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MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT (MGNREGA): ISSUES AND CHALLENGES

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ABSTRACT

MGNREGA provides 100 days of employment (unskilled, manual work) to all rural households on a self-selection basis and is cognisant of existing social inequalities that lead to the exclusion from economic growth opportunities of weaker sections mainly scheduled castes, scheduled tribes, women and others. It is the most significant act in the history of Indian polity in many ways like grass-root level participation of every citizen and beneficiary through democratic process, multi-layered social audit and transparency mechanism by involvement of civil society, comprehensive planning at village level towards sustainable and equitable development etc. There is no denying the fact that MGNREGS is conceptually a very important national programme but its record of implementation reveals that there are widespread complaints of corruption, pilferage of funds and a very low level of utilization of budgeted provision. The Act is an important step towards realization of the right to work. It is also expected to enhance people's livelihood on a sustained basis, by developing the economic and social infrastructure in rural areas. There is no denying the fact that MGNREGA is conceptually a very important national programme, but its record of implementation reveals that there are widespread complaints of corruption, pilferage of funds and very low level of utilization of budgeted provision. The proper implementation of this act may prove a panacea for removing all socio-economic problems mainly poverty, unemployment, and inequality as well as for achieving the objective of social justice and inclusive growth.

KEYWORDS

MGNREGA, Unemployment.

INTRODUCTION

Ever since India achieved independence, one of the major challenges before successive governments has been provision of adequate remunerative employment to the vast majority of rural workers who have been unemployed, or mostly underemployed, in meager subsistence livelihood activities.

India is the second largest country after China in terms of populations and man-power. The haunting problem of unemployment is not confined to any particular class, segment or society as massive unemployment exists among educated, well-trained and skilled people as well as among semi-skilled and unskilled laborers, landless labourers, small and marginal farmers' etc. Unemployment or under-employment is a very complex problem mainly in the rural areas which poses a great challenge to planners, economists, politicians, industrialists as well as educationists.

The Indian Constitution addressed this issue as a part of the Directive Principles of State Policy. According to Article 39, the State must ensure that 'citizens, men and women equally, have the right to an adequate means to livelihood' and Article 41 enunciates that 'the State, shall within the limits of its economic capacity and development, make effective provision for securing Right to Work...'. The Right to Work as such did not get the needed priority, though the Government of India, from time to time, did undertake public works-related wage employment programmes since the 1960s. These programmes were mostly ad-hoc in nature, had limited impact in generation of employment, lacked proper planning in creation of assets, and most of the assets created were of poor quality and often suffered from poor maintenance. The impact of these programmes, either on rural unemployment or in improving rural resources, was not long lasting.

There was increase in unemployment and underemployment and much of the little growth witnessed was in the informal sector, with formal public sector employment showing a declining trend. These developments have evoked considerable public concern in India and the 'Right to Work' surfaced as an important political agenda. The Common Minimum Programme of the UPA government, which came to power in 2004, placed Right to Work as top priority. It stated- "...The UPA Government will immediately enact a National Employment Guarantee Act. This will provide legal guarantee for at least 100 days of employment on asset-creating public works programmes every year at minimum wage for every rural household..." The result was the enactment of the National Rural Employment Guarantee Act in 2005.

GENESIS OF MGNREGA

The policy of creating guaranteed employment through public works dates back to the 1970s when Maharashtra government introduced Employment Guarantee Scheme (EGS). Maharashtra Employment Guarantee Act, 1977 was the first such act which offered statutory support to the right to work making employment an entitlement to empower the rural poor. The programme came into effect from 26 January, 1979. The principal aim of the MEGS was to provide gainful and productive employment to the people ready to work in the rural areas. The guarantee to provide work was restricted to unskilled manual work only. The basic objective of the scheme was that on completion of the works undertaken, some durable community assets should be created and that the wages paid to the workers should be linked with the quantity of work done. Another feature of the scheme was to ban contractors. It was also treated as powerful tool for drought management and drought proofing. MEGS was the fore-runner for the emergence of the NREGA, now known as MGNREGA.

Full employment is a necessary ingredient for equitable growth outcomes. An effectively designed employment guarantee program can provide a universally accessible social safety net, while contributing to social and economic developmental goals. Since independence, a number of schemes have been initiated for the welfare of weaker sections of the society namely Community Development Programme, Small Farmers Development Agency, Drought Prone Area Programme, Minimum Needs Programme, 20 Point Programme, Desert Development Programme, Training of the Rural Youth for Self-Employment, National Rural Development Programme, Rural Landless Employment Guarantee Programme, Antodaya Yojna, Jawahar Rozgar Yojna, Employment Insurance Scheme, Swarn Jayanti Gram Swarozgar Yojna, Jawahar Gram Samridhi Yojna etc. implemented by state governments with central assistance. Despite all these attempts to enhance the socio-economic conditions of the weaker sections through the creation of employment opportunities in rural areas and creation of durable community assets, earlier programmes have failed to deliver goods either due to inherent inadequacies or lack of appropriate legal framework. Almost all the programmes were allocation based rather than demand based. United Progressive Alliance (UPA) Government enacted MGNREGA as component of its Common Minimum Programme in September 2005. MGNREGA came in to effect in February 2, 2006 and was implemented in a phased manner. It was introduced in 200 economically disadvantaged and backward districts of the country in the Phase 1 and in Phase 2 (2007-08) it was implemented in the additional 130 districts. This Act was notified in the remaining 285 districts of India from April 1, 2008 in Phase 3.

The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) has been devised as a public work programme to address the issue of a rights-based approach to development; provide income security to the rural households through guaranteed wage employment; reduce/check distress migration from the rural to urban areas; and create durable community assets (in the rural areas) to trigger an overall development of about six lakh Indian villages. Further, it is not merely an employment generation or social security programme, but combines various objectives of rural development, which imparts a unique distinction to it (Pankaj, 2008). MGNREGA is considered to be unique from this standpoint. It is the only programme in the history of India's development initiatives which

has been in force with an enactment of an act of the parliament. With a mandate to guarantee 100 days of employment to a rural household, the scheme is intended to guarantee employment to all those who demand works, failing which unemployment allowances are to be paid.

MAJOR OBJECTIVES OF MGNREGA

The prime objective of this scheme was to create wage work during the lean/slack agricultural season through a public works programme available on demand, to provide the safety net of a minimum level of income in the non-existence of other work, to check the distress migration, to create the village assets, women empowerment and a subtle initiative for sustainable development. This scheme is attributed with the time bound guarantee, labour-intensive work, decentralized participatory planning, women's empowerment, work site facilities and above all, transparency and accountability through the provision of social audits and right to information. Intensive monitoring and faster execution resulted from the effective use of information technology will be helpful in achieving high level of transparency and accountability. The specific goals of MGNREGA are as follows-

1. To create durable assets and strengthen the livelihood resource base of the rural poor;
2. To create strong social safety net for the vulnerable groups by providing a fall-back employment source, when other employment alternatives are inadequate;
3. To act as a growth engine for sustainable development of an agricultural economy;
4. To empower rural poor through the processes of a rights-based law; and
5. To initiate new ways of doing business, as a model of governance reform anchored on the principles of transparency and grass root democracy.

Thus, it may thus be inferred that MGNREGA is just not a welfare initiative. It is a development effort that can take the Indian economy to a new trajectory. It has three distinct goals: Protective, Preventive and Promotive; it protects the rural poor from vulnerabilities by providing them demand based employment, prevents risks associated with agricultural investment and forced migration of the rural poor and brings in buoyancy in rural economy via increased consumption demand. All these pertain to suggest that MGNREGA can act as a growth engine by expanding rural resource base and integrating the rural economy with the rest.

The MGNREGA stipulates that works must be targeted towards a set of specific rural development activities such as: water conservation and harvesting, afforestation, rural connectivity, flood control and protection much as construction and repair of embankments along with Digging of new tanks/ponds, percolation tanks and construction of small check dams, creation of durable assets and strengthening the rural livelihood resources etc. The MGNREGA achieves twin objectives of rural development and employment.

PROVISIONS UNDER MGNREGA

The following provisions are made for enhancing the employment opportunities and creating economic self-sufficiency among the weaker sections of the society-

1. Adult members of a rural household, willing to do unskilled manual work, may apply for registration in writing or orally to the local Gram Panchayat.
2. The Gram Panchayat after due verification issues a Job Card free of cost within 15 days of application bearing the photograph of all adult members of the household willing to work under MGNREGA.
3. A Job Card holder may submit a written application for employment to the Gram Panchayat, stating the time and duration for which work is sought. The minimum days of employment have to be at least fourteen.
4. The Gram Panchayat issues a dated receipt of the written application for employment, against which the guarantee of providing employment within 15 days operates. Failure to provide employment to the applicants within timeframe of 15 days enable applicant to receive unemployment allowances.
5. Work should ordinarily be provided within 5 km radius of the village. In case work is provided beyond 5 km, extra wages of 10% are payable to meet additional transportation and living expenses.
6. Wages are to be paid according to the Minimum Wages Act 1948 for agricultural labourers in the State unless the Centre notices a wage rate which will not be less than Rs. 60 per day.
7. An attempt is made to eliminate gender bias by making provision for equal wages to men and women. In case of every employment under the Scheme, there shall be no discrimination solely on the ground of gender and the provisions of the Equal Remuneration Act, 1976 (25 of 1976), shall be complied with.
8. Unemployment allowance will be within the liability of the state government and shall be paid to the applicants of a household subject to the entitlement of the household at such rate as may be specified by the state government.
9. The facilities of safe drinking water, shade for children and periods of rest, first-aid box with adequate material for emergency treatment for minor injuries and other health hazards connected with the work being performed shall be provided at the work site.
10. If any personal injury is caused to any person employed under the Scheme by accident arising out of and in the course of his employment, he shall be entitled to, free of charge, such medical treatment as is admissible under the Scheme.
11. In case of necessity of hospitalisation of the injured worker, the State Government shall arrange for such hospitalisation including accommodation, treatment, medicines and payment of daily allowance not less than half of the wage rate required to be paid had the injured been engaged in the work.
12. If a person employed under a Scheme dies or becomes permanently disabled by accident arising out of and in the course of employment, he shall be paid by the implementing agency an ex-gratia payment at the rate of twenty-five thousand rupees or such amount as may be notified by the Central Government, and the amount shall be paid to the legal heirs of the deceased or the disabled, as the case may be.
13. In case the payment of wages is not made within the period specified under the scheme, the labourers shall be entitled to receive payment of compensation as per the provisions of the Payment of Wages Act, 1936 (4 of 1936).

These are the salient features of the National Rural Employment Guarantee Act 2005, an Act to provide 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 skilled manual work and for matters connected therewith or incidental thereto.

PERFORMANCE OF MGNREGA

The overall performance of MGNREGA has been significant in quantitative terms. The Number of households has increased significantly from 45.11 million in 2008-09 to 54.95 million in 2010-11 and the number of Districts has also increased from 615 to 625 for the same period (Table 1). The expenditure allocation for MGNREGA reached to Rs. 528070.97 million out of which 74.57 per cent funds were used in creation of 2571.52 million person-days in 2010-11. In 2009-10, number of person-days created was 2835.96 million which declined to 2571.52 million person-days in 2010-11. In total person-days, Scheduled Castes' share has increased significantly from 29.29 per cent in 2008-09 to 30.48 per cent in 2009-10 and subsequently to 30.63 per cent in 2010-11. The share of Scheduled Tribes in total person-days created has declined from 25.43 per cent in 2008-09 to 20.71 per cent in 2009-10 and mildly rose to 20.85 in 2010-11. Women-days also increased significantly from 1035.74 million in 2008-09 to 2010-11. Average wage per day has increased progressively from Rs. 84 in 2008-09 to Rs. 100 in 2010-11. The fund usage has remained highest for wages (around 75 per cent) and lowest for Administrative expenditures i.e. around 4 per cent during 2008-11. The number of total works taken up in 2008-09 has almost doubled in 2010-11 and the works completion rate has also increased for the same period from 43.76 per cent in 2008-09 to 50.8 per cent in 2010-11.

TABLE 1: PERFORMANCE OF MGNREGA DURING 2008-09 TO 2010-11

Indicator	2008-09	2009-10	2010-11
No. of Districts	615	615	625
HH Provided Work (in millions)	45.11	52.6	54.95
Average Wage Per Day	84	90	100
Person-days (In millions)	2163.28	2835.96	2571.52
Person-days per HH	47.95	53.99	46.79
Women-days (in millions)	1035.74	1364.05	1227.42
% Women-days	47.88	48.1	47.73
SC-days (in millions)	633.61	864.48	787.56
% SC-days	29.29	30.48	30.63
ST-days (in millions)	550.16	587.44	536.18
%ST-days	25.43	20.71	20.85
Others	979.5	1384.03	1247.78
% Others	45.28	48.80	48.52
Funds allotted (Rs. in millions)	372902.86	495077.15	528070.97
Funds used (Rs. in millions)	272506.86	379097.79	393772.70
% of Funds Used	73.08	76.57	74.57
% of funds used on wages	69.2	69.77	68.36
% of funds used on material	30.8	30.23	31.64
% of funds on Administrative Expenditure	3.48	3.29	4.57
Works Taken up	2774679	4616988	5098990
Completed	1214169	2259381	2590422
% Completed	43.76	48.94	50.8

Source: Official website of MGNREGA (<http://nrega.nic.in>)

WOMEN EMPOWERMENT THROUGH MGNREGA

Women's empowerment was not among the original intentions of the National Rural Employment Guarantee Act (NREGA), and is not among its main objectives. However, provisions like priority for women in the ratio of one-third of total workers (Schedule II (6)); equal wages for men and women (Schedule II (34)); and crèches for the children of women workers (Schedule II (28)) were made in the Act, with the view of ensuring that rural women benefit from the scheme in a certain manner. Provisions like work within a radius of five kilometers from the house, absence of supervisor and contractor, and flexibility in terms of choosing period and months of employment were not made exclusively for women, but have been conducive for rural women. Nevertheless, women have availed of the paid employment opportunity under MGNREGA in large numbers. Women workers had a national average share of 47.88 per cent of total MGNREGA person-days in 2008-09, 48.1 per cent in 2009-10, 47.73 per cent in 2010-11 per cent exceeding expectations.

ASSETS CREATION UNDER MGNREGA

It is the most important to note that the most of assets generated under MGNREGA were related to the natural resources management (Table 2). Out of the 2590422 works completed under MGNREGA, Water Conservation and Water Harvesting works parted with the highest 20.76 per cent whereas Bharat Nirman Rajiv Gandhi Sewa Kendra works has the lowest share of 0.07 per cent in the completed works. Rural Connectivity, Provision of Irrigation Facility to the land owned by SCs, STs or BPL Families and Land Development Works has almost the same share in completed works under MGNREGA.

TABLE 2- ASSETS CREATED UNDER MGNREGS (2010-11)

Assets Created	Works Completed	Percentage of Completed works
Rural Connectivity	458777	17.71
Flood Control and Protection	111054	4.29
Water Conservation and Water Harvesting	537848	20.76
Drought Proofing	142963	5.52
Micro Irrigation Works	232384	8.97
Provisions of Irrigation Facility to Land Owned by SCs, STs or BPL Households	408582	15.77
Renovation of Traditional Water Bodies	236166	9.12
Land Development	425494	16.43
Any Other Activities approved by MORD	35431	1.37
Bharat Nirman Rajiv Gandhi Sewa Kendra	1723	0.07

Source: Official website of MGNREGA (<http://nrega.nic.in>)

LOOPHOLES/ LIMITATIONS OF MGNREGA

Though MGNREGA is playing a very important role in empowering the socio-economically backward people like scheduled casts, scheduled tribes, backward classes, women, and landless workers, marginal and small farmers but this scheme is not free from limitations. Following are some of loopholes in MGNREGA.

PLAGUED WITH DISCRIMINATION

Most remarkable feature of MGNREGA is that it pays women the same as men, something that was virtually unimaginable in rural India. However there are some cases of discrimination against women and people from backward groups are reported from several regions of the country.

CORRUPTION AND IRREGULARITIES

There exist several cases of fake muster roll entries, overwriting, false names and irregularities in job cards. Even the names of dead people have been entered in the muster rolls. Similarly, the names of people who have not registered often feature in the muster rolls, or the same name is repeated more than once. Sometimes adjustments are also made to meet the requirements of the on-line Monitoring and Information System.

DELAY IN PAYMENT OF WAGES

According to the MGNREGA guidelines, the payments for the work should be made within 14 days of the completion of the work. However delay in payment and incorrect payments are a common problem under MGNREGA. This delay can be from several weeks to sometimes months.

FAULTY DESIGN AND MAINTENANCE OF JOB CARDS

Job Cards of MGNREGA worker help them in verifying their own employment and wage details. But there exist some problems in design of Job Cards as it is very difficult to verify the wage payments to workers and hard to identify the number of days worked due to usage of codes for names of workers and work sites. Further, lack of clarity exists as it is not maintained who is accountable for the inadequacies in the Job Card maintenance.

WASTAGE OF RESOURCES DUE TO NON-COMPLETION OF MGNREGA WORKS IN PROJECTED TIME FRAME

Several works that were taken up under MGNREGA remain incomplete even after two years of their start. This led to enormous wastage of financial and human resources. Completion and maintenance of works under MGNREGA should be made compulsory.

PROBLEM OF LABOUR AVAILABILITY AND INFLATION

MGNREGA has no doubt raised rural daily wage rates, reduced migration and led to several other positive social effects in rural India. But at the same time it has also contributed to rising farm input costs, withdrawal of labour from the farm sector and therefore affected agricultural operations and food prices. For example, farmers in Punjab and Haryana now find it increasingly difficult to get labour and left with no choice except increasing the wage rate to attract the labourers.

LOW LEVEL OF UTILISATION OF FUNDS

There exist very low level of utilization of funds available for MGNREGA works along with irregularities and corruption. During 2010-11, only 74.57 per cent of the total allocations for MGNREGA of rupees 528070.97 lakhs were utilised providing employment through MGNREGA.

Besides these loopholes, there exist some general vulnerabilities of MGNREGA like staff shortage, lack of grievance redressal, dormant Gram Sabhas at village levels, faulty vigilance procedures etc.

SUGGESTIONS FOR THE PROPER IMPLEMENTATION OF MGNREGA

Some of the specific steps are required to address the vulnerabilities discussed earlier. Some of these vulnerabilities are relatively easy to remove but others like corruption and irregularities and the problem of labour availability and inflation call for sustained and wide ranging action. Following are some preliminary recommendations to start this process:-

1. Quality awareness campaigns with a focus on details of the provisions and entitlement of the scheme should be launched by targeting the expected beneficiary groups.
2. Appointing full-time professionals for implementing MGNREGA at all levels which is vitally necessary to implement the scheme.
3. Proper monitoring of the number of employment days generated should be made essential to ensure that the scheme does not fall behind the national average.
4. In order to ensure transparency in the implementation of MGNREGA works the Right to Information (RTI) can be used as effective weapon/check to curb malpractices/ corrupt tendencies. Almost inaccessible information regarding the cash memos, muster rolls of wage earners, vouchers and sundry certificates is easily approachable. With the use of RTI people can have the power to seek explanation from officials if they detect any irregularity.
5. It is strongly recommended to ensure the timely completion of the scheme, the mode of payment is universalized to wage payment through the bank and post office accounts.
6. Specific efforts should be made to reduce the time gap between work done and payment received by rural labourers in MGNREGA.
7. Apart from strengthening the existing provision of transparency, accountability and vigilance, an accountability provision for the PRI representatives also needs to be included in the guidelines. Moreover, the punitive provision needs to be made more comprehensive to ensure its effective functioning.
8. Joint Workshops of Bureaucracy and PRIs should be organized to sensitize the bureaucrats and PRI functionaries towards their joint responsibilities and to inculcate mutual understanding, trust and a co-operative attitude wherever it is lacking.
9. Management Information System (MIS) should be employed for effective monitoring of the scheme to check leakages and misappropriation of funds.
10. To revise the schedule of wage rates periodically so that changes in statutory minimum rate of wages are made consistent with their revision.

CONCLUDING REMARKS

The MGNREGS is a major new intervention having potential to transform the rural socio-economic relations at micro-individual as well as macro-societal levels. However, this potential is still incipient and requires to be substantially supported in many different ways, since the very orientation of MGNREGA and the presentation of involvement in public works as a right is a very new concept in rural India and one that will take time to permeate, especially at the local levels. But everyone must understand that the MGNREGA cannot be a long term solution to the unemployment problem of rural India. There is no denying the fact that MGNREGA is conceptually a very important national programme initiated in the level of the Central Government, but its record of implementation reveals that there are widespread complaints of corruption, pilferage of funds and very low level of utilization of budgeted provision. It has not succeeded in creating sufficient productive asset for strengthening rural infrastructure. It has, therefore, failed to make significant impact on the existing socio-economic conditions of poor rural households. If further deterioration is not checked, the programme will lose the enthusiasm and momentum generated for the programme in 2006. In nutshell, the MGNREGA is an important step towards realization of the Right to Work. Without a doubt MGNREGA has a potential to change the socio-economic scenario in rural India. But as with any other legislation it is practically impossible to make it foolproof. Middlemen coming into illegal nexuses with corrupt government official to swig away the NREGA funds are to be extracted. The only way corruption is stemmed by creating awareness as well as pro-active people involvement in the implementing process. The people should start questioning the officials for transparency and accountability in the process and get proper information about creation of muster rolls and disbursement of funds and for this purpose the Right to Information Act should be used as a the primary tool for achieving the objective of transparency, accountability, good governance, social justice as well as inclusive growth. Thus, there is need for very vigilant and constant civil society engagement with the process, and in particular very extensive social and political mobilisation across the rural areas to ensure effective implementation. If this happens, the Indian experience can indeed serve as a model for the rest of the world.

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