

Conceptually Transformed 'MGNREGS' India's Right to work Model Breeds New Wine but in Old Bottle

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Abstract: *The scope of "MGNREGS", India's Right to Work Model for rural transformation has made significant contributions by ensuring right to work and enabled rural poverty eradication. Now the scope of the scheme has been made broad based on the experiences gained across the country. It is indicated in this paper that the new conceptual innovations introduced recently are under the threat of similar supply restraining and demand dampening forces that has stifled its performance in the immediate past. What is needed is a governance paradigm shift at Gram Panchayat and Gram Sabha levels. The key players in field levels have remained as the weak links in the past. What is needed to strengthen the scheme are our crucial concerns.*

Introduction

The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is perhaps the world largest right to work model being implemented in India. This scheme is supported by the Mahatma Gandhi National Rural Employment Act 2005 passed by the Indian Parliament. The MGNREG Act aimed at providing for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work. The Act was initially notified in 200 districts in the first phase with effect from February 22 2006 and then extended to remaining districts from 1st April 2008. The mandatory works permissible under the Act 2005 were of eight categories only. On the basis of experiences gained from the implementation of the scheme several researchers and CSOs have up with pros and cons of the scheme. In 2010 the Ministry of Rural Development has set up six working groups to review and suggest measures to improve the functioning of the scheme. These were to make recommendations on the following aspects of MGNREGS; i). works to be taken up on individual land; ii). on wages to labourers; iii). specific needs of special category of workers; iv). Planning and execution; v). capacity building and vi). Transparency and accountability. Taking a clue from the above reports the MoRD has set up in 2012 the Mihir Shah Committee to examine ways in which the Operational Guidelines of MGNREGA could be revised so that the following concerns could be adequately addressed:- 1. Expand the list of permissible works under MGNREGA in order to (a). Strengthen the synergy between MGNREGA and rural livelihoods, especially agriculture and allied sectors, (b). Respond to the demands of the States for greater location-specific flexibility in permissible works, (c). Help improve the ecological balance in rural India and provide a cleaner, healthier environment to its people. 2. Suggest procedural changes that would help strengthen the demand-driven character of MGNREGA, which is its real *differentia specifica*. 3. Strengthen the participatory planning and implementation process under MGNREGA so that the programme results in the creation of durable assets and an increase in farm productivity. 4. Make changes that would infuse the programme with greater efficiency and help overcome the major complaints under the programme such as delays in payments of wages. 5. Develop effective mechanisms for eliminating the scope of corruption under the programme. The Mihir Shah Committee has come

up with a new set of Operational Guidelines that address each of the above concerns. As of a culmination to above qualitative inputs, now the MoRD has out come with an amendment order to the Act 2005. Given this background the objectives of this paper are the following.

Objectives

- i). To provides a brief assessment of the performance of the scheme during the last three years, 2011-14.
- ii). To bring out the salient new features of conceptual transformation effected in the Amendments Order 2013 to Schedule 1 and 11 of the Act and to compare it with the minimum features of list of works mandated in 2005.
- iii). To highlight the governance deficit areas and to call for strengthening of decentralized local self-governance in India.

It is argued that the recent innovations introduced at the conceptual level is welcome but has not been met with matching governance reforms at the required pace. Hence it is felt that the new reforms brought in only just brews new wine but in old bottle. What is perhaps needed is governance reforms on a larger scale and at rapid pace with better performance and accountability built in at all levels.

Recent Outcomes of MGNREGS

On analyzing the performance of MGNREGS at the national level for the latest three year period from 2011-2013 the following are the positively moving indicators (source MGNREGS website of MoRD Govt of India). The coverage of districts has increased from 635 to 644. The number of Blocks covered has increased from 6378 to 6576. Total number of households registered for employment has increased from 12.6 crores to 12.9 crores. The number of on going works has substantially grown up from 53 crores to 101 crores. Number of works taken up has increased from 80.8 crores to 112 crores. The average wage rates per day per person has increased from Rs114.5 to Rs129.7. Percentage of payments generated within 15 days has increased from 57.8 to 66.7. The percentage of payments disbursed through Electronic Fund Management System (EFMS) has increased from zero per cent to 16.9 percent over the period. These indicate that the scheme has become more popular and coverage improved. The wages paid to workers have increased and also its timely payments improved over time is an outcome of solace to the poor as otherwise in many districts the wages paid to workers were below the minimum rates .

A decelerating movement is observed in the behaviour of the following select variables at all India level .The total wages paid also initially increased but later declined. The coverage of persons with disability increased from 4 to 4.2 and later declined to 3.7 lakhs. Overall administrative expenditure increased and declined from 5.7 to 4.9 percentage points. Person days generated in crores have decelerated as per total labour budget projected, in the person days generated so far, and in the total number of households completed 100 days of wage employment. These indicate that the scheme is under the grip of decelerating/stagnation influences. Tardy governance is postulated as a major reason for the above development.

A direct increase is observed in the number of Gram Panchayaths with nil expenditure from 25065 in 2011-12 and it moved up to 34783 in 2013-14. The overall coverage of wage employment availed by all individuals and separately for men, women, SCs and STs also declined in the year period. The average number of person days availed by SC/STs have also declined.

These indicate that the scheme is caught in the grip of performance lacuna. The supply driving forces of the scheme is under strain of performance deficiencies and needs a governance breakthrough amidst the story of Indian economy itself undergoing deceleration in growth. When overall deceleration is in swing in the economy, the demand driven forces are to suffice, and the same is reflected in the findings. But the supply driven factors are got in the trap of performance gaps and not able to meet the demand. A governance push is the only solution.

Conceptual Transformation: Minimum Features

As per original Act 2005 the only mandated items of work that can be taken up were eight fold:-
 i).Water conservation and water harvesting; ii).Drought proofing, including afforestation and tree plantation; iii).Irrigation canals, including micro and minor irrigation works; iv).Provision of irrigation facility, plantation, horticulture, land development to land owned by households belonging to the SC/ST, or to land of the beneficiaries of land reforms, or to land of the beneficiaries under the Indira Awaas Yojana/BPL families. v).Renovation of traditional water bodies, including de-silting of tanks; vi).Land development; vii).Flood-control and protection works, including drainage in waterlogged areas; viii).Rural connectivity to provide all-weather access. The construction of roads may include culverts where necessary, and within the village area may be taken up along with drains. Care should be taken not to take up roads included in the PMGSY network under NREGA. No cement concrete roads should be taken up under NREGA. Priority should be given to roads that give access to SC/ST habitations; and ix).Any other work that may be notified by the Central Government in consultation with the State Government.

As per the Amended Order 2013 the objectives and scope of works have undergone major changes. Now the new core objectives of MGNREGS have become four fold.(a). Providing not less than one hundred days of unskilled manual work as a guaranteed employment in a financial year to every household in rural areas as per demand, resulting in creation of productive assets of prescribed quality and durability,(b). Strengthening the Livelihood Inclusion and (d).Strengthening Panchayath Raj Institutions. The new focus of the Scheme I son the following four categories of works.

1. Public Works Relating to Natural Resources Management.

- (i).Water conservation and water harvesting structures to augment and improve ground water like underground dykes, earthen dams, stop dams, check dams with special focus on recharging ground water including drinking water sources;
- (ii).Watershed management works such as contour trenches, terracing, contour bunds, boulder checks, Gabion structures and spring shed development resulting in a comprehensive treatment of a watershed;
- (iii). Micro and minor irrigation works and creation, renovation and maintenance of irrigation canals and drains;
- (iv). Renovation of traditional water bodies including desilting of irrigation tanks and other water bodies;
- (v).Afforestation, tree plantation and horticulture in common and forest lands, road margins, canal bunds, tank foreshores and coastal belts duly providing right to usufruct to the households covered in Paragraph 5 of Act 2013;and
- (vi). Land development works in common land.

2. Individual Assets for Vulnerable Sections

- (i).Improving productivity of lands of households specified in Paragraphed through land development and by providing suitable infrastructure for irrigation including dug. Wells, farm ponds and other water harvesting structures ;(ii).improving livelihoods through horticulture, sericulture, plantation, and farm forestry;
- (iii).Development of fallow or waste and of households defined in Paragraph5to bring it under cultivation;
- (iv).Unskilled wage component in construction of houses sanctioned under the Indira Awaas Yojana or such other State or Central Government Scheme;
- (v).Creating infrastructure for promotion of livestock such as, poultry shelter, goat shelter, piggery shelter, cattle shelter and fodder troughs for cattle; and
- (vi).Creating infrastructure for promotion. of fisheries such as, fish drying yards, storage facilities, and promotion of fisheries in seasonal water bodies on public land;

3. Common Infrastructure for NRLM Compliant Self Help Groups

- (i).Works for promoting agricultural productivity by creating durable infrastructure required for bio-fertilizers and post-harvest facilities including pucca storage facilities for agricultural produce; and (ii) Common work-sheds for livelihood' activities of self-help groups.

4. Rural Infrastructure

- (i).Rural sanitation related works, such as, individual household latrines, school toilet units, Anganawadi toilets either independently or in convergence with schemes of other Government Departments to achieve 'open defecation free' status and solid and liquid waste management as per prescribed norms.
- (ii).Providing all-weather rural road connectivity to unconnected villages and to connect identified rural production centres to the existing pucca road network; and construction of pucca internal roads or streets including sided rains and culverts within a village;
- iii). Construction of play fields.
- (iv).Works for improving disaster preparedness or restoration of roads or restoration of other essential public infrastructure including flood control and protection works, providing drainage in water logged areas, deepening and repairing of flood channels, chaur renovation, construction of storm water drains for coastal protection;
- (v).Construction of buildings for Gram Panchayats, women self-help groups' federations, and cyclone shelters, Anganawadi Centres, Village Haats and crematoria at the village or block level.
- (vi).Construction of Food Grain Storage Structures for implementing the provisions of the National Food Security Act 2013 (20 of 2013).
- (vii).Production of building material required for construction works under the Act as a part of the estimate of such construction works.
- (viii) .Maintenance of rural public assets created under the Act; and
- (ix).Any other work which may be notified by the Central Government in consultation with the State Government in this regard.

The order of priority of works shall be determined beach Gram Panchayat in the meetings of the Gram Sabha keeping in view potential of the local area, its needs, local resources and in accordance with the provisions of Paragraph 9.

Works which are non-tangible, not measurable, repetitive such as, removing grass, pebbles, agricultural operations, shall not be taken up.

5. Works creating individual assets shall be prioritized on land or homestead owned by households belonging to:- a) Scheduled Castes,(b) Schedule Tribes,(c) nomadic tribes. (d) denotified tribes, (e) other families below the poverty line,(f) women-headed households,(g) physically handicapped headed households,(h) beneficiaries of land reforms,(i) the beneficiaries under the Indira Awaas Yojana, (j) beneficiaries under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act,2006(2of2007), and after exhausting the eligible beneficiaries under the above categories, on lands of the small or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme,2008 subject to the condition that such households shall have a job card with at least one member willing to work on the project undertaken on their land or homestead.

6. The State Government shall take concrete steps to achieve effective inter-departmental convergence till the last mile implementation level.

7. There shall be a systematic, participatory planning exercise at each tier of Panchayath. All works to be executed-by-the Gram Panchayaths shall be identified and placed before the Gram Sabha.

8. Adequate shelf of works shall be maintained by every Gram Panchayath to meet the expected demand for work in such a way that at least one labour intensive public work with at least one work which is suitable for Particularly Vulnerable Groups especially the aged and the disabled which shall be kept open at all times to provide work as per demand.

9. While opening works in the public works category, it shall be ensured that the on-going or in complete works should be completed first.

10. In 'case work could not be provided as per demand within the specified time limit, unemployment allowance shall be paid, as calculated automatically by the computer system or the Management Information System and as provided under the Act.

11. The working hours of an adult worker shall be flexible but shall not spread over more than twelve hours on any day.

The Janata Information System

This calls for mandatory proactive disclosure of basic information to all common people and stakeholders.

(1).Display at each worksite the ' Janata' estimate of the work- showing the details of the work, estimated labour days, quantities of materials to be used in local terminology and item-wise cost of the estimate.

(2).Display on prominent walls or public boards in the village: job cards list, number of days of work provided and the wages paid to each job card holder; and entitlements provided under the Act.

(3).Display through boards at the Gram Panchayath Office: shelf of projects approved, year-wise works taken up or completed by Gram Panchayaths and Line Departments, employment

provided, funds received and expenditure, list of materials with quantities used in each work, rates at which the material was procured.

(4).Display on the website: The Ministry of Rural Development and the State Departments of Rural Development shall ensure that their web sites are updated to fully comply with all the seventeen provisions of Section 4(1)(b) of the Right to Information Act(22of2005)and all information about the Act is available in public domain, through free downloadable electronic form:

The New Concurrent Social Audit

The new system introduced call for audit of all works every month. For this purpose, Programme Officer shall make available free of cost, details of works done and expenditure made during the past one month to the Bharat Nirman Volunteers, village social auditors, self-help groups, youth organizations and such other village level organizations for verification and report deviations if any.

Local Level Plans

There shall be a Capacity Building Plan, Information Education Communication Plan and a Plan for Strengthening Panchayaths as a part of the scheme.

New Minimum Entitlements to Workers

- i). If the job seeker is a single woman or disabled person or aged Person or released bonded labourer belonging to Particularly Vulnerable Tribal Group, they must be given a special job card of a distinct colour which will ensure them a special protection in providing work, work evaluation and worksite facilitates, as the case may be.
- ii). Normally, applications for work must be for at least fourteen days of continuous work ; other than the works: relating to access to sanitation facilities, for which application for work shall be for at least six days of continuous work.
- iii). A new work under the Scheme can be commenced if at least ten labourers become available for work, provided that his condition shall not be applicable for new works ,as determined by the State Government, in hilly areas and in respect of aforestation works'.
- iv).The vigilance and Monitoring Committee setup according to the instructions of the Central Government may check all works and its evaluation report will be recorded in the Works Register in the format specified by the Central Government and submitted to the Gram Sabha during the Social Audit."
- v).The most marginalized women in the locality, women in exploitative conditions or bonded labour or those vulnerable to being trafficked or liberated manual scavengers should be employed for providing child care services:
- vi).If any personal injury is caused by accident to a child accompanying a person who is employed under the Scheme, such person shall be entitled to medical treatment free of cost; and in case of death or disablement of the child due to the said accident, *exgratia* shall be paid to the legal guardian as determined by the State Government.
- vii). The computer system shall have a provision to automatically calculate the compensation payable based on the date of closure of the muster roll and the date of deposit of wages in the accounts of the' wage seekers.

viii).The State Government shall pay the compensation upfront after due verification within the time limits as specified above and recover the compensation amount from the functionaries or agencies who is responsible for the delay in payment.

Governance Streamlining Needed.

The persistence of following issues in varying degree of intensity at the field level across the country indicates the need for governance per se reforms of MGNREGS.

i).Labour demand not getting registered effectively, ii).Shortage of funds and unspent balance s are coexisting, ii). Updating of reports are always a delay point and problems in reporting systems persist; iii). Poor net connectivity at Block and Gram Panchayath levels persist; iv).Labour budgets prepared not having scientific in puts; v). The government agencies not able to adjust the labour budgets to seasonal variations in the labour demand and supply conditions of the rural areas.vi).Enabling convergence at grass roots levels is still to become fully functional and seldom the convergence meetings are held at GP levels; vii).Lack of training to the elected members; viii).Lack of habitat based baseline surveys to identify the labour demand and supply determinants in the rural labour market; ix).women working but getting registered in the name of men household head; x).Low level of awareness and accrual of benefits among SC/ST workers of the scheme features and entitlements; xi. Low efforts to organize and mobilize workers to reap benefits of the scheme; xii).The Rozgar Diwas is not conducted with due importance; xiii).MIS no having a mandatory filed for demand capturing; xiv).Getting the CSOs/NGOs involved in proactive ways is lagging in many areas; xvii). Lack of robust IEC and Capacity Building Plans, xviii). Unemployment allowances eligible being very large in amount and in practice what is paid is actually very low than former is an eye opener for all. Many states yet to issue guidelines as to how and what amounts to be paid as unemployment allowance. xix) The delay in payments compensation mechanisms not properly working; xx). Some banks not meeting the RBI guidelines in enabling the timely payment of wages to workers account. xxi).Electronic Fund Management System not fully functional in many states and areas of the country.

Conclusions

The new MGNREGS 2013 is conceptually transformed and has come back with a clear vision. But the demand driven forces are yet to get fully operationalised and dynamics of demand for labour is not unraveled and resolved enough to revive the rural economy through MGNREGS. It has not come out of the supply driven moulds set by the governance superstructures. The MGNREGS mission is only partly being achieved as its supply driven determinants are deeply entrenched in governance deficits. What is needed is a governance paradigm shift in MGNREGS. This call for massive strengthening of Panchayath Raj Institutions and micro sub systems like Self Help Groups, Gram Sabhas and Banking Correspondence Model to also help achieve financial inclusion to ensure sustainable livelihoods in rural India. The conceptually transformed MGNREGS needs more creative and innovative efforts from the local governance institutions to meet the new obligations assigned to them. As such the scheme has become a new model as it merely has brewed new wine but is still in the old bottle.

(The views expressed are personal and does not reflect as that of the organization the author is working with).

References

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www.nrega.nic.in. This web site of the MoRD on MGNREGS gives all relevant data and information presented in this paper.

