

The right to work in MGNREGA: An alternative for poverty reduction

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Abstract

The right to work under MGNREGA is now working as a big weapon in rural area. MGNREGA scheme has been successive performance to people, like that attach for rural poor for poverty reduction, because as before were several schemes but not right to work. The enactments of employment guarantee act and right to work act are indeed significant achievements in the history of India. The Indian government has taken up various measures to overcome the problem of poverty. Poverty alleviation programmes comprising of wage employment programmes, rural housing schemes and a public distribution system have been initiated from time to time. Some were partially successful in addressing the issue of poverty whereas others suffered from major flaws in their implementation. The Central Government launched NREGA on February 2, 2006. The Act guarantees the right to work to by providing 100 days of guaranteed wage employment in a financial year to every rural household whose adult members are willing to do unskilled manual work. NREGA is the first ever law internationally, that guarantees wage employment on an unprecedented scale. Its auxiliary objective is to strengthen natural resource management through works that address causes of chronic poverty like drought, deforestation and soil erosion and so encourage sustainable development. The right to work is closely related to other basic rights such as the right to life, the right to food and the right to education. In a country where millions of people are deprived of any economic assets other than labor power, gainful employment is essential for these rights to be fulfilled. Indeed, unemployment is the main cause of widespread poverty and hunger in India. The right to work states that everyone should be given the opportunity to work for a basic living wage. In under MGNREGA objectives, Methodology, Silent features of MGNREGA funding, basic implementation, right to work, impact of MGNREGA and Current Status of MNREGA etc mention below.

Keywords: MGNREGA, Poverty, and right to work.

Introduction

“The Indian government has taken up various measures to overcome the problem of poverty. Poverty alleviation programmes comprising of wage employment programmes, rural housing schemes and a public distribution system have been initiated from time to time. Some were partially successful in addressing the issue of poverty whereas others suffered from major flaws in their implementation. National Rural Employment Programme (NREP) 1980-89; Rural Landless Employment Guarantee Programme (RLEGP) 1983-89; Jawahar Rozgar Yojana (JRY) 1989-99; Employment Assurance Scheme (EAS) 1993-99; Jawahar Gram Samridhi Yojana (JGSY) 1999- 2002; Sampoorna Grameen Rozgar Yojana (SGRY) since September 2001; National Food for Work Programme (NFFWP) since November 14, 2004 (SGRY and NFFWP now merged with NREGS 2005) were national level rural employment generation schemes. However these programmes could not provide social security to the rural poor.”^[1]

“The Central Government launched NREGA on February 2, 2006. The Act guarantees the right to work to by providing 100 days of guaranteed wage employment in a financial year to every rural household whose adult members are willing to do unskilled manual work. NREGA is the first ever law internationally, that guarantees wage employment on an unprecedented scale. Its auxiliary objective is to strengthen natural resource management through works that address

causes of chronic poverty like drought, deforestation and soil erosion and so encourage sustainable development.”^[2]^{ibid}

“MGNREGA, which is the largest work guarantee programme in the world, was enacted in 2005 with the primary objective of guaranteeing 100 days of wage employment per year to rural households.”^[3]

“Legal right to work: Unlike earlier employment guarantee schemes, the Act provides a legal right to employment for adult members of rural households.”^[4]

Research Methodology

The data collected for the study includes secondary data. The various sources used to collect secondary data include reports of MNREGA, website of Human rights, government reports, Newspapers article & EPW articles, research papers, and study reports, the website of MNREGA.

Objective of MNREGA

“The objective of the Act is to enhance livelihood security and improve the purchasing power of the rural people, whether or not they are below the poverty line. It provides a legal guarantee for one hundred days of employment in every financial year to adult members of any rural household willing to do public work-related unskilled manual work at the statutory minimum wage. It aims to provide.

1. Strong social safety net for the vulnerable groups by providing a fallback employment source, when other

employment alternatives are scarce or inadequate.

2. Growth engine for sustainable development of an agricultural economy. By providing employment on works that address causes of chronic poverty such as drought, deforestation and soil erosion, the Act seeks to strengthen the natural resource base of rural livelihood and create durable assets in rural areas. Effectively implemented, NREGA has the potential to transform the geography of poverty.

3. Empowerment of rural poor through the processes of a rights-based Law.

4. New ways of doing business, as a model of governance reform anchored on the principles of transparency and grassroots democracy.

Thus, NREGA fosters conditions for inclusive growth ranging from basic wage security and recharging the rural economy to a transformative empowerment process of democracy.”^[5]

Salient Features of MGNREGA

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 will issue a Job Card. The Job Card will bear the photograph of all adult members of the household willing to work under NREGA and is free of cost.
3. The Job Card should be issued within 15 days of application.
4. 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 fifteen.
5. The Gram Panchayat will issue a dated receipt of the written application for employment, against which the guarantee of providing employment within 15 days operates.
6. Employment will be given within 15 days of application for work, if it is not then daily unemployment allowance as per the Act, has to be paid. Liability of payment of unemployment allowance is of the States.
7. 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.
8. Wages are to be paid according to the Minimum Wages Act 1948 for agricultural laborers in the State, unless the Centre notifies a wage rate which will not be less than Rs. 60/ per day. Equal wages will be provided to both men and women.
9. Wages are to be paid according to piece rate or daily rate. Disbursement of wages has to be done on weekly basis and not beyond a fortnight in any case.
10. Panchayat Raj Institutions (PRIs) have a principal role in planning and implementation.
11. At least one-third beneficiaries shall be women who have registered and requested work under the scheme.
12. Each district has to prepare a shelf of projects. The selected works to provide employment are to be selected from the list of permissible works.”^[6]

Rights of Worker

- Adult members of every rural household who are willing to do casual manual work at the statutory minimum wage may apply to the gram Panchayat for registration.
- Registration valid for a period not less than five years, and renewable
- Employment to be provided to every registered person within 15 days of receipt of an application, failing which an unemployment allowance must be provided.
- Applications to be for at least 14 days of continuous work.
- Gram Panchayat to accept valid applications and issue a dated receipt to the applicant
- Applicants provided with work to be notified in writing
- Employment to be provided within a radius of 5 km. If work is provided beyond 5 km, it is to be provided within the block, and the laborers paid 10 percent of the daily minimum wages extra.”^[7]

Permitted Work under NREGA

“NREGA works must always belong to the list of ‘Permissible Works’. A summary of the list of permissible works is given as below:-

- 1) Water Conservation and water harvesting.
- 2) Drought proofing (including a forestation and tree plantation)
- 3) Irrigation canal, including micro and minor irrigation works.
- 4) Provision of irrigation facility, plantation, horticulture, land development of land owned by household belonging to SC/ST, or to the land of beneficiaries of land reforms, or to land of the beneficiary IAY/BPL families.
- 5) Renovation of traditional water bodies including desilting of tanks.
- 6) Land development.
- 7) Flood control and protection works including drainage in waterlogged areas.
- 8) Rural Connectivity to provide all weather access.
- 9) Any other work which may be notified by the central Government in consultation with the State Government.
- 10) Construction of Bharat Nirman Rajiv Gandhi Sewa Kendra and “Gram Panchayat Bhawan.”^[8]

Funding

“The Central Government bears the costs on the following items:

- The entire cost of wages of unskilled manual workers.
- 75% of the cost of material, wages of skilled and semi-skilled workers.
- Administrative expenses as may be determined by the Central Government, which will include inter alia, the salary and the allowances of the Programme Officer and his supporting staff, work site facilities. Expenses of the National Employment Guarantee Council.

The State Government bears the costs on the following items:

- 25% of the cost of material, wages of skilled and semi-skilled workers.
- Unemployment allowance payable in case the State Government cannot provide wage employment on time.

- Administrative expenses of the State Employment Guarantee Council.
- Districts have dedicated accounts for NREGA funds. They have submitted their proposals based on clearly delineated guidelines so that funds may be distributed efficiently at each level, and adequate funds may be available to respond to demand. Under NREGA, fund releases are based on an appraisal of both financial and physical indicators of outcomes.”^[9]

Basic Implementation Principles

“Collaborative Partnership and Public Accountability: The Act envisages a collaborative partnership between the Central Government, the State Governments, the Panchayats and the local community. Broadly, the main implementation activities are at the village and Block levels, while coordination activities are mainly at the Block and District levels. Planning, supervision and monitoring take place at all levels (village, Block, District and State). At each level, the concerned authorities are accountable to the community.

Community Participation: The Gram Sabha is the statutorily mandated institutional mechanism for community participation. In addition, other methods of community participation could be evolved: local Vigilance and Monitoring Committees, workers’ associations, local beneficiary committees, self-help groups, user groups and other grass-roots structures. Active community participation is

Particularly important for ensuring transparency and public accountability.

Role of Panchayats: The Panchayats at each level will be the ‘Principal Authorities for planning and implementation of the Schemes under the Act’ (NREGA, Section 13(1)). Where Part Nine of the Constitution does not apply, local councils/authorities as mandated by the State concerned will be invested with corresponding responsibilities.

District Programme Coordinator and Programme Officer: The overall responsibility for ensuring that the Scheme is implemented according to the Act belongs to the District Programme Coordinator (DPC) at the District level, and to the Programme Officer (PO) at the Block level.

Coordination among Agencies: The Panchayats at different levels will need to coordinate with each other for the effective implementation of the Act. Similarly, the Panchayats and the District/Block administration will have to work together. Each REGS must stipulate clearly the institutional mechanisms for effective coordination, appropriate to the context.

Resource Support: The Central and the State Governments will facilitate the Implementation of the Act through timely and adequate resource support.”^[10]

Year wise Performance

Sr.No.	Period	No. of Districts Covered	No. of HHs Demanded Employment (In Crores)	No. of HHs Provided Employment (In Corers)
1.	2006-07	200	2.12	2.10
2.	2007-08	313	3.43	3.39
3.	2008-09	619	4.55	4.51
4.	2009-10	619	5.29	5.25
5.	2010-11	619	5.28	5.50

Source: www.textilescommittee.gov.in

What is meant by Right to Work?

“The right to work is closely related to other basic rights such as the right to life, the right to food and the right to education. In a country where millions of people are deprived of any economic assets other than labor power, gainful employment is essential for these rights to be fulfilled. Indeed, unemployment is the main cause of widespread poverty and hunger in India. The right to work states that everyone should be given the opportunity to work for a basic living wage.”^[11]

International Legislations

The Right to Work is an important Human Right which has been explained in Articles 232 and 243 of the Universal Declaration of Human.¹²^{ibid}

Article 23.

- 1 Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
- 2 Everyone, without any discrimination, has the right to equal pay for equal work.

- 3 Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- 4 Everyone has the right to form and to join trade unions for the protection of his interests. Rights. Everyone has the right to work and free choice of employment in just and favorable conditions.”^[13] ^{ibid}

Article 24.

1. “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay’.

‘Discrimination can perpetuate poverty, stifle development, productivity and competitiveness, and ignite political instability, says the report which was prepared under the ILO’s 1998 Declaration on Fundamental Principles and Rights at Work.

Discrimination is still a common problem in the workplace. While some of the more blatant forms of discrimination may have faded, many remain, and others have taken on new or less visible forms, the report says.

Global migration combined with the redefinition of national boundaries and growing economic problems and inequalities have worsened xenophobia and racial and religious discrimination.

More recently, new forms of discrimination based on disability, HIV/ AIDS, age or sexual orientation are cause for growing concern.”^[14]

What does the Indian Constitution say about the Right to Work?

The Indian Constitution refers to the right to work under the “directive principles of state policy”. Article 39 urges the State to ensure that “the citizens, men and women equally, have the right to an adequate means to livelihood”, and that “there is equal pay for equal work for both men and women. “Further, Article 41 stresses that “the state, shall within the limits of its economic capacity and development, make effective provision for securing right to work.”^[15] *ibid*

What is discrimination at work?

Discrimination is defined under ILO Convention No. 111 as any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin (among other characteristics), “which has the effect of nullifying or impairing equal) of opportunity and treatment in employment or occupation.”^[16] *ibid*

“Everyone has the right to be protected against unemployment apart from having the right to equal pay for equal work without any discrimination, in particular women being guaranteed conditions of work not inferior to those enjoyed by men. The right to work emphasizes on the steps to be taken by a State Party for the achievement of the full realization of this right and includes technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual. It also includes safe and healthy working conditions, rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays and the right to form and to join trade unions for the protection of his interests.”^[17] *ibid*

Impact of MNREGA

“People wonder: what is NREGA a social safety net a step towards the right to work to prevent migration? Or a boost to local market economies for those who cannot think beyond the confines of the free market economy and the business manager mindset, NREGA is just a nightmare. For years, simplistic management solutions to poverty, with the poor as an input to be managed, have failed. We cannot see ordinary people as active participants and empowered citizens. That is why it is difficult to understand the practice and logic of democracy and the complexity of an Employment Guarantee initiative. Anyway, has NREGA impacted the lives of the poor in any positive way? Has NREGA energized, mobilized, empowered, and delivered to India’s poorest and most marginalized rural people? Has it provided them a measure of dignity, tangible economic benefit, and a motivation to participate in local action? These are vital questions. NREGA can only succeed in bringing about change if millions of workers become its true advocates and monitors. The NREGA has opened up a unique legal space for the poor, with a consequent, legally mandated

obligation of the administration to deliver. In fact, implementation rests on the simple philosophy that ordinary people will go to great lengths to procure their entitlements, given the space to do so. The NREGA sought to create real opportunities and legal spaces, with the belief that people will begin to push to overcome bureaucratic and political resistance. Does the rights-based approach really work?”^[18]

Current Status of MNREGA

‘Household provided employment in the current financial year, 2013-14 (up to December, 2013) 3.8 crore household were provided employment and 135 coror person days of employment were generated. Expenditure on Wages in the current financial year, 2013-14, Rs.17832 corer (76% of the total expenditure) has been on wages.

Employment Provided to the Marginalized & Women as in each of the previous years, the programmed had high work participation for marginalized groups like SC/ST (39%), in 2013 (up to December, 2013) Works taken up and assets created by type around (111.64) lakh works were undertaken (including new works as well as spill over works from the previous FY), of which 41% relate to water conservation, 23% for the provision of rural sanitation, 11% relate to works on land owned by SC/ST/BPL, IAY beneficiaries, small farmers or marginal farmers as defined in the Agriculture Dept Waiver & dept relief schemes or beneficiaries under the scheduled Tribes & other traditional forest dwellers (recognition of forest rights Act 2006),11% rural connectivity and 5% for land development.”^[19]

“Women’s Empowerment various provisions under the act and its Guidelines aim to ensure that women have equitable and easy access to work, decent working conditions, equal payment of wages and representation on decision making bodies. From FY 2006-07up to FY 2013-14(up to Dec, 2013) the women participation rate has ranged between 40-51 percent of the total person-days generated, much above the statutory minimum requirement of 33% percent.”^[20]*ibid*, p-^[15]

New Amendments about MNREGA in 2014

“Union Rural Development Minister, Nitin Gadkari, proposed to limit MGNREGA programmes within tribal and poor areas. He also proposed to change the labor: material ratio from 60:40 to 51:49. As per the new proposal the programme will be implemented in 2,500 backward blocks coming under Intensive Participatory Planning Exercise. These blocks are identified per the Planning Commission Estimate of 2013 and a Backwardness Index prepared by Planning Commission using 2011 census.”^[21]

“This backwardness index consist of following five parameters - percentage of households primarily depended on agriculture, female literacy rates, households without access to electricity, households without access to drinking water and sanitation within the premises and households without access to banking facilities. MNREGA budget saw a sharp cut and in the name of 'focusing' on a few blocks the programme has been limited to those blocks. Both proposals came in for sharp criticism. A number of economists with diverse views opposed the idea of restricting or "focusing" implementation in a few districts or blocks.”^[22] *ibid*

Conclusion

The Indian government has taken up various measures to overcome the problem of poverty. Poverty alleviation programmes comprising of wage employment programmes, rural housing schemes and a public distribution system have been initiated from time to time. Some were partially successful in addressing the issue of poverty whereas others suffered from major flaws in their implementation.

The enactments of employment guarantee act and right to work act are indeed significant achievements. These acts provide a wide spectrum of basic rights to people of India towards shaping their own polity and society. Considering the low level of awareness and participation of poor in any kind of social, political or economic development, these acts require more than some liberal provision. MNREGA, which is a social safety net, a step towards the right to work to prevent migration or a boost to local market economies for those who cannot think beyond the confines of the free market economy and the business manager mindset.

India signed the Millennium Declaration in September 2000, which calls for the eradication of extreme poverty and hunger by halving the number of poor people living on less than a dollar a day and those who suffer from hunger. Thus, the Government of India recognized these goals as a legitimate policy commitment. Further, the Common Minimum Program of the United Progressive Alliance government came up with commitments that the state had to improve the situation of the poor. These commitments were recognized by the Planning Commission as a national common minimum program to mobilize resources for their implementation. Further, a citizens' charter was formulated by civil society activists. The impetus for the NREGA came from two sources. The first comprised of social movements such as the Right to Food that had been agitating for ending hunger by providing employment guarantees to the poor. This demand was supported by various civil society movements such as the Right to work that incorporated such demands in its.

Women's Empowerment various provisions under the act and its Guidelines aim to ensure that women have equitable and easy access to work, decent working conditions, equal payment of wages and representation on decision making bodies. From FY 2006-07 up to FY 2013-14 (up to Dec, 2013) the women participation rate has ranged between 40-51 percent of the total person-days generated, much above the statutory minimum requirement of 33% percent.

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