Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)

19.03.2014

Refresher Workshop for NLMs

Delhi
Session Objective(s)

• To recognize and appreciate:
  – Objectives, scope and salient features of the Act
  – Processes followed
  – stakeholders and their roles & responsibilities

• To appraise:
  – Changes/additions in the 2013 Guidelines
  – New provisions in Sch. I & II

• To familiarise
  – Indicators in the revised NLM format

• To highlight MoRD’s expectation from the NLMs
MGNREGA
- Transition, Evolution & Coverage
- Mandate, Core Objectives,
- Salient Features & Non-negotiables
- Key Stakeholders
- Revision in the Guidelines/Schedules
- Processes
- Discussion on Formats for NLM
- Expectation from NLM
Transition & Evolution
The Transition...

From an

“Allocation based welfare program”

to a

“Rights based, Demand driven, people centric,
bottom-up, self selecting”

strategy
05.09.05: Historic legislation passed
02.02.06: Implemented in 200 districts.
01.04.07: Extended to 130 districts.
01.04.08: Extended to remaining districts.
31.12.09: Name of the Act changed w.e.f 02.10.09
Mandate & Core Objectives
MGNREGA: The Mandate

• ≥ 100 days of wage employment in a financial year to every HH whose adult members volunteer to do unskilled manual work.

• Guarantee can go beyond 100 days
MGNREGA: Core Objectives

• Provide not less than 100 days of employment that results in
  – productive assets of prescribed quality and durability
• Strengthen livelihood resource base of rural poor
• Proactive social inclusion
• Strengthen and empower PRIs
Salient Features & Non-negotiables
Salient Features & Non Negotiables

• Employment Guarantee - Rights based Framework
• Time bound Guarantee
• No contractors
• Manual Labour, not machines
• Wage Material Ratio at GP/block level - 60:40
• Decentralized Planning Process
• At least 50% of works to be implemented by GPs
• Transparency & Accountability Features
• Wage payment through PO/ Bank accounts
• Compensation for delayed wage payments
<table>
<thead>
<tr>
<th>Variables</th>
<th>Enabling Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Productivity</td>
<td>Linked to rural productivity (land, water, forest, basic rural infrastructure etc.) [Para 3 &amp; 4, Sch I]</td>
</tr>
<tr>
<td>Freedom</td>
<td>Legal sanctity, right to work</td>
</tr>
<tr>
<td>Equity</td>
<td>Equal remuneration, gender neutrality and linked to notified Minimum wages</td>
</tr>
<tr>
<td>Security</td>
<td>Employment insurance, and broadening of choices</td>
</tr>
<tr>
<td>Work Hours</td>
<td>8 hours with an hour of break [Para 19 (a), Sch I]</td>
</tr>
<tr>
<td>Human dignity</td>
<td>No compulsion, application for job, choice of works, choice of date from which jobs will be performed</td>
</tr>
<tr>
<td>Working Conditions &amp; Welfare</td>
<td>Worksite facilities defined in the Act. Provisions are made for hospitalization in case of injury, ex-gratia in case of death and permanent disability, crèche facility for children and grievance redressal systems</td>
</tr>
</tbody>
</table>
Key Stakeholders
### Primary Stakeholders & Roles

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wage seekers</td>
<td>• Demand employment</td>
</tr>
<tr>
<td>Gram Sabha</td>
<td>• Recommend works, Conduct social audits,</td>
</tr>
<tr>
<td>PRIs, especially the gram panchayat</td>
<td>• Planning of works, Registering households, Issuing Job Cards, Receiving applications for employment, Allotting employment, Executing works, Maintaining records &amp; Monitoring</td>
</tr>
<tr>
<td>Programme Officer at the block level</td>
<td>• Scrutinizing the annual development plan, Including the proposals of the Intermediate Panchayat, Monitoring and supervising implementation, Disposal of complaints, Ensuring social audits and Payment of unemployment allowance</td>
</tr>
</tbody>
</table>
## Primary Stakeholders & Roles

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Programme Coordinator</td>
<td>Information dissemination, Training, TS/ AS, Release and utilization of funds, monitoring of works, Muster Roll Verifications, Submission of Monthly Progress Reports</td>
</tr>
<tr>
<td>State Government</td>
<td>Setting up of SEGC and SEGF, ensuring placement of dedicated personnel, release of State share, training, monitoring and evaluation, ensuring accountability and transparency</td>
</tr>
<tr>
<td>Ministry of Rural Development</td>
<td>CEGC, ensuring timely and adequate resource support, maintaining and operating the MIS, assessing utilization of resources, supporting innovations, support use of Information Technology</td>
</tr>
</tbody>
</table>
Primary Stakeholders & Roles

1. Central Govt: Provide funds, ensure that the spirit of the Act is observed
2. State Govts: Preparation of Scheme & Implementation
3. Panchayats: Planning & Execution
4. Workers: rights & entitlements
5. Community: Planning & Oversight
2013 Guidelines: Key Changes
• 4th Edition - 2nd February 2013
• Important amendments in schedules notified
• Work flow chart into NREGASoft provided
• application of Section 25 mentioned
<table>
<thead>
<tr>
<th>SN</th>
<th>Punishable under Section 25</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PO &amp; staff under DPC not carrying out assigned responsibilities</td>
<td>8 (Para 2.2.1)</td>
</tr>
<tr>
<td>2</td>
<td>Stakeholders not complying provisions of Act</td>
<td>11 (Para 2.7)</td>
</tr>
<tr>
<td>3</td>
<td>JCs found with Panchayats/MGNREGA Functionary</td>
<td>17 (Box. No. 3.4)</td>
</tr>
<tr>
<td>4</td>
<td>Missing entries or delay in entries into JCs</td>
<td>18 (Box no. 3.5)</td>
</tr>
<tr>
<td></td>
<td>Refusal to accept job application or provide dated receipts</td>
<td>20 (Box no. 3.8)</td>
</tr>
<tr>
<td>5</td>
<td>Agencies/officials causing delay in payment of wages</td>
<td>76 [Para 8.8 (v)]</td>
</tr>
<tr>
<td>6</td>
<td>Failure to dispose of complaints within 7 days by PO (Section 19)</td>
<td>123 (Para 13.13.10)</td>
</tr>
</tbody>
</table>
Six new chapters added in Operational Guideline 2013:

<table>
<thead>
<tr>
<th>Ch. No.</th>
<th>Theme</th>
</tr>
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<tbody>
<tr>
<td>9</td>
<td>Strategy for vulnerable groups</td>
</tr>
<tr>
<td>14</td>
<td>Quality Management of MGNREGA Works</td>
</tr>
<tr>
<td>15</td>
<td>Framework for Convergence between MGNREGA and other Programmes</td>
</tr>
<tr>
<td>16</td>
<td>Organizing labour groups</td>
</tr>
<tr>
<td>17</td>
<td>Partnerships with civil society</td>
</tr>
<tr>
<td>18</td>
<td>Strengthening Panchayats</td>
</tr>
</tbody>
</table>
Key Stakeholders redefined

- Wage seeker
- GS
- PRIs
- PO – Block
- DPC – District
- State Govt.
- MoRD
- Civil Society
- Others (line depts., convergence depts., SHGs, members of SA unit, technical staff etc.)
Job cards, demand for work, Planning & work

• Door to Door Survey, assistance from CSOs (Chapter 3, para 3.1)
• Reach out to disadvantaged groups
• Register applications for work through:
  • telephones/ mobile phones – provision for IVRS and voice-enabled interactions to make it convenient for illiterate workers to register for work. (Chapter 3, para 3.2)
• Dated Receipts (Chapter 3, para 3.2)
• Rozgar Diwas (Chapter 3, para 3.3)
Job cards, demand for work, Planning & work

- 60:40 to be maintained
  - at GP level for all the works to be taken up by GP
  - for all other agencies ratio maintained at the block level (Chapter 7, para 7.4)
- Negative list of works (Chapter 7, para 7.3 & para 4 (3) of Sch. I)
- Schedule of Rates (SoRs) (Chapter 7, para 7.7)
- Revision in estimate as per revised SoRs, notified wage rate change (Chapter 7, para 7.7)
Payment of wages & maintenance of Records

- Chief Post master General (CPMGs) authorized to raise the cash & line limit of Branch Post Offices (BPOs) *(Ch. 8, para 8.1)*

- eFMS and Aadhaar Payment Bridge (APB) *(Ch. 8, para 8.4)*

- Cash Payments *(Ch. 8, para 8.2 & Para 30 Sch. II)*

- Janshree Bima Yojana (JBY) & Rashtriyaa Swasthya Bima Yojana (RSBY) coverage *(Ch. 8, para 8.9)*
Transparency, Social Audit, Grievance Redressal

- Setting up social audit unit (Chapter 13, para 13.1 & para 13.4)
- State level vigilance cell/District vigilance cell/village monitoring committee (Chapter 13, para 13.6)
- Proactive discloser at worksite (Chapter 13, para 13.9)
- Ombudsman (Chapter 13, para 13.14)
Convergence & Quality Management

- Internal Quality management – Roles defined for Technical staff at GP, Block, Dist. *(Chapter 14, para 14.6)*

- Quality monitoring by external monitors – NLMs, SQMs *(Chapter 14, para 14.7)*

- Empanelment of SQM *(Chapter 14, para 14.8)*

- Possible schemes for convergence *(Chapter 15)*

- Operationalising convergence *(Chapter 15, para 15.3)*
Further Revisions in Schedules
Revisions in Schedule I

• Objective of the Act enlisted [para 3 (a) to (d)]
  – Providing at least 100 days’ work as per demand resulting in creation of productive assets of prescribed quality and durability;
  – Strengthening the livelihood resource base of the poor;
  – Proactively ensuring social inclusion & Strengthening PRIs
Revisions in Schedule I

• Works categorised into 4 broad areas (para 4)
  – Public works for NRM
    • soil and water mgt, afforestation, land devt. etc.
  – Individual assets for vulnerable groups
    • Land productivity, livelihood promotion, fallow/waste land devt., IAY house, livestock promotion, fisheries promotion
  – Common infrastructure for NRLM compliant SHGs
    • Agri-productivity, common work-sheds
  – Rural Infrastructure
    • Sanitation, connectivity, play field, GP buildings, food-grain storage, maintenance of assets
Revisions in Schedule I

• GP determines priority of works [para 4 (2)]
  – Potential of local area
  – Local needs
  – Local resources
  – Adequacy of SoP
    • to ensure one Labour intensive work for particularly vulnerable groups are open all the times
Revisions in Schedule I

• Negative List of works [para 4 (3)]
  – Non-tangible
  – Not measurable
  – Repetitive
    • Grass removal
    • Pebbles removal
    • Agri-operations
Revisions in Schedule I

- Effective inter-departmental convergence [Para 6]
- Maintenance of muster rolls [Para 15]
- 8 hours including an hour rest [para 19 (a)]
- Working hours flexible but not spread over > 12 hrs on any day [para 19 (b)]
- $1/3^{rd}$ of Admn. Cost to be used in GPs on GRSs [para 24]
Revisions in Schedule I

• Proactive disclosure through Janata Info. System [para 25 (a)]
  – Janata estimate of work
  – Display info on prominent walls
  – Display through boards at GP office
  – Display on website

• Concurrent social audit for all works every month [para 25 (b)]

• Regular inspection of works by quality teams [para 27]
Revisions in Schedule II

• Special job card of a distinct colour to vulnerable groups [para 1]
  – single women,
  – disabled person,
  – aged person,
  – released bonded labour,
  – Vulnerable Tribal Group
Revisions in Schedule II

• Cancellation of job cards [para 4]
  – Duplicate
  – entire household permanently migrated outside GP
Revisions in Schedule II

• Welfare
  – Hospitalization in case of injury
    • Payment of daily allowance
  – Ex-gratia for death or permanent disability
    • as per AABY entitlement

• Delay in the payment of wages: [para 29 (1)]
  
  -> 15 days from the date of closure of MR, compensation @ 0.05% of the unpaid wages per day of delay beyond the 16\textsuperscript{th} day of closure of MR.
Mahatma Gandhi NREGA: Processes
MGNREGA: Work Flow

Works

- Works proposed by Gram Sabha
- Feasibility examined
- Technical, Fin. and admn approval
- Shelf of work prepared
- Work completed and assets created
- Expenditure on material

Workers

- HH demands for work
- Work allocation by Panchayat
- Work provided, muster roll filled and wage paid
- To Apply for Registration
- Job card Issued

Fund Transfer

- Fund transfer from Center
- Fund transfer from States
- D.P.C.
- P.O.
- Other Impl. Agency
- Admin. Exp.
- Blank muster roll forms having unique no.
- Unemploy. allowance
- Transfer fund
  - issue
  - pay
NLML Format
NLM Format

• JC registration
  – Are willing HHs issued JCs? If no, why?
  – Was any survey conducted during the year to identify eligible HHs?

• Work Demand
  – Do the HHs know the no. of days of employment guaranteed under the Act?
  – Do they demand work? If no, why?
  – Are all job seekers provided work within 15 days of demand? If no, why?

• Unemployment Allowance
  – Did any HH get unemployment allowance? If no, why?

• IEC
  – Was any IEC activity undertaken? If yes, the frequency and at what level?
NLM Format

• Planning and PRIs
  – What was the process for LB planning and approval?
  – Was GS consulted while approving LB?
  – Was the LB discussed in the GS?

• Wage and Wage Payment
  – Is anybody receiving less than stipulated wage rate? Why?
  – Is payment of wages delayed? What is the duration of such delay? Was compensation paid for such delay?
  – Are all wage payments made through Bank/PO A/c? If no, why?
NLM Format

• Work Completion
  – Is there a huge gap between no. of works undertaken and completed? Why?

• Convergence and usefulness of asset
  – Is any work taken up in convergence with other scheme(s)? If yes, are these useful? Will these ensure quality, productivity and durability?
  – Is the work useful to the community? How?

• Work Execution
  – Is there any involvement of contractor/machines in the execution of MGNREGA?
NLM Format

• Social Audit
  – Do the PRI officials & the community aware about Social Audit?
  – How many social audits conducted in the village?
  – Was there adequate participation in such social audit? If not, why?

• Grievance Redressal
  – Where are the complaints get registered with?

• Ongoing works
  – No. of workers in the worksite
  – Was the mate available there?
  – Was MR present at the worksite? Attendance?
  – Is there any effort made to ensure worksite facilities?
• Interview with JC holders
  – Is the JC in the custody of the HH?
  – Do the JCs have photos affixed onto it?
  – Is the data entry in the JC updated?
  – Are the JC entry matching with the MR entry
  – How does the HH demand work?
  – Does he get a dated receipt for his demand?
  – Are the wages paid on time?
  – Did the HH participate social audit/LB discussion etc?
Expectation from NLM’s visit
Expectations from NLM visit

• Before the Visit
  – Study the objective of visit and problem areas
  – Proceed to the field without any bias, stereotypes/prejudices

• After the visit
  – A specific & brief report with recommendations / policy prescriptions
    • objective and methodology
      – Why the visit was undertaken?
      – How the visit was made?
    • findings
      – Was there any violation of provisions of the Act? What are these? Where were these occurred? Who could be responsible for the same? Why?
Expectations from NLM visit

• After the visit
  – A specific & brief report with recommendations / policy prescriptions
  • Conclusions
    – No sweeping conclusions without adequate evidence and data analysis/field observations
    – Clearly describe observed person, place, event and categorise and identify common problem areas.
    – Can contain policy prescriptions for follow up action
Thank You

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