

MGNREGA: Rights and Entitlements

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Making work such as the construction of toilets under MGNREGA conditional upon meeting the Swachh Bharat Mission targets puts villagers in difficulties till the SHG women become aware of their rights and entitlements, which they then proceed to collectively ask for, winning the admiration of the officials

B EING A DEVELOPING COUNTRY, India has been experiencing issues of unemployment, poverty, illiteracy, poor economy, poor infrastructure, etc., and being a welfare state, many policy efforts have been put forward for rural development and for the nation as a whole. As unemployment has a direct link with economic poverty and severely affects the livelihood of people, it impacts all the needs of the people—food, clothes, shelter and access to safe drinking water and hygienic facilities.

Unemployment and poverty are inter-connected with each other. To address these two issues,

the government has been making many efforts through various schemes and programme initiatives since 1972; over a period of time, eight schemes were launched. Recognizing the need to ensure employment guarantee, the government enacted the National Rural Employment Guarantee Act (NREGA) on 7 September 2005. Later, in 2009, NREGA was renamed MGNREGA. This was aimed at strengthening the rural physical and natural assets at the individual and the community level, ensuring democracy, creating a demand-driven environment and focussing on sustainable livelihoods.

MGNREGA is the most important social legislation in Indian history because it ensures the rights

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to rural people to secure their livelihood. It guarantees 100 days of employment and strengthens the livelihood assets at an individual and community level. Employment security brings financial stability, reducing the risk of hunger and distress migration. It strengthens the natural and physical assets at an individual and the community level, by permitting works on land development, water conservation, etc. At the same time, it gives an opportunity to the people to take up livelihood activities such as fishery and poultry through a convergence approach. MGNREGA is being appreciated across the world for its uniqueness. It provides not only employment and durable assets, but also strengthens Panchayati Raj Institutions (PRIs), thereby helping these to discharge their responsibilities.

Although the programme is well-structured, the implementation of the programme on the ground still struggles. This is because of the low capacity of the local implementing organizations—both, the District Administration and the *gram panchayats* (GPs)—caused by poor accountability, absence of performance appraisal, lack of motivation, absence of a system of incentives

and penalties, poor working conditions, shortage of staff and their absenteeism, and large-scale leakages due to corruption.

At the receiving end, the poor are disempowered, and are not included in the decision-making processes. During our engagement with the community, we have experienced that the issues in governance, political interests and lack of capacity-building of MGNREGA functionaries, GPs and the people remain unnoticed or unaddressed to a great extent. Below are the observations, data and experiences which present the situation of the state, MGNREGA functionaries, PRIs, Civil Society Organizations (CSOs) and the struggle of the people of Narharpur.

Whose MGNREGA and Whose Priority?

The *gram sabha* is the foundation of governance that ensures individual and community participation and development. MGNREGA has permissible works, which the *gram sabhas* prioritize and finalize, but only specific works that the state/state officials want get sanctioned. For instance, recently Individual

Household Latrines (IHHL) have been sanctioned and many of the community demands around water conservation and land development have been bypassed. In 22 GPs of Narharpur, toilets are the target of the GPs; informally, it was communicated to the GPs and the people that MGNREGA work would not get sanctioned or opened until the Swachh Bharat Mission's (SBM's) target is not achieved in the village.

The data of Narharpur block of Chhattisgarh also shows that the construction of toilets increased to 3,057 toilets in 2016–17 from 47 toilets in 2013–14 (<http://www.nrega.nic.in/>). Some farm ponds also were sanctioned; however, the overall natural resource management works have been reduced drastically, from 73.21 per cent in 2013–14 to 36.78 per cent in 2016–17 (<http://www.nrega.nic.in/>).

Natural resources have a significant importance in the lives of the community because people are mainly engaged in rain-fed agriculture while experiencing huge water scarcity. Some of the statements that we came across and heard from the community were, “*Hum man la toh dabri aur samtali chahiye, magar panchayat*

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main mana karthe, aur bolis jab tak shochalay nahi khatam hui godi ke kam suru nahi hui (We want MGNREGA work in land-levelling and farm ponds, but the *panchayat* is saying that we can't get the work until the SBM target is achieved)."

The voice of the community is not heard and is suppressed by various means. The villagers were told by the Sarpanch and the *panchayat* Secretary (forcibly with power) that, "*Jab tak shochalay ke kam pura nahi hua, tab tak chaurghala nehi milegi* (Until the IHHL targets are achieved in the GP, no one will get ration through the Public Distribution System, PDS)."

Imagine how much pressure the villagers have to face, just to complete IHHLs. The risk associated with demanding other works or talking about MGNREGA work is great. The authoritarian behaviour of the blocks that demand that the GP ensure people achieve SBM targets before they are allowed to get MGNREGA work creates an opinion that MGNREGA is not a demand-driven programme but a government-driven programme, run from top to bottom as a relief programme.

Delays in payments, not getting the work within the demand period, frequent changes in MGNREGA, target pressure by top bodies via the GP to the people and the sanctioning of the work, all make the people's lives more vulnerable during the cycle of unemployment and also affects the people's faith in the programme/government. Systemic flaws such as account freezing, mode of payment, Aadhar card linkage and transfer of funds make the situation worse. For example, the villagers do not have information about how and from where they will receive their payment. Frequent changes in the service area approaches of the banks, institutions (bank, post office, biometric account) and the mode of payment make the process complex for MGNREGA workers.

The workers' awareness and exposure to financial systems is low. The accessibility to the institutions is also difficult for the villagers. Observations show that there are several issues in tracking Fund Transfer Order/Electronic Fund Management System (FTO/EFMS) for the post office and the biometric payment system. In the biometric system, an individual cannot trace or access

his/her payment after working under MGNREGA. Another issue is that the biometric payment process is highly complex and there are many partners to ensure service delivery in villages. The blocks transfer the funds to the nodal bank; the nodal bank then transfers the amount to the bank; the bank transfers the amount to the third party (Manipal Bank); and, finally, the third party delivers the amount to the village.

Similarly, in the case of the post office, the funds flow from the block to the nodal bank, to the district post office and then to the block post office and finally to the GP. People visit the post office a minimum of three to four times a month to receive payment, pending due to the non-availability of funds (as the GP-level post offices do not keep more than Rs 50,000 in a day), documentation errors (multiple FTO numbers, amount and accounts of beneficiaries) and non-availability of staff.

The issue here is that MGNREGA functionaries do not consult the *gram sabha* or the PRI about which payment system the GP wants, or what is convenient for the people. The orders and decisions are

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always communicated from the district to the block and finally to the villagers through the Gram Rozgar Sahayak (GRS). The villagers' accessibility, convenience and the GP's concern remain unrecognized.

Digitization is helpful in checking corruption; however, what happens if the villagers/workers are unable to get their money in time or get it where they can not have easy access to it. Sometimes, according to the records, it is evident that 100 per cent payment has been made through the E-FMS from the block to the beneficiaries. In reality, however, what percentage of the funds have been released to the beneficiary's account in one month is still a question. Not more than 20 to 30 per cent of the workers get their money in one month. The transfer of wages to the accounts of beneficiaries takes a minimum of three to four months because it gets transferred from the government to the banks and then to the beneficiaries. The system has clear mandates and rules regarding penalties on officials for delayed payments, but this seldom is exercised.

The Ministry of Rural Development (MoRD) initiated The Integrated Participatory

Planning Exercise-1 (IPPE-1), with the focus on decentralized planning, creating assets through MGNREGA, identifying vulnerable sections of society and providing employment based on the villagers' needs and priorities. The programme was very intensive in nature and was effectively implemented although with certain drawbacks. The major drawbacks at that time were scarcity of trained person power, lack of proper training and planning at the grass-roots level, plan prioritization and follow-up to prepare the labour budget. With the involvement of CSOs, village plans were made and submitted, but the execution started very slowly (sanctioning prioritized plans vs. powerful persons works in the *panchayat*).

Without monitoring and addressing the systemic flaws of IPPE-I, MoRD with the Ministry of Panchayati Raj (MoPR) brought about IPPE-II and Gram Panchayat Development Plan (GPDP) into effect in the subsequent year, which had similar drawbacks. Again, in IPPE-II, plans were made in a decentralized manner by focusing on the socio-economic caste census (SECC) data. Both the programmes (IPPE II and GPDP) focussed on holistic development by integrating all departmental

schemes, including Indira Awas, Old Age Pension, Skill Development, and Irrigation.

Because the execution of the plans was weak, the intensity of the MGNREGA programme has been decreased to a great extent and this has caused dissatisfaction among the people because they are left with unmet needs, despite their continuous involvement in the programme. Inconsistency in approach, payment flaws and top-down target-setting mechanisms have made this programme less effective.

This can be seen in the overall progress of the programme. For instance, in Narharpur block, the overall number of households that worked in MGNREGA has come down by 17 per cent in 2016-17 from 2013-14 (<http://www.nrega.nic.in/>). Similarly, the total labour working in the block has reduced by 29 per cent in 2016-17 from 2013-14 (<http://www.nrega.nic.in/>). So, the question that arises here is where have these 29 per cent of the workers gone for employment? Although it is one of the best programmes that promises poverty reduction and economic stability, its crux is accessibility, ownership and governance, which, at the moment, is weak.

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Struggles of the GP, MGNREGA functionaries and the people

Over a period of 11 years, MGNREGA has undergone many changes that include a convergence approach, digitizing data and financial transactions, and the involvement of CSOs to improve the effectiveness at the grass-roots level. A few efforts have been seen on the ground, however, to strengthen the local bodies and create awareness in the community about their rights and entitlements. GP members were unaware about MGNREGA as a right. And even if the GP members know, they are unsure about the work to be given to the people because the work is sanctioned at the district or the block level and the GP has no stake in this process. The capacity-building of GP functionaries regarding MGNREGA is found to be totally missing. In the last 10 years, not a single training has been organized for the Gram Rozgar Sahayaks, mates or the workers by the block/state. There is no training regarding the technical aspects of earthwork, watershed approach and measurement details in Narharpur block.

During interactions with the engineers and MGNREGA staff,

we found that none of them had ever gone through technical training, although the technical manual, and Information, Education and Communication (IEC) is available on the website. Many of the engineers are also from different backgrounds and merely have knowledge of earthen work. The villagers, as well as the PRIs, consider MGNREGA as a burden to implement and a system that is unable to meet the demands of the community.

PRI members said, “*Sir, kaise karbe, humu maan la toh upar se Collector mahodaya ka adesh hawe ki agar humar gaon ODF nahi hui to haman la jo vikas bar paisa milat hai wo ruk sakthe.* (What to do sir? We are instructed by the Collector to make our village Open Defecation Free (ODF) and if we don’t do that within the given time, all development projects funds may get frozen).”

So, in a way, the *panchayat*, MGNREGA functionaries and the villagers are all helpless and not at all self-governed. At the work-site also, one doesn’t see the availability of any medi-kit, proper implements, facility for taking care of small children, etc., all of which are mandatory under MGNREGA. On asking the stakeholders about the

non-availability of the required infrastructure and facilities at the work-site, the response was that it was because of non-availability of funds, the pressure of managing contingencies and the pressures on PRIs.

PRI members, GRS and Mates say that they understand MGNREGA, their power vis-à-vis the Act and their responsibilities, but are unable to exercise them due to the targets from blocks/districts and, therefore, they think that they have very little stake in MGNREGA. The autonomy of the PRIs, MGNREGA functionaries and the people’s right to access their entitlements are seen to be at risk because of the operational issues, lack of awareness and lack of capacity-building of PRIs and the people and the shifting targets set by the state. Not only this, the transfer of officials also greatly hampers the execution of work. With each changing official, the priorities change and the ongoing process is affected. Because of all this, people are losing their faith in the GPs and the *gram sabhas* and also in MGNREGA. After observing from close quarters and analysing the situation, we say that MGNREGA is more largely controlled and governed by the block/state rather than the people.

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Batbani Village

December 2016 was the starting of the unemployment period for more than 80 per cent of the inhabitants of Batbani village of Narharpur block because almost all the villagers were through with rain-fed agriculture. The people cultivate paddy and other crops such as millets and pulses in the *kharif* season/monsoon only because they do not have other water sources. In the month of December, they are always left with no employment options. Getting work under MGNREGA helps them reduce their economic vulnerability and also strengthens individual and community assets.

In mid-December, people needed work and they approached the Mate for MGNREGA work. The Mate took the names and other details from them to submit the demand application. Nothing happened. The whole month went by without work. When people enquired about it, the Mates, the Sachiv and the Sarpanch of the GP told them that they had received communication (informally) from the block not to open up MGNREGA work till SBM targets were achieved in the villages. The unemployment situation went on

till mid-January 2017. Villagers frequently say, “NREGA main kam karega toh MAREGA (If you work in NREGA you will die).”

Ray of Hope

During this time, a MGNREGA awareness meeting was conducted at the village level by PRADAN. Women’s collectives were made aware about their rights and entitlements under MGNREGA and they were also familiarized with the process of getting work under MGNREGA. The villagers needed work, but they had never discussed their needs and MGNREGA issues collectively. PRADAN’s Cluster Facilitation Team (CFT) began discussing the issues in the village and generated awareness among the women’s collectives as well as other villagers regarding their rights and entitlements under MGNREGA.

These discussions helped the women’s collectives to take charge of their issues and flag them in larger forums. As mentioned above, the people didn’t receive MGNREGA work despite their demand to the Mate; however, being aware about their rights and entitlements under MGNREGA, the women

conducted meetings at the village level, filled the demand applications and went from door to door for the same.

Since the GP didn’t give them work and told them that they cannot give work until the block officials permit, the leaders of the women’s collectives went directly to the block/Janpad to submit their application. They met the Technical Assistant (TA), submitted the demand application and asked for a receipt of submission. Instead of giving the receipt, the TA tried to convince them that there was no work sanctioned except for a farm pond and added that the land-levelling work was also sanctioned, but because of the SBM-ODF target, they were not allowed to start MGNREGA work till the SBM target were achieved.

The women were firm and asked for the receipt. The TA didn’t accept the application and asked them to submit it to the Programme Officer (PO). The leaders of the women’s collective met the PO-MGNREGA and shared about their journey, starting from preparing the social map, the seasonal map and the patch selection, to the approval of the files and plans at the *gram sabha*.

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Seeing the confidence of the leaders, the PO was astonished. He appreciated their efforts. Although the PO too did not accept the demand form, he asked the TA to accept the application and to give the women the receipt. Both of them seemed helpless. The TA hesitantly accepted the application and signed it. The PO asked the TA to open up MGNREGA work in Batbani village.

Immediately, the next day, a *gram sabha* was organized by the GP, based on instructions from

MGNREGA functionaries of the block to open up MGNREGA works. The farm ponds and some land-leveling works were sanctioned for the village in February 2017 and with the efforts of the women's collectives, work was sanctioned and the people of Batbani had work.

Conclusion and Way forward

MGNREGA, the biggest livelihood security programme, has many flaws/gaps in implementation.

The gaps exist mainly at two levels. One is at the policy/administrative level and the second is at the grass-roots level. Grass-roots problems include lack of awareness about the scheme, poor understanding and realization of the constitutional provisions of the Act, the capacity of the PRI as well as the ground staff (GRS, Mates, Panchayat Secretary, Technical Assistant, engineers) for village-level participatory planning, plan prioritization and sanctioning in the *gram sabha* and the



SHG members doing resource mapping in Batbani village

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willingness of the people to fight for their rights and entitlements.

These issues need to be addressed to make MGNREGA effective.

PRADAN, as the CFT, had conducted basic watershed principle trainings in the block for all the engineers and the GRS. Technical training of all Mates and the GRS was also conducted in the block around the basic unit of measurements in earthwork, the constitutional provisions of MGNREGA and micro-planning exercises using Participatory Rural Appraisal (PRA) tools.

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staff and other line departments around the people's needs and problems was also done in the block through the CFT.

CFT's engagement through the Rozgar Diwas, community meetings and discussions and capacity-building of the SHGs and its associated tiers made the community aware about their rights and entitlements. Being aware about these, the people have started accessing their rights and entitlements under MGNREGA in the CFT GPs like the people did in Batbani, despite the existing issues. The capacity-building initiatives of the GP and MGNREGA functionaries helped them to understand the principles of MGNREGA, improved their knowledge of the technical aspects and the processes through

which they can now perform their duty accountably.

However, the real challenge lies with the political/administrative will and that is a complex and challenging problem. This significantly impacts the working of MGNREGA functionaries and the GP and also affects people's lives because they do not get timely and prioritized work. We believe that the people have the potential and the capacity to challenge and restructure the system, and we just need to facilitate and trigger their issues/concerns like PRADAN did at Batbani as well as in the 22 GPs of Narharpur.

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