gram Panchayats in Madhya Pradesh in each calendar year. These are held on or approximately around the following dates: 26 January (‘Republic Day’), 14 April (birth anniversary of B. R. Ambedkar), 15 August (‘Independence Day’), and 2 October (birth anniversary of M. K. Gandhi). In the above text, reference is made to the gram sabha scheduled to be held in August, on or close to 15 August.

taken on the complaints related to physical assault of sangathan members filed after 16 June 2006. Statements of sangathan members who were assaulted on 16 June 2006 were recorded after 5 days of the dharna in July 2006 in front of the Barwani DC's office. At the 'gherao' or demonstration outside the Barwani SP's office, the sangathan demanded that either the assaulters be arrested or that all members of the collective gathered outside the SP's office be arrested and jailed. In response, the Barwani Superintendent of Police issued a statement that action against those responsible for the assault on 16 June 2006 would be taken in three days.<sup>20</sup>

The conflicts highlighted above indicate that not only the village level bureaucracy but also the block and district level bureaucracy and local politicians viewed the sangathans' assertions for 'rights' under the NREGA as a significant threat. Assertions for 'rights claimed under law' were effectively viewed as making the position of the bureaucracy and the local political establishment weaker.

So what is particular about NREGA enactment? With NREGA enactment, claims for work could not be rejected outright as baseless or without 'legal grounds' (Sundar, 2009). While earlier claims to work could be rejected on the grounds that there were no funds for implementation of a particular employment work, this was not tenable in the period after NREGA implementation. Overt violence was therefore used against the sangathan by the local state. The sangathan, on its part, looked outward with appeals for support from other networks and activists.<sup>21</sup>

Following the sit-in at the Barwani DC's office in July 2006, a formal appeal was filed by the sangathan at the Collectors' office in response to the initially rejected applications for unemployment allowance which were filed in May and June 2006. It was stated that there were no 'forms' prescribed by the administration for the purpose of applying for the unemployment allowance. The sangathan appeal also argued that that since the NREGA statute itself specifies that group applications *can* be submitted for *work*, it did not make sense that *unemployment allowance* applications could not be submitted collectively.<sup>22</sup> An overt assertion was therefore made by the sangathan for retaining the 'right to act collectively' for provisions within the NREGA.

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<sup>20</sup> Letter from Madhuri Krishnaswamy to a Right to Food Campaign e-mail list.

<sup>21</sup> This resonates with the experiences of other collectives not only in Madhya Pradesh but elsewhere as well, such as in the case of the Zapatista movement in the Chiapas (Harvey, 1998).

<sup>22</sup> Personal communication, Srivastava, 05/04/2011; Krishnaswamy, 12/04/2011.

Later in July 2006, the sangathan also sought the support of Dr. Mihir Shah, the then Madhya Pradesh advisor to the Commissioner of the Supreme Court of India in the 'right to food case'.<sup>23</sup> Dr. Mihir Shah, too wrote to the Barwani DC asking why the NREGA was not being implemented properly in Barwani district, and further asked why applications for unemployment allowance were rejected by the administration.

In his response to Dr. Mihir Shah, the Collector stated that, as a result of the review on appeal, sub-district level authorities had been directed to pay unemployment allowance to applicants to whom it was due.<sup>24</sup>

In other words, the appeal filed by JADS was accepted by the district level state. Between October and December 2006, Rs. 0.475 million was paid as unemployment allowance for 18 days of work to 1575 members of the sangathan.<sup>25</sup>

In this paper so far, I have described strategies adopted by the Jagrut Adivasi Dalit Sangathan in Barwani, Madhya Pradesh, to claim work under the NREGA. I discussed four letters submitted by the sangathan in quick succession to the 'local state', specifically, the block and district level administration. I then discussed events that led up to the payment of unemployment allowance in December 2006.

When NREGA is enacted in 2006, the strategy of writing to the local state is not novel for JADS. Thus it could be argued that the tools of contention adopted by JADS are substantively built on the earlier engagements of the collective. At the same time, NREGA enactment offers opportunities for new forms of political action (Fox, 1996; Tarrow, 1993; Tilly, 1978).

### *3. Public works on private lands: Initiatives of the central and state governments*

I move now to highlighting some initiatives of the central government and the state government of Madhya Pradesh in interpreting and implementing the NREGA. The NREGA was celebrated as an exceptionally progressive and 'radical' (Shah, 2008) legislation when it

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<sup>23</sup> Mihir Shah was appointed by Dr. N. C. Saxena to advise on his work as Commissioner of the Supreme Court of India (SCI); From 2009-2014 Shah was also Member, Planning Commission of India and in 2012, he wrote a GoI report to revise MGNREGA Guidelines.

<sup>24</sup> Source: Letter number 427, dated 21/07/2006, from Barwani District Collector to Mihir Shah, Advisor to Office of the Commissioner of the Supreme Court (OCSC); translated from Hindi.

<sup>25</sup> Source: Performance Audit Report 11 of 2008, CAG, GoI. Note that the unemployment allowance was not paid to workers whose households had completed 100 days of work by December 2006, when the allowance was finally paid.

was enacted. However, I highlight below that the central and state governments' role in interpreting and implementing specific sections of the NREGA contributed to subverting the 'right to work' itself.

Before going further, it is useful to review the 'statement of objects and reasons' mentioned in the NREGA statute. These are – '1) to provide minimum days of employment; 2) to provide guaranteed wage employment; 3) to enhance livelihood security for the poor'.<sup>26</sup>

In a 'department order' issued on 9 September 2005, four days after the NREGA was enacted the central government, with the Congress-(I)-led UPA at the helm, emphasised to all state governments, including GoMP<sup>27</sup> that since this was 'the first time' the government would be implementing a programme with a 'time bound legal guarantee',<sup>28</sup> 'efficient and accountable delivery systems and processes' would have to be designed and put in place to honour the guarantee'.<sup>29</sup> It was stated that in order for the 'right to work' to be honoured as per law, comprehensive planning would be required, including the development of a 'shelf of projects', or a list of works that could be used when demand for work was received.<sup>30</sup> Village level 'perspective plans' used for earlier public works programmes like National Food for Work Programme (NFFWP), with estimates of labour demand and technical and financial estimates of works would also need to be updated for NREGA implementation. In addition, 'management responsibilities' of the state government, the district level administration and the Panchayati Raj institutions would have to be defined; a mechanism would need to be developed for time-bound redressal of grievances received; and transparency and accountability would need to be ensured at all levels of implementation, for instance by making accounts and records related to NREGA implementation available for public scrutiny, and ensuring wide distribution for information related to the programme. Other aspects of implementation highlighted by the central government in the days after NREGA enactment

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<sup>26</sup> Text of NREGA, enacted 05/09/2005, also quoted in legal opinion on NREGA, by Ms. Indira Jaising, Additional Solicitor General, GoI, 09/07/2010.

<sup>27</sup> In 2005, NREGA was not implemented in the state of Jammu and Kashmir (J&K). NREGA implementation was extended to J&K on 11/05/2007 vide The National Rural Employment Guarantee (Extension to Jammu and Kashmir) Act, 2007.

<sup>28</sup> Reference is made here to the legal requirement that work should be offered by the local government within 15 days of an application for work being received.

<sup>29</sup> D.O.No.M.28012/2/04-SGSY(M) dated 09/09/2005 from Secretary Rural Development (RD), MoRD, GoI to all provincial governments.

<sup>30</sup> Letter dated 09/09/2005, from MoRD, GoI to state governments, op. cit.

included an emphasis on ensuring ‘humane conditions for work’ through the provision of drinking water, medical aid, and crèches for the young children of workers, as also by ensuring that women workers were provided work and safeguards were put in place to ensure that there would be no discrimination against or harassment of women workers on work sites.<sup>31</sup>

The abovementioned matters were reiterated in several letters issued by the MoRD, GoI, in later months. Key points of administrative emphasis included the following: the printing and issuance of essential documents such as job cards (JCs) and work registers for the purpose of NREGA implementation at the village Panchayat level, widespread publicity and communication of ‘rights’ enacted under the legislation through the use of mass media, the appointment and designation of personnel in the districts, sub-districts and village Panchayats for the purpose of NREGA implementation, and the setting up of NREGA-specific bank accounts at the district and provincial levels for the transfer of funds for programme implementation.<sup>32</sup>

Such letters were not exchanged between the central and state bureaucracies alone. In a letter issued by Raghuvansh Prasad Singh, the then Minister of Rural Development, GoI to all Chief Ministers of State governments, he urged Members of Parliament, members of legislative assemblies, and elected representatives of Panchayats and district bureaucrats to attend village level gram sabhas in the areas where they worked to draw attention to the programme’s importance and to make the drive to implement NREGA akin to a ‘people’s movement’.<sup>33</sup>

What is significant about these letters is their repeated emphasis on the novelty of the NREGA and the fact of it being the first developmental programme in the country with a legal framework of rights, reflecting the high political stakes involved in its implementation.

While the message that enacted ‘rights’ should be widely publicised was made explicit, over time, some notable changes were also made to the NREGA statute by the central government.

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<sup>31</sup> Letter from GoI dated 09/09/2005, op. cit.

<sup>32</sup> Detailed in the following letters issued to all state governments by MoRD, GoI - D.O.No.V-24011/5/2005-SGRY(M)Pt. dated 17/11/2005, from Secretary RD, GoI; D.O.No.:28012/10/2005-NREGA dated 13/01/2006 from Director NFFWP/NREGS, MoRD, GoI; D.O.No.V-24015/40/2005-NREGA dated 16/01/2006 from Joint Secretary (NREGA), MoRD, GoI; D.O.No.V-24011/40/2005-NREGA dated 18/01/2006 from Minister of RD, MoRD, GoI; D.O.No.V-24011/40/2005-NREGA dated 27/01/2006 from Secretary RD, MoRD, GoI.

<sup>33</sup> Letter from Minister RD, GoI, dated 18/01/2006 op.cit. Raghuvansh Prasad Singh held the office of Minister, Rural Development, GoI, from 2004-2009 and the NREGA was enacted by the Indian Parliament during this period.

These changes were driven by the central Ministry of Rural Development, since the NREGA is a Parliamentary statute, implemented under the purview of the central government, and because the central government holds the purse strings for NREGA implementation.<sup>34</sup>

Amendments to the NREGA statute were made by amending ‘schedules’ of the NREGA, which are annexures to the main statute.<sup>35</sup>

Key changes were made to the *types of works* for which public funds routed through NREGA could be claimed. Permissible public works stated in the NREGA statute included works for water conservation and water harvesting, drought-proofing, irrigation canals, etc. In addition to the implementation of these works on public lands, the original text of the NREGA also allowed works on private lands (vide Clause 1(iv) of Schedule I), for the provision of irrigation facilities for ‘land owned by households belonging to the Scheduled Castes and Scheduled Tribes or to beneficiaries of land reforms or to beneficiaries of the Indira Awas Yojana (IAY)’<sup>36</sup> implemented by GoI.<sup>37</sup> Stated thus, Clause 1(iv), Schedule I, is a progressive clause which allows for ‘inclusive growth’<sup>38</sup> with the intent of encouraging publicly funded land development on lands owned by arguably the poorest social groups in the country.<sup>39</sup> The relevant clause under sub-paragraph 1(iv) of Schedule I, NREGA was amended by executive order in 2007, 2009, and more recently also in 2011.

In a notification issued on 6 March 2007, exactly one year after NREGA implementation began in February 2006, an amendment was made to allow for NREGA-funded works on private lands to be extended to families living ‘below the poverty line’ (BPL) as identified by

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<sup>34</sup> The wage bill for unskilled labour is paid for in full by the central government, while 75% of wages for semi-skilled and skilled labour and material costs are shared between the central and state governments in a 75:25 ratio.

<sup>35</sup> This is permitted u/s 29, NREGA, 2005. After NREGA enactment in 2005, the NREGA was amended primarily by executive orders later published in the Gazette of India. The only legislative amendment to the NREGA was made on 31/12/2009, when the name of the legislation was amended from ‘National Rural Employment Guarantee Act’ to ‘Mahatma Gandhi National Rural Employment Guarantee Act’, vide The National Rural Employment Guarantee (Amendment) Act, 2009.

<sup>36</sup> Indira Awas Yojana, IAY, is a GoI welfare programme to provide housing to the rural poor.

<sup>37</sup> NREGA, enacted, 05/08/2005, Schedule I, Para (iv).

<sup>38</sup> Inclusive growth implies an emphasis on strengthening macro-economic growth while also distributing the benefits of growth to reduce poverty. (See Kuri, 2010: 88).

<sup>39</sup> In its original form, the clause is not entirely new. The attempt to develop agricultural land or resources of SCs and STs, has been part of workfare programmes at an earlier time as well. Speaking about the implementation of the Jawahar Rozgar Yojana (JRY), an employment programme of the early 1990s, in Palanpur in Uttar Pradesh (north India) for instance, Drèze et. al. (1998) point out that a small proportion of JRY funds ‘were spent in each village on building houses for SC families.’ (Drèze, Lanjouw & Sharma, 1998: fn 112, p.195).

the state governments.<sup>40</sup>

The expansion of NREGA works to lands privately owned by ‘BPL’ families effectively allowed the extension of publicly funded NREGA works to the vast and substantially flawed BPL category (Drèze & Khera, 2010),<sup>41</sup> setting the stage for the use of NREGA funds for development of a much wider category of private lands rather than those owned only by the poorest.

On 22 July 2009, sub paragraph 1(iv) of ‘Schedule I’ was amended to include small and marginal farmers ‘as defined in the Agriculture Debt Waiver and Debt Relief Scheme 2008’,<sup>42</sup> issued by the Congress-(I)-led central government. Given that eighty per cent of all farmers in India are small and marginal farmers (GoI, 2009), the July 2009 amendment was a further indication that public works funded under the NREGA were to be extended to a wide range of privately owned lands. The most recent amendment to clause 1(iv) of ‘Schedule I’ was made on 22 September 2011, to permit works on lands of beneficiaries under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, an amendment that reiterated focus on the original intended beneficiaries of the clause. Thus, from a provision within the law aimed specifically at offering state-funded land development to the poorest sections of the Indian population, sub-paragraph 1(iv) of Schedule I, NREGA was substantially expanded to include a wide range of social groups.

Objections to this amendment were raised in some quarters. Some activists like Nikhil Dey, who had been engaged in efforts to get the NREGA enacted, pointed out that the amendment to extend NREGA works to lands of small and marginal farmers was “not an obscure change,” and that the amendment would “significantly change the focus of implementation” of the NREGA.<sup>43</sup> Aruna Roy and Nikhil Dey also voiced concerns that this amendment had been passed by the MoRD, GoI, without debate, and, further, that the nature of the changes envisaged could adversely impact transparency in programme implementation, since the focus of NREGA implementation would shift from work on community land to individual

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<sup>40</sup> Emphasis added

<sup>41</sup> Drèze and Khera point out the following - based on 2004-05 National Sample Survey data for monthly per capita expenditure, only 53.1% rural households in the poorest quintile of households in India had a BPL card in 2004-05, while at the same time 17.8% households in the richest quintile had a BPL card (Drèze & Khera, 2010: 55).

<sup>42</sup> This debt waiver scheme was announced in 2008 by the Congress-(I)-led central government in response to reports of farmer suicides from several parts of India.

<sup>43</sup> Nikhil Dey, statement at press conference organised by ‘People’s Action for Employment Guarantee’ (PAEG), Press Club of India, New Delhi, 07/08/2009.



landholdings, that would make public scrutiny of NREGA more difficult.<sup>44</sup> Others spoke out in support of the amendment to extend NREGA works to the private lands of all small and marginal farmers (see for instance, Shah & Mohanty, 2010: 542; and the Mihir Shah Committee Report, Government of India, 2012),<sup>45</sup> arguing that investment in privately owned lands would lead to positive outcomes by way of an increase in agricultural productivity, and, therefore, should not be opposed.

The changes made to Schedule I, NREGA are an example of changes made to the original text of the law by the central executive in keeping with the provisions of Section 29 of the NREGA, which allows the central government the ‘power to amend Schedules’. Thus while the enactment of the NREGA was celebrated as offering a secure right to work, the detail of the law itself was far from immutable. While the process of amending ‘Schedule I’ of the NREGA was legally sound, it could be argued that the amendments contributed to a modified program being implemented at the level of the local state. Two points can be made in this regard. It could be argued that even if marginally, a politics of accommodation of landed classes was introduced into NREGA implementation. Further, in the process of implementation of works on private lands the ability of rural adults to claim ‘work on demand’ often dropped out of view.

In Madhya Pradesh, the state government (GoMP) placed significant emphasis on NREGA implementation on private lands as early as the 2007-08 financial year, the second year of NREGA implementation.<sup>46</sup> NREGA implementation on private lands was emphasised by the state government through the development of a wide array of ‘sub-schemes’ or sub-programmes that laid out detailed plans for NREGA implementation on privately owned lands. Some sub-schemes were targeted towards developing facilities for irrigation and land development, such as building wells on privately owned lands,<sup>47</sup> or building ‘bunds’ or small embankments along beneficiary land to protect fertile topsoil.<sup>48</sup> But other sub-schemes were aimed at developing small-scale commercial enterprises on privately owned lands, funded by

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<sup>44</sup> See Roy, A. and Dey, N., ‘Dalits, the poor and the NREGA’, *The Hindu*, 27/08/2009.

<sup>45</sup> Also see, Mihir Shah, ‘Multiplier accelerator synergy in NREGA’, *The Hindu*, 30/04/2009.

<sup>46</sup> In the 2006/07 financial year, in a letter number 6464, dated 02/05/2006, Principal Secretary, GoMP, DoPRRD, issued orders that NREGA funded irrigation facilities should be provided to SC and ST families. However, by late 2007, private lands of a much wider population were being serviced, rather than only SC / ST beneficiaries.

<sup>47</sup> Wells for irrigation were being built under the *kapil dhara* sub-scheme for NREGA. This was an NREGA sub-scheme to build wells for irrigation on private land.

<sup>48</sup> This was done under the *bhumi shilp* sub-scheme (literal translation ‘land crafting scheme’).

public money routed through the NREGA. Under a Government of Madhya Pradesh NREGA ‘sub-scheme’, public money from NREGA was thus also to be directed towards promoting silviculture<sup>49</sup> and to planting fruit trees on private lands,<sup>50</sup> with the intent that this would help NREGA workers move from wage employment to ‘self-employment,’<sup>51</sup> and from ‘unskilled’ to ‘skilled’ work.<sup>52</sup>

It might be recalled that the NREGA statement of ‘objects and reasons’ passed by Parliament did not include promotion of ‘self-employment’ or ‘skilled work’ per se. Arguably, therefore, the encouragement of self-employment and skilled work schemes were part of specific initiatives taken by the state bureaucracy in the process of NREGA implementation. To some extent, it could be argued that these initiatives of the state bureaucracy were contingent on ‘local’ imperatives, which could be made to ‘ride’ on the NREGA. Senior bureaucrats in GoMP stated that, in Madhya Pradesh, ‘NREGA was not seen as a wage employment scheme’, but was seen as an ‘opportunity to build assets and infrastructure’ in order to have a ‘long term impact on livelihood’ and that implementing NREGA works on private lands was an important part of this strategy.<sup>53</sup> Thus, the text of law was drawn on in ways that went beyond the original statement of ‘objects and reasons’ of the NREGA. This, in turn, had implications for the nature of implementation of the programme at the level of the local state.

I demonstrate that this ‘strategy’ for NREGA implementation adversely affected the possibility of claiming NREGA work as a matter of ‘right’, and forced claimants of work to operate as ‘beneficiaries’ of a programme that could well have been implemented without a legal framework of rights. On paper, NREGA works on ‘beneficiary’ or privately owned rather than public lands were not viewed as contradicting the legal clauses of the NREGA itself. As per law, a NREGA job card holder would be entitled to ‘demand’ work from the local administration. Further, the administration was to provide work within a period of fifteen days from the receipt of an application, as specified in law, irrespective of whether works in a village panchayat area at a given point in time, were being implemented on public or private lands. If publicly funded work on private land was on going at the time when the application for work was received by the village panchayat, then work applicants would be

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<sup>49</sup> Cultivation of silk worms for silk production, promoted under GoMP’s *resham* sub-scheme (‘silk scheme’)

<sup>50</sup> Promoted under GoMP’s *nandan phalodyan* sub-scheme (literal translation ‘fruitgarden’ scheme)

<sup>51</sup> GoMP, document on NREGA sub-schemes, 2009.

<sup>52</sup> Sudha Pillai, Secretary GoI, speaking about NREGA implementation in Madhya Pradesh, cf. <http://nrega.nic.in/Minutes%20of%20Meeting%20in%20Orchha%20October%202013.pdf> accessed 08/08/2011.

<sup>53</sup> Interview with RS, CEO, MP State Employment Guarantee Council, GoMP, interviewed 01/09/2009.

assigned to the worksite/s on private land.

At the level of implementation in some places in Barwani and in East Nimar districts, a substantially different dynamic could be observed, where the original intended aims of enhancing wage employment and the emphasis on the 'rights based' implementation of the NREGA seemed to have dropped out of view. Implementation of individual beneficiary based programmes required applicants to meet a certain set of criteria, on the basis of which the district and sub-district level bureaucracy could 'accept' or 'reject' their application to seek land development under NREGA.<sup>54</sup> This did not imply that work could not be claimed on demand by individual workers. However, the privileging of works where beneficiary criteria had to be met, oftentimes contributed to overwriting the novel and 'universal' 'right to work,' that originally had allowed 'workers' the power to challenge the local bureaucracy in rationing access to work.

In my interviews, I encountered various rationales in favour of NREGA works on private lands being put forward by various parts of the GoMP and local bureaucracy. Further, there seemed to be a contradiction between the original text of law, which emphasised the use of NREGA-funded public works to develop the lands of the poorest, and what was actually happening on the ground. In some instances, works on private lands appeared to be promoted not for the purpose of developing lands owned by the poorest, but, rather, with a view to 'retain interest'<sup>55</sup> in the NREGA in relatively better-off areas.

Regarding implementation of NREGA works on private lands, RS2<sup>56</sup> Project Officer, Madhya Pradesh State Employment Guarantee Council (MPSEGC), working with GoMP at Bhopal in Madhya Pradesh, expressed concern about the fact that NREGA implementation, initially started in the 200 poorest districts in the country, was later extended to other, relatively better-off districts.<sup>57</sup> RS2 was of the view that since 'the NREGA is being extended to districts which are 'non-poor' districts,<sup>58</sup> there is likely to be little interest in public works

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<sup>54</sup> AK, Barwani District Panchayat, interviewed, 17/02/2008.

<sup>55</sup> RS2., interviewed 17/03/2008, Bhopal, Madhya Pradesh.

<sup>56</sup> RS2., interview, op. cit.

<sup>57</sup> Within the state establishment, it is well recognised that these districts are the 'most difficult districts of the country (in which) to implement development programmes because of poor governance structures, low organisational capacity, weak infrastructure and unequal power structures' (GoI, 2005: 6).

<sup>58</sup> The NREGA was initially implemented in the 200 poorest districts of India, and later extended to the entire country. A measure of backwardness developed by the Planning Commission of India was used to arrive at the

implemented under the NREGA'. Significant innovations in NREGA implementation would therefore be required to make the programme 'relevant' for 'rich districts', and 'future planning for the programme required that an entirely different set of programmes be included in the process of implementation' (referring to NREGA works implemented on private rather than public lands).

AKS, Joint Commissioner, Administration, DoPRRD, GoMP, and one of the 'senior most' officers responsible for NREGA implementation in Madhya Pradesh stated, 'NREGA is a demand driven programme, but (two years after implementation started) we are already running into problems with what we can do with the scheme [*sic*] – it is becoming difficult to find sites for public works'. Therefore 'we are planning for the future and rather than emphasising only public works, we are also encouraging NREGA works on private lands'.<sup>59</sup>

AKS was also of the view that initiating NREGA works on private lands would be useful from the perspective of transparency and accountability, and consequently, good governance, since 'people are more interested in reporting to the government about problems with implementation of a private scheme'. In other words, he was of the view that NREGA workers 'will not be interested in making sure that a *public* work is being implemented properly' but if they have a personal interest (in a worksite), 'they will come and file complaints' with the government for private schemes'.<sup>60</sup> He clarified further that several 'sub-schemes' for private lands, linked to the NREGA statute have been developed by GoMP keeping these concerns in mind. The most widely implemented of these sub-schemes was the scheme to dig wells for irrigation on privately owned land.<sup>61</sup> For this sub-scheme, for instance, districts were given instructions that a *minimum* of 25 wells must be constructed per financial year in each gram Panchayat.<sup>62</sup> This was itself in contravention of another provision of the NREGA, that works to be implemented in a Village Panchayat would be decided by the gram sabha. Further, the nature of NREGA works was decided to a substantial extent on the basis of priorities set by the bureaucracies of the state government, which were in turn implicitly supported by the chief beneficiaries of the sub-schemes - the landowners

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original 200 districts. The intent behind this measure to target programmes to specific areas was to 'even out regional imbalances'

<sup>59</sup> AKS interviewed, 17/03/2008, Bhopal.

<sup>60</sup> AKS, interview, op. cit.

<sup>61</sup> This is referred to as the *kapil dhara* sub-scheme. This scheme itself is similar to the 'million wells scheme' implemented from the 1988-89 financial year, as part of an earlier employment programme, the NREP (Pal, 1996).

<sup>62</sup> Letter number 6078 dated 07/04/2007, from Principal Secretary, DoPRRD, GoMP to relevant district collectors in Madhya Pradesh.

whose lands were to be developed.

What is worth noting here is the ascendance of the idea of individual beneficiary based programmes in the narrative related to NREGA implementation. While the original statutory provision was intended to focus specifically on land owned by the poorest communities, there was a shift in emphasis with GoMP's NREGA sub-schemes being viewed within the bureaucracy as critical for several reasons, including that they were important for 'better off' areas or 'rich districts', that these sub-schemes were important for 'developing assets' and that the schemes were likely to encourage 'transparency' and 'good governance' in NREGA implementation. This rationale for promoting sub-schemes under NREGA, was found across different levels of the bureaucratic hierarchy, although with variations.

A few other points may also be made in relation to the interviews cited above. Despite the emphasis on NREGA implementation on private lands from the central and state government, it was not the case that NREGA was implemented exclusively on private lands. Public works such as rural roads and water conservation and water harvesting structures continued to be implemented in village panchayats. Further, all funds spent on private lands were under the purview of village panchayats. In the 2008-09 financial year, 90% of all NREGA works in Madhya Pradesh were being implemented by village panchayats, including work done on public and on private lands (Manor 2011). The handing over of a large proportion of NREGA funds to be managed by Village Panchayats is rightly viewed by academics such as James Manor as a positive development from the perspective of decentralisation (Manor, 2011). Individual case studies might also indicate instances where works on privately owned lands are viewed as very useful by the persons whose lands they were built on.<sup>63</sup>

Despite these positives, the emphasis on beneficiary oriented works by GoMP was, in some instances, contradictory to the stated objectives of the NREGA itself.

The policy focus from the state bureaucracy for NREGA works on private lands in turn influenced NREGA implementation in Village Panchayats (GPs). In Barwani, *kapil dhara* wells were being constructed in villages across the district, including in areas where the sangathan was working. An inflated value for the kapil dhara wells was often depicted in government records. In August 2009, for instance, twenty-four sangathan workers from Barwani block, Barwani district, wrote to the Barwani District Collector (DC) alerting him to

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<sup>63</sup> See for instance power point presentation by 'Pradan', a non-government organisation working in Madhya Pradesh, [www.nrega.net/csd/events/PRADAN\\_NREGAMay06\\_final.pdf](http://www.nrega.net/csd/events/PRADAN_NREGAMay06_final.pdf), accessed 04/08/2011.

corruption in the digging of *kapil dhara* wells in Barwani block of Barwani district.<sup>64</sup>

In several sangathan meetings, other concerns were also voiced about works on private lands. Members of the sangathan were often concerned that the bureaucracy was disregarding the types of works being sought by the gram sabha, and deciding on works to be carried out in villages. In Ubdagarh Panchayat for instance, when more than 1000 sangathan members collectively applied for work in May 2008, they were asked to work on several *kapil dhara* wells. Sangathan members refused to undertake this work, saying a large public pond was what the village needed, not wells on individual lands.<sup>65</sup> In a gram sabha meeting in Savariyapani village in Pati Block, Barwani District, the GP Secretary encouraged NREGA implementation on private lands, while gram sabha members, several of whom were sangathan members, asked instead for public water harvesting structures to be constructed under the NREGA.<sup>66</sup> In Roshani GP, in East Nimar district, Phulvatibai pointed out in April 2008 that she had managed to get some NREGA work in the past, but that since the GP was now exclusively implementing *kapil dhara* wells on private land, only relatives of the respective landowners were being offered work, while others were being told that work was not available.<sup>67</sup> Ramsingh, also from Roshani GP, corroborated this. On the *kapil dhara* well on his land, he employed relatives and a few other people he knew who were not from his family, but were neighbours.<sup>68</sup>

In several instances, therefore, practices operative in NREGA implementation were contradictory to the intended purpose of the law. I now turn to a discussion on the ‘web’<sup>69</sup> of actors engaged in the process of NREGA implementation in Barwani.

#### *4. NREGA and the web of institutional actors in Barwani, Madhya Pradesh*

A complex institutional matrix related to NREGA implementation was observable at the level of the local state in Barwani in the first three years of NREGA implementation. As highlighted earlier, at least fifty per cent of all NREGA works in a village are implemented

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<sup>64</sup> The letter was signed by sangathan members from Varalyapani, Vegalgaon, Mardai and Bori villages; letter submitted to Barwani DC, n.d.

<sup>65</sup> Field work notes, Ubdagarh village, 18/05/2008.

<sup>66</sup> Field work notes, Savariyapani village, 16/08/2009.

<sup>67</sup> Phulvatibai, interviewed 10/04/2008.

<sup>68</sup> Ramsingh, interviewed 11/04/2008.

<sup>69</sup> I use the term ‘web’ rather than, say, ‘network’ of actors, since the different NGOs operate in relative isolation from each other. The organisations are nonetheless depicted in an indicative organogram in Figure 1, to indicate their relationship with the Barwani district administration.

by the Village Panchayat (GP).<sup>70</sup> Works implemented by the GP include village ponds, roads, and soil conservation works on public lands. In addition, all works done on individual beneficiary lands come under the purview of the GP. The remainder of NREGA works (constituting the remaining 50% of the total value of works in a GP) were to be implemented by sub-district Panchayats (janpad or Block panchayats), district Panchayats (zilla panchayats), 'line departments' of GoMP, as well as NGOs engaged by the state and district administration.<sup>71</sup>

The 'line' departments of GoMP acting as NREGA implementing agencies in 2009-10 in Barwani district Madhya Pradesh included the state Forest Department, the Public Works Department, the 'Narmada Valley Development Agency', the Directorate of Horticulture, Rural Engineering Services (RES), the Water Resources Department, and the Assistant Soil Conservation Officer.<sup>72</sup> Three NGOs, 'Gramin Vikas Trust' (GVT) (Village Development Trust), Sarvodaya Samaaj Seva Samiti, Sendhwa (Sarvodaya Social Service Committee, Sendhwa), and Sarvodaya Samaaj Seva Samiti, Niwali (Sarvodaya Social Service Committee, Niwali) were also appointed as implementing agencies by the state government. Of these, GVT worked in Pati block in Barwani district on watershed development projects.<sup>73</sup> In order to appoint these organisations, the state government published a commercial tender in national and regional newspapers seeking an 'expression of interest' from organisations willing to work with the government on specific aspects of the NREGA. Following this, several NGOs filed papers with the state government, providing details of work done by them in the past, including details of the management of their finances. On this basis, organisations were shortlisted and 'allocated' by the state government to the districts in which they were to work. The selected organisations, including GVT, were then directed to sign memoranda of

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<sup>70</sup>In keeping with section 16, NREGA.

<sup>71</sup> Section 2(g) of the NREGA defines 'implementing agency' to include 'any department of the Central Government or a State Government, a Zila Parishad, Panchayat at intermediate level (i.e. sub-district Panchayat), Gram Panchayat or any local authority or Government undertaking or non-governmental organisation authorised by the Central Government or the State Government to undertake implementation of any work taken up under a (NREG) Scheme'. Under the NREGA therefore, elected bodies of the local state – the district, block and village Panchayats – are allocated an important role in NREGA implementation in order to increase local-level ownership of the NREGA. This legal commitment is supported by making direct financial allocations for NREGA implementation from the federal government to the district governments. However, while elected Panchayats are envisaged as principal authorities for implementation, legal space is created to allow engagement of other government departments. Non-government and quasi-government organisations, too, are given a legal foothold within the definition of 'implementing agency' under the legislation.

<sup>72</sup> Barwani district, implementing agency wise expenditure statement, Audit no 1742-0910, [http://164.100.12.7/netnrega/impl\\_audit\\_report.aspx](http://164.100.12.7/netnrega/impl_audit_report.aspx), accessed on 04/02/2011.

<sup>73</sup> Source: Audit report op. cit. and interview with DA, GVT Project Officer, Barwani, interviewed 28/01/2008.

agreement with the district government.<sup>74</sup> In addition to the abovementioned bodies, an internationally funded organisation, 'Madhya Pradesh Rural Livelihood Project' (MPRLP) was also appointed by the state government to work both with the GoMP bureaucracy and the Barwani district administration on NREGA implementation in Barwani, specifically to promote NREGA sub-schemes of GoMP.<sup>75</sup>

In addition to the 'on site' supervision and carrying out of NREGA works, the district bureaucracies for all districts implementing the NREGA were required to organise a range of 'capacity building' activities in the district. These services were detailed in the Operational Guidelines for NREGA implementation issued by the MoRD, GoI, and were related to 'training of personnel', 'communication' of legal provisions under the NREGA to create public awareness of the program, and 'training of key agencies and institutions' to carry out their 'responsibilities under the Act'. While the provision of these services as support services for NREGA implementation was not detailed in the text of the NREGA itself, the provision of these services was required of district administrations by the MoRD, GoI.<sup>76</sup>

Other services identified by the central government as critical for effective implementation included supporting the development of long term 'perspective plans', and 'monitoring and evaluation' of work implemented. These services too, are detailed not in the text of the NREGA statute, but rather in 'Operational Guidelines' related to NREGA. As such, the provision of these 'capacity building' services was rooted in executive guidelines for NREGA implementation rather than in statutory law.

In Madhya Pradesh, non-government and quasi-government organisations were appointed both as implementing agencies (as detailed above) and for 'capacity building' roles. The institutional actors engaged in NREGA implementation in Barwani are depicted in Figure 1 at the end of this paper. In paragraphs that follow, I will highlight the varied politics of claim-making that can be traced to actors engaged in NREGA implementation in Barwani.

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<sup>74</sup> Agarwal, interviewed 28/01/2008.

<sup>75</sup> In addition to Barwani, MPRLP also worked in eight other districts of Madhya Pradesh from 2008-2011, viz. Alirajpur, Anuppur, Dhar Dindori, Jhabua, Mandla, Shahdol, Sheopur. The Madhya Pradesh Society for Rural Livelihood Promotion (MPSRLP) was appointed by GoMP, as an NREGA 'implementing agency' for Madhya Pradesh province as a whole. MPSRLP was registered as a Society in July 2004, under the Madhya Pradesh Societies Registration Act, 1973, as the apex coordinating organisation for the 'Madhya Pradesh Rural Livelihood Project' (or, MPRLP). The registered Society, ie MPSRLP was a collaborative venture between GoMP and the British Department for International Development (DFID). (Source: TR, DIFD Bhopal, interviewed 18/03/2008; and [www.mprlp.in](http://www.mprlp.in) accessed 01/09/2010).

<sup>76</sup> MoRD, GoI, NREGA Operational Guidelines. (GoI, 2008).



#### *4.1 Social Audits, Capacity building, and Information-Education-Communication*

In this section I highlight discussions with state and non-state institutional actors engaged with NREGA implementation in Barwani district, emphasizing the substantial difference in the politics of contention engaged in by these organisations, particularly when compared with JADS. I argued earlier that JADS uses rights defined under NREGA as a tool in a wider politics of contention in relation to the state, thereby questioning extant hegemonies in relationships between state and non-state actors. I argue below that while several NGOs engaged by the local state for NREGA implementation sought to work with an ethic of ‘professionalism’, they simultaneously served to reinforce existing power hierarchies in the nature of NREGA implementation at the level of the local state. In other words, contra David Mosse, who argues that managerial and professional cadres involved in implementing policy often take a ‘simplistic’ view of or act in ignorance of local social and political life (2004: 20), I argue that several non-state actors engaged in NREGA implementation were aware of local politics but consciously acted to neutralise radical claim making and thereby depoliticise development. Thus a progressive text of law, is co-opted to neutralise counter-hegemonic politics.<sup>77</sup>

In the context of NREGA implementation in Madhya Pradesh, the MPRLP ‘project facilitation’ staff was accorded the task of promoting livelihoods, and implementing NREGA sub-schemes framed by the Government of Madhya Pradesh (discussed above). MPRLP was also tasked by GoMP to train its staff to ‘facilitate’ gram sabhas, in Barwani, and several other districts in Madhya Pradesh. The rationale for engaging MPRLP staff to *facilitate gram sabhas* was rooted in the common observation that ‘most gram sabhas do not meet,’<sup>78</sup> and that decisions related to local development are effectively taken by block and district level bureaucracies. MPRLP staff were therefore trained to ensure that gram sabhas meet regularly, and that matters related to livelihoods and village development are decided in these meetings at the level of the village Panchayat.<sup>79</sup>

On the part of the state government in Madhya Pradesh, MPRLP ‘cadres’ were viewed as

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<sup>77</sup>Here I draw on analytical points made most prominently by Ferguson (1990), and more recently also by Sangeeta Kamat and Vasudha Chhotray about the possible depoliticising effect of ‘development’ (see Chhotray, 2011; Ferguson & Lohmann, 1994; Kamat, 2002, 2004)

<sup>78</sup> TR., Madhya Pradesh State Representative for DFID, UK. Interviewed, 18/03/2008, Bhopal, Madhya Pradesh.

<sup>79</sup> TR, interview, op. cit.

‘disciplined’ and ‘well trained,’<sup>80</sup> owing to which they would be able to act as neutral translating agents, making developmental programmes of GoI and GoMP intelligible in the villages where they work. On the part of GoMP bureaucrats, there seemed to be a ready acceptance of and resignation to the fact that the local level bureaucracy is not likely to perform the role of encouraging greater participation in gram sabhas.<sup>81</sup> However, narratives from within MPRLP revealed that while the organisation was able to train its staff to perform the role of managers and facilitators of gram sabhas, disturbing the societal status quo and the hegemonic position of those considered to be in positions of power within a village was actively discouraged.

The engagement of MPRLP cadres by GoMP, for the purpose of ‘village development’ and NREGA implementation was in itself, not too different from the work of the ‘village level worker’ appointed for ‘community development’ (CD) by GoI in the years immediately after independence (Sinha, 2008). Subir Sinha points out that when Jawaharlal Nehru launched the CD programmes in 1952, ‘planners were aware of deep disparities within rural communities, but... did not advocate using state power to radically alter rural power relations’. Sinha adds that in the view of planners, CD was ‘avowedly ‘apolitical’’ (2008: 74). Thus, ‘structural reasons for inequality and poverty’ remained outside the purview of CD, which ‘merely provided an institutional framework for decreasing them’ (2008: 75).

In April 2008, I observed an MPRLP training programme on facilitating gram sabhas organised for new appointees to the MPRLP team in Barwani.<sup>82</sup> It was emphasised that the role of MPRLP was to ‘encourage people to attend the gram sabha’, to make Panchayat functionaries, including the sarpanch and sachiv, aware of their responsibilities, and to ‘create a fear-free environment’<sup>83</sup> (*bhay mukt maahaul*) in which a gram sabhas could be held. To ensure the participation of gram sabha members<sup>84</sup> it was emphasised that small meetings with a few families at a time be held to encourage them to attend the gram sabha. This process of meeting people was aimed at ‘educating’ members of the gram sabha about their right to participate in this important village level meeting.

Training programmes of MPRLP staff were aimed at instilling ‘community organiser’ skills related to the facilitation of these meetings, and exploring the developmental role that gram

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<sup>80</sup>RS, Interviewed, 01/09/2009.

<sup>81</sup>RS, interview, op. cit.

<sup>82</sup> These new appointees had been recruited for ‘Phase II’ of the MPRLP initiative in Madhya Pradesh (2008-12).

<sup>83</sup> VR, Notes from training of MPRLP staff, Barwani, Madhya Pradesh, 06/04/2008-07/04/2008.

<sup>84</sup>All voting age adults in the village.

sabhas are Constitutionally required to play.<sup>85</sup> The prospect of MPRLP intervention to organise gram sabhas, however, was not welcomed in villages in Pati block with substantial JADS membership.<sup>86</sup> I was told,

*‘An MPRLP team arrived in Kandra (village) to hold village meetings and organise gram sabhas. The people there asked them ‘Who are you? We organise our own gram sabhas’. The next day, MPRLP staff came back with the Barwani Police, because apparently JADS members were obstructing the work of the MPRLP. We (JADS) filed a complaint with the Barwani Superintendent of Police, who admitted shamefacedly that the Barwani Police had asked to be involved in development projects, in an effort to build a relationship with ‘the people’.*<sup>87</sup>

At the MPRLP training that I attended in Barwani, it was emphasised that when gram sabhas are organised by MPRLP staff, the position of power held by dominant, landed groups should not be threatened or overtly challenged. One trainer cited his experience with attempting to intervene in a dispute related to construction of an NREGA funded mud road (*‘kutchra road’*) in a village where MPRLP staff was already working.<sup>88</sup> A rich landlord had opposed the proposal to build the road in a poor hamlet in the village, where it would not be of use to him. Initial attempts by the said MPRLP employee to intervene in favour of allowing the road to be built in the poorer hamlet met with significant resistance from the wealthy landlord. In response, the MPRLP trainer was advised by his supervisors in the MPRLP Barwani District Office to meet the landlord. He subsequently met the landlord several times to assure him that MPRLP would ‘not do anything to hurt his position’ in the village. The road was built in the planned location, but only after the MPRLP employee stayed at the landlord’s home as a house guest and won his support by assuring him that ‘everyone could benefit from the NREGA’. The trainees in Barwani to whom this incident was being narrated were told, ‘This is what we have to do. Our job is to go to the village, build trust, and get the job done’.<sup>89</sup> The message seemed to be that the implementation of a developmental initiative need not unsettle the societal status quo. NREGA-related initiatives too, would need to be implemented in cognisance of local village dynamics. In contrast, NREGA implementation, as pursued by the membership of JADS was used to actively question those in positions of power within the state and within society itself.

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<sup>85</sup> Notes from training of MPRLP staff, Barwani, Madhya Pradesh, 06/04/2008-07/04/2008

<sup>86</sup> Krishnaswamy, Conversation, 05/04/2008.

<sup>87</sup> Krishnaswamy, op. cit. 05/04/2008.

<sup>88</sup> The road was to be built as a public work funded via the NREGA. It was not built under an NREGA sub-scheme on individual beneficiary land.

<sup>89</sup> MJ., Notes from MPRLP training Barwani, 07/04/2008.

Below, I cite observations in relation to other NGOs engaged with the process of NREGA implementation in Barwani.

An important provision within the NREGA is the legal requirement that NREGA-related records and accounts be publicly disclosed and discussed on a regular basis in ‘social audit’ meetings. In the first three years of its implementation in Madhya Pradesh, NREGA-related ‘social audits’ were organised during gram sabha meetings in villages.

In 2006, soon after NREGA implementation started, GoMP made the decision to engage non-government and commercial organisations to facilitate social audits in GPs. From the perspective of the state government, the logic behind engaging NGOs to facilitate social audits was similar to that of appointing the MPRLP to facilitate gram sabhas. This was part of government efforts to bypass potential hurdles in NREGA implementation due to inactive gram sabhas. In order to appoint NGOs to conduct social audits, a competitive bidding process was instated by GoMP. NGOs and commercial organisations were invited to submit bids in sealed envelopes, and the applicant with the lowest financial bid was to be selected to organise social audit meetings in villages in a specified district. This competitive bidding process was overruled by the Barwani District Collector, in order to appoint Asha Gram Trust (AGT), a long standing NGO established in Barwani in the 1980s.<sup>90</sup>

Importantly, it was not always the case that the organisations engaged to facilitate social audits adopted a position where they demanded full disclosure of public records related to NREGA implementation. Thus, AGT, though specifically engaged to facilitate social audits in relation to NREGA implementation, did not always demand the public disclosure of NREGA related accounts and records from various line departments and NGOs in the district (government departments engaged in NREGA implementation). AGT sought to take a position of minimal confrontation with the district administration, and was weary of ‘fighting’ the district administration in any way. Thus, in April 2008, while a social audit report was submitted by Asha Gram Trust, no discussion related to ‘auditing’ NREGA records had actually taken place in the gram sabha meeting.<sup>91</sup> In effect, in order to accommodate the hegemonic position of the district administration, a radical provision within

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<sup>90</sup> BS. Interviewed, 16/02/2008; and Letter submitted by AGT to Barwani DC, dated 19/01/2007.

<sup>91</sup> In April 2008, the Village Panchayat Secretary of Savariyapani Panchayat in Pati Block gave me a copy of a social audit report written by AGT staff. The report asserted that a social audit exercise had been conducted in Savariyapani village in Pati Block, Barwani district on 14 April 2008. Fortuitously, I had attended this particular gram sabha meeting in Savariyapani village. Having witnessed the meeting itself, it was clear to me that the social audit related questions were not raised in the gram sabha meeting at all. The report had been written without any discussion, and was signed by five people allegedly from the gram sabha.

the NREGA to encourage transparency in government operations was effectively subverted, and was implemented by AGT in a manner that entirely de-emphasised public accountability. Since MPRLP was explicitly tasked by GoMP with facilitating gram sabhas as discussed above, I also asked MPRLP staff in Barwani about whether they participate in and indeed facilitate disclosure of public records as required under the NREGA statute. Aware of the politically fraught terrain that would be encountered in seeking government financial records, those working within MPRLP were categorical in stating that ‘arranging for disclosure of records’ for the social audit process, ‘is not what MPRLP does’, and that asking for records ‘is the responsibility of the gram sabha itself’,<sup>92</sup> thus distancing MPRLP from a body (the gram sabha) that MPRLP was explicitly appointed to strengthen.

The Barwani district administration also appointed an NGO to conduct an ‘information education communication’ (or, “IEC”) programme in villages, the stated aim of which was to ensure that people are made aware of their ‘right to demand work’ as defined under the NREGA statute. Samarpan Samaaj Sevi Sansthaan (Samarpan, hereafter) responded to the advertised tender for the job, and was awarded the contract for IEC by the district administration. In order to honour this contract, Samarpan appointed a folk artiste from Barwani and asked him to write and record five songs on ‘rights under NREGA’ and gave a copy of the recorded music to the district administration. In addition, Samarpan was also required to ensure that the folk music recorded by them was played widely in village meetings across the district. DS, chairperson of the organisation, admitted that it was not always possible for Samarpan to do this. To show the district administration that they did conduct village meetings, however, Samarpan typically asked ‘school headmasters to sign documents stating the meeting had been conducted’, occasionally in exchange for some money for the favour done. The Barwani IEC contract was not the only government contract Samarpan had won, it was also appointed by the district administrations of neighbouring Burhanpur and Jhabua districts to conduct social audits. Regarding social audits the organisational head candidly stated, ‘the fact of the matter’ was that ‘the district administration only wanted good reports’ (*sach to yeh hai ki sarkar ko sirf achhi report chahiye*), so Samarpan staff ‘made no effort to prove or disprove anything’ (by way of seeking public disclosure of NREGA records). On asking for copies of the social audit reports which Samarpan submitted to the district administrations of Burhanpur and Jhabua,

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<sup>92</sup> VR, Notes from MPRLP training Barwani, 07/04/2008.

this researcher was informed that once submitted, the reports were the ‘property of the district administration’. DS candidly pointed out that ‘Samarpan’ stood to lose if they challenged the district administration, since anything said against the district administration would have meant that they would get no other work from the government.<sup>93</sup>

The moot point being made here is that different actors engaged in the process of NREGA implementation draw on the law in vastly different ways. Not all engage in asserting counter-hegemonic claim-making, and some actors engage with the rhetoric of rights in a manner that does not necessarily disturb the status quo ante, and, in fact even perpetuates it, in questionable ways.

### ***5. Implications and Conclusions***

In this paper I have discussed the engagement of a varied set of institutional and civil society actors with NREGA implementation, drawing substantially on examples from Barwani district, Madhya Pradesh. Rather than painting an exhaustive picture of implementation by each institutional actor, I have highlighted specific instances in their engagement with NREGA implementation.

A key point highlighted in this paper is that the same text of law can be deployed in varied ways by both state and non-state actors. People’s collectives such as JADS view rights defined under NREGA as offering a new set of tools to challenge the state. It is possible this is the case because JADS as a sangathan was taking shape in the period when the NREGA was being debated and was later enacted. For JADS, then, the NREGA came into being at an important time in its own history. I mention that other people’s collectives like the *Khedut Mazdoor Chetana Sangathan* on its part had attempted to draw on the law as a tool of social change especially after the enactment of panchayati raj related legislations. Having faced hurdles in the process of drawing on panchayati raj law, KMCS activists took a pessimistic view of ‘rights’ defined under the NREGA.<sup>94</sup>

It can be argued that different non-state actors have a different politics of engagement with the NREGA, and not all actors engaged in NREGA implementation seek ‘emancipatory’ (Santos, 2002) or ‘counter-hegemonic’ (Hunt, 1990) ends, where the prevalent subordination

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<sup>93</sup> DS, interviewed 05/09/2009.

<sup>94</sup> R. Banerjee, interview, 06/09/2009. Banerjee started the Khedut Mazdoor Chetna Sangathan (KMCS) in Alirajpur, in south-west Madhya Pradesh in 1985. The Narmada Bachao Andolan later started around 1987. Amita Baviskar (2001, 2004b), has written about KMCS.

of social groups such as adivasis is challenged and questioned. To some non-state actors at the local level, the NREGA is a means to getting contractual work from the government and the re-enforcement of existing societal hegemonies is an acceptable by-product in the pursuit of these contracts. To other non-state actors, the NREGA is a means to access funds to develop privately owned lands. To others still, including non-state actors such as JADS, the NREGA is a legislation that significantly changes their relationship with the local state.

Thus, civil society (viewed here as non-state actors outside the familial realm), is defined as much by a politics of power as by a politics of protest (Chandhoke, 2001). The politics of power operates when actors such as MPRLP agree that the societal status-quo must not be overtly challenged. Other actors such as the organisations discussed above, that are contracted to conduct social audits, are complicit in obscuring state practice rather than strengthening transparency when they conduct ‘social’ audits without asking that books of accounts be made public, and when social audit reports are falsified or protected as ‘secret’ documents. As a result, state ‘hegemony’, understood in the Gramscian sense as a synthesis of coercion and consent (Anderson, 1976) is reinforced through a particular construction of participatory practice, carefully monitored and overseen by the local state. Here, institutional actors of the local state are closely invested in perpetuating a mode of implementation of the NREGA that is reminiscent of earlier developmental programmes where rights as defined under the NREGA were not available to citizens. The politics of protest on the other hand is geared towards a deepening of democracy (Harriss, 2001).

Varied ways of interpreting and implementing the NREGA lie at the heart of the journey traversed by citizens from being ‘beneficiaries’ of developmental programmes to ‘rights bearing NREGA workers’ and back to being ‘beneficiaries’ at the mercy of the local bureaucracy that may or may not sanction an NREGA funded work on private land or may fail to ensure that work from the NREGA continues to be provided to those who seek it.

It can be argued that the NREGA is being pulled in two different directions. Irrespective of the text of law, the NREGA in Madhya Pradesh was being used on the one hand as a wage-employment programme and on the other as a programme to promote self-employment as early as the 2006-09 period. These two approaches to poverty alleviation are not entirely new. Srivastava (2010a, 2010b) highlights a similar debate in the late 1970s and 1980s, when the Integrated Rural Development Programme (IRDP), a programme to generate self-employment, was implemented as the ‘centrepiece’ of the poverty alleviation programme of the GoI, along with National Rural Employment Program (NREP) and Rural Landless Employment Guarantee Program (RLEGP). IRDP was implemented under the rationale that

‘the poor should become producers in their own right’ (Srivastava, 2010a: 3). Those, arguing in favour of wage-employment programmes, including for instance Nilakanth Rath, made the case that the most meaningful way of helping the poor rise above the poverty line was by offering them wage employment ‘at least at the basic subsistence wage rate’, which would not make demands on their entrepreneurial skills, ‘nor invoke the worry of repayment of a loan’ (Rath, 1985 c.f. Srivastava, 2010).

The two strands of this debate can now be found within varied types of emphases drawn from the NREGA itself. In this paper, I have argued that although the aims and objectives of the NREGA are directed towards making wage-employment available to workers, on demand, and as a matter of right, varied interpretations of the NREGA imply that this ‘right to work’ can in fact drop out of view, and here, several extant hegemonies are implicitly reinforced. The NREGA can offer workers otherwise dependant on work in the informal economy an important means to resist underpaid and exploitative work in the informal economy (Drèze & Khera, 2011; Khera & Nayak, 2009), but where workers are unable to access work on demand and as a matter of right, the dominance of local landlords and contractors may continue.

The case is not made here that self-employment programs per se are problematic, but rather that the nature of making self-employment available under the NREGA tends to over-rule the ‘rights’ defined under the NREGA in the first place. As highlighted by Cornwall and Nyamu-Musembi, ‘rights-based approaches to development’ have been seen by some as the key to re-politicise development. However, ‘rights talk can function differently from different mouths’ (Cornwall & Nyamu-Musembi, 2004: 1415), and indeed ‘rights’ too, can be depoliticised (Ferguson, 1990).

Further, it may also be noted here, that contra Corbridge et. al. (2005: 189), who in their discussion of ‘everyday state practice’ in India, take the view that policies shaped by ‘New Delhi’ are often reinvented at the district and block levels; I would argue that most ‘reinvention’ of policy at the level of implementation (district, block and village) is implicitly supported by the federal and state governments and is carried out with their know-how and consent. Thus, arguably it is not simply the case that the central and state governments seek to implement the demand-driven-right-to-work in letter and spirit, which is, in turn, derailed by the local state. Rather, the local state draws on the reinvention of policy that is sanctioned by the central and state government; while at the same time it also acts to emphasise its own authority and autonomy.

At this point we can come back to the question of the transformative potential that can be



associated with a text of rights. As pointed out by Upendra Baxi, the 'universal' ideology of rights 'both' enables the 'legitimation of power and the *praxis* of emancipatory politics' (1998: 125).<sup>95</sup> Further, as highlighted by Alan Hunt, legal and rights discourses offer discursive possibilities for subordinate groups to question their subordination and challenge dominant social groups, though these *possibilities* might not always be realised (Hunt, 1990). The real world of collective action and claim making as demonstrated by drawing on the case of JADS, requires a range of actions which include meetings, marches, demonstrations and the use of formal letters as a means of organising resistance. The 'right to work' under the NREGA injects an additional legal and radical tool that can be deployed to strengthen collective action in this arena. A radical text of rights might also create conditions for the seeds of radical politics to be sown anew, where a new set of rights is appropriated by new actors and deployed for progressive ends. What becomes clear is that the law does not settle politics as much as it offers the possibility for the creation of a new layer in the 'production of politics' (Hall, 1999: 141).

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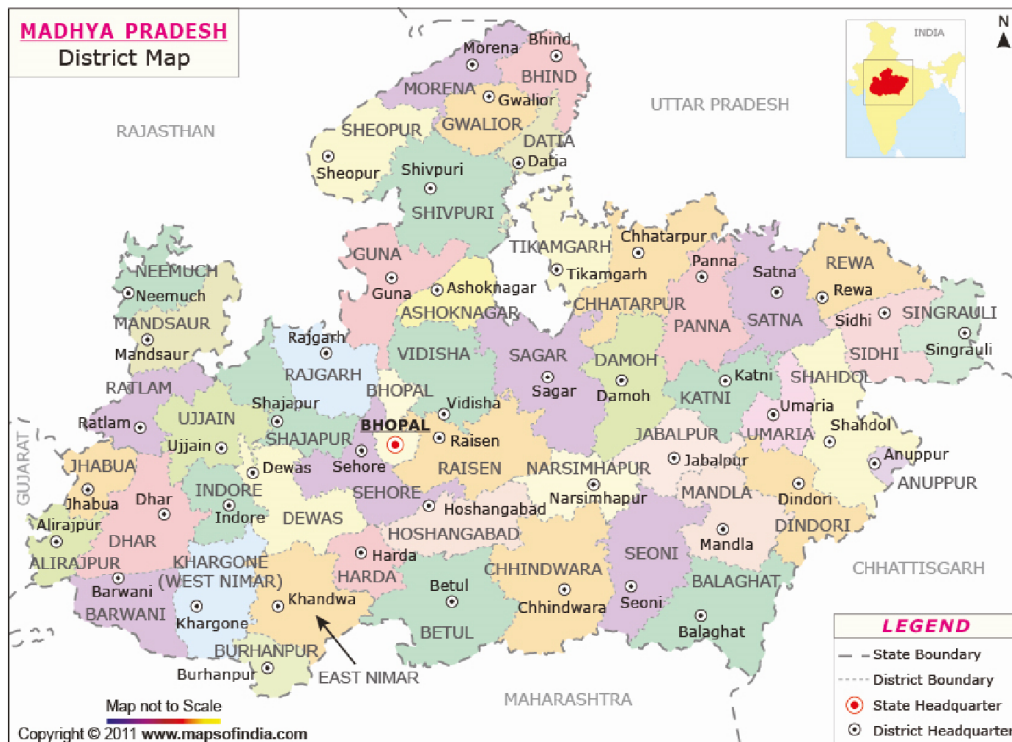
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### Map 1 Districts in Madhya Pradesh province



Map 2 Barwani district map



**Figure 1**

