CNI SBSS is the Development and Justice wing of the Church of North India. CNI SBSS’s program promotes social and economic inclusion of the most disadvantaged by engaging the communities and congregation in the mission of God, who fights for the justice of the marginalized.

**VISION**

"Establish a society based on equality, justice and peace in harmony with nature."

**MISSION**

"In the spirit of service and sacrifice as demonstrated by Jesus Christ, CNI SBSS aspires to restore the dignity of the marginalized communities through a collective struggle."
Education and empowerment are milestones towards enabling the vulnerable communities to receive their equitable share of the country's growth. Lack of knowledge regarding the social systems, structures and opportunities for growth is a major cause of exclusion of the lower socio-economic communities. Learning is a measurable and relatively permanent change attained through experience, instruction, or study. Thus, change happens only through an individual’s active involvement in the process.

The Synodical Board of Social Services takes immense pleasure to present the manual to train Community Based Organizations & People’s Organizations on Human Rights, State, Constitution and Mahatma Gandhi National Rural Employment Guarantee Act. The goal of the training program is to enhance the bargaining capacities of the people’s organizations to access their rights, entitlements and provisions.

The training program has been designed as per the requirement expressed by the Diocesan Board of Social Service (DBSS) working with different communities spread across seven states in India. The DBSS work with communities on a wide range of issues which majorly includes participation in Governance, Entitlement of Social Security Schemes, Dalits & Tribals Rights and Sustainable Livelihood options. The training manual comes with supportive materials to conduct activities designed in compliance with the manual for the workshop. Change happens when the information or knowledge acquired is accepted and upheld; and the ideal place where an individual can discover, experience, process and implement their knowledge is their own habitat.

“Be the change that you wish to see in the world.” - Mahatma Gandhi
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Sections</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>For the Trainers</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td><strong>The Workshop</strong></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Module 1: Human Rights</td>
<td>8</td>
</tr>
<tr>
<td>5</td>
<td>Module 2: State and Constitution</td>
<td>16</td>
</tr>
<tr>
<td>6</td>
<td>Module 3: MGNREGA</td>
<td>22</td>
</tr>
<tr>
<td>6</td>
<td><strong>The Reference Materials</strong></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Module 1: Human Rights</td>
<td>29</td>
</tr>
<tr>
<td>8</td>
<td>Module 2: State and Constitution</td>
<td>33</td>
</tr>
<tr>
<td>9</td>
<td>Module 3: MGNREGA</td>
<td>50</td>
</tr>
<tr>
<td>9</td>
<td>Glossary</td>
<td>64</td>
</tr>
</tbody>
</table>
Synodical Board of Social Services is the development and justice board of the Church of North India. CNI SBSS’s program promotes social and economic inclusion of the most disadvantaged by engaging the communities and congregation in the mission of God, who fight for the justice of the marginalized.

The CNI SBSS is working with 15 DBSS (Diocesan Board of Social Services) covering a population of two million. The program focuses on access and control over livelihood resources, promotion of sustainable livelihood option, participation in governance, entitlement of social security schemes and models of Church Mission Engagement.

CNI SBSS has embraced Right Based Approach (RBA) as a process of enabling and empowering marginalized communities of Dalits and Adivasis for enjoying their economic, social and cultural rights and political rights. The efforts are for building and strengthening people’s movement, ensuring access to and control of assets and livelihood, gender mainstreaming and integration of all elements to ensure overall development of the community. CNI SBSS works towards the institutionalization of CBOs, POs and further capacitate the development of critical mass in the reference areas to build a People’s Movement and to facilitate processes with the State to bring pro-poor legislation similar to Land Reform.

The prior training programs and workshops conducted for the DBSS facilitators confirmed that there is a pressing need of an extensive workshop for the community organizations. A core group was formed to cater to this requirement and subsequently it was decided to develop a training manual. The subjects and content for the manual and activities were derived by the core group. Importance & Information on Fundamental Rights, Role of State & Constitution and MGNREGA are the broad areas that are covered in this manual. The training manual is designed to help the participants relate their local context with the larger society and political systems. The modules on Human Rights and State & Constitution intends to support the community organization and people’s organization with adequate amount of information on Rights, Role of State and Constitution to change the mindset of the communities about themselves and other communities; and thus build their conviction to attain their benefits and entitlements. The module on MGNREGA aims to capacitate the people’s organization in preparing effective programs and activities to ensure that they receive an equitable share of the country’s growth.
For the Trainer

• The trainer’s role is to guide the participants to explore the opportunities in their communities. The content in the modules are not merely to be informed to the participants but help them to relate with their situation, empower them to exercise their rights and stand against injustice.

• The workshop is designed for three days; each day is divided into two sessions. The modules are designed to be covered with in two sessions. The trainer may adjust schedule to complete the module/ activities, but each session should ideally take three to four hours.

• The trainer should be careful about cultural sensitive matters at their locale context; he/she should carefully avoid cultural/ethnic sensitive issues during discussions. The trainer should forbid themselves from any sort of false pledge or agreement during the training and abide by the Vision & Mission of the organization.
Workshop
Module 1: Human Rights

Outline

The marginalized communities are exploited for decades by those in the higher strata of the society. The century long exploitation and suppression has forced the marginalized communities to believe that they do not deserve to live a life with dignity, liberty and equality.

The module explains the concept of Rights, particularly Human Rights. It signifies the eligibility of an individual to attain human rights and importance of its existence. The module gives the message that, all human beings posses certain rights to ensure that they live with dignity, freedom and equality. It opens the intellect of a person to accept his/her self-worth and entitlements that can be accessed for his/her own betterment.

Trainers Role: To develop the belief among participants that they posses certain rights because they are human beings.

Trainers Note: This module is divided into two sessions. The trainer will conduct below listed activities and make a presentation on Human Rights for the participants; mode of presentation can be identified by the trainer depending on its community and resources. The trainer may use the reference materials provided at the end of the training manual to prepare the presentation; he/she is also advised to study other materials available on the subject.

Session 1

Message:
- All human being posses certain rights to ensure that they live with dignity, freedom and equality because they are human beings.
- Human rights are universal.

Activities:
1. Conduct the Exercise 1.1: Raise your Child.
2. Initiate Discussion on the need of rights and on the fact that, regardless of our status/situation we need rights to live a dignified life.

Session 2

Message:
- Access to these rights is critical for a human being to live with dignity, freedom and equality.
- Impact of gaining access to a right may not be immediately visible on an individual's socio-economic and political status.
- Rights are interdependent and interrelated.
Activities:
1. Conduct the Exercise 1.2: Play the Life.
2. Discussion on how presence and absence of rights can make difference to a person’s life. Rights are interdependent. All rights have direct and indirect benefits to a person, the benefits in few cases may not be visible immediately but it becomes visible in the long run.
3. Conclude the session after responding to the participant’s queries.

EXERCISE 1.1: RAISE YOUR CHILD

Materials for participants: 6 set of flashcards and family profiles
Materials for the facilitator: 1 set of Descriptive flashcards

Conduct:
1. The participants will be divided into six families/groups.
2. Each family will receive a set of 40 flash cards which depicts rights, facilities and violation of rights met with, while raising a child.
3. In the first two rounds, the families will be required to reject 10 flashcards (in each round) which they do not require to raise a child.
4. Ask each group/family to share the reason behind rejecting cards. In order to avoid repetition:
   a) Ask one group to share the rejected cards and reasons behind the rejection,
   b) After sharing about each card, ask other groups if they have also rejected the same card with the same reason.
   c) If yes, then collect those cards thus repeated sharing can be avoided. If no, let them give their reasons as well.

Note to the Trainers at this stage:
- It should be clearly communicated to the participants at this point that they need to pick cards based on “what” is required to raise a child.
- The message of each flashcard is the right/facility/violation of rights for the Child alone.
- Sometimes, participants may not be able to interpret the activity in few cards appropriately but as long as the reason for rejections are coming from the rights perspective, the purpose of the exercise is served. In such cases, trainer can avoid investing time on explaining those cards.
- After couple of rounds, the participants may not be willing to reject cards, the trainer should encourage them to prioritize the facilities and decide which of them they can give up.
- Trainer should encourage/invite discussion among the participants after every round when reasons behind rejecting a card are shared by a group/family.
  o Such discussion can help the participants to change any card that they have rejected.
  o More importantly, such discussion can lead to important debates on critical rights related issues and can also help the group to arrive at a consensus on what is the minimum that is required to raise a child by everyone (in other words what should be the rights for children
in their area). It can also lead to debates on how to ensure rights and how rights for everyone are of higher priority than luxuries for few.

- However, trainer should keep in mind that primary purpose of this exercise is to establish the fact that all human beings posses certain rights, hence discussion should be controlled to limit them within this objective. Trainer will also have to control these discussions to maintain the timelines.

5. After the second round, each family/group will be given one family profile (Family profiles are listed below). The families/groups will be then again asked to make their choice from the final 20 cards on the basis of their profile.

Note to the Trainers at this stage:
- The message of each flashcard is the right/facility/violation of rights for the Child alone, the other supporting characters in the flashcard should not be linked with the profile of the families.
- It is important that at this stage, each card is discussed in detail by the trainer before accepting the same. This is critical, because
  - There is a possibility that participants may make changes while considering “how” to ensure something for the child but the exercise need to remain focused on “what” is required to raise the child.
  - Such discussion can again guide to critical debates as mentioned earlier.
- Now assemble same/similar cards selected by the families together and display all cards to the participants. You can use a wall or floor for doing the same. We need to show the participants that the flashcards they have saved to raise a child are more or less the same, irrespective of their caste, creed and class.
- In other words every human being requires a basic facility to live and that constitutes of his/her right. This is not dependent on what caste/class/creed etc. a individual belong to.

6. Different cards in the similar category will be picked by few families. For example, health card picked by the family with an infant will have immunization but same may not be picked by the family with a teenage child. Here, trainer should discuss with the participants that while they have picked card based on their own profile, health right need to be defined on the basis of need of all the families. Otherwise a large section of the population will not be benefitted from health right at all points of time.
  a) Trainer should then share that same is the case with defining all the rights and before defining them, need from different contexts and of different groups need to be considered
  b) Trainer should built on this and explain that rights are for each human being
  c) Trainer should develop this argument further and explain universality of rights

Note to the Trainer at this stage:
- There are certain cards with luxury facilities and ordinary facilities, For example, Child eating lots of food and child eating normal food. The groups can decide either of them according to their wish. It should be taken under one category at the end of the game.
Profile of The Six Families

**Family 1:** You are a daily wage laborer and the nature of your work requires you to migrate seasonally. Your Family constitute of Father (who is the main source of income), a pregnant mother and three children (7 yrs old son, 5 yrs old daughter and 3 yrs old son) and a grandmother. Your monthly income is Rs. 2000/- and you are a tribal family.

**Family 2:** You are a general caste family and you own 10 acres of land, out of which 2 acres is irrigated and you own a tube well. Your family constitute of parents, their 3 children (7yrs old daughter, 5yrs old son and 9 months old son), 1 bachelor uncle, 1 married uncle with a pregnant wife.

**Family 3:** You are a middle class OBC family. Your family consists of father, mother and two children (11 yrs old differently-abled daughter and 14yrs old daughter). The father works in a factory and earns Rs. 10,000/- per month.

**Family 4:** Your family consists of a mother with two children (12yrs old son and 16yrs old son) and you live with your in-laws. You belong to Scheduled caste and own 2 bigha lands.

**Family 5:** Your family consists of two elderly couple, (grandfather and grandmother) and a 5yrs old granddaughter. The parents of the grand daughter died in a riot. You belong to schedule caste.

**Family 6:** You are a joint family of two brothers. The elder brother has a wife and 14yrs old differently abled son. The younger brother has a wife and a 6 month old daughter. Your family owns a 2 bigha land and belongs to General Caste.

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**EXERCISE 1.2: PLAY THE LIFE**

**Materials for the participants:** Game board, Dice, “Family Kit” five set (comprising six members, Rs. 3000/- deposit and 3 bigha land).

**Materials for the facilitator:** Narrative of the board, dice, and “Family kit” for the facilitator.

**Conduct:**
The participants will be divided into five families/groups with a fixed condition (i.e. six family members, Rs. 3000/- deposit, own three bigha land and belong to Schedule Caste). There are seven Rights available for each family, out of which they can choose one right in each round. To choose a Right the family will have to play the dice and get green color on the top. Each family will have one chance to play the dice. If they get green, they can choose a right, if they get red they lose their chance to choose right. After all the families have played the dice, the situation is announced. Depending upon the situation, benefits earned by the family is added on the board.
The situations will have some or the other effect of the rights. There will be different situations (for/against) in eight rounds of the game and one- two rounds without any situation. So the game can have 8-10 rounds, after every three rounds, a jackpot can be drawn by the facilitator via lots OR the facilitator can choose a group/team that have not received any benefit and offer them rights. To make it interesting the jackpots can be played by giving a situation. For example, assume that a corrupt landlord tries to steal the land of the villagers so all those who do not have Right to Education/ Equal Access to law lose their land and money. At the end of the game, the family that survives with minimum lose of members, land and money will be the winner.

**Note to the trainer:**
- *The game depicts how presence and absence of rights make difference in our life. In each round after the situation is announced, the trainer should explain to each group about their loss and gain with reason. The trainer can also take time for discussions while sharing the reasons for lose and gain. The game also shows that destructions and conflicts come when we do not expect them, and how the destruction caused can hamper our life in the absence of facilities and rights.*

- *At the end of game, trainer should also highlight that some families who have only one or two rights were not able to do well. Trainer should explain at this point that if different things are needed to live with dignity, equality and freedom, having access to very few of them will not ensure such life. Then s/he should explain the concept of interrelation and interdependence of rights.*

- *Trainer should also facilitate the discussion on how status of few families who gained access to rights at later stage of the game didn't change much. Same should be used to explain to the participants that visible impact of access to right on status of life may not be immediate in many cases. This is important to be kept in mind so that frustration and over expectation can be avoided during the mobilization process of the project.*

**For the facilitator to calculate the values:**

<table>
<thead>
<tr>
<th>Fixed Deposit of a family</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Money</td>
<td>3000/-</td>
</tr>
<tr>
<td>6 members</td>
<td>6000/-</td>
</tr>
<tr>
<td>3 bigha land</td>
<td>3000/-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10,000/-</strong></td>
</tr>
</tbody>
</table>

The rules and regulations of the game is given below.
<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No condition</td>
<td>The group will receive benefits of RTE from the 5th round and onwards after the group chooses the right.</td>
<td>The group will receive benefits of RTW from this round and onwards after the group chooses the right.</td>
<td>The benefits of this right will be available only the situation of conflicts.</td>
<td>The group will receive benefits of Water Facilities from this round and onwards after the group chooses the facility.</td>
<td>The benefits of this right will be available only the situation of conflicts.</td>
<td>The group will receive benefits of RTI from this round and onwards after the group chooses the right.</td>
<td>The group will receive benefits of DFA from this round and onwards after the group chooses the right.</td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>Gain Rs. 100/- in this round and onwards</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 100/- in this round and onwards</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 100/- in this round and onwards</td>
<td>Gain Rs. 100/- in this round and onwards</td>
<td></td>
</tr>
<tr>
<td>Riots</td>
<td>If all the groups have chosen Right to Education, there will be No/minimum participation in riots and atrocities, thus the groups will not lose anything.</td>
<td>Demand for justice, relief, support and protection.</td>
<td>If all the groups have chosen Right to Education, there will be No/minimum participation in riots and atrocities, thus the groups will not lose anything.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>Lose 2 life, Rs. 500/- and 1 bigha land</td>
<td>Lose 2 life, Rs. 500/- and 1 bigha land</td>
<td>Lose 2 life, Rs. 500/- and 1 bigha land</td>
<td>No Loss</td>
<td>Lose 2 life, Rs. 500/- and 1 bigha land</td>
<td>Lose 2 life, Rs. 500/- and 1 bigha land</td>
<td></td>
</tr>
<tr>
<td>Industrial development</td>
<td>Better opportunity for employment</td>
<td>Equal opportunity for employment</td>
<td></td>
<td>Protection from other private companies and industries encroachment to their land.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>Gain Rs. 500/-</td>
<td>Gain Rs. 500/-</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 500/-</td>
<td></td>
</tr>
<tr>
<td>Increase in forest produce market</td>
<td></td>
<td></td>
<td></td>
<td>Produce and use forest products for sustainable livelihood opportunity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 506/-</td>
<td></td>
</tr>
<tr>
<td>Floods</td>
<td>Destruction of the flood</td>
<td>Destruction of the flood</td>
<td>Acces to safe water for drinking and household purpose</td>
<td>Destruction of the flood</td>
<td>Facilities to sustain the effects of floods on health</td>
<td>Destruction of the flood</td>
<td></td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>Lose Rs. 1000 and 2 bigha land</td>
<td>Lose Rs. 1000 and 2 bigha land</td>
<td>Lose Rs. 500/- and 1 bigha land</td>
<td>Lose Rs. 1000 and 2 bigha land</td>
<td>Lose Rs. 500/- and 1 bigha land</td>
<td>Lose Rs. 1000 and 2 bigha land</td>
<td>Lose Rs. 1000 and 2 bigha land</td>
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</tr>
<tr>
<td>Increase in agriculture products market</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>Access to safe water to produce agriculture products will increase the quantity &amp; quality of production</td>
<td>Gain Rs. 500/-</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 500/-</td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 500/-</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 500/-</td>
<td></td>
</tr>
<tr>
<td>Connectivity of villages and cities</td>
<td>Better opportunity for employment and access to facilities</td>
<td>Better opportunity to sell their products in the market and to other villages</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 500/-</td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>Gain Rs. 500/-</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 500/-</td>
<td></td>
</tr>
<tr>
<td>Outbreak of water borne disease</td>
<td>Affected by the disease</td>
<td>Affected by the disease</td>
<td>Access to safe water for drinking and household purpose can be prevented from water borne disease.</td>
<td>Affected by the disease</td>
<td>Facilities to undergo adequate treatment for disease and sustain its effects</td>
<td>Affected by the disease</td>
<td>Lose 1 life and Rs. 1000.</td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>Lose 1 life and Rs. 1000.</td>
<td>Lose 1 life and Rs. 1000.</td>
<td>No Loss</td>
<td>Lose 1 life and Rs. 1000.</td>
<td>No Loss</td>
<td>Lose 1 life and Rs. 1000.</td>
<td></td>
</tr>
<tr>
<td>Newly elected MLA is anti-schedule caste</td>
<td>Capacity to fight against such rating factors, association with each other to fight as a group.</td>
<td>Protection from Anti-schedule caste powers.</td>
<td>Demand equal opportunity and seek justice from higher authorities.</td>
<td>Gain Rs. 100/-</td>
<td>Gain Rs. 100/-</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
</tr>
<tr>
<td>Gain Rs. 1000/- on 5th round and onwards</td>
<td>Gain Rs. 100/-</td>
<td>Gain Rs. 100/-</td>
<td>No Loss/Gain</td>
<td>Gain Rs. 100/-</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
<td>No Loss/Gain</td>
</tr>
</tbody>
</table>
Module 2: State and Constitution

Outline

The module defines State and Constitution. It describes the role of the State and Constitution in the context of Rights and Entitlements. The module’s importance lays in the fact that knowledge about rights alone is not enough to avail rights. Thus, it becomes important to understand the role, responsibilities and duties of State and its organs to seek help/ demand for their privileges. Human beings possess certain rights just because they are human beings, this makes them Right’s holders but if one individual is not enjoying those rights then what can he/she do, to whom can he/she go? This is where state and constitution becomes critical to any efforts on rights.

Trainers Role: To explain State and Constitution, their role in ensuring all Human Rights and the power people can draw from the Constitution of India. Explain fundamental rights given in Indian constitution to the participants

Trainers Note: This module is divided into three sessions. The trainer will conduct below listed activities and make a presentation on State and Constitution for the participants; mode of presentation can be identified by the trainer depending on its community and resources. The trainer may use the reference materials provided at the end of the training manual to prepare the presentation; he/she is also advised to study other materials available on the subject.

Session 1

Message:
To communicate that if rights exist, then one can demand them. Introduce the next session on role of State in ensuring those.

Activities:
1. Conduct the Exercise 2.1: Session with an Activist/ a Campaigner
2. Sum up the session with introduction to next session, i.e Role of State.

Session 2

Message:
State is the duty bearer for ensuring rights, State’s duty is to protect rights of each citizen and constitution gives power to people to demand accountability from the State.

Activities:
1. Conduct the Exercise 2.2: Role play on State and Constitution.
2. The trainer needs to explain how presence of different negotiating groups necessitates State which after formation protects rights of everyone. How State is specifically important for weaker section. What is the role of Constitution in State’s relation with people?
3. Presentation on State and Constitution
**Session 3**

**Message:**
Opportunity provided by Indian Constitution for protecting Fundamental Rights, power people can acquire from Fundamental Rights

**Activities:**
1. A flipchart book will be used to explain each fundamental right in the Constitution of India.
   The flipchart will have the visual representation of the rights.
2. Conduct the Exercise 2.3: Slogans and Songs.
4. Conclude the session after responding to the participant’s queries.

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**EXERCISE 2.1: SESSION WITH AN ACTIVIST/ A CAMPAIGNER**

One or two activists working in the field of Legal Advocacy and Policy Advocacy/ People Centric Advocacy who have experience in using Laws and Acts shall be invited to share their experiences and knowledge on their respective subjects with the participants. The guest can also introduce the role of State during the session. The participants will be given time to ask their queries and discuss on issues that they have faced.

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**EXERCISE 2.2: ROLE PLAY ON STATE AND CONSTITUTION**

*Note to the trainer:*
*The trainer should connect the previous session of the campaigner with the role play that is about to begin. The guest would have shared his experience on demanding rights and its importance. If not already shared by the guest, facilitator should communicate role of a state in demanding rights. In the role play we will show why state is responsible ultimately to secure people’s rights.*

1. Once upon a time there was a peaceful Kingdom, there primary crop was rice. The laborers/slaves who worked on the land had to work hard to increase the yield to survive for the entire year. The land owners were very powerful because they had control over the land and had their own armies; therefore King had to discuss matters with them before making any decision. Thus, the decisions in the kingdom were always made in the favor of the land owners. The laborers/slaves merely received any wages; all they would get, was a small quantity of what they yield, which sometimes was not enough for the family.

2. When the production of the land and raw materials increased, few people started trading metal, textiles, pottery and salt etc. to the nearby kingdoms. These traders, who did not belong to landowner’s family, started growing powerful with the increase in their income. They also started to employ their own small armies for protection. The traders were not happy with the decision making processes, since they did not have any say in the decisions made and also the decisions were not made for their benefit.
3. With increase in production and land under control, the land owners gave land for cultivation to peasants or other small land owners; they also started becoming powerful with increase in production. This class of small land owners and peasants were again not happy with decision making processes and the decisions.

4. Finally, with increase in income and area under control, some of the large land owners became very powerful, posing a challenge to the King. They regularly fought among themselves for control over each other’s area. Such situation of continuous struggle between the large land owners was hampering the growth of the Kingdom and it was bothering the King and his ministers.

5. The land owners kept demanding for more power from the King to rule the people, to have access to the revenue and control of the production. The traders, peasants and small land owners pleaded to their land owners to reduce the tax amount. The land owners took no heed, and continued to oppress them. Conflicts started arising when each group started demanding their share of power/profit. The King grew weary of the trouble in his Kingdom.

6. The landowners, priests, doctors and other intellectuals in the kingdom were summoned to derive a solution to the increasing conflicts among the people and secure their kingdom. From the gathering, need for a powerful, well trained and professional army was felt to maintain law and order in the land. Such an army was supposed to be in the control of King.

7. Skilled personnel’s were soon employed in the administration to serve the kingdom, form allies with other kingdoms and to increase the collection of taxes in a systematic way.

8. However, even creation of an army and administrative body under the King could not control the conflicts for long. Peasants, traders, small land owners still felt that they need to be part of the decision making process as King is not always able to take decision suitable for their needs. Similarly, though intellectuals in administration set a fixed amount to increase the revenue of the kingdom, some powerful people faked to agree but they burdened the laborers, slaves and traders to contribute to the revenue.

9. Also, with peasants, traders and small land owners demanding for power and reduction in exploitation, even the laborers and slaves who constituted the lowest strata of the community realized that they should also demand for reduction in exploitation.

10. In such condition, many people started to realize that as the scenario of the society is changing, the demands and needs have also changed. They understood the need and decided to form an independent body to cater to such needs and requirements of the society.

11. Representatives from each section of the society were selected to form a decision making body. This body was given supreme power within the kingdom (defined geographical area to which these people belong). Rules and regulations for the land and people were derived to maintain law, order and peace and handed over to the representatives.

12. These rules and regulations ensured certain rights to everyone like no one should be hungry, everyone should be given place to live, and laborer should not be beaten. These rules and regulations also determined how much should be the tax and in what conditions same can be increased and decreased and only representative body was given power to determine the
same. These rules and regulations also banned forced possessions of anybody's life and property. Everyone in the kingdom had to follow these rules and regulations irrespective of which group they belong to and penalties were determined for not following those rules.

13. Some of the powerful members were not happy with that and stood up and left the room, and other congratulated and appreciated each other.

*Note to the Trainer:*

*At the end of the session, explain concept of State as the supreme power body within the kingdom, necessity to create the same when there are many negotiating groups and its criticality of its role in relation to weaker sections. Also explain the role of Constitution in State’s relation to people. It is suggested that trainer starts the presentation on State immediately after this session and draws examples from this story during the presentation to help participants understand the concept of State and Constitution.*

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**Visual Representation of Rights using Flipchart.**

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**EXERCISE 2.3: SLOGANS AND SONGS**

The participants will be divided into 3-4 groups and 12 Articles mentioned in the module will be equally divided to the groups. The groups will develop slogans/songs based on the articles they have received, they can develop 1-2 slogans/songs for each article. The group that develops the most creative, meaningful and entertaining slogans/songs will be the winner. The group will get a chance to teach those slogans and songs to other groups. The simplified version of articles are mentioned below:

*Note to trainer: Exact words of the article is mentioned in the reference material. Same should be referred in case of any confusion and it is advised that the trainer should spent enough time on understanding the articles before beginning the session on Constitution.*

- **Article 21**: Everyone should live a happy and dignified life and enjoy freedom.
- **Article 21A**: Children from 6 to 14yrs of age should go to school and complete elementary education.
- **Article 14**: Everyone is equal in the eyes of law.
- **Article 15**: Every human being is equal, irrespective of their religion, caste, race/ gender.
- **Article 17**: Untouchability is illegal.
- **Article 19**: Every human being can speak and express their opinions,
- He/she can form peaceful groups without any weapons for any cause,
- He/she can travel, work and reside anywhere in the country,

**Article 22**: Every person who is arrested should be informed about the reason of arrest and should not be detained beyond time period as specified in the article. (leaving few cases where these clauses does not apply as per the article)
- He/she should be presented before the nearest magistrate within 24hrs of arrest,
- He/she has the right to defend himself/herself by a lawyer of his/her choice,

**Article 23**: Nobody can force anybody to work or transport someone from one place to other without that person’s consent.

**Article 24**: Children below the age of 14 yrs cannot be employed to do any risky or hard labour.

**Article 25**: Everyone can preserve and practice their culture, language and script. Everyone can study in any educational institution supported directly or indirectly by the State.

**Article 30**: Any religious/language minorities can administer and start their own educational institution.
Module 3: The Mahatma Gandhi National Rural Employment Guarantee Act

Outline:

The module talks about an act that aims to guarantee ‘Right to Work’. The module talks about the procedures that one needs to undergo to avail the benefits of this act. The module aims to advocate and empower people to access the benefits of the Government services that are launched to cater to the needs of those underprivileged in the rural areas. This module defines all the procedures and programs undertaken in the act, so that people can raise their voice if they fail to avail their benefits.

Trainers Role: To explain the act. To discuss and derive opportunities/ interventions in their respective villages.

Trainers Note: This module is divided into two sessions. The trainer will conduct below listed activities and make a presentation on MGNREGA Act/ Operational Guidelines for the participants; mode of presentation can be identified by the trainer depending on its community and resources. The trainer may use the reference materials provided at the end of the manual to prepare the presentation; he/she is also advised to study other materials available on the subject. The trainer will have to be prepared with a list of benefits and few shortcomings of the Act to conduct activities with the participants in Session 2.

Session 1

Message:
To explain the Act and its processes.

Activities:
1. Conduct the Exercise 3.1: Role Play and presentation on the Act/Operational guidelines. The trainer will make a presentation of that particular aspect at the end of each role play.
2. Conduct the Exercise 3.2: MGNREGA in the Village. Share some benefits as well as shortcomings on MGNREGA work from different areas. Invite participants to share issues within MGNREGA from their area.

Session 2

Message:
Discussion on what intervention people want to do in relation to MGNREGA in their villages

Activities:
2. Conclude with brief conversation and answering the participant’s queries.
3. Exercise 3.4: Plan MGNREGA for the village.
**EXERCISE 3.1: ROLE PLAY ON MGNREGA**

1. **Introducing MGNREGA**

   Few villagers are sitting together and are discussing that they have no work and have no means of livelihood; they are worried about the loan they have taken. While they were talking, other villagers also join them and one of them talks about MGNREGA scheme that he had heard about. They all decide to go and talk to a Panchayat member to know more about this scheme.

   They reach the Panchayat office and ask a member about MGNREGA scheme. The member explains them that Mahatma Gandhi National Rural Employment Guarantee Act aims to enhance livelihood security in rural areas by guaranteeing at least 100 days of wage employment in a financial year, to every household whose adult members volunteer to do unskilled manual work.

   *Note to Trainer: Presentation introducing MGNREGA*

2. **Work Planning in Panchayat**

   A community worker mobilizes villagers explaining them about the benefits of MGNREGA; he/she explains to them that it is Gram Panchayat's responsibility to implement the scheme in the village. He/she informs them that the Gram Sabha should make a plan on different works that needs to be undertaken during the year based on the requirement of the community. He/she also tells that labour intensive works (with minimum 60% labor component) for creating durable assets should be taken up e.g. water harvesting, drought relief and flood control works.

   The Gram Sabha members then discuss and figure out works that is required in the village. After that, gram sabha discusses the proposed list submitted by panchayat, they prioritize works and approves the list for annual work. They also ensure that one third of the beneficiaries/workers will be women.

   *Note to Trainer: Presentation on Work Planning in Panchayat check*
3. **Job Cards**

Few adult members of a village are on their way to Gram Panchayat Office, on the way they meet other people who tells them that they are going to apply for registration under MGNREGA at the Gram panchayat office so that they get work under the scheme. The people get interested and ask for more information about the same. One person then tells them that the registration can be done throughout the year at the Gram panchayat Office. Application can be made in plain paper or an oral request also can be made to the Gram Rozgar Sahayak/ Panchayat Secretary and they will note the required particulars. The community members then meet the Gram Rozgar Sahayak. He takes down details and informs the villagers that the job cards will be issued within 15 days.

Some of them receive their job cards after 15 days. The sarpanch distributes the job card to the members of the household in presence of other residents of same Gram Panchayat; he also informs them that the job card is valid for five years. If in case a household member is removed due to permanent migration, demise etc. it should be immediately reported by the household and they can also apply for new additions. Two people who did not receive the job cards come to enquire at the panchayat office. They are informed that they can re-apply and the reasons for rejection will also be shared in the gram sabha.

*Note to Trainer: Presentation on Job Cards*

4. **Work at the worksite and workers getting the work**

Few villagers (male and female), who have job card talk among themselves that they have job cards now but do not have a job. They meet a person who was working and ask him about how he got work and the man informs him that they will have to apply for work under MGNREGA.

The men & women go to apply for work at the Gram panchayat, their applications are accepted and dated receipt for their application is given to them. The Gram Rozgar Sahayak informs them that they will receive work within 15 days, their place of work will also be informed to them. He tells them that if by any chance the work area is at a distance of more than 5km from residence, then the workers will be paid 10% extra of the wage rate. A woman among them tells him that she has a young child and cannot leave him alone for long hours, on this the sahayak explains that work site includes facilities such as crèche, drinking water and shade. The villagers were relieved and leave happily.

*Note to Trainer: Presentation on Work at the worksite and workers getting the work*
5. **Payment**

After the day's work, workers were getting ready to go home when one person stops them and asks if mate (the person who is responsible for managing worksite facilities) has taken initial measurement and entered in the measurement book. The workers agree that the work has been measured in front of them. The person tells them that as weekly muster is closed today, measurement officers will take the measurement and enter the same in measurement book within three days. The workers then ask the person about the payment procedures. He/she tells them that the wages will be disbursed on a weekly basis; both men and women will be paid equally. They question about the security of their money and if other people can collect money in their names. The person informs them that the amount will be transferred to the bank accounts but in the absence of bank account the cash disbursement will be made, but only in the presence of Payment Committee formed for this purpose.

*Note to Trainer: Presentation on Payment*

6. **Grievance**

A Vigilance and Monitoring Committee member visits the work site and goes through the documents, while the workers are working at the site. He/she then interacts with the workers and asks them what they are doing and how much they are paid. He/she asks them further about the facilities they have in the work site, if the muster roll information is read out to them or not, if the measurements are read out or not. The workers tell them that Muster roll information is not read out, she points it down. He/she asks them if the workers are facing any other issues, on that they tell her that the appointed mate treats all of them badly and that he abuses the workers. He/she registers their complaints and starts to leave. The workers then ask her what he/she will do with the complaint. She responds that the action will be taken against these complaints by the Program Officer within seven days and he will be required to provide an ‘Action Taken’ report to the committee. Committee will present the report in the next Gram Sabha Meeting.

*Note to Trainer: Presentation on Grievance*
The six groups formed in the Exercise 3.1 can be combined to form two large groups. The participants will discuss and derive ten benefits and limitations of the act. The participants who have experience in working on the act can be invited to share their experience and the limitations they have faced.

**EXERCISE 3.2: MGNREGA IN THE VILLAGE**

Interaction with a Government Official/ Activists/ Organization working on the Act and who is experienced with its practical implications. He/She will be able to respond to participant’s queries (if any) from the previous exercise more effectively.

**EXERCISE 3.3: INTERACTION WITH A MGNREGA EXPERT**

The groups will discuss and further identify three works that they would want to do in their villages with regard to the act. The participants can share the need of their community and their plans.

**EXERCISE 3.4: PLAN MGNREGA FOR THE VILLAGE**

The participants who have experience in working on the act can be invited to share their experience and the limitations they have faced.
For the Trainer

• The trainer is expected to
  o Identify opportunities and materials to enable participants to experience, observe and gather information related to the Modules.
  o Facilitate the processes of reflection, planning and application using the trainer’s technical, cross-cultural and state expertise.
  o Be well versed with the content of the training manual and supplies provided with the manual to conduct the activities.
  o Be prepared before beginning the workshop.

• The trainer is advised to use the reference materials to conduct activities and prepare themselves for presentations as well as discussions; he/she is also advised to study other materials available on the subject.
Reference Material
Module 1: Human Rights

Concept

Right is an empowering conception. At the same time, concept has its fair share of ambiguity and contradictions within itself. There are different debates, definitions and understandings of human rights coming from different ideologies, context, interventions and operationalizations. Sometimes this creates confusion among a practitioner on whether they are moving in the right path or not.

However, rights derive their existence from the philosophy of respect for human life. Basic premise here is that every human being has the right to live; and to live with dignity, equality and freedom. This right is universal, i.e. it is held by every human being. Every individual is first a human being and this identity exist before any other identity viz. caste, class, religion, gender, nationality, color, ethnic origin, family etc. This principle exists at all times and in all situations and hence is free of any biases or prejudices. Therefore a practitioner when in doubt about any situation, action, or process, he/she needs to question whether same is leading to life with dignity, equality and freedom for every human being or not. Answer to this question will help to determine whether he/she is moving in the right path or not.

All that is required to ensure that every human being lives with dignity, equality and freedom is Human Rights. Such analysis of what is required to ensure life with dignity, equality and freedom should be done by the person himself/herself. Therefore, first task of an individual working with rights based approach is to sit with the target communities and facilitate such analysis.

Understanding of a society on what is required to ensure life with dignity, equality and freedom evolves with context and time. For example, while some countries (e.g. UK) strongly advocates for universal suffrage (right to vote for all citizens in a country) at international arena today, same became a reality in these countries approx. hundred year back (1928 in UK). Due to this reason, conflict exists among different groups at different points of time on what constitutes human rights. However, as said earlier, answer to the same lies in critically analyzing whether we are ensuring life with equality, dignity and freedom for all human beings.

Human rights are arrived at, by determining the requirement to ensure life with dignity, equality and freedom, they become interdependent and indivisible. Not ensuring few (or even one) of them will mean that some dimension of life with dignity, equality and freedom is compromised and hence will have impact on all the rights. At the same time, advancement of each right will facilitate advancement of other rights.

Since, the right to live with dignity, equality and freedom is held by each individual, human rights are therefore held by all human beings making human rights Universal (free of any biases and prejudices arising out of man-made structures like caste, class, religion, gender, nationality, color, ethnic origin, family etc.). It is important to keep same in mind during the above mentioned analysis with target communities on basic requirement to ensure life with dignity, equality and freedom. The analysis should not only focus on the requirement of himself/ herself but should derive what is required by all the individuals. For example, if no person with different abilities is present during the discussion, the discussion should still consider what is required for an individual with different abilities to live with dignity, equality and freedom. If the discussion is on drinking water then discussion should focus on how much minimum should be available to each human being.
Human rights derived through the above mentioned analysis are Natural Rights. An individual possesses rights irrespective of his/her context (e.g society), therefore natural rights invites evaluation of different social, political, cultural and natural systems on whether such systems facilitates or impedes access to these rights. For example, caste system impedes the right to equality. Therefore, such analysis should be facilitated with community to identify reasons that are hindering target community from attaining their rights (requirements to live with dignity, equality and freedom).

However, while above mentioned philosophical premise provides basis for determining what should be the rights of an individual, the actual access to those rights relies to a large extent on developing these Natural Rights into Legal Rights. Legal rights once defined are not subject to disputes about their existence. Most importantly, natural rights once developed into legal rights, imply that State will ensure that rights of the right holders (people who hold the right) are not violated. It becomes State’s duty to ensure fulfillment of rights of people (State becomes the duty bearer).

“States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights.” United Nations Human Rights www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx

Therefore, once above mentioned analysis of what is required and why same is not available is completed with target community, the next step is to understand what is already available as per the law (i.e. legal right). Focus on what is already available should be on supporting implementation of the same (For example, - Fundamental right to education already exists in India, so focus should be on supporting implementation of right to education, if education is identified as a requirement by the target community). Focus for what is not available as per the law should be on facilitating the development of that as a legal right using different constitutional provisions.

Though State is the duty bearer and is finally accountable for ensuring rights of each individual, it does not mean that individuals and different groups should not play any role in ensuring rights of all human beings. Each human being as well as group can attempt to work at their own level for supporting the process of ensuring rights of all human beings. For example, a community in an area can decide collectively to keep the water sources clean so that everyone can have access to clean water. Such an action that comes from a belief in the philosophy that every human being requires access to clean water, is still within the realm of right based approach. However, as already said, the final accountability for ensuring access to clean water will continue to lie with the State (if same has developed as a legal right in that area).

At the international level, Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly on 10th December 1948. This was further supplemented by documents like European Convention for the Protection of Human Rights and Fundamental Freedom (1953), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966) and its optional protocol. Many other declarations and covenants further strengthened the vision of these documents like Convention on the Elimination of all Forms of Discrimination against Women (1979), Convention on the Rights of the Child (1989). Constitution of India (dealt in little more detail in a later section) also gives many rights to Indian citizen.
## Civil and Political Rights in the Universal Declaration of Human Rights and in the Indian Constitution

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Rights</th>
<th>Universal Declaration</th>
<th>Indian Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Equality before Law</td>
<td>Article 7</td>
<td>Article 14</td>
</tr>
<tr>
<td>2</td>
<td>Prohibition of discrimination</td>
<td>Article 7</td>
<td>Article 15</td>
</tr>
<tr>
<td>3</td>
<td>Equality of opportunity</td>
<td>Article 21 (2)</td>
<td>Article 16</td>
</tr>
<tr>
<td>4</td>
<td>Freedom of speech and expression</td>
<td>Article 19</td>
<td>Article 19 (1) (a)</td>
</tr>
<tr>
<td>5</td>
<td>Freedom of peaceful assembly</td>
<td>Article 20 (1)</td>
<td>Article 19 (1) (b)</td>
</tr>
<tr>
<td>6</td>
<td>Right to form associations or unions</td>
<td>Article 23 (4)</td>
<td>Article 19 (1) (c)</td>
</tr>
<tr>
<td>7</td>
<td>Freedom of movement within the border</td>
<td>Article 13 (1)</td>
<td>Article 19 (1) (d)</td>
</tr>
<tr>
<td>8</td>
<td>Protection in respect of conviction for offence</td>
<td>Article 11</td>
<td>Article 20</td>
</tr>
<tr>
<td>9</td>
<td>Protection of life and personal liberty</td>
<td>Article 11</td>
<td>Article 21</td>
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<tr>
<td>10</td>
<td>Protection of slavery and forced labour</td>
<td>Article 3</td>
<td>Article 23</td>
</tr>
<tr>
<td>11</td>
<td>Freedom of conscience and religion</td>
<td>Article 18</td>
<td>Article 25 (1)</td>
</tr>
<tr>
<td>12</td>
<td>Remedy of enforcement of rights</td>
<td>Article 8</td>
<td>Article 32</td>
</tr>
<tr>
<td>13</td>
<td>Right against arbitrary arrest and detention</td>
<td>Article 9</td>
<td>Article 22</td>
</tr>
</tbody>
</table>

## Economic, Social and Cultural Rights in the Universal Declaration of Human Rights and in the Indian Constitution

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Rights</th>
<th>Universal Declaration</th>
<th>Indian Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Right to work, to just and favorable conditions of work</td>
<td>Article 23 (1)</td>
<td>Article 41,42</td>
</tr>
<tr>
<td>2</td>
<td>Right to equal pay for equal work</td>
<td>Article 23 (2)</td>
<td>Article 39 (d)</td>
</tr>
<tr>
<td>3</td>
<td>Right to education</td>
<td>Article 26 (2)</td>
<td>Article 21 (a), 41,45</td>
</tr>
<tr>
<td>4</td>
<td>Right to just and favorable remuneration</td>
<td>Article 23 (3)</td>
<td>Article 43</td>
</tr>
<tr>
<td>5</td>
<td>Right to rest and leisure</td>
<td>Article 24</td>
<td>Article 43</td>
</tr>
<tr>
<td>6</td>
<td>Right of everyone to a standard of living adequate for him and his family</td>
<td>Article 25 (1)</td>
<td>Article 39 (a) &amp; Article 47</td>
</tr>
<tr>
<td>7</td>
<td>Right to a proper social order</td>
<td>Article 28</td>
<td>Article 38</td>
</tr>
</tbody>
</table>
Module 2: State and Constitution

Concept- State:

As human society grows in complexity, negotiations among different groups and individuals also grow more and more complex. In such a scenario need arises for an institution, which is different from individuals and existing social association to manage these complexities. Such an institution is termed as State (we are here describing the term “Nation State” and not the states like Uttar Pradesh/ Bihar). Individuals within a geographical boundary transfer their individual powers to a supreme authority so as to defend everybody’s rights. Such supreme power within the defined geographical boundary is State.

“State is a politically organized body of people usually occupying a definite territory; especially: one that is sovereign.” Merriam-Webster Dictionary. www.merriam-webster.com/dictionary/state. This body follows a single system of Government. "State can be distinguished from a Government. The Government is a particular group of people, the administrative bureaucracy, which controls the State apparatus at a given time. The Government is the means through which State power is employed. States are served by a continuous succession of different Governments.” https://en.wikipedia.org/wiki/State_(polity)

State is the supreme power within that defined geographical boundary, subject to rule neither of some external power nor of a rival power within its own boundaries making it sovereign. All other centers of power must be subordinate to it. Such sovereignty is essential for the State to play its role of defending everybody's rights because in case of disagreement among different centers of power, ultimate authority of State is the only way to resolve the disagreement.

State has the supreme authority and if needed, can use force to maintain the order. In order to do the same, State has armed forces and law enforcement agency. However, State uses force only when it is essential and attempts to maintain the order through consent building. For example, different policies are created to ensure rights of different groups/individuals, after considering the concerns impacting different groups/individuals. State is created by individuals to maintain a particular form of society/polity. For example, Article 38 of Indian constitution talks about one dimension of social order that Indian State will strive for:

**Article 38, Chapter IV: (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.**

**(2) The State shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.**

While each human being is morally responsible for safeguarding rights of everyone, legal duty for the same lies with the State. This makes State the “DutyBearer” to ensure rights of all human beings within its boundary.

**Concept- Constitution:**

“Constitution is the system of belief and laws by which a country, state or organization is organized.”

“The mode in which a state or society is organized; especially: the manner in which sovereign power is distributed”

“The basic principles and laws of a nation, state or social groups that determine the powers and duties of the government and guarantee certain rights to the people in it”. *Merriam-Webster Dictionary. [http://www.merriam-webster.com/dictionary/constitution](http://www.merriam-webster.com/dictionary/constitution).*

*Constitution* is the basic law defining and delimiting the principal organs of Government and their jurisdiction as well as the basic rights of men and citizens,” *Dictionary of Political Science, Joseph Dunne.* These are fundamental rules that govern the conduct of State and establish its concept and character. It defines the procedure for making the laws as well as who has the power to make the law. Some constitutions also define limits not to be crossed by the ruler of the State. For example, fundamental rights in India put certain limits on the Government. Law gives public right to question and to an extent, separates the state from ruler and ruled.

“The fundamental rights are basic rights and include basic freedoms guaranteed to the individual. The fundamental rights are freedom guaranteed, but these freedoms are not absolute, they are judicially enforceable.” Bakshi. P.M. (2015). *The Constitution of India.* (pp. cv). New Delhi, India. Universal Law Publishing Co. Pvt. Ltd.

**Constitution of India**

The Constitution of India is the longest written constitution of any sovereign country in the world. Dr. Bhimrao Ramji Ambedkar is widely regarded as the father of the Indian Constitution. Constitution of India is the supreme law of India. “It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of the Government institutions, and sets out fundamental rights, directive principles and the duties of the citizen.” *Constitution of India, Wikipedia, [https://en.wikipedia.org/wiki/ConstitutionofIndia](https://en.wikipedia.org/wiki/ConstitutionofIndia).* All the State organs including parliament and State legislatures must act within the boundaries and procedures defined by the Constitution. All State organs in India not only derive their power but existence itself from the Constitution and therefore they can act only as per the framework and boundaries set by the Constitution.

“Any law made by legislature can be valid only if it confirms to the constitutional requirements and it is for the judiciary to decide whether any enactment is unconstitutional or not”. Same was made clear by the Supreme Court in *Gopalan v. State of Madras*, (1950) case. The Constitution of India gives the Directive Principles of State Policy in Part IV. Though these are not legally enforceable, these are the principles to be applied by Central and State Government of India while making laws. For example, Article 38 directs State to secure a social order for the promotion of welfare of the people.
Basic Structure of the Constitution cannot be changed even by amendment. Sovereignty of country, secular characters etc. are considered to be the basic structure of the Constitution. Supreme Court has taken different positions on whether fundamental rights are part of the basic structure or not, but it is clear that Fundamental Rights cannot be violated if an amendment changes the basic structure of the Constitution. Fundamental Rights are basic human rights of all citizens and apply to all individual irrespective of race, place of birth, religion, caste, creed or gender. These rights are guaranteed by the Constitution. The Constitution of India provides Fundamental Rights in Part III. They are enforceable by the courts. Any other law (apart from constitutional amendments) violating fundamental right is void.

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

“Preamble of the Constitution has been framed with great care and deliberation, it reflects the high purpose and noble objectives of the Constitution makers. It is the soul of the Constitution. It contains the declaration that “to secure to all its citizens – justice, social, economic and political - liberty of thought, expression, belief, faith and worship – equality of status and of opportunity – and to promote among them all – fraternity assuring the dignity of the individual and the unity and integrity of the Nation.”” Bakshi. P.M. (2015). The Constitution of India. (pp. cv). New Delhi, India. Universal Law Publishing Co. Pvt. Ltd.
RIGHT TO LIFE

**Article 21:** Protection of life and personal liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law.

**Note on Article 21**

No man or any system can prohibit a person from living his/her life and enjoying personal freedom, except as per the legal procedures. A procedure established by law means the law enacted by the State. Scope of this further extended when The Supreme Court ruled that a law must be just, fair and reasonable. “The Supreme Court has held that the right to life as enshrined in Art. 21 means something more than survival or animal existence and would include the right to live with human dignity.”


Few of them are listed below:

- Right to Livelihood.
- Right to decent environment.
- Right to good health.
- Right to food, water, education (not professional or special), medical care and shelter.
- Right to speedy, fair and open trial.
- Right of women to be treated with decency and dignity.
- Right of privacy.
- Right to go abroad.
- Right against bar fetters and handcuffing.
- Right to legal aid.
- Right to health and Medical Aid of workers.
- Right against custodial violence.
**Article 21A: Right to education:** The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

**Note on Article 21A**

Every child should go to school and study, the Indian constitution makes it compulsory for appropriate government and local authorities to ensure that children in the age group of six to fourteen years attends school and completes their elementary education. The State shall be responsible to give free and compulsory education to children of this age group.

“The right of a child should not be restricted only to free and compulsory education, but it should be extended to have quality education without discrimination on the ground of child’s economic, social and cultural background.” “The total indifference of the Governmental authorities is leading to violation of the fundamental rights of the children. It is the constitutional obligation of the state to provide for free and compulsory education of children till they complete the age of 14 years.”

**RIGHT TO EQUALITY**

**Article 14:** Equality before Law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

**Note on Article 14**

The law will be equal to everybody irrespective of their class, caste, religion, creed or gender. Every individual is protected and punished equally by the law in India. The State cannot deny, show any partiality or offer special privileges towards any individual before the law under any circumstances.

“While equality before the law is a somewhat negative concept implying the absence of any special privilege by reason of birth, creed or the like, in favour of any individual and equal subjection of all classes to the ordinary law- equal protection of the laws is a more positive concept, implying the right to equality of treatment in equal circumstances. Basu, D.D., Patnaik, & J.G.B., Das, Y., (2015). *Introduction to the Constitution of India.* (pp. 95) Haryana, India. LexisNexis.

**Article 15:** Prohibition of discrimination on grounds of Religion, Race, Caste, Sex or Place of Birth:

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex and place of birth or any of them.
2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—
   - access to shops, public restaurants, hotels and places of public entertainment; or
   - the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
3. Nothing in this article shall prevent the State from making any special provision for women and children.
4. Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
5. Nothing in this article or in sub-clause (g) of clause (1) of Article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30.
Note on Article 15

No person should be discriminated on the basis of religion, class, color, caste, gender, place of birth by the State. No person should be prohibited from any resources for public use like accessing shops, public places, roads, public transport, wells, bathing ghats etc. However, State can make special provisions for advancement of women, children, scheduled castes, scheduled tribes or socially or educationally backward classes.

“Clause (1) says that any act of the State, whether political, civil or otherwise, shall not discriminate as between citizens on grounds only of religion, race, caste, sex, place of birth or any of them. The plain meaning of this prohibition is that no person of a particular religion, caste, etc., shall be treated unfavourably by the State when compared with persons of any other religion or caste merely on the ground that he belongs to the particular religion or caste, etc.”

“Clause (2) provides that so far places of public entertainment are concerned, no person shall be subjected to discrimination on the grounds only of religions, race, caste, sex, place of birth or any of them, whether such discrimination is the result of an act of the State or of any other individual. Even wells, tanks, bathing ghats, roads, and places of public resort which are owned by private individuals are subject to this prohibition provided they are maintained wholly or partly out of State funds or they have been dedicated to the use of the general public.” Basu, D.D., Patnaik, & J.G.B., Das, Y., (2015). Introduction to the Constitution of India. (pp. 102-103) Haryana, India. LexisNexis.
**Article 17: Abolition of Untouchability:** ‘Untouchability’ is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of ‘Untouchability’ shall be an offence punishable in accordance with law.

**Note on Article 17**

Practice of untouchability towards any individual or community on any basis is a punishable offence by law.

“It is absolutely imperative to abolish the caste system as expeditiously as possible for the smooth functioning of rule of law and democracy in our country.” “It has been assumed that the word ‘untouchability’ has a well known connotation- primarily referring to any social practice which looks down upon certain depressed classes solely on account of their birth and disables them from having any kind of intercourse with people belonging to the so-called higher classes or castes.” Basu, D.D., Patnaik, & J.G.B., Das, Y., (2015). *Introduction to the Constitution of India.* (pp. 108) Haryana, India. LexisNexis.
Article 19: Protection of certain rights regarding freedom of speech etc.:

(1) All citizens shall have the right—

(a) to freedom of speech and expression;
(b) to assemble peaceably and without arms;
(c) to form associations or unions;
(d) to move freely throughout the territory of India;
(e) to reside and settle in any part of the territory of India; and
(g) to practice any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the rights conferred by the said sub-clause.

(5) Nothing in sub-clauses (d)-(e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(i) the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.
Note on Article 19

Every citizen of India has the freedom to express their opinions, they have right to assemble peacefully for a cause or purpose without arms. They have the right to form associations or unions for any purpose. Every individual has the right to travel anywhere in the country, he/she can reside or settle anywhere in the country. Individuals have the right to choose and practice any profession, occupation, trade or business in the country. However, State can put reasonable restrictions on these in relation to integrity and sovereignty of India, security of State, public order morality, decency etc.

“The freedom of speech is the matrix, the indispensable condition of nearly every other form of freedom. It is the well spring of civilization and without it liberty of thought would shrivel.” “The ‘State’, in this context, includes not only the legislative authorities of the Union and the States but also other local or statutory authorities, e.g. municipalities, local boards, etc., within the territory of India or under the control of the Government of India. So, all these authorities may impose restrictions upon the above freedoms, provided such restrictions are reasonable and are related to any of the grounds of public interest as specified in Cls (2)-(6) of Article 19.

Thus—

i) The Constitution guarantees freedom of speech and expression. But this freedom is subject to reasonable restrictions imposed by the State relating to (a) defamation; (b) contempt of court; (c) decency or mortality; (d) security of the State; (e) friendly relations with foreign State; (f) incitement to an offence; (g) public order; (h) maintenance of the sovereignty and integrity of India.

‘Decency or mortality’ is not confined to sexual morality alone. It indicates that the action must be in conformity with the current standards of behavior or propriety.

ii) Similarly, the freedom of assembly is subject to the qualification that the assembly must be peaceful and without arms and subject to such reasonable restrictions as may be imposed by the “State” in the interest of the public order.

iii) Again, all citizens have the right to form associations or unions, but subject to reasonable restrictions imposed by the State in the interests of public order or morality or the sovereignty or integrity of India.

iv) Similarly, though every citizen shall have the right to move freely, throughout the territory of India or to reside and settle in any part of the country- this right shall be subject to restrictions imposed by the State in the interests of the general public or for the protection of any Scheduled Tribe.

v) Again, every citizen has the right to practice any profession or to carry on any occupation, trade or business, but subject to reasonable restrictions imposed by the State in the interests of the general public and subject to any law laying down qualifications for carrying on any profession or technical occupation, or enabling the State itself to carry on any trade or business to the exclusion of the citizens.” Basu, D.D., Patnaik, & J.G.B., Das, Y., (2015). *Introduction to the Constitution of India.* (pp. 111 - 113) Haryana, India. LexisNexis.
**Article 22:** Protection against arrest and detention in certain cases:

1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply—
   (a) to any person who for the time being is an enemy alien; or
   (b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless—
   (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:

   Provided that nothing in this clause shall authorize the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe—
   (a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);
   (b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and
   (c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).


**Note on Article 22**

1) Any person should be informed about the reasons for his/her arrest/detention before making the arrest in normal circumstances. He/she shall not be denied their right to be defended by a lawyer and to appoint a lawyer of his choice.

2) Any person who is arrested/detained should be presented in front of the magistrate within 24hrs time. No person should be detained for more than 24hrs without the authority of the magistrate.

3) The above said two points are not applicable for a person who is detained under a law for preventive detention or who is declared as an enemy alien (native, citizen, subject of a country with which India is at war).

4) No person should be detained for more than three months under preventive detention, unless an advisory board before the expiration of the three months period authorize the detention of person for more than three months. This advisory board will consist of person who are, or have been, or are qualified to be appointed as, Judges of a High Court.

5) When any person is detained under preventive detention, he/she should be immediately informed about the reasons of the same and given the opportunity to make representation against the order.

6) Clause (5) does not compel the authority to disclose facts that are not in the public interest.

Parliament has the authority to prescribe the circumstances for extending the detention period of an individual for more than three months without the consultation of the Advisory board. It also has the authority to fix the maximum period of detention of any individual for any case.

“Article 22 consists of two parts. Clauses (1) and (2) apply to persons arrested or detained under a law otherwise that a preventive detention law. Clauses (4) to (7) apply to persons arrested or detained under a preventive detention law.” Bakshi. P.M. (2015). *The Constitution of India*. (pp. 71). New Delhi, India. Universal Law Publishing Co. Pvt. Ltd.

**Article 23: Prohibition of traffic in human beings and forced labour:**

(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

**Note on Article 23**

No human being should be trafficked or transported without their consent or by luring them falsely. No human being should be forced into any form of labour. Any such act is a punishable offence under the law. However State can employ someone without payment for public purpose. State while employing anyone in this manner will not discriminate on the basis of religion, race, caste, class etc.

“Slavery in its ancient form may not so much be a problem in every State today but its newer forms which are labelled in the Indian Constitution under the general term ‘exploitation’ are no less a serious challenge to human freedom and civilization. It is in this view that our Constitution, instead of using the word ‘slavery’ uses the more comprehensive expression ‘traffic in human beings’ which includes a prohibition not only of slavery but also of traffic in women or children or the crippled, for immoral or other purposes. Our Constitution also prohibits forced labour of any forms which is similar to begar, an indigenous system under which landlords sometimes used to compel their tenants to render free service. What is prohibited by the clause is therefore the act of compelling a person to render gratuitous service where he was lawfully entitled either not to work or to receive remuneration for it. The clause therefore does not prohibit forced labour as punishment for a criminal offence. Nor would it prevent the State from imposing compulsory recruitment or conscription for public purposes, such as military or even social service.” Basu, D.D., Patnaik, & J.G.B., Das, Y., (2015). *Introduction to the Constitution of India.* (pp. 130) Haryana, India. LexisNexis.
**Article 24:** Prohibition of employment of children in factories, etc.: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

**Note on Article 24**

It is illegal to employ any child below the age of 14 years to work in any factory, mines or other dangerous jobs. Child labor Act of 1986 states clear penalties for employers in such cases.

“It is to be noted that the prohibition imposed by the Article is absolute and does not admit of any exception for the employment of a child in a factory or mine or in any other 'hazardous employment', For example, in a railway or a port.” Basu, D.D., Patnaik, & J.G.B., Das, Y., (2015). *Introduction to the Constitution of India.* (pp. 130) Haryana, India. LexisNexis.
CULTURAL AND EDUCATIONAL RIGHTS

Article 29: Protection of interests of minorities:

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Note on Article 29

1) Any individual or communities with distinct language, script or culture have the right to preserve their culture, language or script.

2) No person should be discriminated on the grounds of religion, race, caste or language and should not be prohibited from studying in any educational institute that is maintained by the State or receives aid from the State.
**Article 30: Right of minorities to establish and administer educational institutions:**

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

**Note on Article 30**

Minority groups have the right to establish their educational institutions:

1) Any minority (religion or language based) community can establish and manage educational institution of their choice.

2) The State, while providing any form of aid shall not discriminate against any such institutions and should not deny any aid to them only because they are established and managed by a minority group.

“The expression “minority” has been used in two senses- one based on religion and the other on the basis of language. Since reorganization of the States in India has been on linguistic lines, therefore, for the purpose of determining the minority, the unit will be the State and not the whole of India. Hence, minorities have to be considered state-wise. It is a relative term and is referred to, to represent to, to represent the linguistic or religious sections or groups forming less than 50% of the total population of the State.” Basu, D.D., Patnaik, & J.G.B., Das, Y., (2015). *Introduction to the Constitution of India.* (pp. 135) Haryana, India. LexisNexis.
Notes:
Module 3: The Mahatma Gandhi National Rural Employment Guarantee Act

Concept

"Mahatma Gandhi National Rural Employment Guarantee Act", also known as MGNREGA, is an Indian labour law and social security measure that aims to guarantee 'Right to Work' and ensure livelihood security in rural areas by providing at least 100 days of guaranteed wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work.

The act was presented with an aim of helping the buying power of the rural individuals; mainly partial or un-skilled labor; living in rural parts of the country. The major responsibility of implementation was also gradually transferred to the Panchayati Raj Institutions. The act guaranteed employment as a legal right. It is not a mere a scheme or program, but it is a law and can be demanded as a right and is legally enforceable (i.e. can be raised in court).

EXCERPTS FROM MGNREGA OPERATIONAL GUIDELINES 2013

(All the Annexures mentioned in the module can be obtained at http://nrega.nic.in/netnrega/WriteReaddata/Circulars/Operational_guidelines_4thEdition_eng_2013.pdf)

JOB CARD

Job Card gives legal right to the registered households to apply for work and protects workers against fraud. Any household having adult members who want to do unskilled manual work can apply for registration; any adult member can apply for registration on behalf of household. Registration can be done throughout the year at gram panchayat office. Application can be made in a plain paper and should carry details given in Annexure-3, oral request can also be made to Gram Rozgar Sahayak or Panchayat Secretary and they will note the required particulars.

Gram panchayat will complete the verification within 15 days of receipt of application:-

a. Household really exist as said in the application
b. Applicant household are local resident of the gram panchayat
c. Applicants are adult members of the household

‘Local’ means residing within the Gram Panchayat and includes families of that area that may have migrated some time ago but may return. "Household" mean the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card. If information is found incorrect by Gram Panchayat, then the same need to be referred to the Program officer. The list of rejected applications will be presented in Gram Sabha and applicant household may apply for registration again. Gram Panchayat will issue a job card within 15 days of application, if the household is found eligible for registration

Job card needs to be handed over to one member of applicant household in presence of few other residents of Gram Panchayat. The card should always be with the household to whom it is issued. If for any reason i.e., updation of record, it is taken by panchayat or MGNREGA functionary, it should
be returned on the same day. Gram Panchayat should maintain a copy of all job cards. Proforma for same is given in Annexure 4. Format for the job card is given in Annexure-5. Employment provided and wages distributed should be entered within seven days. Missing entries or delay in entries in the job card is punishable under Section 25 of the Act.

The job card is valid for a period of five years. If any name in household is removed because of death, permanent migration etc, same should be reported immediately by the household. Household can also apply for new additions. Job card found in the possession of any Panchayat or MGNREGA functionary, without a valid reason, is an offence punishable under Section 25 of the Act.

**APPLICATION FOR WORK**

1. Every adult member in a job card has the right to apply for unskilled manual work.
2. Application should be for at least 14 days of continuous work.
3. Application to be given to Gram Panchayat or Program Officer.
4. Application can be on a free-of-cost printed form or a plain paper.
5. Details to be included in application are indicated in Annexure 6 (individual) and Annexure-7 (joint).
6. Workers may also go to Gram Panchayat or work site to ask for work.
7. Gram Rozgar Sahayak will record the same in prescribed application form and employment register.
8. A single application can be made for number of days in different periods of the year.
9. Several applicants can apply in a joint work application.
10. The Gram Panchayat or Program Officer (to whom application is made), is bound to accept valid applications for work and to issue a dated receipt to the applicant. Refusal to accept work applications and provide dated receipts is an offence against the law under Section 25 of MGNREGA.
11. Details to be included in the receipt are given in Annexure 8.
12. Work has to be provided to a household if a demand for the work is made till the household has received work for hundred days.
13. Gram panchayat will have to inform in writing a letter and by a public notice displayed at the office of the Gram Panchayat when it provides work to an applicant.
14. If a worker has given a mobile number on which he/she would like to informed, a SMS shall be sent at the address/mobile number given in the job card at the time of generation of e muster.
15. Gram panchayat will have to inform Program Officer at least once in a week the number of applicants that can’t be employed with reasons. Program officer will ensure that employment is provided to such households in neighboring panchayats.
16. If work is provided at 5 km away from the residence then workers are to be paid ten percent of the wage rate as extra wages.
17. At least one-third beneficiaries registered and requested work under the scheme should be women.
18. Employment has to be given within 15 days of application. If employment is not given within 15 days of making application or from the date when employment was asked, then an unemployment allowance will be paid unless-
   a. The applicant is directed by Gram Panchayat or Program Officer to report for work.
b. No member of household of applicant turns up for employment in the period for which work was sought.

c. Adult members of the household in total have received at least one hundred days of work in the financial year.

d. Wages and unemployment allowance taken together paid to the household of the applicant are equal to the wages for one hundred days of work during the financial year.

19. An applicant can't claim the unemployment allowance for a period of three month if-
   a. He/she does not accept the employment provided to his/her household; or
   b. Does not report for work within 15 days of being notified by the Program Officer or the implementing agency to report for the work; or
   c. Continuously remains absent from work, without obtaining permission from the concerned implementing agency for a period of more than one week or remains absent for a total period of more than one week in any month.

20. Unemployment allowance will not be less than one-fourth of the wage rate for the first thirty days and not less than one-half of the wage rate for the remaining period of the financial year.

**SOCIAL AUDIT AND GRIEVANCE REDRESSAL**

A Social Audit needs to be conducted in every Gram Panchayat at least once in six months by Social Audit unit. Gram Sabha has to appoint/elect/nominate a Vigilance and Monitoring Committee (VMC) for a period of six months but not for more than one year. Ideally, it should have ten members, half of whom should be women with representation of Scheduled Caste and Scheduled Tribes in proportion to their population. VMC’s report should be presented in next Gram Sabha meeting. Program officer will have to provide "Action taken" report to VMC on its complaints.

Designated grievance redressal person at block and district level will have to provide a copy of the order to VMC on its complaints. The Committee will:
   a. Visit work sites and interact with workers.
   b. Verify records and onsite facilities.
   c. Assess quality of materials and cost.
   d. Provide end-of-work report on its satisfactory completion including a qualitative assessment of the nature of the work and its usefulness.

Information about works shall be displayed in local language at the work site (in the format given in Annexure 1) and at a public place (in the format given in Annexure 2). Information on number of days of work provided and payments made to every Job Card holder in a year, list of works sanctioned, expenditure on labour and material component, quantity of various material items and rates at which these were procured should be painted on the walls of Gram Panchayat building.

If copies of Mahatma Gandhi MGNREGA-related documents are requested, they should be provided with in three days. All Mahatma Gandhi MGNREGA-related information is in the public domain. No information shall be withheld by invoking Clause 8 of the RTI Act. Copies of Muster Rolls should be made public outside all offices of agencies implementing MGNREGA, and should also be placed by the gram panchayat before the gram sabha once in every quarter.
At the work site:-
   a. Information to be publicly displayed.
   b. Muster rolls information regarding attendance, work done and wages paid to be read in the presence of workers at the end of the day.
   c. Measurements taken in the Measurement Book will also be read out before the workers during the measurement of works.

Work site file to be maintained for each work and will be accessible to VMC and residents of the gram panchayat, such file will contain details of:
   a. Details about the work.
   b. Details of administrative and technical sanction.
   c. Period of work and generation of man-days expected.
   d. Details of workers and wages paid.
   e. Initiation meetings.
   f. Labor amenities provided.
   g. Materials used item-wise indicating source, unit cost, total cost etc.
   h. Grievances raised by workers.
   i. Entries by Inspecting Officers, Report of the Vigilance and Monitoring Committee.
   j. The work site file should be attested by at least five workers.

- If you have a problem, you should first approach the Gram Panchayat. If this does not help, you can submit a complaint to the Program Officer at the Block level.
- If you complain to the Program Officer, it is his duty to register your complaint and take action within 7 days.
- Not taking action within 7 days is punishable under Section 25.
- Complaint against Program Officer can be made to district Program coordinator.
- The person registering the grievance is to be given a receipt with number and date.

**PAYMENT**

1. All workers are entitled to the notified wage rate.
2. Men and women should be paid equally.
3. Payment should be made within 15 days from when it becomes due. If not, then compensation allowance will be paid without filing a claim for compensation.
4. Payment is preferably to be made through bank accounts.
5. As far as possible, individual accounts should be opened for every MGNREGA worker.
6. As per RBI circular dated 27th January 2011, MGNREGA Job Card, duly signed by an officer authorized by the State Government to do so, is an officially valid document for opening a bank account.
7. Cash disbursal can be made only with prior intimation to the Ministry and approval of the State Government.
8. All cash disbursements to be made in the presence of a Payment Committee to be constituted by the district program coordinator. Such committee will have the following members-
a. Gram panchayat Head/Sarpanch or Traditional Tribal Head (or Mukhiya in Scheduled Areas)
b. Gram panchayat member from the Ward where the works have been executed
c. Two Women SHG members, (wherever applicable).
d. Atleast three MGNREGA workers from the gram panchayat, out of which atleast one should be a women and atleast one should be from SC/ST
e. School Headmaster/Teacher.

9. Gram Rozgar Sevak along with mates are responsible for distribution of Pay slips amongst workers. The details that are included in Pay Slip are indicated in the Annexure- 15.

PROJECT SHELF AND ANNUAL PLAN

1. All gram panchayats to complete baseline survey of job card holders in Financial Year 2013-14 to assess when and how much work will be demanded.
2. The above needs to be reassessed every five years.
3. Needs of the people should be identified through consultations at the habitation level.
4. Resources available from different locally available schemes should be identified.
5. Draft development plan should be developed.
6. Draft plan would be presented and approved in Gram Sabha.
7. New projects should be added to this shelf of projects.
8. Annual plans and labor budgets are to be presented in the 15th August Gram Sabha
9. Once approved by the gram sabha, each Gram Panchayat will submit its Annual Plan and labor budget along with a copy of the resolution of the Gram Sabha to the Program Officer, who present the block plan before Block Panchayat by 15th September.
10. Block panchayat will submit the block annual development plan to District Panchayat by 2nd October.
11. District Program Coordinator will submit the distri annual development plan and labor budget by 15th November.
12. District Panchayat will approve the plan and budget by 1st December.
13. Data entry for same should be made before 15th December.

MUSTER ROLL, ATTENDANCE AND MEASUREMENT

Muster Rolls contain vital information that is essentially required to be proactively available for public scrutiny. In the light of field reports, it was decided that the maintenance of muster rolls at worksites by implementing agency should periodically be verified to ensure that muster rolls are maintained properly and people’s Right to Work under the Act is judiciously implemented. Weekly muster rolls shall be adopted to ensure timely payment of wages. The details that must be included in the muster roll are indicated in the Annexure-14. Only numbered muster rolls authorized or issued by the Program Officer is to be maintained on the work site. No duplicate (kachha) Muster Roll (a document which is not authorized or issued by the Program Officer) should be used at the worksite for recording attendance.

Preference in appointment of mates should be given to women workers or differently abled persons who are adequately trained for performing the duties expected out of mates. Workers
attendance and the wages paid will be shown against each name with the signature/thumb impression of the worker. Any person can see the muster roll during working hour on all working days at the worksite. Five workers engaged in work selected on a weekly rotational basis will verify and certify all the bills/vouchers of their worksite, at least once a week. A copy of the sanctioned estimate and the work order must be available for public inspection at the worksite.

All measurements of work done shall be recorded in the Measurement Book (MB) duly authorized and issued by competent authority. Measurement officers should ensure that all measurements are taken within three days after close of weekly muster. All measurements should be captured task-wise so that nothing remains unseen and underpaid.

OTHERS

1. MGNREGA Act suggests formation of a federation of a labor group
   a. Each group can have 15 to 30 families,
   b. Workers who have put at least 15 days of work in previous year will be eligible to be a member,
   c. Federation can be a registered labor society at one or few panchayat level.
2. Work for people from special categories should be identified and extra efforts should be made to include them in the work. Special categories include
   a. Persons with disabilities
   b. Primitive Tribal Groups
   c. Nomadic Tribal Groups
   d. De-notified Tribes
   e. Women in special circumstances
   f. Senior citizens above 65 years of age
   g. HIV positive persons
   h. Internally displaced persons
3. No contractor and no labor dispensing machinery is to be used.
4. The 60:40 ratio for wage and material costs should be maintained at Gram Panchayat level for all works to be taken up by Gram Panchayat and for works to be taken by all other agencies it should be maintained at the Block/Intermediate Panchayat level.
5. MGNREGA workers are covered under the Janashree Bima Yojana, which provides life and disability insurance to rural people. (details of scheme given as Annexure in the end)
6. Rashtriya Swasthya Bima Yojana (RSBY) has been extended to all MGNREGA workers/beneficiaries who have worked for more than 15 days in the preceding financial year. (details of scheme given as Annexure in the end)
7. Names of households that are already not covered under RSBY should be shared with the nodal department in the State Government, that is implementing RSBY.
8. Shade, drinking water and first-aid should be available at every worksite.
9. If more than five children under the age of six years are present, child care facilities should also be provided at the worksite.
RESPONSIBLE PEOPLE

1. Gram Panchayat is responsible for
   a. Receiving applications for registration
   b. Verifying registration applications
   c. Registering households
   d. Issuing Job Cards (JCs)
   e. Receiving applications for work
   f. Issuing dated receipts for these applications for work
   g. Allotting work within fifteen days of submitting the application or from the date when work is sought
   h. Conducting periodical surveys to assess demand for work
   i. Identification and planning of works, developing shelf of projects including determination of the order of their priority. This list is forwarded to Program Officer for scrutiny and preliminary approval
   j. Prepare annually a report containing the facts and figures and achievements relating to the implementation of the Scheme within its jurisdiction and copy of the same to be made available to the public on demand and on payment of such fee as may be specified in the Scheme
   k. Awareness generation and social mobilization.
   l. Convening the gram sabha for planning and social audit
   m. Make available all relevant documents including the Muster Rolls, bills, vouchers, measurement books, copies of sanction orders and other connected books of account and papers to the Gram Sabha for the purpose of conducting the social audit
   n. Pro-actively disclosing information on details of works both completed and on-going (including wages paid and material component), names of persons (with JC numbers) who have worked, days worked and wages paid to them at worksites and quantity and price of materials purchased for each project along with name of agency which supplied the material at gram panchayat and other prominent public places

2. Gram Rozgar Sahayak in gram panchayat
   a. Oversee the process of registration, distribution of job cards, provision of dated receipts against job applications, allocation of work to applicants etc.
   b. Recording attendance of labour every day either himself/herself or through the mate (Each Labour Group shall elect a Mate from amongst themselves. The Mate shall have the responsibility of managing worksite facilities including taking attendance of the members of the group every day) in the prescribed Muster Rolls at the worksite
   c. Ensuring worksite facilities and updating job cards of the workers regularly.
   d. Maintaining all MGNREGA-related registers at the Gram Panchayat level, assist in maintenance of MGNREGA accounts and,
   e. Ensuring that these documents are conveniently available for public scrutiny.
3. Cluster Facilitation Team  
   a. Comprise of four specialists, one each for community mobilization, soil and moisture conservation, agriculture and allied activities and MIS & ICT  
   b. Will facilitate preparation of the Annual Plan each year for every Gram Panchayat within the cluster resulting in a shelf of works and annual labour and material budget.

4. Program officer (block level)  
   a. Reports to District Program Coordinator and Additional District Program Coordinator  
   b. Is coordinator for MGNREGA at the block level  
   c. Primary responsibility is to ensure that anyone who applies for work gets employment within 15 days

5. Additional District Program Coordinator (district level)  
   a. Reports to District Program Coordinator or Chief Executive Officer – State Employment Guarantee Mission  
   b. Looks into day to day operation of MGNREGA

6. District Program Coordinator (will be district collector or chief executive officer, zilla parishad)  
   a. Is responsible for implementation of scheme in the district

7. Chief Executive Officer – State Employment Guarantee Mission (State Level)

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<td>Chief Executive Officer – SEGM</td>
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Citizen Help line Number: 1077
Annexure: PERMISSIBLE WORK UNDER MGNREGA

i) Water conservation and water harvesting including contour trenches, contour bunds, boulder checks, gabion structures, underground dykes, earthen dams, stop dams and spring shed development;

ii) Drought proofing including afforestation and tree plantation;

iii) Irrigation canals including micro and minor irrigation works;

iv) Provision of irrigation facility, dug out farm pond, horticulture, plantation, farm bunding and land development on land owned by households specified in paragraph 1C of Schedule I;

v) Renovation of traditional water bodies including desilting of tanks;

vi) Land development;

vii) Flood control and protection works including drainage in water logged areas including deepening and repairing of flood channels, chaur renovation, construction of storm water drains for coastal protection;

viii) Rural connectivity to provide all weather access, including culverts and roads within a village, wherever necessary;

ix) Construction of Bharat Nirman Rajiv Gandhi Sewa Kendra as Knowledge Resource Centre at the Block level and as Gram Panchayat Bhawan at the Gram Panchayat level;

x) Agriculture related works, such as, NADEP composting, vermi-composting, liquid bio-manures;

xi) Livestock related works, such as, poultry shelter, goat shelter, construction of pucca floor, urine tank and fodder trough for cattle shed, azolla as cattle-feed supplement;

xii) Fisheries related works, such as, fisheries in seasonal water bodies on public land;

xiii) Works in coastal areas, such as, fish drying yards, belt vegetation;

xiv) Rural drinking water related works, such as, soak pits, recharge pits;

xv) Rural sanitation related works, such as, individual household latrines, school toilet units, anganwadi toilets, solid and liquid waste management;

xvi) Construction of anganwadi centres.

xvii) Construction of playfields

xviii) Any other work which may be notified by the Central Government in consultation with the State Government.

As per paragraph 1C of Schedule I all activities mentioned in items (iv), (x), (xi) and items (xiii) to (xv) of paragraph 1B of Schedule I shall be allowed on land or homestead owned by households belonging to the Scheduled Castes and the Scheduled Tribes or below poverty line families or the beneficiaries of land reforms or the beneficiaries under the Indira Awas Yojana of the Government of India or that of the small or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme, 2008, or the beneficiaries under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007).

Further, the works referred to in items (iv), (x), (xi) and items (xiii) to (xv) of paragraph 1B of Schedule. It shall be taken up subject to the following condition, namely:

(a) The households referred to in paragraph 1C of Schedule I shall have the job card; and

(b) The beneficiaries shall work on the project undertaken on their land or homestead.
NEGATIVE LIST

1. Works like boulder, pebble or shrub removal, silt application and similar activities are not permissible as standalone activities except when they are part of tasks in projects for converting uncultivable and barren / fallow lands into cultivable lands through one time land development and wherever land development is taken up, it may follow an area approach preferable a micro-watershed and not confined to a few individual holdings.

2. Normal agriculture operations such as land preparation, ploughing, sowing, weed removal, turning the soil, watering, harvesting, pruning and such similar operations are not permissible in MGNREGA.

3. Agriculture operations of any nature are not permitted to be taken up under MGNREGA for food grain crops, vegetables, floriculture etc. The material cost for these of inputs (seeds, fertilizers, pesticide) would also not be covered under MGNREGA.

4. Removal of weeds and watering may be considered for payment under MGNREGA only for forestry plantations and horticulture limited for a duration of 2-3 years. It is envisaged that at the end of this period, the horticulture plants would become fruit bearing and thereafter, weeding, watering etc would become a part of normal operations. Likewise, at the end of the 2-3 years, it is envisaged that the agro forestry plantation would attain sufficient height and should be able to survive with protection from grazing to be provided by ditch cum mound bunds along the periphery or other forms of physical structures. The State Agriculture / Horticulture/ Forest department would prescribe norms in respect of the duration and person days for which removal of weeds and watering etc. for horticulture and forestry may be included as cost of MGNREGA work. However, these norms should be the same as applicable to works taken up under their own departmental program either from state funds or as part of a CSS.

5. The maintenance of assets should generally be undertaken only for those works and assets that have been created under MGNREGA. In case MGNREGA funds are to be used to rehabilitate assets created from schemes other than MGNREGA, the full details of previous work done along with date, copy of estimate and measurement book should be placed as part of the MGNREGA work record before administrative approval is granted. It will be the duty of the agency that has executed these assets to provide all required details and documents to the Gram Panchayat. Program Officer will ensure that an entry to this effect is made against each such work in the list of works placed before the Gram Sabha. He/she will ensure that copies of documents are also made available to the DPC before administrative approval is accorded and details are made available to the implementing agency along with the work order.

6. MGNREGA funds cannot be used for land acquisition. Land belonging to all categories mentioned under paragraph 1C of Schedule 1 cannot be acquired for works under the MGNREGA. In case land is being donated for MGNREGA works, DPC should ensure donation is entirely voluntary and not under due pressure.

7. A major activity that has been widely undertaken under MGNREGA is the construction of wells. However, it has been observed that on many occasions, this has been done in an indiscriminate manner without reference to the prevailing hydro-geological conditions and the possible impact on the already receding, water table and water quality. Groundwater is a common pool resource. Extraction of groundwater through individual sources such as wells and tube wells
can sometimes threaten the quantity (depth) and quality of the resource. The following conditions are, therefore, being prescribed for undertaking digging of wells under MGNREGA:

i) Bore wells and tube wells will NOT be considered as a permissible activity under MGNREGA, under any circumstances.

ii) Digging of private wells will not be a permissible activity under MGNREGA in areas which have been classified as semi-critical or critical or over exploited according to Central Government Water Board’s (CGWB) latest assessment.

iii) In areas which have been classified as semi-critical or critical or over exploited according to CGWB’s latest assessment, only “group wells” will be allowed where a group of farmers agrees to share the water from such a “group well”. Each such group will comprise at least 3 farmers.

iv) There should be a formal agreement (on Stamp Paper) between farmers for water sharing from a group well. Verification of the agreement within this group will be through the Gram Panchayat.

v) Only one member from one family can be the member of the group. He/she cannot be members of more than one group.

vi) A Group Well should be registered as a Group Irrigation Well in revenue records.

vii) In areas classified as “safe” by the CGWB, individual wells may be considered. Depth and diameter of such wells and well to well spacing must conform to the hydrogeology of the area. In hard MGNREGA rock areas, diameters must be kept within 8m. For softer rock and alluvial areas, well diameter must be less than 6m.

Annexure: WORKER RIGHTS UNDER THE MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT

WORK APPLICATIONS
a. With this Job Card, you are entitled to apply for work at any time. You can submit your application to the Gram Panchayat, or to the Block office.

b. If you apply for work, employment has to be given to you within 15 days of application.

c. When you apply for work, make sure that you get a dated and signed receipt.

WORKERS’ ENTITLEMENTS
a. All workers are entitled to the notified wage rate.

b. Men and women should be paid equally.

c. Wages should be paid within a week, or fifteen days at most.

d. Wages will be deposited in your bank/post office account.

e. If you live more than 5 km away from the worksite, you are entitled to a travel and subsistence allowance (10% of the minimum wage).

AT THE WORKSITE
a. Muster rolls should be available and maintained at the worksite. You are entitled to check the muster roll at any time.

b. Shade, drinking water and first-aid should be available at every worksite.

c. If more than five children under the age of six years are present, child care facilities should also be provided at the worksite.
UNEMPLOYMENT ALLOWANCE
a. If you have not been given work within 15 days of applying, you are entitled to the “unemployment allowance”.
b. You can apply for the unemployment allowance to the Gram Panchayat or Block Office (you will need the receipt showing when you applied for work).

WATCH YOUR JOB CARD
a. The Job Card (with photograph) should be given to you free of cost. Don't let anyone charge you for it.
b. Every household is entitled to a separate Job Card.
c. Keep this Job Card with you. No-one has the right to take it away.
d. All entries have to be made in front of you.
e. Make sure that no false entries are made in the Job Card.
f. If you lose this Job Card, you can apply for a new one from the Gram Panchayat.

HELP AND COMPLAINTS
a. If you have a problem, you should first approach the Gram Panchayat. If this does not help, you can submit a complaint to the Program Officer at the Block level.
b. If you complain to the Program Officer, it is his duty to register your complaint and take action within 7 days.

ANNEXURE: JANASHREE BEEMA YOJANA
Features
The objective of the scheme is to provide life insurance protection to the rural and urban poor persons below poverty line and marginally above the poverty line.

Benefits
In the events of:
• Death (other than by accident) of the member, an amount of Rs.30,000/- is payable.
• Death/total permanent disability, due to accident, an amount of Rs.75,000/- is payable.
• Permanent partial disability, due to accident, an amount of Rs.37,500/- is payable.

Premium
• The premium under the scheme is Rs.200/- per annum per member. 50% of the premium, i.e. Rs.100/- will be contributed by the member and/or Nodal Agency/State Government.
• Balance 50% will be borne by the Social Security Fund.
ANNEXURE: RASTHRIYA SWASTHYA BIMA YOJANA

Rashtriya Swasthya Bima Yojana has been launched by Ministry of Labour and Employment, Government of India to provide health insurance coverage for Below Poverty Line (BPL) families. The objective of RSBY is to provide protection to BPL households from financial liabilities arising out of health shocks that involve hospitalization. Beneficiaries under RSBY are entitled to hospitalization coverage up to Rs. 30,000/- for most of the diseases that require hospitalization. Government has even fixed the package rates for the hospitals for a large number of interventions. Pre-existing conditions are covered from day one and there is no age limit. Coverage extends to five members of the family which includes the head of household, spouse and up to three dependents. Beneficiaries need to pay only Rs. 30/- as registration fee while Central and State Government pays the premium to the insurer selected by the State Government on the basis of a competitive bidding.

Features – The RSBY scheme is not the first attempt to provide health insurance to low income workers by the Government in India. The RSBY scheme, however, differs from these schemes in several important ways.

Empowering the beneficiary – RSBY provides the participating BPL household with freedom of choice between public and private hospitals and makes him a potential client worth attracting on account of the significant revenues that hospitals stand to earn through the scheme.

Beneficiaries need to pay only Rs. 30 as the registration fee. This amount shall be used for incurring administrative expenses under the scheme.

Portability – The key feature of RSBY is that a beneficiary who has been enrolled in a particular district will be able to use his/ her smart card in any RSBY empanelled hospital across India. This makes the scheme truly unique and beneficial to the poor families that migrate from one place to the other. Cards can also be split for migrant workers to carry a share of the coverage with them separately.

Cash less and Paperless transactions – A beneficiary of RSBY gets cashless benefit in any of the empanelled hospitals. He/ she only required to carry his/her smart card and provide verification through his/ her finger print. For participating providers it is a paperless scheme as they do not need to send all the papers related to treatment to the insurer. They send online claims to the insurer and get paid electronically.
# GLOSSARY

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<tr>
<th>Abbreviation</th>
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<td>BPL</td>
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<td>Community Based Organizations</td>
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<td>CGWB</td>
<td>Central Government Water Board</td>
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<td>CNI</td>
<td>Church of North India</td>
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<td>CSS</td>
<td>Centrally Sponsored Schemes</td>
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<td>DPC</td>
<td>District Program Coordinator</td>
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<td>Forest Rights Act</td>
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<td>ICT</td>
<td>Information and Communication technology</td>
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<td>MGNREGA</td>
<td>Mahatma Gandhi National Rural Employment Guarantee Act</td>
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<td>Management Information Systems</td>
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<td>Other Backward Class</td>
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<td>Rights Based Approach</td>
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<td>Reserve Bank of India</td>
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<td>United Declaration of Human Rights</td>
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