

MGNREGA AND WOMEN WORKERS IN PESA COVERED STATES

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MGNREGA has provided rural people certain entitlements such as work on demand, stipulated wage or unemployment allowance and wage payment within 15 days. Field studies suggest that serious source of discouragement to MGNREGA work is delay in wage payment. The process of institutional payment has resulted in delay and corruption in many regions particularly in tribal inhabited PESA covered states. The paper focuses on the problems of implementation of MGNREGA more particularly the problem of delayed wage payment as experienced by women tribal workers in PESA covered states.

MGNREGA has been a very significant piece of economic and social security legislation in independent India, simply because the Act seeks to provide guaranteed employment to unskilled rural labourer, particularly the poor and vulnerable sections of society for at least 100 days in lean agricultural period. On 16th September the Union Cabinet cleared the proposal to provide additional 50 days of unskilled manual work in the financial year to the job card holders over and above the existing 100 days under the MGNREGA in such areas where drought or natural calamities have been notified. This will enable states to provide additional wage employment to the rural poor in drought affected areas (The Statesman : 2015).

Tribals have historically been a vulnerable, backward and poor segment of our population as compared with non-tribals. Majority of them live in rural areas and depend on agriculture and allied activities. Inadequate access to agricultural land and capital necessary for self employment activities compel substantial segment of tribals to depend on manual wage labour for livelihood. Consequently, there is proportionately high level of manual wage labour among the tribals- nearly 60% as compared to only one-third for other segment of population. Since more than 60% of Scheduled tribe workers in rural areas depend on wage labour their earning is determined by the level and scope for wage employment.

Panchayat is the pivotal institution having central responsibility for planning, implementation and monitoring of MGNREGA programmes. According to MGNREGA Operational Guidelines, 2008 Gram Panchayat's implementation functions include registering households, providing job cards, ensuring availability of work according to demand, preparing and maintaining muster rolls and making timely payment to workers. Wages are to be paid on a weekly basis and not later than a fortnight in any case. Payment of wage is mandatorily made through bank/ post office beneficiary accounts. Field study in different PESA covered states of India suggests that serious source of discouragement to MGNREGA is delay in wage payment. This delay has not only weakened but actually frustrated the transformative potential of the programme. This paper seeks to focus on the problems of implementation of MGNREGA more particularly the problem of delayed wage payment as experienced by women tribal workers in some PESA covered states.

PESA for Tribals

The Panchayat's Extension to Scheduled Areas Act, 1996 (PESA) has sought to extend panchayati raj to Fifth Schedule areas where tribals constitute sizeable segment of population. Nine states of central and western India figure in fifth schedule of the constitution and the 1996 Act covers all these states namely, Andhra Pradesh, Madhya Pradesh, Chhattisgarh, Rajasthan, Maharashtra, Gujarat, Himachal Pradesh, Jharkhand and Odisha. PESA is politically significant since it is designed to give the right of self-governance to various marginalized communities particularly the tribals and forest dwellers. It seeks to enable them to assume control over their life and livelihood and preserve their traditional rights over natural resources.

The Act has created institutional framework for autonomous and empowered Gram Sabha in the fifth schedule areas. Tribal communities have been declared competent by the act to safeguard and preserve their culture and tradition, exercise command over natural resources, enjoy ownership of minor forest produces and adjudicate local dispute among tribals. It has empowered Gram Sabha to approve plans and programmes of social and economic development before their implementation and monitor the functions of all state institutions such as schools, health centres with their functionaries placed under its jurisdiction. PESA recognizes the capacity of tribal communities for self governance and create necessary space and initiative for advancement.

The significant feature of PESA is empowered Gram Sabha defined as an organic self governing community of tribals rather than as an administrative unit of local self government. The member of a habitation is the natural unit of the community whose adult members constitute the Gram Sabha. Tribals have been empowered significantly as Gram Sabha in PESA covered states has been given wide range of powers. These include: i) mandatory executive function to approve plans of village panchayats, identify beneficiaries for schemes, issue certificate of utilization of funds ; ii) right to mandatory consultation in matters of land acquisition, resettlement and rehabilitation and prospecting licenses/ mining leases for minor minerals found in the village ; iii) power to prevent alienation of tribal land and alienated land for real owner ; iv) power to regulate and restrict sale /consumption of liquor ; v) ownership of minor forest produce ; vi) power to make local plans and control distribution of resources for such plan including tribal sub plan. Gram Sabha in PESA covered states have significant role in the preparation and implementation of village development programmes involving village community in the decision making process. It helps gram panchayat to ensure that benefits of various government schemes reach the target groups of people in full measure. It is empowered to participate in planning, implementation and performance review of central government schemes including MGNREGA.

Though states under Fifth Schedule of the constitution have enacted rules for implementing PESA to varying degrees, most of them have sought to provide empowered Gram Sabha for self governance and development

of tribals. For instance Jharkhand Panchayat Act 2001 has endowed following functions and powers to Gram Sabha in scheduled areas: i) identification of economic developmental schemes for the village and formulation of criteria for fixing their priorities; ii) approval of schemes for social and economic development including all the annual schemes pertaining to the Gram Panchayat before implementation of programmes and projects ; iii) discussion on annual budget of the Gram Panchayat and making recommendations thereto ; iv) deliberation on audit report and annual accounts of the gram panchayat ; v) determination and confirmation of appropriate utilization of funds for the schemes , programmes and projects specified under section 10 (1) (a) and (2) by the gram panchayat ; vi) identification and selection of persons as beneficiaries under poverty alleviation and other programmes ; vii) ensuring distribution of funds or resources among beneficiaries and their proper use ; viii) activating people towards community welfare programmes and securing contributions in cash or kind or in both and participation of voluntary workers ; ix) enhancing general consciousness, unity and amity among people in general ; x) keeping control through Gram Panchayats over such organizations and functionaries in social sectors as have been transferred to the Gram Panchayat or appointed by the Gram Panchayat ; xi) managing natural resources such as land, water, forest falling within the limits of the village area according to laws in force ; xii) keeping watch over local schemes and over sources and expenditure of the said schemes ; xiii) management of public land, extension and development of village site ; xiv) helping the disabled and destitute (including women and children) ; xv) implementation of order of state

government to improve the condition of SC/ST and OBC ; xvi) helping disabled women and children ; xvii) execution of work assigned by Panchayat Samiti / Zilla Parishad ; xviii) exercise and discharge of power and functions assigned by the state government under this act in force in the state for the time being.

In scheduled areas the Gram Sabha has the following additional functions - i) it shall preserve the tradition and customs of people, their cultural identity and community resources (sarna, masna jaherthan etc.) and their customary manners of redressal of disputes which are not inconsistent with the constitutional viewpoint and when needed for the sake of extending cooperation in this regard by bringing proposals as required in prescribed manner to enlist cooperation before Gram Panchayat, Panchayat Samiti, Zilla Parishad and state government ; ii) it can manage natural resources including land, water and forest within village areas according to provisions of the constitution ; iii) it can provide for local schemes in which tribal sub schemes are included and sources and costs of such schemes.

The Act specifically mentions that for implementing poverty alleviation schemes the Gram Sabha has following functions: i) promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets ; ii) selection of beneficiaries for such programmes through gram sabha ; iii) ensuring effective implementation and monitoring of schemes ; v) implementation of programmes for SC/ST and weaker sections of society ; v) proper care

against exploitation and injustice against SC/ ST and weaker sections of society and 6) specific programmes for social development of women and children.

MGNREGA and Panchayats

The Act has assigned central role to PRIs for planning, management and implementation of MGNREGA. Gram Sabha is the principal forum for wage seekers under MGNREGA programmes. Gram Sabha recommends the works to be taken up and it has final authority to determine the order of priority in which works will be initiated under MGNREGA. Gram Sabha monitors the execution of works within the Gram Panchayat. Gram panchayat is responsible for receiving applications for registration, verifying these applications, registering households, issuing job cards, receiving applications for work and allotting work, conducting periodic surveys to assess demand for work, preparing annual reports containing the facts, figures and achievements relating to implementation of the scheme. These indicate a marked effort towards strengthening local governance by empowering both PRIs and Gram Sabha to decide and execute economic and social development priorities in villages. At every stage of the scheme - from planning to implementation and monitoring- the PRIs and the Gram Sabha have been given principal role. It insists on transparency and accountability which the Gram Sabha is needed to ensure through an ongoing audit system. In systematizing local participation it hopes to enable PRIs and Gram Sabhas to develop into strong and responsive systems of local governance. Gram Sabhas have important role in social audits that empowers local government institutions to demand

accountability and ensure that funds are spent appropriately. It symbolizes a paradigm shift in rural development because it insists on more popular awareness and increased local participation through Gram Sabhas to enable PRIs to enforce accountability on the members of the gram panchayats.

The PRIs are intended to be the grass root governing institutions of the scheme and implementing agencies for this flagship programme. They are also entrusted with the responsibility for decentralized and participatory planning and accountable governance of the programme. For this purpose the scheme has been designed as a grass root programme granting the gram panchayat and its elected representatives central responsibility for planning, implementation and monitoring community development. Priorities are identified at gram panchayat meetings and on the basis of its decision the gram panchayat prepares the village development plan.

Providing remunerative wage employment to rural workers has been one of the most challenging tasks of the scheme. It is aimed to generate efficient employment opportunities for unskilled manual labourers who face seasonal unemployment and mainly remain unemployed during lean agricultural season. The government has designed it as public employment programme to ensure job for rural unemployed labourers culminating in the passage of the act in 2005. Previous public works programmes were supply driven, formulated and implemented by a government agency dominated by contractors, wrought with leakage with little transparency and accountability without any legal employment guarantee and with

only marginal role for the PRIs. In contrast the act is a right based, demand driven programme that overcomes problems of targeting through self selection. Its unique safeguard mechanism includes muster rolls at the worksite, regular maintenance of job cards, payment of wages in public, wall painting of jobs undertaken and jobs provided, separation of payment agencies from implementation agencies , vigilance committees and social audits. The scheme has been designed to facilitate convergence between different schemes to alleviate poverty, enlarge livelihood options and a stream of works to facilitate village development needs. It aims to bring sustainable welfare benefits to rural households and supplementary employment opportunity for poorer sections. Raising the level of income for poor necessitates substantive employment opportunity in rural areas. The priority of the scheme is to fight poverty and generate livelihood options for the poor and vulnerable sections - the SC/ ST/ OBC and similar other backward people.

Problems of Implementation

Most states including PESA covered states with considerable tribal population have attempted to utilize MGNREGA for wage employment and engage poor unemployed for unskilled work. In PESA covered states tribal component of wage earners constitute very significant segment of the total work force. Similarly women constitute a substantial part of the MGNREGA workforce as the act attaches special importance to women and seeks to preserve at least one third of the work for women labourers. The act has provision also for equal wage for both men and women and non- discrimination on the basis of gender and

similar consideration. For this equal wage provision the scheme has been very attractive for women throughout the country and women have participated in quite impressive proportion as compared with men in the programme.

Comparison with non PESA states can help to examine the performance of tribal dominated PESA covered states. The following table presents the scenario in non PESA states.

Table 1
Rural Workforce, Ratio of Women and their Participation in Non PESA States

<i>States</i>	<i>Rural Workforce</i>	<i>Ratio of Women</i>	<i>Participation of Women at MGNREGA</i>
Arunachal Pradesh	0	25	17
Assam	12	13	28
Bihar	9	6	30
Goa	24	13	62
Haryana	9	23	35
Jammu & Kashmir	9	25	7
Karnataka	31	31	37
Kerala	21	22	88
Manipur	0	21	48
Meghalaya	42	36	47
Mizoram	0	40	35
Nagaland	0	31	44
Punjab	7	23	26
Sikkim	37	48	51
Tamil Nadu	33	40	43
Tripura	0	18	41
Uttar Pradesh	7	12	22
Uttarakhand	26	38	40
West Bengal	14	11	33
All India	22	22	40

Source: Annual Report, Ministry of Rural Development, Government of India,

The comparative table shows that women participation at MGNREGA programme is quite significant in PESA covered states as compared with non PESA covered states except Kerala and Goa with 88% and 62% women participation respectively. Among PESA covered states Rajasthan recorded highest percentage of women participation with 67% (second highest in the country) and Andhra Pradesh with 58% - the fourth highest in the country as a whole. Among the PESA covered states Odisha and Jharkhand recorded the lowest proportion of women participation with 36% and 34% respectively in the financial year 2009-2010.

Both Odisha and Jharkhand have significant segment of tribal, poor and disadvantaged category of women in the countryside. Women have registered for MGNREGA work in substantial number but the proportion of women worker whose work demand was not met shows staggering figure. Most explicit reason for huge unmet demand for MGNREGA work has been job rationing at various stages. In most cases this is not due to fund shortage or fund constraint as it primarily appears to be. Because CAG report 2013 mentions that only 70% of allotted fund was spent throughout the country as a whole. Even in the peak performing period of the programme in 2008-9 highest amount of 82% of the allotted funds were spent in different states. Therefore huge unmet demand for MGNREGA work cannot be attributed to dearth of fund. It has been mentioned in India Rural Development Report 2013 that job rationing occurs mainly at the stage of registration of job card holders and secondly at the stage of allocation of work to registered card

holders. At Chattisgarh tribals complained that backdoor understanding and nexus of local landholders with Sarpanch prevented the gram panchayat functionaries to give them MGNREGA work as the landholders are more interested to get cheap labour for their agricultural work (IRDR 2013 : 251-52)

Official data suggest that 47% of MGNREGA workers are women. There is substantial variation across states to the extent the programme is inclusive of women and the exclusion of vulnerable groups of women. The public works programme provides resources and significant income security to women. But field studies in different states indicate that there is gender dimension in women participation at MGNREGA work and women face more challenges and constraints in getting work. NSS 68th Round Survey data suggest that women face greater rationing than men in accessing their entitlement to work under MGNREGA. The special emphasis given to women participation at MGNREGA has increased their representation in the MGNREGA workforce to 47% on average during 2012-13. In some states their representation is quite high which is indicative of progressive nature of MGNREGA about women employment.

There is high demand of work among workers because MGNREGA has provided them income security. In field studies majority of workers have admitted that their wage income has increased significantly following the introduction of MGNREGA. But there is other side of the story with substantial cases of unmet job demand even among registered

workers. In comparatively developed Himachal Pradesh, Maharashtra and Gujarat also there are significant segment of poor workers who did not get work. As a study by World Bank has revealed - in almost all the states the proportion of unmet demands is massive. The expectation that poor households will demand work and the self targeting mechanism of MGNREGA will reach to the really needy and deserving poor and low caste, backward, tribal people has been belied. Survey reports show that contrary to expectation self targeting mechanism of MGNREGA did not help the poor everywhere. Rather unfortunately, the extent of unmet demands of works is higher in poorer states where the programme is needed most. At the same time self targeting can turn out to exclude the hardcore poor. In one survey report the non - poor workers were found to be around 20 - 30% of total workforce. This is because the work opportunity is based on demand rather than on poverty or similar other consideration. The world Bank study provides explanation why poor states fare so weakly. The poorer states are less able to afford the share of costs borne by the state and local governments. Poorer states tend also to have weaker capacity for administering the programme. Moreover poor people are less empowered. However there is state wise variation. Bihar, Odisha and Jharkhand Pradesh and West Bengal have performed better in providing employment (Mondal & Laha 2014 : 85,98).

Delayed Wage Payment

Timely payment of wage to the workers is obligatory under MGNREGA but official reports and field studies by academics have mentioned

about widespread violation of the provision in various states including PESA covered states. As the Annual Administrative Report 2007 - 8 of the Ministry of Panchayatiraj, Government of India mentions : Making payment of wages is troublesome and risky that puts high burden of work on the weak administrative machinery of gram panchayats. In order to make the system of payment of wages to workers more efficient and transparent the central and state governments favoured the mode of institutional payment through bank and post offices by opening accounts for the beneficiaries and crediting payment amount in the respective accounts. But there has been problem about such payment at the operational level. For ensuring payment of wages within a fortnight to all labourers the Ministry of Rural Development designed a ' flow - chart' with time schedule and instructed all state governments through a circular to reduce administrative delays in payment of wages. In spite of these instructions the reports from press and media, CEGC (Central Employment Guarantee council) members, Area Officers and NLMs (National Level Monitors) have revealed that there is inordinate delay in payment of wages to MGNREGA workers resulting into undue hardships to them and violation of the provision of the act as well (Ghosh & Dey 2014 : 65-66).

Panchayats are envisaged to play major role in the implementation of MGNREGA programmes. But field studies regarding its implementation in different districts of Jharkhand have revealed lack of transparency and accountability of PRIs and practical exclusion of vulnerable sections of rural community from the process. Panchayat members and their

associates control the entire planning and implementation process without consulting the villagers. The role of site in charge (mate) is very important because they are responsible for making entries in the job cards, maintaining attendance in the muster rolls, measuring the work and ensuring on site facilities. Mates directly interact with them and inform them about available work. It is alleged that by beneficiaries that the mates provide information selectively to people of their choice or from whom they can extract commission. Mis-utilization of job card is a common practice. In such situation poor tribal women majority of whom are illiterate become easy victims of manipulative panchayat functionaries. Women suffer more since they are not aware of the formalities for making complaints about delayed or nonpayment of wage. Though delayed wage payment discourages women they cannot avoid it for lack of alternative work facilities in the countryside.

Similar findings have been reported in Jharkhand State Development Report 2010. It mentions that helplessness of rural people, their illiteracy, poverty, ignorance of rights make it difficult for ordinary villagers particularly women who are intended beneficiaries to even demand right to work from the state. Delayed wage payment has been reported from different districts in course of investigation. Payment for work done more than two years back has remained pending. BPL families paid more than Rs. 16 crore as bribe to police and panchayat functionaries for getting work and wage payment in the financial year 2008 - 2009 (Kundu 2015 : 10-11).

Conclusion

MGNREGA has definitely helped in financial empowerment of women by generating additional and equitable opportunity of paid work in the countryside. The large scale participation of women in the programme at national level indicates this. But the issues of equity and inclusion have suffered distortions and palpable violations in the states at the level of implementation. Women workers of PESA covered states also experienced gender, social and status biases and malpractices by corrupt officials and panchayat functionaries. Delayed wage payment is one obvious drawback in programme implementation. To overcome this problem interim payment to workers from GP fund has been suggested as possible way out (IRDR 2013:268). It mentions that to ensure timely payment the PRIs can pay workers from surplus GP fund at least 50% wages in public space with the rest due later. It has been successful in Tamil Nadu.

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