



A Report

National Workshop on MGNREGA: Issues and Prospects

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1. Background

The right to work at conceptual level is a human right, while the obligation to ensure the same is on the state. To provide the adequate work or productive employment to all the citizens at majority of times throughout the year by way of creating livelihood opportunities is one of the fundamental duties of state government. Right to Work is also recognized in International legal tools like ICESCR¹. Part II of the Covenant determining that the people must not be denied access to work just on the basis of gender, ethnic or national origin, religion or social or other status.

MNREGA² (also known as NREGA and NREGS) is one of the largest rights-based social security programmes in the world, which is open to all rural people who are willing to take manual work as unskilled workers. MNREGA is based on principle of self-selection—people who want to do hard manual labour at minimum wages will demand and be given work by the state. The act thus promises to provide enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred twenty days of guaranteed wage employment in every financial year. MNREGA scheme mainly focuses on eradication of rural poverty and making village's self sustaining through productive assets, which turn them into sustainable livelihoods for rural people.

In the recent past there are social audits conducted, involving actors from public domain and NGOs, which unearthed several anomalies including violation of right to work under MGNREGA. The audit reports also suggest that the realisation of different provisions under MGNREGA is not at its fullest at the ground level.

FIAN in a pragmatic effort to contemplate more on this issue and to give the right to work violation issue a national dimension, organised a workshop in Bangalore. The workshop encapsulated the display of cases of violation of right to work under MGNREGA. The cases were collected by state chapters using a case sheet format. The cases were presented in the workshop and a debate was centered around the cases.

2. Objectives of Consultation

- Stock taking of cases of violation of right to work across different states.
- To bring the cases in the form of a document for public access and advocacy related planning at National and state level
- To inform the policy makers at National and state level about the cases and to seek their support in lobbying.

¹ International Covenant of Educational Social and Cultural Rights

² Mahatma Gandhi National Rural Employment Guarantee Act

3. Agenda

PROGRAMME FOR THE MGNREGA WORKSHOP

27TH SEPTEMBER AT UTC – BANGALORE

10.00 A.M.	Registration and Tea
10.30	Inaugural Function
	Welcome
	Introduction of Guests & Programme schedule
	Chief Guest: Shri Y B Ramkrishna
	UN Consultant on Biofuel to Govt., of Karnataka
	Guests of Honour: Shri Abhaykumar
	General Secretary, GRAKOOS
	(The State Union of MGNREGA Workers Karnataka)
	Chair Shri Gurusamy, President FIAN India
	Vote of thanks
11.30	Self Introduction by Participants
11.45	Case study presentation by FIAN India chapters (10 mts.)
13.00	Panel Discussion
13.30 – 14.30	LUNCH
14.30 – 16.00	Open Discussion
16.00 – 16.30	Recommendations & Blue print for future action
16.30 – 17.00	Vote of Thanks

4. Key Proceedings

The workshop began with Mr John Bosco welcoming all the participants and expressed his gratitude to all of them for having travelled from various parts of country and the state.

He called upon Mr Y B Ramkrishna, UN consultant on Biofuel to Government of Karnataka and Mr. Abhay Kumar, General Secretary, GRAKOOS and welcomed them as guest speakers for the occasion and requested them to share their experiences from Karnataka while engaging with the implementation of the MGNREGA.

Mr. Bosco invited President of FIAN India, Mr D Gurusamy to chair the session.

5. Morning Sessions: Key note from chief guest and Guest of Honour

5.1.Mr. Abhay Kumar, General Secretary, GRAKOOS

Mr. Abhay has been working in Karnatka for about 11 years and before that he was working for a multinational for about 6 to 7 years. He founded a dalit movement collective and started working on devadasi issues. In 2006 when NREGA was passed, Raichur was one of the districts, identified in the first phase for the implementation of the Act and that was the time when he had started engaging with this new law. While doing so, he encountered many issues. He also built regional/district level networks with other groups in different districts. Recognizing the strength of networking all the groups came together under one banner of a state level union called GRAKOOS Union, with a membership base of 1,30,000 members. The aim of this Union is to get laborers at least 100 days of work as entitled and payment within 7 days.

During the deliberation he expressed that from the past 1 year at central level there have been continuous efforts observed to stop NREGA. Although not directly but citing several reasons, UPA 2 is trying to divert the money/ resources from NREGA to NFSA³ implementation for political gain. He shared that from the past few months the efforts to create a national forum were made and 'Rashtriya Mazdoor Adhikar Morcha was founded in Bhopal with the objective of getting NREGA implementation and realization of the right to work.

When EGS⁴ was introduced in Maharashtra, people were fighting for their right to work while NREGA provides an opportunity to organize rural people to fight for their right to work. He expressed his concern that over the fact that there have been many leftist organizations, rural workers are not organized. He elaborated that while using NREGA they have been able to do so, bringing almost 1,30,000 workers together. He shared that in a recently held meeting in Bhopal the need to organize rural workers into unions and then mobilise them at state and national levels was expressed.

³ National Food Security Act

⁴ Employment Guarantee Scheme

Elaborating the problems and issues under NREGA, he says, there have been many issues, in NREGA ranging from people not getting 100 days work, to untimely payments. Other areas of concern is that the programme has been designed keeping fit male work force in mind. This default structure practically outcasts the disabled people and jeopardises the special needs to women work force. In some of the states there is dearth of common land where NREGA work can be done. Tribal areas also have different kind of issues. Considering all these constraints, the demand is to adopt district wise approach and plan to be made accordingly.

The NREGA works related benefits are also unnecessarily being associated with the farmers' rights and, however, the fact remains that adequate amount of wages for labourers has never been on the agenda of the farmers rights movements. They largely delve upon the issues such as subsidies and the minimum support prices.

Mr. Abhay said, "we fight from the point of view of labourers and not only farmers, although many of the NREGA workers are small farmers". In none of the farmers' demands, minimum wages for labourers is demanded. Because of NREGA rural labourers have actually come to know about the provision of minimum wages at least.

He also mentioned about the inadequacy of even the minimum wage approach which is calculated only on the basis of the food requirement while ignoring other basic requirements such as health shelter, education, social and cultural obligations etc, The approach of 'living wage' does try to take care of these inadequacies while including these also in the calculation.

Three major outcomes/positive impacts of MGNREGA

- A legal system is in place to ensure the Basic minimum wages.**
- A instrument which has the capacity to organize the unorganised labour.**
- A instrument enables the village economy to sustain.**

He concludes, with saying that the GRAKOOS union is working in 10 districts of Karnataka and the ripple effects also impacting regulations in ICDS services, school management committees, PDS shops etc. NREGA, he believes can potentially bring about changes in not only economic, but social and political life of people. He expressed his interest in networking and partnering with FIAN and other partners.

5.2.Mr Y B Ramkrishna, UN consultant on Biofuel to Government of Karnataka

Mr. Ramakrishna, has been involved with rural communities on developmental issues. He shared that in 1990 different organisations, joined Janvikas Andolan to push the agenda of NREGA. All the organizations across the country, came together and formed a network to work for the right to work.

He mentioned that he got an opportunity to bring convergence in bio fuel programme and NREGA through this bio fuel programme. When NREGA programem became an Act in 2006 , there was a lot of confusion with regard to implementation of the whole programme and there was no clarity over many areas. For an example– criteria for identification of beneficiaries and the type of programmes to be implemented were never clear to the implementing agencies and the people at large. This resulted in emergence of several interpretations while no concerted efforts were made to clarify the conceptual framework or the routing of the funds also. The lack of capacity of local authorities and other administrative segments in handling NREGA, were also throwing key challenges.

He emphasized that there was always a need to take up the issues pertaining to NREGA seriously at political level, and then only the outcome of the scheme could have been further leveraged and optimized. Considering the paucity of funds, he further stated, he explored the possibility of convergence of bio fuel programme with the NREGA, under which there was major fund lying underutilization.

In Davengere, first such experiment was initiated. Labourers were reluctant to join, given the problems in the payment of wages which was attributable to lack of coordination among various departments. This brought into light a nexus – wherein NREGA fund was being used by big farmers to get work done on their farms. He as the chairman of the task force and bio fuel board, worked with NREGA to weed out wasteful programmes and carried out development programme for instance watershed, restoration of tanks and , forest conservation. Similar efforts were also made to make use of waste/dry land which had not been cultivated in the past 15 years . Involving local people who were looking for such kind of work was also an important aspect of this.

Speaking on the labour and material ratio under NREGA he says, that the civil work should not exceed 20% of funds and rest 80% should be used for creation of wealth and conservation. He informed that an order was issued to this effect.

Q &A Session...

Q: NREGA – Do communities belong to SC⁵ and ST⁶ category have rights to work on their own farm land under NREGA? System for collection/procurement of seeds to promote bio fuel.

A: Procurement of Seeds has not been an issue in Karnataka. Jatropha is not being used, it has been a failure all over the world. Species of only those seeds are being encouraged which farmers are familiar with and climate is conducive to.

Not much emphasis is laid down on SC and STs to work on private land. Common land development has not taken place much.

Q: In ST areas of AP STs are reluctant to work under MGNREGA as they do not get the payment on daily basis. What could be the possible solution of the problems

A: Need to sensitise the people on different provisions of the act. Need to talk to the people and make them realize that the fortnightly payment is a good option and this will increase their saving capacities as well.

5.3. Presidential remarks – Mr. D. Gurusamy

He appreciated the presentation by both the distinguished speakers. Speaking on the problems faced by the people he asserted that the problems with the laws are primarily related to the fact that people are unaware of their rights and at majority of cases they do not get themselves registered to get the employment. He further added that this is the duty of development practitioners to make people understand the system they are living in, empower them to claim their rights. He remarked, unionization is based on the three core principle – acceptance, faithfulness and trusteeship. NREGA is one of the most progressive laws of India. Fact that only very few people register themselves for NREGA work fails the implementation and the system. He concluded with hope to follow up on this effort effectively.

5.4. Vote of Thanks: Ms. Suman

Ms. Suman, thanked both the speakers and participants for enriching discussion on behalf of FIAN India

⁵ Schedule caste

⁶ Schedule Tribe

6. Self Introductions by participants

All the participants briefly introduced themselves.

Note-The list of participants is annexed in the end.

7. Case Study Presentation by Chapters and Groups

7.1.Presentation by FIAN Jharkhand: Ms. Sangeeta

Ms. Sangeeta from FIAN Jharkhand group shared the story of violation cases under MGNREGA, in the next session. She shared that how 70-80 families of village Chanda para of Khunti district of Jharkhand state, were living under the perpetual system of feudalism and their rights were continuously being suppressed from the ages. While narrating the entire story she explained that when FIAN Jharkhand group started intervening in the village no one was found aware of the right to work concept while the NREGA, was another tool being used by the rich and influential people in the area. The group then made attempt to educate them but faced the fury of rich and influential people of the community. In a sudden turn of the incidents the group faced the wrath of ongoing naxal movements in the area. However when the entire concept was explained to naxalites they turned supportive, but on the condition that no one else would come in the area to discuss with the villagers except the FIAN Jharkhand people. Now the groups is educating the villagers on their rights and gradually their movement is capturing grounds in the area. People have united and in some of the area the incidents are also reported that people have demanded the work through the proper process.

7.2.Presentation by Odisha Group: Ms. Swarupa

In Bolangir district although money is being spent on the name of MGNREGA, but people have not got intended benefits the Act. Ms. Swarupa explained that for a community center called, Community Rajiv Seva Kendra – money was spent but no work took place. Apart from this, she shared that villagers were not informed about the entitlements, under MGNREGA, and the middle men were taking over all the job cards and people remained deprived of their rightful benefits.

7.3.Presentation by FIAN Bihar: Mr. Santosh Upadhyay

FIAN Bihar is a new group established in the state of Bihar. The group has started working towards the realization of right to food including the right to work. In Rohtas district there is a semi tribe Bhuiyan (SCs) that has been facing a hunger like situation for a long time. The village is divided into two parts and both the parts fall in two different panchayat. The community is primarily cattle rearers for others and also involved in agricultural laborer etc.

Explaining more on the socio economic condition of the people he explained that all the houses in that hamlet have thatched houses. The people living there are unskilled that further takes away the opportunity to even migrate and take up some work.

Village heads of both the panchayats have their job cards but they do not receive any money on regular basis. Community said that whenever they need money they go to village head and get some. One of the villagers was not paid at all on the pretext of the expenses incurred on his treatment when he met an accident.

Nexus between bank and village heads also came to light when it was found that the withdrawal forms were actually in the possession of the village head. Village head also engages the people with his personal work but people do not know for how much work they are paid for.

The interventions have been made with the community but the slavery inherited by the villagers prevents them from being assertive and asking for any rights, which they feel may actually deprive them of whatever they are able to access now.

FIAN Bihar has done a primary investigation of the area and has been trying to mobilise them, the impact of these interventions is being observed.

7.4.Presentation by Tamilnadu Chapter

In Madurai district, MGNREGA has led to creation of asset creation as well as mobilization of the community. But village and block level officers are not interested in the implementation of the Act, since they cannot make additional income involving contractors.

Most of the people do not get job for 100 days, but cannot even challenge the authority. The wages are also being decided based on the work done and the measurements and not the number of days. Implementation officers are not even monitoring the work happening. Consequently, there are difference in the measurements decided and actual work and hence the workers are also not getting paid. Monitoring is happening for the other government work including that of the Public Works Department, also because they get commissions out of it.

7.5.Presentation by Andhra Pradesh Chapter: Case 1

In one of the bordering districts of Karnataka, in a panchayat for many years nothing was reaching to people but in last 3 years, 600 people demanded job cards and they got work. Initially they were not interested in the work, however the subsequent awareness programmes resulted in interest building among them. Recently, there is an order of government under which even elder people also (beyond 60 years) to be given the opportunity to work. Another issue is that in some, areas the NREGA is being implemented but the wages are not being paid as per the rules

7.6.Presentation by Andhra Pradesh Chapter: 2: Mr Ravi Kumar

FIAN AP has been working on MGNREGA since 2009. Mr Ravi of FIAN AP gave a detailed description of the affected community and that of the related problems. FIAN AP has been working in 25 Panchayats in Kaikalur Mandal, Krishna District, Andhra Pradesh. The area is suffering from the problems like, non-implementation of employment guarantee act and social security schemes. Many indigenous people are economically poor and live in remote marginal and risk-prone rural environments. The people have less access to forest products and land, while many lack human and citizenship rights, access to markets, information and basic services, as well as opportunities to participate in policy making . The implementation of NREGA also is characterized by unavailability of work, less allotment of employment days (only 20 to 30 days) in a year Instead of 100 days, delay in wage payments for right holders, the wages are lesser than the minimum wages, absence of worksite facilities etc. The chapter has been involved in advocacy and community education in order to safeguard right to work in the area.

Note-Please see the annex 1 attached separately with this document.

7.7.Presentation by FIAN Kerala

Kerala is a state where social reforms were brought at large scale. There was a social audit on the work so far done in Kerala which brought into light that there was fraud committed and actually the work under the scheme did not take place. Subsequently social audit was stopped. The best awarded village from Kerala actually had recorded many irregularities in the social audit. Panchayat member was paid under MGNREGA without doing any work. He was made to resign after widespread campaign by people. State government has unanimously stopped the process of social audit and in the present time the social audit cell is defunct now.

7.8.Presentation by FIAN Karnataka

FIAN Karnataka has been doing focused work on right to work as part of right to food, especially in the Northwest Karnataka. Case documentation is done of the violations which is presented to the district authorities through public hearings. A lot of campaigns are also organised by FIAN Karnataka. In the current year, Gadag, Bagakot and Haveri districts hearings were organized on the problems which ranged from no job cards, no work even for those having job cards, less than 100 days of work.

FIAN Karnataka has been conducting a campaign for the right to work in order to make people to be able to realize their right to food and successfully intervening in the area of right to work under Mahatma Gandhi National Rural employment Guarantee Act (MGNREGA). In the recent past the chapter has identified problems, conducted capacity building activities to help local communities understand and claim their rights, and provided skills on monitoring mechanisms regarding right to food violations and advocacy skills.

FIAN Karnataka focuses on three district in Karnataka, they have been facing problems, apathy and corruption from the elected members and bureaucracy. Attempts are made to bring organizations working in this issue together.

Note-Please see the annex 2 attached separately with this document

7.9.Presentation by FIAN Uttar Pradesh

In village Mahmapur, of district-Jaunpur of Uttar Pradesh, community does not get wages on time and there are issues related to their controlled access to knowledge about the scheme. The information pertaining to the scheme like any new order or amendment in wages etc. is seized at panchayat level and does not percolate down to the people. In many cases the Job card are expired and need renewal however the people sitting at higher position in social rung continuously and deliberately putting off the process.

Similar in village Gaura, of same district daily wages are the only available source of income for the majority of people. The land holding is miniscule and that too is trapped in legal battle in many places. The village head keeps all the job cards with him and seldom provides chance to the people to have access to their job cards. The area is marked with unequal and unfair wages, deplorable condition of compliance of work site facilities and other issues like delayed payment of wages, fraudulent measurement of the work etc.

Note-Please see the annex 3 attached separately with this document (Sanjay Ji is requested to provide the ppt)

8. Annexure

8.1.List of Participants

S.No	Name	Coming From	Organization	Designation	Phone	E-mail
1.	Mr. K. vijaya Raghuvir	Bangalore	VRDS	President	9986810040	vijayaraghu@gmail.com
2.	Mr. G.N. simha	Bagalkot district	FIAN- K	Vice president	9449687275	reachgnsimha@gmail.com
3.	Ms. Theresia.v.c.	Mysore	SWARDS	Secretary	9945292280	theresia.vc@gmail.com
4.	Ms. Asha. R	Davangere	Spoorthi Samsthe	Co-ordinator	9743729306	kbr.spoorthy@gmail.com
5.	Mr. S.D. Baligar	Haveri district	FIAN-K	Treasurer	9986915605	sdbaligar@gmail.com
6.	Mr. M. Dhinakaran	Tamil Nadu	FIAN-TN	President	9626236301	
7.	Mr. T. Ravi Kumar	Vijayawada, AP	FIAN-AP	Member	9866035859	ravi2001arv@gmail.com
8.	Ms. Swarupa Rani	Odisha	FIAN-Odisha	NEC member	9437287882	sakar_swarupa@rediffmail.com
9.	Mr. M. Madevi	Tamil nadu	FIAN -TN	Treasurer	7598566307	
10.	Mr. M. Balan	Tamil nadu	FIAN	Secretary	9443238446	
11.	Ms. Kanthamani	Dharmapuri, Tamil nadu	FIAN-TN		9788639265	
12.	Ms. K. Santhi	Dharmapuri, Tamil nadu	FIAN-TN		9443495739	
13.	Mr. Johan Bosco	Belgaum	FIAN-K	Co-ordinator	9945793969	
14.	Mr. Santosh K.	Bihar	FIAN-Bihar	NEC	8986463504	fianbihar@gmail.com
15.	Ms. Sangita	Jharkhand	FIAN- Jharkhand	Board Member	9430329840	
16.	Mr. G. John Ravi	Vijayawada, AP	FIAN-AP	Member	9440015061	gj.ravi@rediffmail.com
17.	Mr. Sanjay K. Rai	Lucknow, UP	FIAN-UP	President	9415121462	fianup@yahoo.com
18.	Ms. Neetu Sharma	Bangalore	NLSIU	Coordinator, child centre	9740981570	shnitu@gmail.com
19.	Ms. Suman	Delhi	FIAN- Delhi	Vice-president	9810333754	sumanfian@yahoo.com
20.	Mr. Dileep kamat	Belgaum	FIAN-K	President	9448167588	kamatdileep@gmail.com
21.	Mr. Abhay	Karnataka	GRAKOOS union	State Gen. Secretary	9845371493	rkabhay@yahoo.co.in
22.	Ms. Sudha. S	Bangalore	EFSA	Director	9449070760	sudha179@gmail.com
23.	Ms. Venugopalan	Kerala	FIAN- Kerala		9744831675	
24.	Mr. R. Manohar	Bangalore	CARE	Secretary	9535037596	manorights@gmail.com
25.	Ms. Tannu	Bangalore	The HINDU	Reporter	9986236298	tanu.kulkarni1990@gmail.com
26.	Mr. Ashok	Ahmedabad	SETU	Program Executive	9825023180	setumail1@gmail.com
27	Mr. Rahul Chaudhary	Delhi	FIAN- India	National Coordinator	8375987816	nc.fianindia@gmail.com

8.2.Power Point Presentation

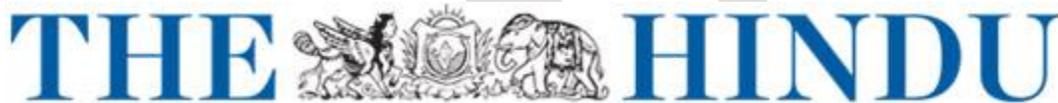
Separate Annex:1 AP

Separate Annex:2 Karnataka

Separate Annex:3 Uttar Pradesh (Dear Sanjay Ji can you please provide the PPT)

8.3.Media Coverage

<http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/none-given-work-for-100-days-under-job-scheme/article5177737.ece>



TODAY'S PAPER » NATIONAL » KARNATAKA

BANGALORE, September 28, 2013

'None given work for 100 days under job scheme'

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Food First Information and Action Network organises consultation

Even as the State government has taken up steps to cleanse the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) by ensuring electronic transfer of funds to bank accounts of beneficiaries and threatened action against those swindling funds, activists and members of Grameena Kooli Karmikara Sanghatane, the State Union of MGNREGA workers, have alleged that lacunas in the implementation of the Act continue to exist.

A Report for Limited Circulation

Speaking at a national-level consultation organised by Food First Information and Action Network (FIAN), Terasa, who works with MGNREGA workers in Nanjangud in Mysore district, said that even though the scheme aims to provide 100 days of work a year to rural households at a pre-determined minimum wage rates, none of the workers were given work for 100 days.

She also pointed out that the workers who are paid Rs. 174 have to wait for several months after they completed their work to get their wages. “Even though the government has stated that delays would be avoided, the workers sometimes have to wait for two-three months after they completed work to get their wages. As a result, many do not turn up for work under MGNREGA.”

Meanwhile, Dilip Kamat, president of FIAN Karnataka, said that the members of the union were trying to have a dialogue with the local authority to ensure that productive rural assets were created. “Apart from ensuring employment to people in rural areas, we want to ensure that civil works under the scheme is of use to the people,” he said.

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- ***‘Workers have to wait for several months to get wages’***
 - ***‘As a result, many do not come to work under the Act’***