

NREGS Update

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The wages of protest

Sunday, Apr 05, 2009, ARUNDHATI DHURU & SANDEEP PANDEY

While the RTI Act and the audit provisions of NREGA enable ordinary people to demand accountability from governments, it doesn't always work like that on the ground. There have been several cases recently in U.P., where the demand for rights by workers has been met with violence.....

The political ruling class has decided to deal with the demands being raised by workers for their legal rights strongly.

The advent of the Right to Information Act and the National Rural Employment Guarantee Act were a breakthrough in Indian democracy. They provided the openings in a system which was opaque, insensitive and impersonal to the common citizens of this country. The ruling elite which was not prepared to be answerable to people at all had to relent. They realised that, after all, they are functioning in a democracy which is created in the name of the people. People began asking questions under the RTI Act and started conducting social audits under NREGA, which were revolutionary ideas given the kind of system we have inherited from the British and given the mindset bureaucracy develops when it is entrenched in this system. People did achieve success using the RTI and the social audit provision and a definite empowerment was taking place.

However, it looks as if it's been decided that enough is enough. People could be allowed the luxury of only so much transparency and accountability. They could not transgress the limit beyond which the unquestioned supremacy of the ruling elites stood to be challenged. The initial fear in their minds towards these

pro-people laws has vanished and now they are dealing with people demanding their basic rights under these Acts with vengeance. They have decided to quell every voice which raises questions about their highhandedness with utmost contempt and violence if necessary. The administrative machinery, which is supposed to be responsible for implementing these laws, is being used by the people's representatives with impunity.

Plenty of discrepancies

In the Dumri Village Panchayat of Kasya Block of Kushinagar district of U.P., what started as an investigation into the discrepancies in Below Poverty Line survey, on a complaint made by some villagers, turned into a full fledged investigation into bungling in development funds which came through the Panchayat.

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Discrepancies were observed by an Assistant Commissioner in the Rural Development Department in the housing schemes for poor as well as NREGA. Advocate Udaybhan Yadav, who was instrumental in getting this investigation done, was threatened by the Gram Pradhan Dinesh Verma and his men. On February 28, 2009, when the men of Gram Pradhan were beating a dalit labourer Parasuram, who was vocal in questioning the fake muster roll in which wages were withdrawn in his name whereas he had not even worked under NREGA, Udaybhan intervened. He was also beaten up. A dalit, Kapil Dev, receiving patronage from the Pradhan, registered a FIR against Udaybhan and a case under (Prevention of) Atrocities against S.C./S.T. Act was filed. Under political pressure, Udaybhan and his father Hari Yadav were arrested on March 9. Parasuram's brother Ram Bharat and father Jaikaran were also arrested but released later.

Fight for wages

In the village Panchayat Aira Kake Mau of Bharawan Block of Hardoi District, workers had assembled on January 14, 2009, at the door of the Gram Pradhan as previously agreed, to seek their unpaid wages. The husband of the Gram Pradhan, Ghanshyam, who runs the show here on behalf of his wife, first tried to threaten the labourers. The police arrived when the situation became tense. When the workers wanted to file complaints against the Gram Pradhan for violation of their rights under the NREGA, Ghanshyam ordered his men to rain *lathis* on the labourers and social activists present there in support of the workers in the presence of the Station House Officer and the police of Atrauli Police Station. One dalit labourer, Medai, and a social activist, Ram Bharose, sustained injuries on the head. Although a case was filed against Ghanshyam, in spite of repeated applications to various authorities by dalit labourers who were present at the site of incident, (Prevention of) Atrocities against S.C./S.T. Act has not been used against Ghanshyam and no action has thus far been taken against him.

In Kopaganj Block of Mau district, labourers from the villages Devkali, Bishunpur, Purana Kopa and Jairamgarh, mostly women and dalit, had assembled at the office of the Block Officer, merely eight km from the district headquarters, to demand wages due for the last six months. One of the labourers was called inside the office for dialogue and beaten up by those inside. The labourers were furious. The Block Development Officer, Ram Dular and an employee, Sanjiv Singh, had to bear the brunt of the anger. Some women also got hurt in this scuffle. Full wages have still not been paid and

nobody involved in beating the worker has been punished.

In the village Panchayat Rura of Kasmanda Block of District Sitapur, a pond deepening work was in progress on February 28, 2009. Some women labourers wandered off to drink water from a hand pump. The hand pump belonged to a powerful person from the locality, Madan Dixit, popularly known as Madan Muni in this area. The women had to face obscene comments. When the male members of the families wanted to register their protest against these obscene remarks, they were beaten up. When the workers reached the police station to file a case against their tormentors, Madan Muni was already there. The workers wanted to register a case under the (Prevention of) Atrocities against the S.C./S.T. Act. The police asked them to come next morning in an attempt to arrive at a compromise. When the workers were unmoved from their demand the next day, two men and two women labourers were beaten by the police inside the police station premises. With the help of social organisations of the area a case was finally registered against Madan Muni under the (Prevention of) Atrocities against the S.C./S.T. Act but no action has been taken against the police personnel who were involved in beating the workers.

Underpaid

In the Cholapur Block of District Varanasi, about 200 workers belonging to Dhaurahra, Saryan and Munari were not paid their wages for about a month for deepening a pond in Saryan G.P. The Junior Engineer had measured the work and calculated payment of wages at the rate of Rs. 39.80 per day. The workers were not satisfied as for similar work in Dhaurahra G.P. workers were paid the minimum wages of Rs. 100 per day. On February 26, 2009, the Village Development Officer gave in writing that all workers would be paid at the rate of Rs. 100 per day on March 3, 2009. When the workers assembled on March 5, at the Block Office, the BDO was absent. On the advice of a Block employee they decided to block the Varanasi-Azamgarh Highway. The SHO of Cholapur P.S. arrived and the workers were lathi-charged quite mercilessly. About 50 people including approximately 10 women were badly hurt. Heerawati, who was pregnant, was also hurt. The SHO took 20 people and 50 bicycles with him to the police station and the workers were released on personal bonds. When asked as to what action he would take against the VDO for violating the legal rights of workers under NREGA by not paying the wages, the SHO said he was merely following the orders from the higher ups. He refused to reveal the name of the officer who had ordered lathi

charge. The next day, wages at the rate of Rs. 42 per day were transferred into the accounts of the labourers.

The repression of workers is now emerging as a trend. The political ruling class has decided to deal with the demands being raised by workers for their legal rights strongly. The workers will be punished. The ruling elites realise that these demands ultimately will lead to a clamour for a more equitable society and wider and deeper participation of workers in the decision making process in our democracy. They do not want to give away this power easily. The above-mentioned incidents also indicate that the workers are now getting better organised than before. NREGA has at least helped achieve that. We hope that the problems of workers will be resolved within the constitutional framework peacefully and will lead to further democratisation of society and government.

<http://www.hindu.com/mag/2009/04/05/stories/2009040550170500.htm>

Poverty hidden in numbers

Sachin Kumar Jain, Bhopal

It seems that the definition of poverty itself is responsible for keeping the poor, poor. And, hungry. For the elimination of chronic hunger, poverty identification is a big challenge. At the all-India level, poverty line is based on Uniform Recall Period Consumption (URP) which is the consumption data collected from a 30-day recall period covering all items. According to sources, the Uniform Recall Period Consumption (URP-Consumption) distribution data showed a poverty ratio of 28.3 per cent in the rural areas, 25.7 per cent in the urban areas and 27.5 per cent for the country as a whole in 2004-05.

According to the Planning Commission's latest estimate, poverty in India is reducing. However, there are serious lacunae in this process of arriving at this estimate. Locally available items from forest or agriculture consumed by farmers or tribals are also valued at prevailing prices. These are added to the expenditure on non-food items to give the total monthly per capita expenditure. At the same time, the cost of items and services such as shelter, health or education are counted at the lowest price without considering the present state of inflation. All this adds up to give a picture that is not accurate.

At the all-India level, the poverty line represents the expenditure level of Rs 356.30 in rural areas and Rs 538.60 in urban area per person per

month. This is basically a starvation line rather than a poverty line, and virtually impossible for any person to survive at this level of expenditure.

The Planning Commission estimates that in Madhya Pradesh, a family spending Rs 327.78 per person per month in a rural settlement will be considered poor. In an urban settlement, the expenditure level is Rs 570.15 per person per month. In other words, it means, a person spending anything more than Rs 9 every day in a village or Rs 19 in any kind of urban area, will not be considered as poor and will be out of poverty elimination programmes.

In Madhya Pradesh, it is estimated that a population of 249.68 lakh (38.3 per cent) will go to bed hungry, as they simply do not have access to resources to overcome this situation. Once communities like Sahariya, a primitive tribal group, get trapped in the cycle of chronic hunger, they begin to lose their capacities to contribute to society either economically or socially. At the same time, reviews of existing schemes like Sampoorna Gramin Rozgar Yojana or National Rural Employment Guarantee Scheme show such communities as poor contributors and unwilling workers.

The roots lie in a system which neither allows them rights over natural resources nor enough income to overcome hunger. There have been no land reforms in Madhya Pradesh. This, in spite of the MP government releasing the Bhopal Declaration at the beginning of this millennium, which commits state's priorities of land distribution to dalits.

To add insult to injury, the state government has reduced the common grazing land available to the community while it has been non-committal on ownership rights of the land inhabited by them for generations. This leaves them with very little choice or avenues to challenge their situation of deprivation. The dalits and tribals are ultimately left at the mercy of more powerful castes in the region sans any government protective measures to retain rights on the land. If control over natural resources is considered the key component for attaining economic independence and overcoming chronic hunger, then Madhya Pradesh has a long way to go. Southern states, in contrast, have demonstrated political will in protection of marginalised sections. Land reforms in Kerala stand testimony to the transformation of the lives of the weakest sections in society. Tamil Nadu's schemes for aged destitutes is an example.

Madhya Pradesh has the lowest and continuously declining food consumption figures and high malnutrition, high infant mortality compared to other states. Its life expectancy of 57.7 years is, for instance, much lower than Kerala's 73.9 years. This is reflective of the policies of exclusion, an unbridled exploitation of natural resources for revenue generation which has pushed larger sections of society to the margins while the few continue to benefit from such policies.

The politics of exclusion which ties in with the perpetuation of poverty and the prevalence of hunger has a long *history*. At the beginning of the British Raj, the colonial rulers took steps to establish control over the natural resources to set up infrastructure for railway tracks, industry and, later, for shipbuilding. There was no commitment to preserving natural resources, which for colonial rulers was not a priority. What is unfortunate is that independent India continued to follow this policy, at least in the initial years.

At the end of this dark tunnel, however, there seems to be a light for those who have been excluded in the development process. And, this has led to perspectives changing gradually among policy makers. It is now widely acknowledged that losing access to forest and forest produce has been highly detrimental for the tribal population in Madhya Pradesh and across India.

The Forest Rights Act is a response to this growing belief, now within policy circles, to correct this. The Act will improve the tribals' access not only to land for agriculture, but also to non-timber forest produce, food items and give protection to livestock. A genuine implementation of Forest Rights Act would result in the handing over of rights of forest land and its resources to the four lakh tribal and other forest dwelling families. That would be a concrete step in not only recognising the inherent rights of these communities but in creating a protective mechanism to stave off hunger and curtail poverty.

This is the only expectation one has from those who set policy and govern. To respond to poverty not merely as a statistics but take measures that would bring the poor gradually out of its clutches, to move out from the safety of poverty definitions and address ground realities.

Want our vote? Here's your manifesto, OK?

Sreelatha Menon & John Samuel Raja D - April 04, 2009

Villagers in a constituency in Rajasthan have prepared a list of demands and want political candidates contesting the coming general elections to sign on it.

The idea came after it was found that wells dug under the National Rural Employment Guarantee Act (NREGA) were doing more harm than solving the water problem in Barmer, part of the desert region. Jal Bhagirathi Foundation, a non-profit organisation run by the scion of a former ruling house, Prithviraj Singh, decided the local community should set the agenda themselves. The foundation is involved in water conservation projects in more than 200 villages in Rajasthan.

The villagers decided to partner with the local unit of an anti-corruption body, Transparency International (TI), and came out with a "development pact." The pact details what work will be undertaken within a specified period of time, six months or one year.

"The pact says the elected candidate should visit the constituency within the first fortnight," said Anupama Jha, executive director of TI.

"Independent external auditors could be the local teacher or a respected elder." Jha is now negotiating with voters in Unnao district of Uttar Pradesh for a similar thing. These voters had earlier threatened to boycott elections because of contaminated water supply. For TI, it is an experiment to see the response from all stakeholders.

However, the arrangement has a problem. Jal Bhagirathi's programme manager, Mathews Mullaikkal, notes that an M.P. cannot really have a say over what the panchayats do. So, it is also modifying strategy on what other issues it can get candidates to agree on in the area of water conservation. Non-governmental organisations (NGOs) elsewhere are also acting with some pace to get their voice heard by candidates and political parties of all shades. Agni, a platform by joint area action groups in 16 municipal wards of Mumbai, has brought out a 'citizens charter' or a list of issues they want the Mumbai MPs and parties to take note of. Gerson Da Cunha, former head of Lintas, among various other responsibilities, is convenor of Agni. "Our goal is to improve governance in Mumbai," he said. "We have support from our grassroot presence in 16 of the 24 municipal wards."

every state now. We will be more than happy if more groups come up, provided they are not inspired by vested interests.”

<http://www.business-standard.com//>

Forest dept to spend Rs 300 cr for creating green jobs

04 Apr 2009

BANGALORE: The state forest department is planning to spend around Rs 300 crore to create more green jobs. Officials in the forest department told Express that the money required for creating “green jobs” in the state will be received from the Centre under the National Rural Employment Guarantee Programme (NREGP).

The officials said that under NREGP funds, Karnataka had a budget of around Rs 580 crore. Out of which, the state has utilised around Rs 280 crore and the forest department in particular has used around Rs 11 crore. With afforestation becoming an important component of NREGP, the state had been asked to utilise around Rs 300 crore for this purpose, the officials said.

Speaking to The New Indian Express, Meera Saxena, principal secretary to the department of environment, forests and ecology, said, “We have been asked to utilise the amount for afforestation under the ‘kriya yojane’ and we are using around Rs 300 crore to create jobs in the social sector.” Further she said, “We will be working with the Gram Panchayats to achieve this objective.” Saxena also highlighted the fact that the forest department had been asked to increase the forest cover from 20 per cent to around 30 per cent of the state’s geographical area, by 2012.

<http://www.expressbuzz.com/edition/story.aspx>

Rural India shining: what has luck got to do with it?

WEDNESDAY, APRIL 15, 2009

Opinions vary on whether rural India is shining or not and to what extent, but there seems to be a consensus that rural areas are suffering less compared with their urban counterparts.

To a certain extent and in the given context, this assertion may hold true. However, the real question is whether this is a result of deliberate actions by the incumbent government that claims to be representing the *aam aadmi* (common man)

or just pure coincidence. In other words, is the revival sustainable?

Rural areas have certainly benefited from the good monsoons in the last four years, which led to a significant increase in agricultural production during the tenure of United Progressive Alliance (UPA). But this was a matter of chance. The forecasts for farm growth this year have already been revised downward to under 3%. Other than the gift from the rain god, the rural sector also benefited from some well-intentioned policy measures such as increased spending on agriculture and an excellent safety net in the form of the National Rural Employment Guarantee Act (NREGA).

However, despite these interventions, the rural areas saw some real crisis, primarily in the form of food inflation and declining food security.

Moreover, though agriculture was growing at close to 4% a year, it was significantly less than the national average of at least 8% and around 10% in the non-farm sector. This means that, compared with their misery during the pre-UPA period, they were better off, but still worse off compared with their urban counterparts.

Even during the period when rural areas were shining, their per capita income was growing slower than urban areas, and the gap between rural and urban incomes was increasing. But all these hardly matter when you are already in the pit, which was the case during the pre-UPA period and reflected in farmer suicides and almost negligible farm growth rate.

While rural areas seem to be still growing, the glow of urban areas has faded in the context of the financial crisis. How is it that the rural areas continue to shine despite the severe setback of the financial crisis? This is related more to electoral politics than any deliberate policy response to the crisis. The rural areas have managed to survive largely due to fiscal expenditures targeted towards these, which have been made not to avoid the suffering transmitted by the crisis but to gain maximum mileage during elections.

It must be noted that most of the expenditure targeted at rural areas was taken up even before the crisis unfolded in September.

While the government was boldly claiming that India is insulated from the crisis, that this was not to be became amply clear as events started unfolding since then. Not only has industrial output decelerated sharply, export earnings have also declined significantly. Large-scale job losses have been reported by the government’s survey, not only in export-related sectors but elsewhere, too.

The stimulus, in two tranches, was definitely not targeting unorganized sector workers or rural areas. But they survive because this happened to be an election year and most of the fiscal incentives and expenditures to rural areas were already committed even before the crisis set in.

The largest of these was of course the farm loan waiver amounting to Rs65,000 crore announced in the 2008 budget by the UPA. That the finance minister waited for his last year in term to time this scheme in an election year speaks volumes about the intentions of the government that was oblivious to the miseries of farmers committing suicide for four years.

The second major relief was in the form of NREGA, under which Rs25,000 crore was available for rural areas. But here again, the government realized the demand for NREGA only during the second supplementary grant of demands placed by the finance minister.

These measures were further supported by the increase in minimum support price (MSP) for both rice and wheat. Unlike previous years, this was also supported by higher procurement, which was almost double the average procurement in the previous two years. This was again timed to maximize political gains, with the result that food stocks with the government are way above buffer requirements.

The real beneficiary was again the farmer. Further, the increased pay scales as part of the Sixth Pay Commission benefited a small section of regular workers in rural areas. Again, an estimated Rs10,000 crore is expected to be spent, directly or indirectly, by political parties during the elections, a large part in the form of cash payments.

But are these benefits sustainable? It appears unlikely. There will definitely be no loan waiver in the near future despite poll promises; nor will the procurement fervour continue; and there won't be a pay commission for some years.

As for a good monsoon, no guesses, but going by trends, the period of successive spells of good monsoons must be coming to an end. Will the rural areas continue to shine? Only time will tell. In the current times of financial crisis, it is definitely good to have elections as a fiscal stimulus.

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IGNOU launches new course

10 Apr 2009,

NEW DELHI : Indira Gandhi National Open launched a certificate programme in Water Harvesting and Management (CWHM) on Thursday. All the 60 regional centres of the university will act as special programme centres (SPCs) for this programme. The programme aims to sensitize people about water resources and provide students with necessary skills to understand the water harvesting techniques.

The university has asked its regional directors to identify experts to fill the post of programme incharge. V-C VN Rajasekharan Pillai said: "The university professors will not conduct this certificate programme. Each centre will have a programme incharge who will run the course. S/he will do local , contextualise programmes, ideas, and train the learners."

Urging the necessity to launch a movement on 'Jal Swaraj', the father of green revolution M S Swaminathan said: "It is a need-based demand for a 'Jal Swaraj Movement. Almost 60% of agriculture in India is rainfed. Doing quality water management and harvesting means ensuring food security for life systems. There is a need for water harvesting in urban areas, educating construction workers and all of us. Indeed harvesting of rainwater and sunlight is a part of modern-day . In rural India, under the panchayati raj institutions, the workers should be given training about water harvesting and management, which would effectively support the national rural employment guarantee schemes as well."

The programme will comprise of four modules introduction to water harvesting, basics of hydrology, water harvesting, conservation and utilization and practical training at a water harvesting agency. It is scheduled to start from the next academic session.

<http://timesofindia.indiatimes.com/Delhi/IGNOU-launches-new-course/articleshow/4382111.cms>

Sangtin Sangathan's (Sitapur, Uttar Pradesh) struggle leads to distribution of Rs. 15 lakhs as unemployment allowance

A milestone was achieved recently in the implementation of the National Rural Employment Guarantee Act (NREGA) in Uttar Pradesh. The UP govt. approved payment of unemployment benefits of almost Rs.15 Lakhs to 826 families in 20 villages of Mishrikh and Pisawa blocks of Sitapur district.

A person living in a rural district can apply for work under NREGA with either the Pradhan, Panchayat secretary, or the Block Development office. If s/he is not given work within 15 days of filing the application, s/he can apply for an unemployment allowance. If 100 days of work is not provided to the applicant's family in that year, they are entitled to an unemployment allowance.

Sangtin Kisan Mazdoor Sangathan is a movement that came together in 2005 in the Mishrikh block of Sitapur dt. The farmer-labour movement was mobilized on the issue of bringing irrigation waters in the Islamnagar Rajbaha (canal). The rajbaha was dry and had been written off as unusable, even though the UP Irrigation Dept. continued to issue contracts for its cleanup every year. After a few months of mobilizing in the affected villages and sustained non-violent campaigning at the block and district offices of the Irrigation Dept., water was released into the rajbaha for the first time in decades. The success of the campaign is underscored by the fact that water continues to flow through the canal three years after the campaign. During this campaign, the Sangathan first took on the issue of payment of minimum wages and the inclusion of women in the work force.

Sitapur district was one of the 200 pilot districts in which NREGA was launched in 2005. Realizing the potential of the Act, the Sangathan decided to take up its proper implementation in the villages they were active in. The non-issuance of job cards, illegal charges taken for photographs, refusal to receive work applications, refusal to provide work, denial of work to women, illegalities in measurement of work done, payment of less than minimum wages and various other shortcomings in the implementation of NREGA were taken up. Farmer-labourers from nearby Pisawa block joined the campaign and became an integral part of the Sangathan in this period. While tackling these issues at the day-to-day level, the Sangathan decided to pursue unemployment benefits for those who had applied for work but had not

received any. The campaign for unemployment benefits was launched in Nov. 2007 as a test of the administration's sincerity in implementing NREGA. It was also part of a strategy to pursue a targeted campaign while engaged in tackling the various local issues relating to the implementation of the Act.

The district officials initially refused to acknowledge that the applicants were entitled to unemployment benefits. In December 2007, after a 10-day dharna at the district collectorate, the District Magistrate intervened and set up a six member committee, with equal representation from the govt. and the Sangathan, to investigate the claims. This committee submitted its report in March 2008. This was opposed by the Pradhan association. In response, the C.D.O. asked the committee to give them a hearing. He also asked the committee to calculate the individual payments that were due to the eligible farmer-labourer families. The committee submitted its final report in October 2008 establishing the eligibility of 826 families to receive Rs.14, 99, 340 in unemployment wages. As and when the district administration used stalling tactics due to vested interests or a lack of initiative, the Sangathan used non-violent protests involving larger and larger numbers of farmer-labourers to move the administrative machinery.

Finally on January 15th 2009, a govt. order was issued by the office of the Commissioner of Rural Development authorising the disbursement of unemployment benefits. The order also called for disciplinary actions to be taken against the responsible officials during the time period in which employment was denied, as confirmed by the committee. The then B.D.O.s of Mishrikh and Pisawa subsequently filed a writ petition in the Lucknow High court challenging the constitution and composition of the committee. In a quick decision, the two judge bench noted that the Commissioner of Rural Development is the responsible and empowered authority under NREGA and that the appellants should file a representation before the commissioner within three days of the court's order. It went further and noted that the Commissioner has the responsibility to ensure that deserving families are not denied their rights in the process of reviewing the work of the committee .

During the Sangathan's latest dharna in Sitapur between 16th and 20th January, a representative of the district administration confirmed receiving the order for disbursement of unemployment benefits from the state offices in Lucknow and read it out aloud to much cheering and jubilation. The dharna was ended after five days when the district

administration acceded to eight other points on the local aspects of the implementation of the Act and laid out action plans. Camps at the block offices every second and fourth Thursday for issuance of new job cards and display of the revised measurement of work standards on the walls of the panchayat and block buildings are a few of the steps to be taken up by the administration. It is the first time that the UP govt. will be disbursing unemployment benefits for those denied work under NREGA. Beyond this, the setting up of a committee with equal representation from the Sangathan and the govt. is a big step in participation of civil society in the implementation of a govt. programme. Different govt. programmes have incorporated people's participation in planning, monitoring and oversight as part of their definition. The committee set up by the District Magistrate of Sitapur to look into the demand of unemployment allowance is in keeping with this spirit. This decision came about only after sustained campaigning by the Sangathan and stands testimony to the strength of people's power.

It is also reassuring to see that once again a people's movement has been able to amend the designs of govt. officials (more than once) and enforce a fairer implementation of a govt. programme. Each of the voices in the Sangathan has grown stronger as the campaign has progressed. Questions have been raised and action plans are being charted to tackle not just the challenges in the implementation of NREGA but also other govt. programmes and schemes. The coming days will reveal how the strength of mobilization can change the rural landscape of Sitapur within the existing framework of laws, programmes and schemes.

Sudha Nagavarapu & Dwiji Guru

Broken Promises

The first-ever Lok Adalat on the National Rural Employment Guarantee Act (NREGA) in Jharkhand was all hype and no substance, says ASHISH RANJAN

THE NATIONAL Rural Employment Guarantee Act (NREGA) ensures every rural household 100 days of work in a year; if work is not provided within 15 days of applying for it, applicants are entitled to an unemployment allowance. However, they have a tough time submitting their applications to authorities. More often than not, their applications are ignored or refused.

Activists Jean Drèze and Reetika Khera recently brought a case of nonpayment of unemployment allowance in two Gram Panchayats of Manika

Block (Latehar) in Jharkhand to the attention of Justice MY Eqbal, Executive Chairman, Jharkhand Legal Services Authority (JHALSA). According to them, "The JHALSA not only took up the matter but decided to turn the Lok Adalat into a pioneering experiment for the whole country, by sending out a public appeal for complaints related to NREGA."

In response, over 20,000 complaints were submitted. The large number of complaints was partly the result of a wrong impression created in the area that job-card holders who had been unemployed under NREGA would get the unemployment allowance — even if they had not applied for work. On February 7, the audience at the hearing clearly demonstrated that there was a huge demand for work under NREGA in Latehar and that people had placed big hopes on the Lok Adalat. However, one hour into the event, we realised that the Lok Adalat wasn't going to succeed as envisaged. People were neither given a copy of the award nor receipts for applications.

Long queues had formed in front of the 20 Lok Adalat benches spread across the venue. I observed one such bench and found that the only task being conducted was the return to the complainant a copy of the form they had earlier filed. On it was scribbled that applicant should be given work within 15 days. This form had the signature of the concerned JHALSA and NREGA officials. When we pointed out to the bench that this form was inadequate for work to be assigned, some NREGA officials started allotting work right away to the complainants by writing the name of the work on their form.

A good example of the disappointment people faced is the case of Somvati Devi. She was among the thousands who made three trips to the Lok Adalat: first to file her complaint, then for the preliminary proceedings, and then again on February 7. We met her as she was leaving the stadium. All she had in her hand was a small paper with her case identification number. On asking her what had happened, she was clueless. We decided to investigate further, and with the help of

her son identified the bench that had heard her case. When the papers corresponding to her case identification number were pulled out, they turned out to be someone else's.

In the commotion the only people who seemed to have no problems were JHALSA officials. The visiting dignitaries had come mainly to deliver speeches and get credit for arranging such a

massive Lok Adalat. Drèze and Khera, who were also present on the dais, were clearly very disturbed and eventually walked off.

THE FORMAL function ended around 1:30 pm. And we started discussing what we could do. Most people were still inside the venue and slowly realising that their effort of coming to the Lok Adalat had resulted in nothing concrete. After a brief discussion, a consensus was reached that we must protest. So activists from Gram Swaraj Abhiyan (a local organisation involved in monitoring the Lok Adalat) and those who had come in solidarity from other places went to the exit of the stadium. They started talking to people about what had happened. Soon, all of us were busy organising a rally to protest the betrayal of people's demands.

People who were exiting the venue were tired and in a hurry to go home, but were also very disappointed and angry. "There is no one to listen to us," said Ramji Yadav. He had worked on an NREGA worksite for 24 days, but an inflated entry of 72 days was entered on his job card. Further, he was paid only Rs 50 per day instead of Rs 90 which was his due. The idea of marching in protest immediately caught the imagination of people like Ramji Yadav. We soon had between two to three thousand people marching with us on the streets of Latehar. A chakka jam resulted when the rally was stopped from going to the Deputy Commissioner's (DC) residence. The blockade was lifted on assurances from the Sub Divisional Officer, Latehar, that the DC would listen to our demands, and the congregation moved to the DC's office. The negotiations with the DC failed.

The ordeal of the people and activists didn't stop there. The brunt of the retaliation was faced by Bhukhan Singh and Niyamat Ansari, who played a leading role in the recent struggle for payment of unemployment allowances in Manika. This led to the payment of the unemployment allowance in two Gram Panchayats (Kope and Jerua), and a fine on the local Block Development Officer. The two were arrested on false charges on February 15, and sent to jail on February 16, for allegedly attacking Forest Department officials in Jerua village on February 3. But Drèze and Khera claim they were with them on that day to participate in the Lok Adalat. Both were released on bail on February 21.

Yet, I feel that the event even with all its broken promises achieved a few things:

It created pressure on the administration to open works under NREGA. There are plans to start more works and for some Blocks a list of works is ready.

With the rally and the protest, people made it clear to the administration that their demand for work can't be ignored.

The events of the day pointed out the problems and limitations of the Lok Adalat.

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Lok Adalat or Joke Adalat?

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While the Lok Adalats are a possible tool of grievance redressal for NREGA, the first-ever Lok Adalat, convened by the Jharkhand Legal Services Authority in Latehar District, shows that its implementation has a long way to go, say economists

Put yourself in the shoes — or sandals — of a worker employed under the National Employment Guarantee Act (NREGA) who has not been paid for weeks. Where do you go to seek justice? Under the Act, the "Programme Officer" at the Block level is supposed to receive complaints and dispose of them within seven days.

However, Programme Officers are often responsible for such lapses in the first place. This complaint system is not a very effective way of holding them accountable. This is one reason why delays in wage payments and other irregularities persist for a long time.

There is, thus, an evident need for independent grievance redressal channels under NREGA. In principle, "Lok Adalats" can serve this purpose, to some extent at least: they can help to deal with complaints that lend themselves to being resolved through mutual agreement.

The first-ever Lok Adalat on NREGA — convened by the Jharkhand Legal Services Authority (JHALSA) in Latehar District on February 7 — was a valuable attempt to explore this approach. However, the events of February 7 and the week preceding it raise serious questions about what can be reasonably expected from a Lok Adalat.

What went wrong?

Preparations for the Lok Adalat began with an announcement in the local newspapers, inviting people to submit NREGA-related complaints to the District Legal Services Authority (DLSA) by January 31. In response to this announcement, published in mid-January, DLSA received more than 20,000 applications. Overwhelmed by this response, DLSA decided to conduct preliminary Lok Adalat proceedings on February 2-5. Twenty benches, with three members each, were formed to facilitate negotiations and draft "awards". Each bench consisted of a lawyer, a "social worker" and a District official not involved in NREGA. Orders had been issued to Block-level officials (including the Block Development Officers) to be present as the respondent party. The District Court was buzzing with activity throughout this period. When we arrived in Latehar on January 31, we found a staff of more than 30 employees hard at work, that too on a Sunday afternoon.

However, we also found a range of anomalies in the process. First and foremost, it turned out that the flood of complaints was based on misinformation or rather disinformation: a false impression had been created in the District that if a Job Card holder had not been employed under NREGA, he or she could claim the unemployment allowance, even without applying for work.

In fact, expectations had been created that the Lok Adalat would sanction mass payment of the unemployment allowance. A "form" to make this misguided claim was selling at an inflated price across the district, and most of the complaints were based on this form. How and why this happened is yet to be established.

Secondly, some of the benches lacked credibility. For instance, the credentials of several "social workers" were far from clear, and some benches included officials who were hearing complaints against them. At one point, a Soil Conservation official from one of the benches requested the District Judge, in front of us, to withdraw a particular "award" and let him give some cash to the applicant instead. He was afraid of action being taken against him, as the complaint pertained to his department.

Thirdly, most of the bench members knew little about NREGA, and had not been briefed. Even the District Judge was evidently innocent of the basics of the Act as late as January 31, when we arrived in Latehar.

Fourthly, we noticed that bench members typically asked the villagers two or three brief questions

and then told them to put their signature or thumbprint on the "agreement", without explaining it to them. They were dealing with disempowered labourers who also happened to be illiterate in most cases. This abuse of power, combined with the fact that there is no appeal, could lead to great injustice.

Row over receipts

The main issue, however, was the disposal of misguided claims for the unemployment allowance. After protracted negotiations, the government and JHALSA agreed to treat these claims as applications for work under the NREGA. Specifically, it was agreed that the applicants would get a receipt for their work application at the Lok Adalat on February 7, and employment within 15 days. It is on the basis of this agreement that, on February 6, Gram Swaraj Abhiyan (a network of local organisations) lifted a *dharna* launched earlier to voice these and other demands.

Repeated pleas for the timely preparation of receipts (so that people returned from the Lok Adalat with something tangible) were made to JHALSA and the District Administration. Assurances were given that this would be done, and that the applicants would also receive a true copy of the Lok Adalat's "award", in cases where an award was ready. Yet, on February 7, it turned out that no such arrangements had been made. Further, due to massive overcrowding (about 20,000 people turned up), most of the applicants were not able to reach the relevant bench. They went helplessly from bench to bench and returned empty-handed. Meanwhile, a string of dignitaries were giving cheerful speeches from the dais.

As thousands of disappointed people were leaving the venue of the Lok Adalat, a rally was formed to protest against this betrayal. Sounds of "Lok Adalat *dhokha hai*" (the Lok Adalat is a farce) reverberated through Latehar. When the rally moved towards the residence of the Deputy Commissioner to demand that receipts be sent by post to all concerned, it was stopped by the police, leading to a half an hour road block. This compelled the DC to come out and meet the agitated protestors. Long negotiations (also involving the District Judge) followed, without achieving a compromise.

All is not lost

It is too early to write off Lok Adalats as a possible tool of grievance redressal for NREGA. The principle is worthwhile, and the practice can improve. Indeed, flawed as it was, the Lok Adalat in Latehar was a great learning experience.

The Lok Adalat also achieved some positive results. Most importantly, it created much better awareness of NREGA in the area and mobilized large numbers of people on this issue across the district. And in spite of the impasse it ended in, the Lok Adalat is likely to lead to a massive activation of NREGA works in Latehar.

The Lok Adalat also led to the first instance of payment of the unemployment allowance in Jharkhand. Seventy-eight workers from Kope and Jerua Gram Panchayats of Manika Block (Latehar) were awarded Rs. 1,38,000 as unemployment allowance, paid on the spot on February 7. Residents of these two villages had waged a long struggle for the unemployment allowance, after being denied employment in spite of well-recorded work applications.

The government order sanctioning the unemployment allowance in Kope and Jerua also pulled up the Block Development Officer (Manika) for failing to perform her duty. She was fined Rs. 1000 under Section 25 of the NREGA. Jharkhand is the first state in the country to activate this crucial Section of the Act (this is, in fact, the second case in Jharkhand). Judging from the resistance of the BDO and the consternation of other local officials, this penalty is likely to have strong demonstration effects well beyond Latehar.

Efforts are on to repair the damage done by this "ceremonial Lok Adalat", as a senior JHALSA official candidly described the event. JHALSA has agreed to post a true copy of the Lok Adalat's award to some 6,000 people who were actually able to find their way through the proceedings.

Follow-up Lok Adalats are to be held very soon at the Block level to deal with pending applications. JHALSA will also be monitoring the implementation of the Lok Adalat's awards. According to Justice M.Y. Eqbal, Executive Chairman of JHALSA, anyone who is not given NREGA work within 15 days of February 7, in spite of an award to this effect from the Lok Adalat, will be considered eligible for the unemployment allowance.

It remains to be seen whether these promises will be kept. Meanwhile, they provide a useful toehold for further public mobilisation in Latehar.

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What is a Lok Adalat?

Lok Adalats are set up under the Legal Services Authorities Act, 1987. Part of the move to provide wider "access to justice", they are aimed at providing speedy and affordable justice to the poor. The "award" of a Lok Adalat is based on mutual agreement between the two parties.

Lok Adalats cannot pass orders "on merit". Once an award is made, there is no appeal.

Note: "Permanent Lok Adalats" set up for specific public utilities have different powers. For instance, they can settle cases on merit.

What works against women

Women at work in Badwani, Madhya Pradesh.

KAMLA DAS, 25, belongs to a landless family in Salba gram panchayat in Chhattisgarh's Surguja district. Her husband does not earn anything, so she is especially appreciative of the opportunity the NREGA has given her to earn in her own village: "Now women can also earn, so the family's earnings increase. The NREGA is very important because women get the same wage as men."

The NREGA has enabled her to stop working for a local landlord, who pays women less than men. She has used her earnings to buy rice to feed her family, books and clothes for her children, and fertilizer (they are sharecroppers), and also to celebrate Holi. However, she has faced some harassment from the mate, who pressures the women to work harder. She is also worried about her four-year-old child, who is alone at home when she goes to work. She would like to bring her child to the worksite but this depends on a child-care facility being made available there.

The participation of women in the NREGA was below the stipulated minimum of 33 per cent in the survey sample, and in many of the survey areas, it was abysmally low. Uttar Pradesh and Bihar were at the bottom, with women accounting for only 5 and 13 per cent of the NREGA workforce respectively; the situation was only marginally better in Jharkhand (18 per cent) and Chhattisgarh (25 per cent). The only States where women were well represented were Madhya Pradesh (44 per cent) and Rajasthan (71 per cent).

What prevents women from joining the NREGA in larger numbers in the other States? We were often

told by gram panchayat functionaries that women were not interested in NREGA work. But when the field investigators spoke to women directly, most of them expressed a keen desire to work. The interviews revealed five important barriers to their participation in the NREGA.

First, in many areas there are tenacious social norms against women working outside the home. In Uttar Pradesh and Bihar, field investigators met women who said they had not been able to register and were told that this programme was “not for them”.

Women in Sitapur, Uttar Pradesh, reported that when there were more applicants than could be accommodated at a worksite, they were turned away to make way for men. Some of them also faced verbal sexual harassment – they were teased, ridiculed or verbally abused by male labourers and other villagers.

The second big hurdle is the lack of child-care facilities. The Act requires that when there are more than five children under the age of six at a worksite, a female worker should be spared to take care of them. But field investigators did not find child-care facilities anywhere (except at two or three worksites, that too possibly as “window dressing”). The lack of these facilities can be crippling for women, especially those with breastfeeding babies.

Third, the continued illegal presence of contractors at many worksites affects the availability of work and its benefits for women. In some places, the presence of contractors actively impacted women's participation in NREGA work. At some sites in Madhya Pradesh, contractors offered work only to young, able-bodied men. At worksites where contractors were involved, 35 per cent of women workers said they had faced some harassment, as against only 8 per cent at contractor-free worksites.

Fourth, in some States productivity norms are too exacting because the “schedule of rates” is yet to be revised in line with NREGA norms. For instance, in Jharkhand the standard task for a day's work at the time of the survey was digging 110 cubic feet (in soft soil), which is far too much. Certain types of NREGA work limit the participation of women. This applies, for instance, to the construction of wells on private land; women are not employed after digging reaches a certain depth.

Fifth, delayed payments also come in the way of participation of poor women. Delays in wage payments make things particularly difficult for single women, who cannot afford to wait as they are the sole earners in the family. When the wages do not come on time, they are often forced to return to previous, less-preferred forms of employment.

Women's battle to be full participants in the NREGA goes beyond being able to get their names on job cards and getting work. An important part of the NREGA is participatory planning, where the list of NREGA works is decided.

Only a small proportion of women workers in the survey sample had attended a gram sabha, and even fewer had spoken at a gram sabha. Many do not go to gram sabhas because they do not feel welcome or because they believe these meetings are not for women.

Much of this is changing, and participation of women in the NREGA is certainly improving. But there are also new challenges.

One of them is the introduction of wage payments through banks. In most places, only one bank account is opened per job card, and generally the account is opened in the name of a male member of the family. This means women will have to rely on men to withdraw their wages. Ideally, there should be one account per registered NREGA worker or at least joint bank accounts instead of men-only accounts. Even better would be for every individual worker (man or woman) to have his or her own job card, bank account, and entitlement to 100 days of work.

Reetika Khera and Nandini Nayak