

# Contributing Towards Building A Culture of Good Governance

National Rural Employment Guarantee Act (NREGA) – is a historic legislation in independent India that brought provision of 100 days of guaranteed employment to every rural household. Set within a rights-based framework, the scheme is implemented at an unprecedented scale and brought significant influences on several development indicators. The magnitude of the scheme can be imagined by the fact that nearly 2/3<sup>rd</sup> of the fund allocated for rural development goes toward implementation of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) in 2011-12.

Initially, the scheme was implemented with complete vigour but the situation started deteriorating gradually and a scheme which includes the provision of using right to information and social audit for bringing accountability became a sheer example of accountability deficit and poor governance. Social audit remained just a process of routine.

During 2010-12, *Consumer Unity & Trust Society (CUTS)* in partnership with *Affiliated Network for Social Accountability – South Asia Region (ANSA-SAR)* took an initiative with the objective of contributing towards developing a culture of governance in state Rajasthan, India. Under this initiative, civil society organisations (CSOs) were trained on the social accountability (SAc) tool of Community Score Card (CSC) and test it on MGNREGS. The intention of this paper is to share the specific findings of the assessment through CSC on the implementation of MGNREGS and showcase experiences of establishing accountability through civic engagement.

## Developing a Culture of Good Governance and Accountability in the State of Rajasthan, India through Involving CSOs and Building their Capacity with a Focus on Improving the Public Expenditure Outcomes

### CONTEXT

Culture plays a vital role in ensuring governance in public institutions because the people who share the responsibilities of public service delivery come from the same society and have influences of that particular culture prevailing in the society. If in a particular culture, there is acceptance towards elements of poor governance, such as abuse of power, bribery, unaccountability etc., it does not face a substantive resistance from its members and thus same behaviour pattern continues.

Hence, there is a need to back laws and its sections by developing a culture for changes to be brought through such laws. A wide influence is required to bring a change in the existing culture. This influence should come consistently from members of the society indulged in following the culture. A change initiated by law can also be part of a culture if it is

religiously implemented for a long period of time. But generally it happens that the culture and law counteract each other and the outcome is failure.

In a reaffirmation of the general perception, India has dropped 11 places to be ranked 95<sup>th</sup> in the Transparency International's Corruption Index 2011. The global anti-graft watchdog, which compiles an annual list of 183 countries based on their ranking on a scale of 1 to 10, places India below China in the index. India is perceived to be more corrupt than China which is ranked 75<sup>th</sup> on the list. General perception on corruption indicates about the acceptance among people and probably related to the culture.

MGNREGS is a vast scheme in India and nearly 2/3<sup>rd</sup> of the fund allocated for rural development goes towards implementation of MGNREGS. 40 percent

of households accessing MGNREGS fall within the low-income group and 42 percent fall within the middle-income group. This indicates the spread of this scheme among rural poor and marginalised.

To develop a culture among service recipients to demand proper delivery of services, there is a vital need of building client power, strengthen the demand side of service delivery and sustain it to have consistent influence on the existing culture.

## CUTS' INTERVENTION

CUTS in partnership with 'Affiliated Network for Social Accountability in South Asia Region (ANSA-SAR) took an initiative and implemented a project entitled 'Developing a Culture of Good Governance and Accountability in the State of Rajasthan, India through Involving CSOs and Building their Capacity with a Focus on Improving the Public Expenditure Outcomes' during 2010-2012.

The project attempts to build the intermediary agencies having understanding of issues related to governance and SAc approaches. It envisages building a cadre of people equipped with resources required for applying their understanding for improving the service delivery provided by the local government. These intermediary agencies rigorously trained in using CSC – a SAc tool to engage service recipients and providers for improving services – jointly at a local level will test their learnings for improving the implementation of MGNREGS in their locality and also form a network to share their experiences during usage of tools.

Since the CSC tool is effective at lower level of service delivery and very effective in engaging service providers as well as recipients, it was envisaged that the people once trained on CSC will further utilise it

in various programmes and schemes in order to improve the service delivery. The government will also be advocated on the effectiveness of the tool and for providing space to introduce this accountability mechanism by CSOs.

## Implementation Plan

A cadre of people from community-based organisations (CBOs), which are concerned about the poor governance and lack of accountability, were identified through a screening process having indicators of credibility, previous work done etc. Capacity gap analysis was done to screen and grading based on the understanding, relevant knowledge, information available etc. These people were given rigorous training with practical application of CSC.

Selected representatives of CSOs were given training on the CSC process. A state level training of master trainers, four divisional level trainings and two refresher courses were conducted by CUTS. The training workshops were organised during October 2010-March 2011 in various parts of Rajasthan covering all divisions. The trainings resulted in getting 13 master trainers and 66 facilitators on CSC. This cadre of the trained people, as partner organisations, executed CSC process in the MGNREGS in 66 *gram panchayats* of Rajasthan. All 33 districts were covered under this project.

## Status of MGNREGS

Data gathered from secondary sources (<http://nrega.raj.nic.in/>), presents a clear picture about the quantitative aspect of MGNREGS implementation in Rajasthan. There is steep decline in the implementation of NREGS in Rajasthan. The state could provide only 38 person days of employment

S. No.	Items	2008-09	2009-10	2010-11	2011-12
1	Family with job cards ( <i>in lakh</i> )	84.68	89.28	92.74	95.64
2	No. of families given work ( <i>in lakh</i> )	63.69	65.22	58.24	47.84
3	Total person days created ( <i>in lakh</i> )	4829.38	4498.08	3026.65	1867.72
4	No. of families completing 100 days ( <i>in lakh</i> )	25.94	17.63	5	1.37
5	Average employment days ( <i>per family</i> )	76	69	52	38
6	Total expenditure ( <i>in crores</i> )	6175.55	5669.05	3300.33	2757.64
7	Average wage rate per person days	89	87	75	94
8	Average expenditure per person days	128	126	108	148

## Community Score Card (CSC)

CSC is a qualitative monitoring tool that is used for local level monitoring and performance evaluation of services, projects and even government administrative units by communities themselves. It is a hybrid process including the techniques of social audit, community monitoring and citizen report cards and act as an instrument to exact social and public accountability and responsiveness from service providers.

However, by including an interface meeting between service providers and the community that allows for gathering immediate feedback, the process becomes a strong instrument for *empowerment*. The CSC process uses the “community” as its unit of analysis, and is focused on monitoring at the local/facility level. It can, therefore, facilitate the monitoring and performance evaluation of services, projects and even government administrative units (like district assemblies) by the community themselves. Since it is a grassroots process, it is also more likely to be of use in a rural setting.

per family in in in FY 2011-12 in comparison to 76 person days FY 2008-09. The number of families given job under the scheme has gone down from ₹63.69 lakh in 2008-09 to 47.84 lakh in 2010-11. The total expenditure in NREGS has also drastically gone down from ₹6175.55 crores in 2008-09 to ₹3300.33 crores in 2010-11.

### KEY FINDINGS OF CSC

#### Issues related to Application for Jobs

Basic development needs are being recognised as rights gradually. The National Rural Employment Guarantee Act (NREGA), The Right to Information Act, The Right to Education Act or the Food Security Act etc. are examples of the shift in policy corridors towards recognising and realising needs as rights of the people.

Wage seekers have the right to apply for jobs and are entitled to receive it within the specified period of time. This right to demand employment as and when needed is acknowledged through a dated receipt issued by the *Gram Panchayat* and an unemployment allowance to the job card holder who has demanded employment, in case of delay in employment allocation, to be paid by the respective state governments.

#### *Status on ground*

Application forms are not easily available in most of *gram panchayats*. Job application is not accepted orally as earlier. So an illiterate person requiring jobs under MGNREGS may need to visit the photo-copy shop and pay for services of making the application form available and filling it. Even after availing this paid service, applicants do not get the dated receipt for submitted application. Since the unemployment allowances have to be provided by the state

government by NREGA guidelines, the government officials are discouraged to leave any scope for unemployment allowances.

#### Wage Less than the Minimum Official Wage

Minimum wages are the lowest possible wage at which a workman can be employed by any employer – private or public. The right to minimum wages has been recognised as a fundamental right by the Supreme Court of India, which has held non-payment of minimum wages to be a violation of Article 23 and therefore declared it to be “forced labour.”

#### *Status on ground*

There is severe shortage of jobs under the scheme due to negligence from the side of implementing agency. The reason behind this negligence is that benefit is not proportionate to the effort need to be made for implementing the scheme by front line service providers. The existence of certain accountability measures in the scheme is also one reason.

Due to shortage of work, wage seekers are not able to get enough supply for their demand of jobs. This leads a sort of competition among the job seekers and nobody, especially poor and marginalised who really are in need of jobs dare to go against the government officials.

Labourers are divided in the group of five for execution of MGNREGS work and daily measurement has to be done by *mate* and to be noted on a prescribed sheet of paper which should remain with labourers. For formation of the group, wage seekers need to apply in group of five. Wage seekers apply in group of their choice, but when the final list comes after processing, they do not get the

## Case Study – *Bheem Nagar, Bhilwara*

Job Guarantee Scheme, a legal entitlement behaves differently and discriminates its various stakeholders undesirably. For some it is a means for their livelihood, and for some it is only means to address their hunger. However, some takes it as a means for making little extra income; some takes it simply as an additional workload and some as a headache.

*Bheem Nagar* village of *Bhilwara* district of Rajasthan, 250 kms away from Jaipur, turns into an island during rainy season and prevents the possibility of livelihood outside the village. This is a village where majority of the people belong to *Bheel* and *Meena* communities which come under Schedule Tribes.

People are either landless or with a meagre land inadequate to sustain one family even. In adverse climate of Rajasthan where water level has gone extremely down and agriculture is dependent on rain water especially in case of marginalised farmers, Job Guarantee Scheme has been a ray of hope in case of no rain or otherwise also. The people belonging to such marginalised communities are mostly at the receiving end of society and ‘Demand’ word is not in the vocabulary. They are afraid of the awful consequences of making any demand in terms of further not getting jobs or any such benefits coming from the government.

Job guarantee work was also not being performed in *Bheem Nagar* for two years. The sanction register of *Dhikola Gram Panchayat* tells that a work sanctioned on March 28, 2008 could fetch fund only on May 28, 2010 for construction of *Gravel* road from *Bheem Nagar* to *Badesara*.

During October 2011, facilitators of *Saraswati Bal Sewa Samiti*, a local NGO, trained under this intervention, conducted CSC to assess services provided under *Gravel* road construction work. In the *input tracking*, it was found that out of approved ₹7.84 lakh for wage, only ₹2.41 lakh had been spent, only 26 job card holders have been provided job out of 181 job card holders.

In the process of *community generated score card*, community members were happy that the work could be started after a long time and they could get jobs. But they were not happy with the time taken for delivery of payment, which was 2-3 months. They also complained that the payment is made at *Gram Panchayat* several times in the night.

The community put very low score on the indicator of facilities like first aid, shade (tent) and drinking water. They demanded that the means of measurement should be given to them so that they can measure the individual work done on a daily basis. During the process of *self-evaluation*, the service providers showed some sensitivity towards low wage for labourers in the scheme and scored low for themselves.

Interface meetings provided an opportunity to discuss problems encountered by service recipients and providers. The action plan emerged with a fix responsibility and time period.

After the CSC, the shift is noticed in behaviour of the service provider. The *Sarpanch* has started interacting with beneficiaries and taking steps to solve the emerging problems on a regular basis. The people are provided with the measurement tape etc., to measure and note down the daily work. Drinking water and tent are made available at the worksite. The Adult Nurse Midwife (ANM) have also started visiting the worksites regularly and providing the necessary medical aid. The wage has gone up from ₹19 to ₹88 and payment is also made on time now in a school which is closer to the village.

There is a hope that service providers will continue resolving the problems of implementation. The trained facilitators will also continue implementing the tool of social accountability in the direction of developing a responsible world.

group of their choice. They are informed that this has happened due to computer and nothing can be done in this regard.

The group which is finally listed on the muster roll, many times it includes the name of old, disabled, or the people of higher caste who either is not able to perform their task or do not perform deliberately. Secondly, however this group exists on paper, in reality the group work concept is not in practice and measurement is done on collective basis.

Measurement is done properly. In some cases, junior technical assistant does the measurement even without visiting the worksite and blames about severe workload on them.

However, the MGNREGS guidelines allow the reduced task in case of digging the hard soil, but it was not being considered in some cases.

Due to wages lower than minimum wage and delay in payments, the real wage seekers are forced to travel to the city and work in mines etc. and get exploited.

### Delay in Wage Payment

The NREGA focuses on labourers' rights to get employment, minimum wages and timely payments. To deliver payment on time, minimise the embezzlement and for financial inclusion of rural mass, it was decided that MGNREGA wages would be paid through banks and post offices.

Wage payment process involves several steps. Once the work is complete, muster roll for the work is submitted to the implementing agency. Then measurement of work is done and on the basis of work done and attendance, a payment order listing labourers and wages is issued by the appropriate authorities. Then, the cheques and payment orders are sent to the bank or post office so that wages can be credited into the accounts of individual labourers.

As per a circular issued by the Department of Rural Development dated November 30, 2011, penalty would be imposed on responsible officials for delayed payments in MGNREGS.

#### *Status on ground*

Across the State of Rajasthan, serious delays in the payment of NREGA have been witnessed. Apart from violating the law (the Act stipulates that wages

be paid within 15 days of work being done), delays cause great hardship to NREGA labourers. When wages are delayed, they are forced to resort to lower-paid or exploitative employment, and even distress migration. The delays cause reducing interest of labourers in employment provided under the Act.

Now the administration plays blame game on banks and post offices for delays. Government officials often claim that they do their work in a timely manner but banks and post offices are unable to cope with the volume of payments.

However, in rural banks and post offices, where number of employees is less, it is difficult to process payments in quick manner, but it is also true that these employees are not adequately sensitised and generally create problems deliberately for the MGNREGS labourers. They do not understand that their bank and post offices are getting huge profit out of interest due to the scheme. In one case, it was found that the official asks all family members at the bank to sign the withdrawal before releasing the money as this a joint account. In another case, a one man run cooperative bank generally do not open the bank every working day.

Delay in payment is also caused due to lack of motivation among service providers to speed up the process of implementation as embezzlements in MGNREGS have become difficult. Even if the implementing agency expand measurements and fill fake names in the muster roll, they need to collude with the labourers/job card holders in order to embezzle the fund as the money goes directly in to the accounts of the labourers.

### 100 days' Work to Every Rural Household

NREGA is different from previous employment guarantee programmes in that it legally binds the government to provide employment for up to 100 days a year to those who demand it. The worker may apply at any time of the year for any number of days up to the guaranteed employment of 100 days in a year.

Any loss in employment days after the demand made by job seeker is serious in case of NREGA and financial loss to the individual household.

Rajasthan ranked first for NREGA implementation by the Minister of Rural Development during 2007-08 but the situation is worsening gradually.

### Status on ground

As mentioned earlier, implementing agencies are showing ignorance in the implementation of MGNREGS as the money goes to the account directly. Secondly, the village *panchayat* (*Gram Panchayat*) have exhausted most of the *kuchcha* work and generally find it difficult to propose work under the criteria given to them.

Even after repetitive requests and applying for work for complete 100 days, many families are not getting jobs. A *Gram Panchayat* consists of five-six villages and job card holders of one particular *Gram Panchayat* can get jobs in any of these villages. In some cases, it was found that labourers from one village experiences protest when they are given jobs in other villages as the villagers of the village, where work is going on, are not given work as per their demand. This happens because of the shortage of jobs in the *Gram Panchayat*.

Most of the labourers are women. They need to complete their household chores before moving to the worksite. Since Rajasthan is geographically wide and villages are situated at distance, it becomes difficult for women to complete their household chores, work under NREGS, return their home and then again complete their evening work and thus they are not able to travel long.

People are gradually losing their interest due to several reasons. People do not have ownership among work done due to no consultation with *Gram Sabha* members during proposal making. Proposals are formulated based on political influences made by elected representatives without consulting villagers.

### Worksite Management

Proper worksite management can ensure good working condition, mandatory worksite facilities, regular measurement of work, implementation of transparency safeguards, technical supervision for adequate labour productivity and asset creation. This all depends on the frontline service providers who execute the processes of NREGS.

### Status on ground

Other than the drinking water facilities and first aid box, in most cases, the facilities of shade and crèche had been reported to be absent at the worksites. Water was also not adequately available at many worksites. It was informed that the main problem

behind making these facilities available is to carry them to the worksite.

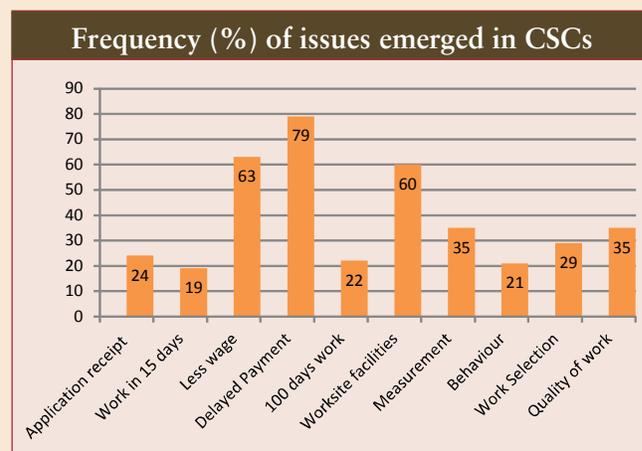
In most places of Rajasthan, water is a scarce commodity and not available everywhere. To fulfil the need of water for a group of 40 labourers (one person is assigned for making water available to 40 labourers) huge quantity of water is required especially in summer season but to carry that to the worksite no allocation is made. The tent and crèche given to the *Gram Panchayat* can also not be carried out by a single person.

The behaviour of service providers (*Mate*, *Gram Panchayat* officials, Bank and post office service providers) are also sometimes discriminating. The caste, power and other factors determine their behaviour. The people of higher cost generally do not work at the worksite. The measurement for the work is done on collective basis which results in exploitation of the real wage seekers, and thus loss of faith in MGNREGS.

The measurement of work done is critical to the wage payment to labourers and that should be on time in order to release payment on time. Many a times, there is huge workload on technical assistants and engineers. This gives them excuse to do the measurement without visiting the worksite. In some cases, they also inflates the measurement in order to enhance the wage rate and this further hamper creation of assets for the livelihood generation as per the objectives of MGNREGS.

### The Frequencies of Issues in CSC Exercise

Under the project, the CSCs were conducted in 66 *gram panchayats* of 33 districts of Rajasthan. Several issues with regard to the implementation of scheme came out with these exercises. When it was found



that some issues are coming in higher frequency, it was decided to see the comparative frequencies of these issues (see the comparative chart).

### Recommendations

Dissemination of information and awareness generation are required in case of MGNREGS as changes are regularly made in the process by the department. The front level service providers, who are in direct contact with beneficiaries, do not create awareness on the changed rules and guidelines or provide information to an extent which is beneficial for them. This leads towards various problems.

Hence, there is a need to disseminate changes made in the process of MGNREGS regularly among employment seekers and maintain transparency. Thus, more money needs to be allocated every year for awareness generation.

Building capacity of *Panchayati Raj Institutions* (PRIs) and other institutional agencies is the utmost need under MGNREGS. The infrastructure, both physical and human resource, of the *Gram Panchayat* needs to be strengthened. Similarly, other institutional agencies need to be oriented towards the administrative requirements of a demand-based law.

Given the limitations of workers' formal skills and informal bargaining capacities, there is a need to create the feeling of right to employment among the people through MGNREGS and get acknowledgement of their application through dated receipts. The ability to formally articulate demands and participate in informed *Gram Sabhas* is possible only through development of client power through awareness and functional literacy among workers.

CSC is a tool of high potential to develop a mutually agreed action plan to improve the process of implementation of any service. Hence, it can be considered for mainstreaming with the active involvement of CBOs.

The entire process of MGNREGS should be streamlined, i.e. from job application to wage payment to regain the reducing faith of employment seekers (100 days of employment with minimum official wage). A detailed review must be carried out of the procedures being followed at the *Gram Panchayat* level to record the work under the MGNREGS on the official website.

Better coordination of beneficiaries with bank/post offices should be ensured through sensitisation of staffs. Banks/post offices should also get prepared to reach out to the beneficiaries for payment.

Justice denied when differently abled people/senior citizens' work in the same group and collective measurement is done. They should be given work in line with their abilities. For old and disabled, the task can be reduced.

*Gram panchayats* are facing scarcity in new *kuchha* work. There is a need to bring work related to livelihood generation for long under the purview of MGNREGS especially the work which can reduce chronic poverty of villages.

To redress the complaints, MGNREGS Ombudsman need to be established and made functional.

There is a need of appointment of required number of employees to avoid heavy workload on them and train them for proper implementation. Appropriate penalty for faults should be incurred upon.

### Development Outcomes

#### *Increased capacity of the CSOs*

The overall aim of strengthening the capacity of CBOs to understand the issues related to governance and accountability and utilise the SAC tool of CSC could be achieved. More than 90 percent of CSOs were confident in utilising tools independently in other schemes. Few of them have utilised this tool in case of other services and few facilitators have become masters of the CSC by doing it repetitively. The organisations networked under the project will have more chances of doing work related to SAC through other collaborations.

However, the training was imparted to 66 facilitators only, but several other employees of the networked organisations could learn the steps of CSC while conducting this exercise.

#### *Resource materials on CSC*

Considering local context and language, training manual would be produced and distributed among the master trainers and facilitators, which would work as reference material for them in future.

### *Execution of CSC in NREGS in every district of NREGS*

The tool of CSCs has been utilised in two *gram panchayats* of almost all districts. It is a step forward in the direction of enhancing the client power and engagement of citizens in the process of implementation. The front line service providers have also witnessed the benefit of utilising such tools in order to reducing conflict, disseminating information and providing them an opportunity to deeply discuss on the problems encountered in the implementation of any scheme or service. Generally, there is scarce opportunity in *Gram Sabha* to discuss issues so sincerely.

### *Promotion of SAc tools among people and policy makers*

With this huge implementation of CSCs in MGNREGS and dissemination of the potential and utility of tool in improving the service delivery, CSC is well promoted among people and policymakers. During training for master trainers and facilitators, field exercises were conducted for practical learning that also helped promotion of SAc tools and approaches. In few cases, service providers of the adjacent village councils also requested CUTS to do similar exercises at their places.

### *Better implementation of MGNREGS*

The service delivery in implementation of MGNREGS could be improved to the extent through action plan generation during interface

meeting of CSC, as reported by several beneficiaries and CBOs. The information dissemination regarding entitlements and the process of MGNREGS implementation, enhancement of the client power to demand accountability, better relationship among service providers and recipients are major outcomes of any CSC and those are witnessed at most of the places.

### *Media Attention*

As an outcome of state-level dissemination-cum-advocacy meeting, the media has again waked up and started writing about the forgotten issues of MGNREGS. After the findings presented in the event, other social groups have also intensified their voices against the government for better utilisation of funds etc. to improve the situation of MGNREGS in Rajasthan.

### *Departmental Notice to Official*

The state department issued show cause notice to executive engineers of 17 districts over incomplete projects taken up under the MGNREGS after debate started in the state about the poor implementation of scheme and dissemination of the study.

### *Effective implementation of Scheme*

All district collectors and MGNREGA coordinators were issued a letter by the Additional Chief Secretary of Rajasthan government for ensuring efficient use of received fund under the scheme.

This note has been prepared by Om Prakash Arya, Amar Deep Singh and George Cheriyan of and for CUTS Centre for Consumer Action, Research & Training (CUTS CART) as part of the project entitled 'Developing a Culture of Good Governance and Accountability in the State of Rajasthan, India through Involving CSOs and Building their Capacity with a Focus on Improving the Public Expenditure Outcomes' in partnership with Affiliated Network on Social Accountability South Asia Region (ANSA-SAR).