

NREGA: ship without rudder?

The tremendous potential of the scheme is in danger of being wasted in some States.

Recent events in Jharkhand highlight various issues that need to be urgently addressed if the National Rural Employment Guarantee Act (NREGA) is to survive and thrive. These events include the murders of two NREGA activists (Lalit Mehta and Kameshwar Yadav), a survey of NREGA initiated by the G.B. Pant Social Science Institute in Palamau and Koderma districts, and public hearings held there on May 26 and June 18 respectively. The latest incident is the tragic death of Tapas Soren, who immolated himself in Hazaribagh on July 2 to protest against official harassment in the context of NREGA work.

By way of background, a glimpse of the survey findings may be useful. Even in Jharkhand, one of the worst performing States as far as NREGA is concerned, there is some good news. For instance, the transition to a rights-based framework has led to a major decline in labour exploitation on rural public works. Wages are higher than they used to be, delays in wage payments are shorter, productivity norms more reasonable, and complaints of worksite harassment rare. NREGA is a valuable and valued opportunity for the rural poor, and particularly for women, to earn a living wage in a dignified manner.

Most of the respondents in a random sample of about 200 NREGA workers in Palamau and Koderma districts were highly appreciative of the programme. For instance, they felt that NREGA helped them to avoid hunger and distress migration. Also, a large majority of the respondents felt that the assets being created under NREGA were “useful” or “very useful.” This was also the assessment of field investigators. Far from being a case of “playing with mud,” as one grumpy commentator recently put it, NREGA is a productive scheme — and it could be even more productive with a small dose of technical and scientific support.

Massive corruption

In Jharkhand, unfortunately, the tremendous potential of NREGA is in danger of being wasted due to massive corruption. Judging from the survey findings in Koderma and Palamau, transparency safeguards are routinely violated and funds are being siphoned off with abandon. A similar picture emerges from surveys in Bihar and Uttar Pradesh, though there are also heartening examples of transparent

implementation of NREGA, notably in Rajasthan (where we found very little evidence of embezzlement of wage funds) and Andhra Pradesh (where post office payments and institutionalised social audits appear to have a similar impact).

Coming back to recent events in Jharkhand, there is much scope for introspection. To start with, these events have exposed the repressive if not criminal character of the Indian state in large parts of the country. It is bad enough that brazen embezzlement of NREGA funds in Jharkhand, with the complicit

ter the Act came into force. To illustrate, among 200 persons currently working on NREGA worksites in Palamau and Koderma, less than 30 per cent knew that they were entitled to 100 days of employment per year under the Act. The concept of “work on demand”, for its part, had not sunk in at all. The vulnerability of the programme to corruption and abuse begins with this lack of awareness of their rights among NREGA workers.

Third, this powerlessness is also due to the absence of any effective grievance redressal system for NREGA.

Activists rally against Lalit's murder in Ranchi

THE killing of Lalit Mehta, who was campaigning to make the National Rural Employment Guarantee Scheme (NREGS) effective in Jharkhand, has spurred a larger civil society campaign against corruption and non-implementation of the scheme.

the sense of outrage is giving way to an emerging resolve to dig deep for a fight for accountability and implementation of entitlements meant for the poor.

A state-wide platform 'Daman Evam Bhrashtachar Virodhi Sangharsh Samiti' (Campaign Committee against Repres-

sion and Corruption), launched after Lalit's killing, has been leading the agitation to continue the struggle for NREGA in the tribal dominated state

At the time of his death, he was helping a team of volunteers to conduct a social audit in a bid to get government anti-poverty schemes providing food, work and nutrition implemented in Chainpur and Chhattarpur blocks of Palamau district.

- Paryinder Singh, Civil Society Magazine, 01 Jul 2008
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ity of many government officials, has deprived millions of people of employment and wages, and thereby, of their constitutional right to life. For good measure, State authorities often scuttle any attempt to expose this nexus of corruption and crime. Our own survey team had a taste of this bitter medicine in Palamau: instead of acting on the complaints we brought to its attention, the District Administration turned against the team and sent a malicious and defamatory “report” to the Ministry of Rural Development, even insinuating that some of us might have had a hand in Lalit Mehta's murder. Defenceless grassroots workers are not so lucky as to get away with insults: they literally risk their lives every time they stand up against state-sponsored corruption and exploitation.

Second, the counterpart of this repressive apparatus is the utter helplessness of working people. This helplessness begins with a thick cloud of ignorance: we were amazed to discover how little people knew about NREGA in the survey areas, more than two years af-

Gross violations of the Act can be perpetrated with virtual impunity, and most people do not know what to do and where to go when they have complaints. Even when there is conclusive evidence of fraud, and with the full backing of the Central Employment Guarantee Council, we have found it extremely hard to secure any remedial or punitive action. This state of affairs opens the door to further deterioration of the standards of implementation of NREGA, as the message is rapidly spreading that “anything goes” and that those responsible for fraud and embezzlement are “safe.”

Fourth, while this situation is not unique to Jharkhand, it has been amplified there by the absence of Gram Panchayats in rural areas. Jharkhand is the only state where Gram Panchayat elections have not been held since the 73rd and 74th amendments of the Constitution (known as “Panchayati Raj amendments”). This is not only a flagrant violation of the law, but also an infringement of people's fundamental rights, since it is impossible to provide

effective public services in rural areas without functional institutions of local governance. NREGA itself is a casualty of this state of affairs. In the absence of Gram Panchayats (the chief "implementing agency" under the Act), the implementation of NREGA in Jharkhand is effectively under the control of private contractors, or quasi-contractors such as the so-called "labhuk samitis" (beneficiary committees). But private contractors work for profit, and the only way to make profit from NREGA is to cheat. In Jharkhand, therefore, corruption is built into the system.

Fifth, this impending anarchy also reflects the casual attitude of the Central government towards its own money. Given that about 90 per cent of the NREGA funds come from the Centre, the Central government has a right and a duty to enforce high standards of transparency and accountability in the programme. The Act gives it wide powers to do so, whether it is through framing rules, conducting investigations, designing an effective Monitoring and Information System (MIS), or taking action where there is evidence of fraud. Instead of seizing these opportunities, the Ministry of Rural Development largely expects the

State governments to comply with its Operational Guidelines. These guidelines are indeed very good, but their legal status is unclear, and many State governments are treating them lightly — applying what suits them and ignoring the rest. Thus, NREGA is being implemented in a dangerous vacuum, with few mandatory norms except for the general provisions of the Act. Even basic safeguards, such as the maintenance of job cards and the transparency of muster rolls, are effectively left to the discretion of the State governments. This state of affairs makes NREGA quite vulnerable to corruption and other irregularities. As political parties are about to launch their respective election campaigns, there is a frightening possibility that many of them will try to "dip" into NREGA funds to fill their coffers. A wake-up call is badly needed.

Finally, the powerlessness of NREGA workers is also a reflection of the timidity of grassroots organisational work on this issue. Somehow, political organisations and social movements are yet to seize the vast potential for collective action around NREGA, whether it is through joint work applications, struggles for

minimum wages, participatory planning, or building workers' unions. One rarely sees crowds of people blocking the road to demand NREGA work, or staging a dharna against delayed wage payments. The fact that a large majority of the rural population is still in the dark about the basic features of the Act, almost three years after it was passed, is another symptom of this organisational gap.

The way forward

On a more constructive note, these observations point to the way forward. As far as government policy is concerned, urgent priorities include framing strong rules for NREGA, putting in place grievance redressal procedures, enforcing the transparency safeguards, and taking swift action whenever there is evidence of fraud. As far as public action is concerned, the need of the hour is to make better use of NREGA as a tool of organisational work and enable NREGA workers to defend their rights. Counting on the kindness of the state would be futile.

- Jean Drèze, *The Hindu*, Chennai, 19 Jul 2008
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WHO'S AFRAID OF THE NREGS?

THE KILLING WAS ENGINEERED by vested interests that were apprehensive of Lalit's exposing their corrupt practices," reads the condolence message sent by Sonia Gandhi on NREGA activist Lalit Mehta's murder.

The murder of Lalit Kumar Mehta in Jharkhand's Palamau district on May 14 was followed by the killing of Narayan Hareka, a Naib-sarpanch in Borigi Gram Panchayat, Narayanpatna Block of Koraput district, and of Kameshwar Yadav, a CPI Liberation NREGA activist in Giridih district. In February, NREGA activists were attacked in Jhalawar in Rajasthan; in March, Jacob Naka and his mother were publicly beaten for daring to testify in a public meeting in Orissa's Malkangiri district; in April-May, people giving testimony in public meetings of NREGA social audits were attacked by the contractors' lobby in Orissa's Mayurbhanj and Sundergarh districts.

NREGS social audits have repeatedly exposed the siphoning of money meant for the poor by powerful vested interests. "Cuts" are taken by a range of officials in return for allowing the contractors a free hand. This culture is well entrenched and funds for fighting elections (municipal/panchayat/ Assembly) are managed partially from this cut. Therefore, any attempt to challenge

the system is met with a powerful backlash.

Contractors are at the root of this institutionalised extortion system — they serve as the primary funders during elections, and are rewarded with contracts depending on which candidate comes to power. Jogendra Behera, an MLA from Titlagarh in Orissa's Bolangir district, wrote a letter with his seal and signature to the BDO of his area to grant NREGA works to his pet contractors. Though this organised loot is well known, the NREGA is probably the first legislation that provides scope for exposing and plugging areas of corruption.

A survey conducted in 10 randomly selected Gram Panchayats of Chainpur and Chhattarpur Blocks of Palamau district in May 2008 by the GB Pant Social Science Institute, Allahabad, found:

44 percent of workers (out of 100 workers surveyed) reported that contractors were involved at the worksite. This means the ban on private contractors in NREGS is routinely violated.

In Chainipur Block, a muster roll in a work done by the forest department in Khendra Khurd Panchayat had 108 names on it, whereas only eight labourers had actually worked. In a muster roll prepared under the Chiru Panchayat, not one of the 36 names

mentioned had actually worked. NREGA social audits have, in fact, witnessed real democracy in operation. In an audit conducted in Ranchi district in May, it was found that names of 10 women had been struck off the muster rolls in Silhadon Panchayat when they demanded payment for providing drinking water to the workers. At the public hearing the panchayat sevak folded his hands and apologised, agreeing to pay the women. Similarly in Kuchhu Panchayat under Angadha Block, people had not been paid for three days of work as the project had later been scrapped. The BDO ordered the payment to be made immediately during the public meeting. In a series of social audits conducted in Orissa between January and May, it was observed that social audits have become a platform for redressing a range of other grievances and have given voice to the hitherto voiceless.

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-Tehelka Magazine, 19 Jul 2008
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