

Struggle for the Right to Employment

Official hostility to social audits of the rural employment guarantee scheme takes an ugly turn in Jharkhand.

The National Rural Employment Guarantee Act (NREGA) promised the empowerment of the rural masses to demand work as a constitutional right, a ban on contractors and capital-intensive machinery for carrying out works, administrative transparency and, most importantly, people's right to carry out open social audits. But the contractor-official nexus, incensed by the National Rural Employment Guarantee Scheme's (NREGS) emphasis on people's rights to demand accountability from such a powerful lobby, has resorted to violence and intimidation. In Jharkhand, this has led to two murders and one suicide in the past three months alone.

On May 14, Lalit Mehta, an activist of the Vikas Sahyog Kendra, was murdered in the Kandra forest a day before a major social audit that he was working on was to take place. Instead of tracking down his killers, the Palamau police and the district administration made every effort to discredit Mehta's colleagues and the social audits they had done, describing the exercise as a deliberate effort to malign the state government. On June 7, another NREGS activist, Kameshwar Yadav, active in exposing official irregularities, was gunned down in Giridih district. Then on July 8, a tribal, Tapas Soren, impoverished by the persistent demands of local officials for bribes and unable to deal with the injustice of it all, committed self-immolation. Local officials constantly demanded bribes to let him have the money sanctioned for a well on his land under the NREGS. Forced to meet their demands, he was unable to pay the workers who were constructing the well, many of them his neighbours and relatives.

The chief implementing agency under the NREGA is the gram panchayat. However, Jharkhand has not had panchayat elections since 1992, leaving the arena free for vested interests to control the local administration. It is ironical that a scheme that seeks to empower the people participating in it is being implemented in the absence of this most basic level of local self-governance.

A number of social audit surveys of NREGS works carried out by non-governmental organisations reveal certain similarities. Where the vested interests are firmly in control of the local administration,

there are instances of demands for exorbitant bribes for making job cards, attempts to force dalits out of the scheme, bogus registration on the muster rolls, and intimidation of people's groups demanding accountability. Where the local administration has been open to the idea of allowing civil rights groups monitoring the scheme, this has ensured much less corruption. The conduct of social audits of the scheme by NGOs, besides educating the people about the scheme itself, has helped enhance the awareness of villagers of their rights under the scheme.

The NREGA gives the union ministry of rural development wide powers to frame rules, investigate complaints and take action. However, the ministry has so far failed to take advantage of these powers and expects the states to follow its operational guidelines. Since there is no clarity on the legal standing of these guidelines, lethargic state governments usually ignore them. A report of the Comptroller and Auditor General (CAG) found that many states have failed to put in place dedicated administrative and technical support for the NREGS at the district, block and gram panchayat levels, leaving its implementation to departments already burdened by other duties. The report also found that many of the gram panchayats in a number of states failed to prepare annual plans, which besides adversely affecting the ability to meet the demand for employment under the scheme, also infringed the rights of the gram sabhas and the panchayats to participate in the planning of works needed for a particular area.

The CAG report, the experience of NREGS activists and the tardy pace of police investigation into the violence against people's groups seeking to undertake social audits on worksites are a clear indication that the bureaucracy is hostile towards the idea of being accountable to those they are supposed to serve. Further, the gram sabhas and panchayats are yet to realise the pivotal role they must play in the implementation of the scheme. Clearly, while the NREGA has set certain standards for people's participation in the implementation of the NREGS, it is only through concerted people's struggles that these standards will get translated into rights that can be won.