

To  
Shri Hardeep Puri  
Union Minister  
Ministry of Housing and Urban Poverty Alleviation  
Government of India

25th July 2020

Dear Mr. Puri,

We write to you as a group of individuals who have been actively involved in campaigning for the rights of workers to an employment guarantee. We have been involved with the advocacy for the passage of the National Rural Employment Guarantee, and remain concerned with its effective, transparent, and accountable implementation on the ground.

We welcome the news of the Government of India planning to launch an urban employment guarantee (UEG) scheme, as reported in Business Standard (Report dated 24th July 2020 titled "Covid-19 impact: Govt plans job scheme for urban poor and migrants"). Such a legal guarantee can be of tremendous benefit to informal-sector workers and returning migrants in urban areas, and also create public assets that improve the quality of urban life. It is heartening to note that many State Governments like Kerala, Himachal Pradesh, Odisha, and Jharkhand have taken steps to enact similar programmes for providing urban employment. A national act will be a paradigm shift forward in this regard and will make this a true guarantee.

Based on our experience with MGNREGA and our ongoing campaign for the demand for an urban employment guarantee (further details of which can be found here: <https://cse.azimpremjiversity.edu.in/focus-areas/#employment-guarantee>), we urge you to incorporate the following as a part of the programme being conceived of by the Central Government

1. Eligibility: The right to 100 days of urban employment should be an entitlement for each individual worker, *not* per household. We strongly recommend that workers whose names appear on MGNREGA job cards should not be excluded from the ambit of the urban employment guarantee. Doing so will unnecessarily exclude deserving and vulnerable workers. Workers whose names appear on both MGNREGA and Urban Employment Guarantee Job Cards, but are urban residents for the specified time period, should be entitled to avail of a total of 100 days of work over the year across both the programmes. All efforts must be taken by the Central Government to ensure that the UEG is accessible by all those who are willing to engage with the list of works permissible under the programme.

2. Participation of women: The MGNREGA has proven to be a transformatory legislation in terms of enabling women to work in public programmes with dignity and equality. While the statutory requirement under the Law was to ensure that 33% of workers employed under the

MGNREGA be women, over the past five years an average of 50% of the workforce under MGNREGA were women. An UEG must also ensure that one-third of the workers under the programme be women.

3. Wages: Equal wages paid to men and women under an UEG should be no less than the urban state minimum wage and there should be a provision to regularly revise this rate in line with the cost of living changes. This is in line with the provisions of the Minimum Wages Act (1948) and successive judgements of the Supreme Court, including Sanjit Roy vs State of Rajasthan (1983).

4. Role of the Urban Local Bodies (ULB): A UEG will serve as a chance to truly strengthen the democratic functioning of the ULBs and realize the objective of the 74th Amendment of the Indian Constitution. ULBs should be the main implementing agencies of the programme. They should be empowered to finalize the list of works to be undertaken in a ward through participatory ward sabhas, identify eligible workers, accept demand for job cards and work, and implement works. Adequate personnel, financial resources, and functions should be devolved for them to play the role. A full-time dedicated functionary at the ward level must be appointed to implement the programme, similar to a Gram Rozgar Sahayak under MGNREGA. Detailed protocols should be laid out to facilitate participatory planning of works at the ward level, thereby enabling ward residents to have a central role in deciding the works that will be undertaken in the concerned ward.

5. Types of works: A large variety of works that require a range of education and skills may be undertaken through this programme. These include:

- public works such as building and maintenance of roads, footpaths, and bridges;
- creation, rejuvenation, and monitoring of urban commons (e.g. water bodies and parks);
- monitoring, evaluation, and surveying of air, water, and soil quality;
- work in municipal offices, schools and health centres (for those with adequate education);
- provisioning of care for children, elderly, specially-abled, and those in correctional facilities.

6. Role of private contractors: Urban public works are generally carried out via private contractors. We strongly believe that the present scheme should not operate in this manner. Instead of private contractors, the ULB should be made responsible for implementing works

7. Transparency and Accountability: To ensure that the implementation of the programme corresponds to the needs and requirements of workers, the programme should have clear actionable provisions for mandatory disclosure of information in the public domain, time bound, independent and decentralized grievance redress and social audits.

8. Emulation of MGNREGA: We also recommend that workers under an UEG have rights to the following which MGNREGA workers are also entitled to:

- a. Right to demand work, individually and as a group, in writing or orally;
- b. Right to unemployment allowance, if work is not provided within 15 days;

- c. Right to basic worksite facilities such as drinking water, shade, creche and medical aid;
- d. Right to receive work within the same ward, and otherwise to a transport allowance;
- e. Right to receive insurance and compensation when injured at the worksite and linking workers to other government schemes that enable them to access a wider net of social security
- f. Right to timely payment, and failing that, to compensation for delays.

Given the significance of this initiative, we urge you to follow a transparent and consultative pre-legislative process to finalise guidelines for the scheme. As per the directive issued by the Ministry of Law and Justice (DO. No. 11 (35)/2013-L.1) the Central Government is required to publish the draft guidelines, along with requisite explanations for a minimum number of days to invite feedback from citizens. The directive also requires the Central Government to hold consultations and solicit feedback from citizens in general, and potential beneficiaries in particular. Developing scheme guidelines informed by ground realities and experiences will benefit the programme tremendously and will also ensure that it is implemented effectively.

We would be happy to provide our support to the Ministry of Housing and Urban Poverty Alleviation for this initiative.

Warm wishes,

Aruna Roy, Annie Raja, Nikhil Dey, Jayati Ghosh, Anindita Adhikari,  
Rakshita Swamy, Amit Basole, Rajendran Narayanan and Nachiket Udupa

(For any further information you can contact us at [paeg.india@gmail.com](mailto:paeg.india@gmail.com) or reach us at +919818838588 and +919619649958)