

Right Based Approach in Accessing Social Sector Services- A Case Study of MGNREGA

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Abstract:

For developing economics like India unemployment and poverty are still major hurdles in the path of development. Poverty and unemployment are mostly accompanied by lack of social sector services like lack of education, health, water supply, nutritional food etc. Inclusive development of a nation can be viewed in terms of social and financial inclusion. A large part of population of India has been suffering from social and financial inclusion. Accordingly, the government policies are directed towards the economic and social uplift of these groups. Social sector expenditure of the government is continuously rising to enable everyone to reap the benefits of growth. High incidence of poverty and unemployment in rural areas has compelled to resort to special scheme. One of the most important social sector programmes is Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). This programme was enacted in 2005. MGNREGA is the largest right based employment guarantee scheme with social safety net for the rural poor. MGNREGA essentially guarantees employment for the unemployed in the rural areas for hundred days in a year. Under this act if work is not provided within 15 day time frame then the applicant is eligible for unemployment allowance. This paper highlights the characteristics of MGNREGA as a right based approach and evaluates how far this right based programme is able to give scope in accessing social services to the beneficiaries in India with special reference to North East by using secondary sources of data.

Introduction:

For developing economics like India unemployment and poverty are still major hurdles in the path of development. Poverty and unemployment are mostly accompanied by lack of social sector services like lack of education, health, water supply, nutritional food etc. Inclusive development of a nation can be viewed in terms of social and financial inclusion. A large part of population of India has been suffering from social and financial inclusion. Accordingly, the government policies are directed towards the economic and social uplift of these groups. Social sector expenditure of the government is continuously rising to enable

everyone to reap the benefits of growth. Expenditure on social services increased from 21.6 percent in 2006-07 to 25 percent in 2011-12. High incidence of poverty and unemployment in rural areas has compelled to resort to special scheme. India ranks 134 on the 2011 Human Development Index. According to HDR 2011, inequality in India for the period 2010-11 in terms of income Gini coefficient was 36.8. Right based approach in development is necessary for reducing inequality and poverty because it is a conceptual framework for the process of human development to promoting and protecting human rights. It identifies right holders and their entitlements and corresponding duty bearers and their obligations and works towards strengthen the capacities of right holders. One of the most important largest right based social sector programmes is Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). This programme was enacted in 2005. It is the largest right based employment guarantee scheme with social safety net for the rural poor. MGNREGA essentially guarantees employment for the unemployed in the rural areas for hundred days in a year. Under this act if work is not provided within 15 day time frame then the applicant is eligible for unemployment allowance.

Objectives:

- (1) To highlights the characteristics of MGNREGA as a right based approach.
- (2) To evaluates the scope of MGNREGA in accessing social services.
- (3) To find out the achievements of MGNREGA in accessing social services by the beneficiaries.
- (4) To find out the failures of MGNREGA as a right based approach.

Methodology: Secondary sources of data has used.

Practical value of right based approach:

The important practical values of human rights-based approach are:

- (1)Whose rights: This approach emphasis on attain the rights of the excluded and marginalized populations.
- (2)Participatory process: A human rights based approach involves both rights holders and duty bearers to assist in the participatory formulation of the policy and legislative framework including through capacity building.

(3) Transparency and accountability: This approach helps to make the policy formulation process more transparent and empowers people to act accountable, ensuring effective monitoring because it clearly determine the particular human rights to be fulfilled, what must be done and up to what standard, who is accountable, ensures needed resources etc.

(4) Sustained results: It leads to better sustained results of development efforts by building the capacity; meet their own needs, strengthens social cohesion. It strengthens the capacities of individuals and institutions to carry out their obligations where rights are violated.

Characteristics of MGNREGA as a right-based approach:

If we interrelate the practical value or characteristics of human rights-based approach with MGNREGA we can find out the following rights based characteristics of MGNREGA:

- (a) Right-based framework: This programme has right-based framework. MGNREGA essentially guarantees employment for the unemployed in rural areas for 100 days in a year. The act guarantees that if work is not provided within a 15 day timeframe then the applicant is eligible for unemployed allowance. Work will be provided within 5 kms of applicant's residence.
- (b) Right-based provision for women: 'While providing employment, priority will be given to women in such a way that at least one third of the beneficiaries shall be women who have registered and requested for work under this scheme (NREGA 2005, SCHEDULE II, 6). Not less than one third of the total number of non-official members of the central council shall be women. There shall not be any discrimination on the ground of gender and men and women are paid equal wages. . At the national level participation of women has increased significantly from 46.41 percent in 2010-11 to 48.81 percent in 2011-12 which is exceeding expectations and the stipulated 33 percent share. Among the north-east state Assam and Mizoram could not able to reach stipulated 33 percent shares in three consecutive years.
- (c) Right to information: All essential information relating to the programme must be displayed in the notice board. A copy of the muster rolls of each scheme or project shall be made available in the offices of the Gram Panchayat and the Programme Officer for inspection by any person.
- (d) Transparency and accountability: The Gram Shaba shall conduct regular social audits of all the projects under the scheme taken up within the Gram Panchayat. The

Gram Panchayat shall make available all relevant documents including the muster rolls, bills, vouchers, measurement books, copies of sanction orders and other connected book of account and papers to the Gram Shaba for the purpose conducting the social audit. Besides this the govt has initiated a service delivery project for Information and Communication Technology (ICT) and biometrics-related works of the MGNREGA on public private partnership (PPP) basis.

- (e) Participation and Freedom: There is ample scope of participation of workers in management, monitoring and social audit of the programme. Not less than one third of the total number of non- official members of the central council shall be women. There is complete freedom of workers to collect information regarding the programme under Right to Information provision of the act. In earlier programmes one could only can launch complain but under MGNREGA ordinary citizens have the right to verify the data and receive information within 15 days of application. After that physical verifications are done before the villagers at the time of social audit.

Achievements of MGNREGA in accessing social sector services:

The Ministry of Rural Development has been implementing a number of schemes which aim at enabling rural people to improve the quality of their lives by providing social sector services. Social services include education, health, water supply, housing, information and broadcasting, welfare of SC/ST and OBC, labour and employment, social welfare and nutrition. The Government has increased its outlays in the social sector. There are still leakages in the schemes and the benefits in full do not reach the target groups. But MGNREGA is one of the major social sector programmes with some innovative measures to bring in more transparency in disbursements of funds and prevent leakages. It has become a source of livelihood for the jobless poor. The total employment generated under MGNREGA in 2009-10 is 5,25,30,453, in 2010-11 it is 5,49,54,225 and in 2011-12 is 4,98,62,775. It has come to light that in the three consecutive years among north-east region Arunachal Pradesh is the lowest employment generator state among where Assam is highest in 2009 and 2010 and Tripura is highest in 2011-12. To promote labour intensive works a ratio 60:40 will be maintained between wage and material. Presence of contractors is totally prohibited. It has enabled them with sufficient purchasing power and gives security in daily life against chronic

threats as hunger, joblessness, famine etc. Achievements of MGNREGA in accessing some social sector services can be summarized under the following heads:

A. Water Supply: Creation of durable assets and strengthening the livelihood resource base of the rural poor is an important of MGNREGA. As per schedule I of the act, water based works under MGNREGA are as follows-

- (a) Water harvesting
- (b) Micro and minor irrigation works
- (c) Water conservation
- (d) Provision of irrigation facilities
- (e) De- silting of tanks
- (f) Renovation of traditional water bodies
- (g) Flood control and protection works

Water based works under MGNREGA are mentioned below:

Water- based works

Types of work	2009-10	2010-11	2011-12
Water conservation and water harvesting	163756	331774	363996
Flood control	63310	99577	108608
Renovation of traditional water bodies	59002	97023	130833
Drought Proofing	45665	98226	162023
Irrigation on canals	48248	117338	154667
Irrigation facilities to SC/ST/IAY/LR	51507	196103	363809

Source: www.nregs.nic.com.in

Share of water conservation works in 2006-07 is 54 percent, in 2007-08 is 49 percent, in 2008-09 is 46 percent, in 2009-10 it is 51 percent and in 2010-11 it is 48 percent. Hence among the water based works water conservation has given highest priority. In north-east states also water-based works has been given priority. Assets created under water based works in north-east states are given below:

Assets Created under Water-Based Works in 2011-12

States	Water conservation and water harvesting	Flood control	Renovation of traditional water bodies	Drought proofing	Irrigation canals	Irrigation facilities to SC/ST/AY/LR	Total assets created	% of water based works
Assam	780	787	241	3603	696	898	18723	37.41
Manipur	132	166	7	489	181	0	1861	52.39
Meghalaya	1634	552	386	1143	354	0	10111	40.24
Mizoram	26	67	4	161	3	0	2151	12.13
Nagaland	134	267	1	128	218	0	2644	28.29
Sikkim	14	101	3	431	67	0	1543	39.92
Tripura	13583	722	3996	3901	6564	628	67281	43.68
Arunachal Pradesh	NA	NA	NA	NA	NA	NA	NA	NA

Source: www.nregs.nic.com.in

From the above table it has come to light that the assets created in north states are not satisfactory except Tripura. In case of assets creation water based works are given priority and among water based works water conservation and water harvesting has ranked in the first position.

These water based works under MGNREGA has positive impact on the growth engine for sustainable development of agriculture. India's agriculture limits to further expansion of surface and ground water irrigation mainly in dry land area. Due to large number of water conservation and drought proofing works water level has raised in dry and arid regions and helps in coping with increasing water stress and increasing the supply of fresh water. It has direct and indirect economic benefits accrued to farmers and households. Besides this land development leads to improvement in soil water – holding capacity and reduction in soil erosion. It provides an opportunity to make uncultivable land cultivable and helps to increase food access. The creation of small ponds or wells in private lands of marginalized population improves the productivity of these lands. The strategy of watershed development represents win-win solution for water crisis.

For effective water conservation and efficient water use convergence of programmes of Ministry of Water Resource with MGNREGA has done. Different initiatives have taken for water management. For supply side management rain-water harvesting, ground water harvesting, maximizing surface water use for recharge etc activities has taken. On the other hand for supply side management efficient on farm water management, promoting water saving technologies etc has introduced.

- B. Education: Another important positive impact of MGNREGA operation is that it is able to reduce the school dropout rate. The increased income of workers helps them to send their children to school. Before MGNREGA works most of the children's mainly girls are engaged in collection of fodder, fuel wood, water, take care of younger siblings etc but after implementation of MGNREGA sustainable development works assures water supply, regeneration of common land and crèche facilities helps to reduce the school dropout rate. Subsequently, there is an increase in school enrolment of MGNREGA families.
- C. Health: MGNREGA has direct and indirect effect upon health. It acts as a 'health line' for rural poor. Direct effects are such that MGNREGA workers can able to spend a portion of their wages to cope with chronic illness of household members, health care facilities in work site will improve their health condition. Construction of drainage, toilets, child care facilities, rural connectivity, water and soil conservation etc. will reduce the water born diseases and help in improve the cleanliness level and ultimately it supports the children for their all round development. Besides this it will give better ability to women to avoid hazardous work, possibility of sexual abuse and exploitation from private landlords and contractors etc. and provide mental satisfaction to women.
- D. Welfare of SC, ST and OBC: Provisions of irrigation facility, horticulture plantation and land development facilities on land owned by households belonging to the Scheduled Caste and the Scheduled Tribes. Not less than one third of non-official members shall be belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes and Minorities. For the Central Council two representatives to be nominated by the Central Govt from SC, one representative each from ST, Other Backward Classes and Minorities. Share of total SCs /STs in total person days generated is given below:

Person days generated

Year	Percentage
2006-07	61
2007-08	56
2008-09	54
2009-10	51
2010-11	52

Source: www.nregs.nic.com.in

Hence from the above table it has come to light that percentage of participation of SC/ST is more than 50 percent.

Review of literature:

Sengupta (2007) addressed NREGA as one of the most successful programmes for poverty alleviation that ensures livelihood for the poor. Through NREGA voiceless groups have now started to assert themselves by seeking their rights. This is the dynamics of the situation that is pushing us towards a more inclusive economic development.

Centre for Science and Environment (2008) examined the effectiveness of NREGA in providing both short and long term food security through improvement of agriculture and provision of water in drought prone district Naupada of Orissa and Sidhi of Madhya Pradesh. Area sown was increased due to the increased water availability as a result of works undertaken through NREGA in the poorest district Naupada. NREGA has had a positive impact on agriculture in Sidhi through improved access to irrigation. The problem of drinking water scarcity has become a thing of the past.

Panda et.al (2009) through their study found that this act empowered rural tribal women in Sikkim and Meghalaya by enhancing their confidence level and by ensuring some degree of financial independence. Around 94 percent of the women workers in Sikkim and 38 percent in Meghalaya felt that they have been able to access health facilities better after working in NREGA. There has been an improvement in school enrolment and reduction in the school dropout rate after the the NREGS.

Sanju & Pellissery (2011) conducted an exploratory field visits in Kerala and Andhra Pradesh. In Kerala NREGS implementation places great importance on watershed

management activities and lays emphasis on creating water harvesting and minor irrigation assets. It has direct and indirect economic benefits accrued to farmers and households. Rice and vegetables cultivation has increased due to de-silting and renovation of ponds in Kerala which was not possible earlier due to low water availability. Their study argues that MGNREGA provides an opportunity to make uncultivable land of Andhra Pradesh cultivable and to increase food access due to watershed management activities.

Panda & Umdor (2011) conducted a field study on the impact of MGNREGA in Assam. In their sample villages namely Barpeta, Jorhat, Karimganj, Morigaon and Tinsukia they found that MGNREGA has increased the income-cake of in the rural society of Assam. In the surveyed region 100 percent workers working in MGNREGA were belong to the BPL families. Besides this it has also arrested the problem of school drop-out except in the district of Morigaon. School enrolment has gone up for families that work in MGNREGA. There has been no change in the status of women in four sample districts except Tinsukia.

MGNREGA has ushered in a new era of hope for the downtrodden states of Manipur, Nagaland. It is slowly and steadily transforming the 'Geography of Poverty.' The villager profusely thanked the Govt. Of India as MGNREGA programme has contained both hunger and poverty. (Ministry of Home Affairs 2011)

Failures:

CAG report's (2008) reveals that MGNREGA fails to mach up to the comprehensive terms of reference of a performance audit. The scope of audit was restricted to the initial 200 districts. This report enlisted shortcomings of MGNREGA like delay and violations preparatory steps, lack of administrative and technical supports, violation of democracy and transparency in planning, failure to ensure registration and issue job cards, violation of norms for work, non-payment of minimum wages , delayed payments etc. The audit found that a documented annual plan was not prepared by 168 GPs in 14 states.

A study was carried out by IAMR to evaluate the impact of this scheme in 20 districts spread throughout India by targeting 300 beneficiaries from each district. The study reveals that eighty percent of the households expressed that they did not get the work within the stipulated 15 days time of demand for work in writing; neither had they paid any unemployment allowance.

Different studies show that the continued illegal presence of contractors and delay in payments is a significant negative factor affecting the availability of work.

Conclusion:

MGNREGA has been playing a significant role in human development. This act is very effective in addressing the problem of poverty in India which is the main cause of vulnerability of life. By generating income it has been act as a helpline in accessing social services for MGNREGA workers. In recent times also the Government of India is planning to extent the benefit of Rastriya Swasthya Beema Yojna (RSBY) and Janashree Bima Yojana to all the MGNREGA beneficiaries. Besides this the Government is trying to introduce skill development training and human resource development programme with partnership of the United Nation Development Programme. But the poor implementation across the nation (such as demand side deficiencies, delay and violations preparatory steps violation of democracy and transparency in planning, failure to ensure registration and issue job cards, violation of norms for work, non-payment of minimum wages, delayed payments lack of worksite facility and illegal presence of contractors etc.) accrued the right-based approach of this act. Certain initiatives and changes should be taken to check the loopholes of the act. For this purpose not only govt, civil society, local communities, Panchayati Raj institutions should take proper initiatives in its planning and implementation. The valuable gains should not be derailed for poor implementation.

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