

LABOUR WELFARE IN MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005: A NORMATIVE STUDY WITH EMPHASIS ON COVID 19 PERIOD

Written by **Christeena Anna Reji*** & **Benzy S Varghese****

* 4th year BA LLB student, School of Law Christ (Deemed to be University), Bangalore,
India

** 4th year BA LLB student, School of Law Christ (Deemed to be University), Bangalore,
India

ABSTRACT

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) enacted in 2005 is one of the extensive employment guarantee programs in the world. Its paramount purpose is to assure hundred days of wage employment per year to rural households. The researcher through this paper intends to analyze the labour welfare involved in the Mahatma Gandhi National Rural Employment Guarantee Act especially during covid 19 periods and the lacuna in ensuring the same. Even though the act assures high promises for the labour community, not all promises are fulfilled. Currently the wage rates of employment guaranteed under the scheme is very low; it varies from state to state. Also one third of women's participation is not satisfied. Another issue is the poor allocation of funds by the central government, which thereby makes it difficult for the other institutions to implement the policy.

The type of research adopted in this paper is normative study. It is primarily used to identify opinions. The normative research gives importance to both identifying the facts and suggesting how they can be improved. The normative legal analysis revolves around finding the apt law, doctrine, or principles and applying it to the research problem. A normative study involves

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evaluating the present scenario and suggesting changes for future developments. By adopting the method of normative study, the researcher has successfully analyzed the labour welfare aspects involved in the act and the lacuna in the same.

One of the significance of this scheme is that the central and the state governments are not solely the responsible systems but power is decentralized and even institutions like the panchayati raj are responsible in implementation of works. The increasing level of corruption and lack of accountability are mainly the reasons why the scheme lacks behind in labour welfare even though a decade has passed since its introduction. This research paper attempts to identify the causes of the flaws of the act in maintaining labour welfare and the viable solutions to rectify the same.

Keywords – MGNREGA, labour, welfare, covid 19, minimum wage

RESEARCH QUESTION

1. Whether the Mahatma Gandhi National Rural Employment Guarantee Act has succeeded in ensuring labour welfare and how has it been implemented during the covid 19 pandemic times?
2. What are the lacunas or drawbacks of the MGNREGA program with respect to labour welfare and effective implementation?

INTRODUCTION

The Mahatma Gandhi National Rural Employment Guarantee Act was implemented on august 25th 2005, it provides a legal guarantee extended to members of rural household who are willing to do public work-related unskilled manual work at the statutory minimum wage¹. The act guarantees one hundred days of employment in every financial year. The primary motive of the act is to improve the purchasing power of the rural people. The act focuses primarily on unskilled or semi skilled works for those people who are below poverty line in rural India. It attempts to bridge the gap between the rich and poor in the country. The Ministry of Rural

Development, government of India is the authority that observes the entire implementation of this scheme in association with state governments.ⁱⁱ Various programmes are undertaken by the scheme that tries to address the reasons of extreme poverty and ensures sustainable development. One of the key elements of the act is that it makes employment a legal right and it mandates that one third of the members should be women. The financial year 2000-21 has been a landmark year for the flagship MGNREGA scheme during FY21 in many respects.

Pushed by the ever-increasing stream of migrants returning to their villages amid the harsh lockdown, MGNREGA turned to be their main savior by not only providing some sort of employment but also saving livelihoods that otherwise would have been greatly distressed, even after the lockdown was lifted in June, MGNREGA continued to attract casual workers as the overall economy took time to come back on tracksⁱⁱⁱ. An adult member of a rural household should submit a statement to the gram panchayat and fill in essentials like name and address along with a photo in order to apply for job under MGNREGA. The Gram Panchayat after conducting the enquiry issues a job card. The job card contains the details of adult member enrolled and his or her photo. A Registered adult member should submit an application to the panchayat or the programme officer. They accept the application and provide a letter indicating the work which will be displayed in the panchayat office. The employment is supposed to be within 5km radius, if not then extra wage is provided.

Major livelihood activities in rural areas, are lopsided because of ‘seasonal fluctuations’ in agriculture and other activities, which leads to marginal labourers shifting back and forth and periodic withdrawal from labour force. Mahatma Gandhi National Rural Employment Guarantee Act mandates that ‘Individual beneficiary oriented works’ can be granted to , small or marginal farmers Scheduled Castes and Scheduled Tribes or beneficiaries under the Indira Awaas Yojana, a policy initiated by the Indian government.^{iv} The act empowers women involvement too. The social audit of MGNREGA ensures transparency and accountability. The gram sabhas address the issues and concerns of the workers and they have the authority to approve the works under MGNREGA. The central government is the responsible authority to make laws and amend the act.

MGNREGA AND COVID 19

The worst affected during the pandemic situation are migrant labourers. There is an urgent need to address their issues and guarantee employment during pandemic. Mahatma Gandhi National Rural Employment Guarantee Act introduced by Government of India in 2005 addressing chronic poverty through the 'works' undertaken, in order to ensure sustainable development for all^v. Many workers migrate to other parts of the country in search of work. Lack of alternate livelihoods and skill development are the primary causes of migration from rural areas. Covid-19 has ushered in a renewed focus on health, sanitization and, in unexpected ways, on the need for productive employment opportunities in rural India, this rural employment guarantee programme, has had a mixed track record in terms of providing adequate employment to those who need it the most, the quality of asset creation and adequacy of wages offered.^{vi} India is facing a severe challenge of reverse migration and unemployment due to the COVID-19 pandemic. The reason for which the migrant workers are going back to their native places in the expectation of sustaining better than living in a hostile environment that they are unaware of, they are daily-wage earners, and absence of work for extended periods makes it difficult to afford high cost of living in urban areas^{vii}.

Governments, both at the Centre and States, are facing several challenges today; at the top of the list is rehabilitation of returning migrants including provision of quarantine facilities, COVID screening, essential supplies, etc^{viii}. It is vital to provide these workers opportunities to earn income, especially in cases of seasonal migrants who have to migrate for work someday. Mahatma Gandhi Employment Guarantee Act 2005 (MGNREGA) workers were left to stumble due to the nationwide lockdown imposed to curb the spread of the novel corona virus disease. The unorganized labourers are facing poverty and starvation. While the Union government has taken a timely step in allocating supplementary budget of Rs 40,000 crores, the arrangement is inadequate to compensate for the loss of income faced by rural families^{ix}. Workers are facing severe economic crisis they have demanded an increase in the annual guarantee of work to 200 days per person, in order to express their protests the aggrieved parties staged demonstrations under the banner of MGNREGA Sangharsh Morcha where they aimed to convey their demands to the Prime Minister Narendra Modi and also to submit a memorandum to the prime minister^x. The allocation of funds by the union government is not

sufficient to continue the programme without an undersupply or shortfall. It is neither adequate to meet the current demands for work with influx of migrants returning to their homes, nor does it solve the purpose of additional income generation since wage rates nor workdays guaranteed under the programme remain the same.^{xi}

HOW EFFECTIVE IS MGNREGA DURING COVID 19?

MGNREGA is a feasible method to provide relief and work to the labourers. The key for economic revival is to keep the labourers buying power intact. One of the complaints against the scheme was lack of asset creation, which has been rectified over the years by experience. Even those who criticized the scheme earlier, accept the significance of the scheme now. The covid 19 situation portrayed the real agony of the migrant workers who wanted to move back to their native places from cities after the outbreak of the pandemic. They often travelled long distances by foot in order to reach their native places, the state governments are now struggling to ensure remunerative work in villages for the large workforce^{xii}. Chhattisgarh took initiative to provide 150 days work and in order to implement the policy, the state demanded more funds from the central government during virtual meeting chief ministers and Prime Minister Narendra Modi. The demand got support from other chief ministers as well. The rejuvenation of the rivulets, which has been part of “Narwa, Garwa, Ghurwa, Baadi” project of the Chhattisgarh government, has also been integrated in to MGNREGA works, and hundreds of rivulets are being rejuvenated under this scheme^{xiii}.

Rajasthan is another state that took the initiative to ensure labour welfare during the pandemic through MGNREGA. Mahatma Gandhi National Rural Employment Guarantee Scheme in Rajasthan assured the workers under the scheme the construction labourer cards on the completion of 90 days of work in a year and such a card will enable them to get the benefits of various social security schemes^{xiv}. Such an initiative by Chief Minister Ashok Gehlot to give work at the MGNREGA sites is a major relief to the rural population at large, during the pandemic. Another benefit of the card is it provides allowances such as free medical treatment, accident insurance, and social security pensions. However the recent statistics of the rural development ministry shows a fall in the number of person days generated and gram

panchayats participating in MGNREGA since the beginning of the current fiscal in comparison previous financial years^{xv}.

LACUNA IN THE ACT

Corruption is a major reason for the downfall of MGNREGA. Management Information System (MIS) is a computer system consisting of hardware and software that serves as the backbone of an organization's operations, it gathers data from multiple online systems, analyzes the information, and reports data to aid in management decision-making^{xvi}. The increase in corruption and weakening accountability are the result of excessive dependence on technology such as MIS. In 2020 a case was filed against sarpanch Pravat Chandra Mishra, panchayat executive officer Pravat Mallick and GRS Pramod Sahoo who siphoned off around Rs 9 lakh by planting only a few trees under MGNREGA scheme in Rajnagar where the authorities had granted Rs 9,19,984 to plant trees by engaging local workers in the panchayat.^{xvii}

The second issue to be addressed is low wage rate. Various court judgments have said that MGNREGA wage rate should not be less than the minimum agricultural wage rate of the state^{xviii}. The lack of interest of workers in the scheme is a result of low wage rates provided to them. Another issue is **insufficient budget allocation**. The success of the scheme depends on continuous flow of funds. Funds are exhausted because of delay in sanctions from central government; the fund allocation is insufficient to ensure proper implementation on the ground.^{xix} An issue of prime importance is **too much centralization weakening local governance**, A real-time MIS-based implementation and a centralized payment system has further left the representatives of the Panchayati Raj institutions with literally no role in implementation, monitoring and grievance redress of MGNREGA schemes and the over-centralization of the scheme has completely depoliticized the implementation of MGNREGA and local accountabilities have been completely diminished^{xx}. It has become a burden and they have no power to solve issues.

CONCLUSION

MGNREGA was implemented in phases, starting from February 2006, and at present it covers all districts of the country with the exception of those that have a 100% urban population, the Act provides a list of works that can be undertaken to generate employment related to water conservation, drought proofing, land development, and flood control and protection works.^{xxi} labour welfare refers to something done to assure well being of labourers. Generally ensuring labour welfare is the duty of the employee, the governmental or the nongovernmental organizations or agencies who appoints them. Under MGNREGA it is the duty of the government to secure it.

During the pandemic period, **the country witnessed mass unemployment especially the migrant workers are the worst hit. The workers are not getting the wages they were promised. One of the reasons for that is the banking puzzle.** The workers normally have to visit the banks more than once to withdraw their wages but the rural banks are highly de-capacitated in terms of staff and infrastructure and thus always remain hugely crowded and due to great rush and poor infrastructure, the bank passbooks are not updated in many cases.^{xxii} Often, the workers do not get their wages during times of need due to the hassle and the cost involved in getting wages from the bank. The government must take efficient steps to resolve the lacunas. One such method can be decentralization of power, union government must distribute its powers to state governments and other local bodies such as panchayats, and this will enhance the efficacy of the system. A committee must be created to check the flow of funds and how it has been utilized for the welfare of workers. Such effective methods will help in the smooth functioning of the system.

ENDNOTES

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