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Unpacking Transparency and Accountability Measures

A Case Study of Vijaipura Panchayat, Rajasthan

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Table of Contents

List of Acronyms	3
1. Introduction.....	4
2. Research Design.....	5
3. Conceptual Framework	7
4. Evolution and Conceptualization of the Janata Information System (JIS)	10
5. The Link between Transparency and Voice	16
6. Link between Voice and Accountability.....	20
7. Conclusion: Links between Transparency and Accountability.....	24

List of Acronyms

1. DPC District Project Coordinator
2. FGDs Focus Group Discussions
3. JIS Janata Information System
4. JE Junior Engineer
5. MGNREGA Mahatma Gandhi National Rural Employment Guarantee Act
6. MKSS Mazdoor Kisan Shakti Sangathan
7. MIS Management Information System
8. PO Programme Officer
9. SDM Sub Divisional Magistrate

1. Introduction¹

In 2008, Kaluram Salvi, Sarpanch of Vijaypura Gram Panchayat, Rajsamand district Rajasthan, implemented a unique experiment aimed at strengthening transparency in the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). The experiment was to paint crucial information related to the implementation of the MGNREGA including information on job card holders, days of employment provided and payments made as well as item-wise expenditure on materials procured for construction, on the walls of the Gram Panchayat office. The information painted on the walls was accessed through the MGNREGA Management Information System (MIS)². By painting this information on the Gram Panchayat walls, Kaluram Salvi quite literally took the MIS directly to people creating the first ever 'Janta Information System' or JIS. In creating this JIS, Kaluram Salvi, himself an activist, drew inspiration and support from the Mazdoor Kisan Shakti Sangathan (MKSS)³. The successful implementation of the JIS in Vijaipura led the MKSS to advocate to the state government to replicate the JIS across all Gram Panchayat's in the state. In December 2009, the Government of Rajasthan issued an order mandating the institution of the JIS in all Gram Panchayat's in the state.

In theory, the JIS served as a powerful transparency tool. By replicating the MIS on the Gram Panchayat wall, it created a space for MGNREGA beneficiaries (most of whom do not have access to web based MIS), to have unencumbered access to information held in critical government records. However, questions of whether such a system empowered workers to assert their 'voice' and demand accountability from the state are concerns that require further inquiry. To investigate these questions, a micro case study of the Vijaipura JIS experiment was undertaken, in 2010. The study examines the relationship between the JIS and accountability through an analysis of the links between JIS, voice and the formal grievance redressal system. In investigating this relationship the study focuses on; 1) analysing the role of the JIS in raising awareness levels of workers and empowering them to assert their voice through the registration of complaints, 2) assessing the functioning of the grievance redressal system and examining the extent to which complaints could be registered and redressed in a manner which would allow for workers to hold frontline officials accountable for their actions.

The following paper presents some of the salient findings of the study. The second section describes the methodology adopted in evaluating the research questions and is followed by the conceptual framework which is elucidated in section three. The fourth

¹ The Field work for this study was conducted by Gayatri Sahgal and Somya Dimri. Gaytri sahgal is a Research Analyst with Accountability Initiative, Centre for Policy Research; Somya Dimri was a research intern with Accountability Initiative, Centre for Policy Research.

² The MIS is managed by the Ministry of Rural development the nodal agency responsible for implementing MGNREGA. Data is filled into the MIS through a decentralized process whereby data from the panchayat to the district is filled into the system and then sent to the central server in online/offline mode. For more details see: http://www.nrega.net/ict/mis/index_html

³ MKSS is a grassroots movement that has been working in the state of Rajasthan for the last twenty years on issues of transparency and accountability. The movement employs modes of struggle and constructive action to ensure that's its primary constituents; the rural poor, receive their basic entitlements.

section describes the evolution and conceptualization of the JIS while the next section explores the extent to which the JIS facilitated workers to exercise their voice. The sixth section presents a brief account of the design of grievance redressal system and includes an assessment of the responsiveness of the system. The concluding section summarises the main findings emerging from the study and analyses the extent to which the JIS contributed towards workers asserting their voice power, and evaluates the responsiveness of the grievance redressal system in redressing complaints registered.

2. Research Design

2.1 Scope of the Study

Vijaipura Panchayat was chosen as the focus of the study since it was here that the JIS was first instituted. To set the context, a brief survey was conducted with MGNREGA beneficiaries to assess the status of the implementation of MGNREGA and the nature of problems that MGNREGA beneficiaries face in the Panchayat. This served as a framework within which to study the effects of the JIS experiment and its potential link to the formal grievance redressal system. To understand the effect of transparency measures on accountability relationships, accountability was measured as a dependent variable. The system of grievance redressal was selected as the proxy for measuring the impact of the transparency initiative on accountability. The rationale for selecting the grievance redressal mechanism stemmed from the complementary relationship the two mechanisms are institutionally designed to share⁴, as emphasized in the MGNREGA guidelines. Moreover, the grievance redressal system represents one of the primary mediums through which workers can make claims for accountability by registering complaints against excesses committed in the implementation of the scheme.

The experiences of Vijaipura were compared with those of another Panchayat that had also instituted the JIS following the government orders. Bagana Panchayat was chosen for this purpose. Apart from the geographical proximity, another reason prompting the selection of Bagana Panchayat was that, unlike Vijaipura, which was distinguished by its longstanding relationship with MKSS, Bagana Panchayat was relatively insulated from any mobilization activities conducted by MKSS⁵. The relative insularity of Bagana from MKSS activities allowed for an analysis of the extent to which the JIS specifically (rather than the activities of the MKSS, as in the case of Vijaipura) contributed towards increasing awareness levels of workers.

⁴ For instance under the transparency measures, citizens have a right to demand copies of documents related to MGNREGA, which as per the guidelines must be complied within a period of fifteen days. In case of non compliance of requests, the guidelines empower individuals to file a complaint under article 23(6) which constitutes a complaint under the grievance redressal system.

⁵ According to the testimonies given by workers in Bagana Panchayat.

2.3 Methodology

Data was collected through questionnaires, qualitative interviews and Focus Group Discussions (FGD's). While the case study was focused on understanding the experiences of Vijaipura Panchayat, interviews were also conducted in Bagana Panchayat. A series of qualitative interviews were conducted with officials responsible for implementing the MGNREGS at the Panchayat, Block, and State levels. Interviews with officials were aimed at analyzing and documenting systems of grievance redressal and proactive disclosure of information. Qualitative interviews were also undertaken with MKSS supporters and workers, along with the Sarpanch, Rozgar Sewak and Panchayat officials to understand the factors which prompted the institution of the JIS, and its effect on grievance redressal mechanisms at the local level. To assess the status of implementation of the measures to promote transparency and accountability and explore the links between the two, FGD's were conducted with MGNREGA workers across eight worksites in Vijaipura and two in Bagana village. In Vijaipura, worksites were chosen through random sampling. In Bagana village however, since there were only two worksites which were operational, FGD's were conducted on both these worksites.

To understand the functioning of the complaint system, interviews were conducted with nine complainants. Complaints were limited to Vijaipura as researchers could not identify any person in Bagana Panchayat who had either formally or informally registered a complaint. Complainants in Vijaipura were identified through the process of Snow Balling⁶. This was because, according to the complaints register, only two complaints were registered by residents of Vijaipura, out of which one was later discovered to be bogus, while the other related to an offence which did not explicitly pertain to the functioning of the NREGA. To the extent that it was feasible, official records were also scrutinized (particularly complaint forms), to determine and map the nature of complaints.

⁶ Snow Ball sampling technique is a non probability sampling technique where existing study subjects recruit future study subjects (For more details see: <http://www.socialresearchmethods.net/kb/sampon.php>).

3. Conceptual Framework

Accountability is broadly defined as the obligation of those holding power to take responsibility for their behaviour and actions' (Malena et al, 2004: 2). Essentially the term encapsulates three main elements; answerability- the need for justification of actions; enforcement- the sanction that could be imposed if the action or justification of actions is found to be unsatisfactory (Schedler, 1999).; and responsiveness - the ability of those held accountable to respond to the demands made (Posani and Aiyar, 2009). Interwoven in these core elements is the notion of transparency, which is defined as 'the degree to which information is available to outsiders that enables them to make informed decisions and or to assess the information made by insiders' (Florini, 2007:5). Defined such, the links between the two are said to be fashioned along two axes- transparency of information is instrumental for demanding accountability because without information individuals cannot know the excesses being committed by the state. Further transparency of information is also seen as significant for motivating citizens to exercise 'voice' power. Voice power is defined as the capacity of citizens to pressurize the frontline officials in ensuring effective delivery of services (Goetz and Gaventa 2001). The role of transparency in strengthening voice has been given particular emphasis. It is assumed that access to information mobilizes citizens for collective action and this in turn strengthens the incentive structure of frontline providers (ibid). In a capsule then, the recurrent theme seems to be greater transparency leads to more empowerment, which in the context of more participation amplifies 'voice' and the assertion of voice results in greater accountability (Aiyar et al, 2009).

Despite these linkages, scholars such as Jayal (2008) and Fox (2007) argue that while transparency is an important ingredient for securing accountability, the link between the two is neither unassailable nor automatic. Further the exercise of 'voice' which is seen as a critical element for cementing this relationship is conditioned by various factors. Transparency of information while providing the opportunities and the material basis for the exercise of voice is not sufficient in impelling citizens to pressurize officials in demanding the effective delivery of services. The extent to which measures to promote transparency can contribute towards strengthening voice, is predicated on 1) the manner and type of information displayed, and 2) the design of the transparency mechanism; including the responsiveness of the system and the institutional space available for follow up action and the awareness on the part of the citizenry of these avenues (Stirton and Lodge, 2001). Similarly whilst 'voice' is a necessary condition for accountability it alone is inadequate in delivering accountable relationships. Thus while citizens may be motivated to raise their demands it does not imply that power holders will be responsive to them. Factors which influence the translation of voice claims into effective accountability include; 1) the personal capacities of citizens 2) the nature of the political framework and more specifically the

structure of the service delivery system (O'Neil, Foresti and Hudson, 2007) (See Figure 1 for details).

3.1 Links between Transparency and Voice Power

3.1.1 Manner of Information Displays

In the context of the relationship between transparency and voice, the capacity of individuals to make use of information and demand accountability is influenced principally by the manner in which information is provided, whether it is useful and felicitous. If information is not made available in a reliable manner, average citizens would have to rely upon others for the demystification of information, resulting in the disempowerment of some groups over others. In addition to the criteria of reliability, Pritchett (2006) asserts that for improving service delivery, information displays should also be relevant and regularly updated. Hence for citizens to be able to use information to exert influence and demand accountability, transparency initiatives need to be targeted at providing information which is relevant, regular and disaggregated so as to be reliable at the local levels- where peoples' capacity to verify/ falsify the data are most valuable (Khemani 2006).

3.1.2 Types of Information Displays

The nature of information displays also influences the extent to which citizens can exercise their voice and demand accountability from the state. According to Fox (2007) there are principally two different types of information displays: Clear and Opaque. The criterion of 'Opaque' refers to the type of information which does not reveal how institutions actually behave in practice, in terms of how they make their decisions or the results of their actions. Clear displays on the other hand refers to access to information on institutional performance, official responsibilities and flow of public money. Clear transparency thereby sheds light on institutional behaviour, which permits interested parties to pursue strategies for constructive change (Ibid). The distinction between Opaque and Clear transparency mechanism thereby rests on the premise that if transparency policies are to meet the requirement of transforming institutional behaviour by allowing individuals to exercise greater control over the delivery of services, they need to be explicit in terms of 'who does what and who gets what' (Ibid: 668).

3.1.3 Responsiveness and Provisions for Follow-up Action

Fox (2007) however cautions that Clear transparency by itself does not guarantee the exercise of voice on the part of citizens. The ability of citizens to assert their voice power and hold power holders accountable is contingent on the extent to which transparency initiatives are a) responsive to the end users such that they can exercise some input into the decision making process and b) the extent to which end users are made to understand the actions they can potentially take. The first set of factors is premised on the notion that simply knowing what the public service providers have decided and why they think it is a good decision is inadequate if citizens cannot exercise some input into decision making (Stirton and Lodge, 2001). For Stirton and Lodge (2001), the capacity of citizens to exercise some input into decision is an

essential aspect of their ability to demand and control the effective delivery of public services. The importance of ensuring that the end users understand the actions that they can take is relevant from the standpoint that transparency of information is an insufficient condition for mobilizing citizens to demand accountability from the state. For citizens to protest against misconduct and for authorities to sanction those responsible, requires the availability of institutional space for lodging complaints and awareness on the part of the citizenry of these avenues (Bruns, et al 2011).

3.2 Links between Voice Power and Accountability

3.2.1 Personal Capacities of Citizens/ Demand side problems

The translation of voice power into effective accountability is further said to be influenced by two specific factors; one the personal capacities of those seeking to exercise power, their awareness of the issues and their levels of empowerment; second the institutional capacities and environment, which influence the extent to which citizens will be able to make claims for accountability (Goetz and Gaventa, 2001). With regard to personal capacities Goetz and Gaventa (2001: 10-11) point out that the capacity for individuals to exercise voice is governed by certain preconditions which include, 'a minimum level of awareness of entitlements and rights, the ways in which these are not being met and a degree of social political and financial power'. Such preconditions form the very content of power that citizens require in order to exercise their voice and enforce accountability. Thus the poor whose status is characterized by a limited access to both financial and social political resources are the least likely to enable their voice to be heard (Joshi, 2008).

3.2.2 Nature of the Institutional and Service Delivery Framework/ Supply Side Problems

Institutional framework, on the other hand is seen as an intervening variable between citizens' capacity to exercise voice and demand accountability. Goetz and Gaventa (2001) assert that for citizens to be able to put pressure on the government and for the government to respond to such claims, certain basics have to be in place. This includes, a degree of openness and transparency in government functioning and decision making, participation of the electorate in policy making, separation of powers, effective systems of checks and balances, a neutral and responsive public administration etc. (Healey and Torodoff, 1995 quoted in Moncrieffe, 1998). Governments which constitutionally meet with such precepts, create the necessary conditions for demanding accountability; by empowering citizens to scrutinize and monitor government activities, demand answerability and levy appropriate penalties in case of contraventions.

However while political legal systems which are constitutionally designed to be open and responsive may create the space for making claims for accountability, accountability of service delivery systems is ensured when certain basic elements are in place (World Bank, 2006). Namely;

- **Unbundling:** there should be a distinct separation of the roles and responsibilities within the various tiers of the provider organization, i.e.

between the levels responsible for making decisions, financing, enforcing rules, delivering services and monitoring outputs.

- **Delegation:** there should be delegation of responsibilities for outputs and outcomes in order to ensure accountability for outputs and outcomes.
- **Autonomy:** providers should be given sufficient autonomy, including resources for performing their assigned roles.
- **Information:** there should be the availability of regular, reliable and relevant information. Information should flow within an organization, between parts of the government, between the citizens and the state and between the citizens and the provider organization.
- **Enforceability:** there should be measures for holding providers responsible for outputs and outcomes.

The above review indicates that the link between notions of accountability and transparency is neither implicit nor obvious. Transparency is one of the conditions necessary for achieving accountability. Initiatives which are successful in securing transparency are not automatically sufficient in empowering citizens to demand accountability. The ability of citizens to exercise 'voice' is a key component for cementing the relationship between transparency and accountability. The extent to which transparency measures will lead to an exercise of voice is conditioned by the design of the system; manner in which information is presented, it's responsive to the end user and the link it shares with institutional spaces which allow for follow up action. The translation of voice into accountability in turn is influenced by the personal capacities and the institutional framework, i.e. the nature of the state and the structure of the service delivery system. In drawing upon this approach this paper seeks to evaluate the link between transparency, voice and accountability through an analysis of the role played by JIS in empowering workers to assert their voice and the effect such claims had on engendering accountability in service provisioning.

4. Evolution and Conceptualization of the Janata Information System (JIS)

The impetus for the institution of the JIS stemmed from MKSS's twenty year long struggle to ensure transparency in government functioning which culminated in the passage of the Right to Information Act in 2005. Early on, in their fight against violations of minimum wage regulations in public works programmes, there was a realization amongst members of the movement that access to official documents was an essential prerequisite for demanding accountability from public officials. Without access to such records, workers engaged in such programmes were unable verify the violations of their rights and seek redress against them. For example, workers demanding their right to minimum wages were told that there were no records of their having worked, leaving them with little option to file complaints against the denial of

their rights. Hence in focusing on transparency of information, the MKSS sought to provide a rallying point for resistance amongst poorer groups demanding their right to livelihood (Jenkins and Goetz, 1999).

With the enactment of the MGNREGS, the movement saw an important opportunity to ensure that corruption which was endemic to most public programmes of the past, would not undo the potential benefits of this Scheme. The emphasis on provisions for accountability and transparency acted as a catalyst for the MKSS to innovate with different mechanisms¹⁰. Over the years, the movement has experimented with measures, ranging from social audits, where beneficiaries of the programme scrutinize and verify expenditures incurred, to information campaigns such as the MGNREGA Mela (fair), organized to acquaint villager with the various provisions of the scheme. As a long standing member of the MKSS, Kallu Ram Salvi was part of many of these experiments. On becoming a Sarpanch it was only natural then that he would draw on his MKSS experience, and seek to apply some of the learning's to strengthen the delivery of MGNREGA, in the context of his own Panchayat.

4.1 Description of the JIS

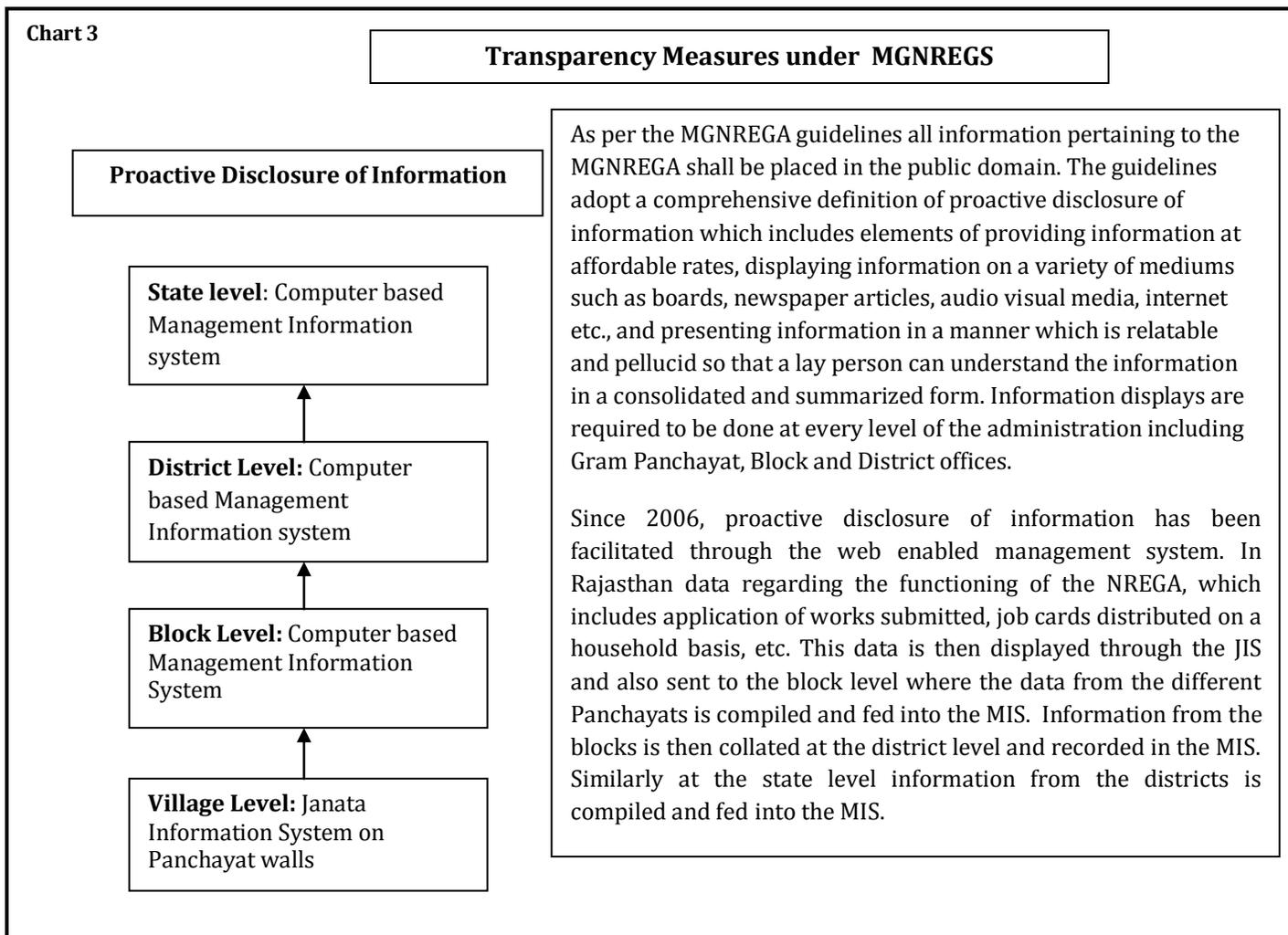
The MGNREGA was implemented in two stages. In the first phase 2005-2008 the MGNREGA was restricted to 250 of the country's backward districts. In 2008, the Government of India undertook to expand the implementation of the Act to the entire country. MGNREGA was rolled out in Vijaipura in this second phase. The first challenge for Kaluram Salvi in implementing the MGNREGA was to strengthen transparency and provide beneficiaries with regular access to information.

The manner and medium of display, however, it was felt, would not allow for unencumbered access if information was displayed as per the current practice on the web based MIS or on Panchayat boards (See Chart 3 for details). Information displayed through such mediums was thought to be insufficient in ensuring accessibility to those workers who lacked access to computers and internet, while the limitations of displaying information on Panchayat boards, related to the admission barriers which could possibly emerge, as applicants might be expected to claim eligibility in order to gain access to information. Concerned about placing such admission barriers, the Panchayat evolved a method to display information in a manner which would be relatable and allow for universal access.

The walls of the Panchayat building which allowed for easy accessibility were thought to be the ideal medium for the display of information. As workers would not need to take permission nor would they have to claim eligibility in order to access such information. With this in mind, the Panchayat set out to establish a first of its kind Janata Information System (JIS). The first step involved in setting up the system was gathering information of MGNREGA activities. Since the system was initiated by the

¹⁰ <http://www.mkssindia.org/wp-content/uploads/2010/08/MKSS-Threefold.pdf>

Panchayat, this task proved to be relatively simple as all the information relating to MGNREGA work was already available with the Rozgar Sewak 11. It was also important to decide on the kind of information which would be relevant at the local level. Here the MGNREGA guidelines provided guidance and information relating to basic entitlements, details of work sanctioned in the village, families to whom work was provided, payments made in the year, expenditure on labour and material including procurement was displayed on the walls. For 2008-09, the JIS revealed the following information; 976 families received employment under MGNREGA, two thirds of the families who received work completed 100 days, total expenditure during that year was 91 Lakhs (approximately USD 9 million)¹²



¹¹ Rozgar Sewak is a specially appointed officer who assists the Gram Panchayat with the disbursement of their MGNREGA related functions

¹² <http://www.hindu.com/mag/2009/06/21/stories/2009062150010100.htm>

Additionally, information displays needed to be lucid and self-evident for the workers to comprehend the information without explanation. In this regard the Panchayat decided to display information in tabular formats. For example the name and details of every job card holder, including number of days worked and wages received were displayed in a tabular format which made it possible for workers to verify their individual details (see textbox 1). Particulars of input costs were displayed in a disaggregated format so as to allow scrutiny of the quantity of inputs used in MGNREGA work and the amount of expenditure incurred (see textbox 2). It was also essential that information be displayed in a manner which could be updated on a yearly basis. Toward this, the Panchayat decided that all information should be displayed for a period of five years, as it would be possible to update information without incurring additional expenditure by repeating the process every year. Apart from being a relatively low cost and sustainable option, it also allowed workers to perceive trends on issues such as minimum wages, number of days worked, input costs etc.

As a system for information dissemination, the novelty and efficacy of the JIS lay in its role in providing information in a form and format that was easy both easy to understand and easily accessible to people. Workers, who were interested in finding out information such as the number of days they had worked on a particular site and the wages received, did not need to be computer savvy, nor were they required to ask for permission for accessing such information. The information displayed through the JIS thus met with the 3R criteria (regular, reliable and relevant) which according to Pritchett, any information system has to satisfy to be effective in improving service delivery (2006). The JIS provided information which was 'regular' as information was updated on a yearly basis; 'reliable' as the source of information was the Panchayat, the very body responsible for implementing the MGNREGA, and 'relevant', as information which was most pertinent to workers.

With Vijayapura having successfully demonstrated the feasibility of establishing a JIS, the MKSS began to advocate with the Government of Rajasthan to replicate this model across the state. This advocacy resulted in the Department of Rural Development, Government of Rajasthan, issuing a government order directed to all district collectors to establish a similar system 'in each and every Panchayat' in the state by 31st December 2009. In keeping with the format developed by the Vijaipura Gram Panchayat, the state mandated that all Panchayats should display MGNREGA related information in a tabular format, such that one table would provide details of job card holders (See Textbox 1) while the other would display the list of works sanctioned in the village along with the expenditures incurred on labour and materials (See Textbox 2)¹³.

¹³ Circular No. F 4(4), issued by Chief Secretary, Department of Rural Development, dated 20th April 2009

Characteristics of Information Displayed through the JIS

- Unencumbered access: information was displayed on the Panchayat walls which meant that any person at any point in time could access it.
- Relatable: information was displayed in a form and format which was relatable.
- Reliable: information was reliable to the extent that the body responsible for implementing information was proactively disclosing it.
- Easy to maintain and low cost: the information was painted on the Panchayat walls and the same format could be used to update information for a period of five years.
- Regular :information was updated on a yearly basis
- Relevant: all the information pertaining to entitlements, details of job card holders, works sanctioned, input costs etc were displayed.

Textbox 1

Details of Job Card Holders

Name of village _____ Name of Panchayat _____

S. No	Name of the Head of the Household	Father/Spouse's name	Job card No.	Category	Financial year 2008-09			
					No of days during which work was provided under NREGA	Payment received	Benefits received (Indira Awas Yojna, pensions)	Amount of benefits received

5. The Link between Transparency and Voice

To understand the effects of the JIS, we traced the links between the JIS, awareness levels and grievance redressal. As laid out in the conceptual framework, information and enforcement or grievance redressal are two key components of an accountable system. To enhance the robustness of our analysis, we compared and contrasted the experiences of Vijayapura with a neighbouring Panchayat, Bagana that had implemented the JIS following the 2009 Government of Rajasthan order.

5.1 Analysis of the Functioning of the JIS

To assess awareness levels, we surveyed workers employed in MGNREGA across eight worksites, in Vijayapura and Bagana and asked them a specific set of questions related to MGNREGA entitlements and its implementation. Our survey findings indicate that MGNREGA beneficiaries in Vijayapura displayed higher levels of awareness of their rights and entitlements than their counterparts in Bagana. For instance, workers in Vijayapura were aware of the minimum wage norm, the system for submitting applications for work, the significance of ensuring the maintenance of muster rolls on worksites, the need for maintaining regularly updated job cards and labour cards and the facilities required to be available on worksites. In contrast, workers in Bagana Panchayat were unfamiliar with the procedure for selection of works. Many workers interviewed were unaware of the minimum wage norm, the need for maintaining updated muster rolls or the importance of receiving receipts for applications of work submitted (See Annexure 1 for details).

On further probing, however, we found that higher awareness levels in Vijayapura, were largely a consequence of the active presence of MKSS activists in the area many of whom had invested considerable time mobilizing workers and explaining to them their entitlements and procedures regarding the implementation of the Act. Thus in Vijayapura transparency of information was not limited to the mere institution of the JIS. Awareness campaigns were launched to disseminate information that was displayed through the JIS. This argument is strengthened by the observation that in comparison to Vijayapura, Bagana Panchayat was relatively insulated from MKSS activities and mobilization. Another factor which explains such trends is the differing role played by the two Panchayats. The Vijayapura Sarpanch, Kalluram Salvi, himself a former MKSS activist, was committed to the principle of transparency and proactively promoted awareness campaigns on MGNREGA. In contrast, the Panchayat of Bagana was relatively less interested in promoting MGNREGA and on occasion tried to subvert its implementation. Many implementation irregularities uncovered by our survey, such as those relating to violations of minimum wage norms, inconsistencies with selection of work or the denial of receipts for applications of work submitted were according to workers, committed with the knowledge of the Panchayat. With regard to the denial of the receipts, researchers were able to obtain a firsthand account of such complicity. In one conversation the Sarpanch candidly admitted that applications were often not accepted in cases where the Panchayat felt that it would be unable to provide work

within fifteen days! In this scenario, it seems improbable that the Panchayat in Bagana could have played an instrumental role in spreading awareness.

High awareness levels and a proactive Panchayat however had a mixed effect on how MGNREGA beneficiaries in Vijaipura engaged with the JIS. When asked specifically about the JIS, we found that in Vijaipura, a majority of the respondents had seen the information display. This is in sharp contrast to Bagana where most respondents had not seen the JIS at all. However, even in Vijaipura, most respondents were not aware of the nature of the information (in some cases they did not know that information pertained to MGNREGA) and very few were able to identify the kind of information displayed through such a medium. Illiteracy was identified by workers in both Panchayats as the primary reason for their inability to understand and to that extent, access the JIS (See Textbox 3 for details).

To summarize, in Vijaipura the awareness level of workers was higher than that of their counterparts in Bagana Panchayat. The higher levels of awareness however coexisted in a context where workers direct engagement with the JIS was limited. Workers in Vijaipura reported having knowledge of the system but were unable to describe the specificities of information displayed. In Bagana in contrast low levels of awareness were observed in a context where there was very little engagement with the JIS. The differences in the experiences of Vijaipura in comparison to Bagana were in part explained by the mobilization activities conducted by the Sarpanch and other MKSS workers to acquaint workers of their rights and entitlements. Thus unlike the Bagana Panchayat, the Vijaipura Panchayat was conscious of the need to complement the JIS with mobilization activities targeted at disseminating information provided through such a system. This analysis highlights that critical role played by mobilization and facilitation campaigns in ensuring that citizens engage with transparency efforts.

5.2 Evaluating the Link between Transparency and Voice

Despite the low levels of direct engagement with the JIS in both Vijaipura and Bagana Panchayat's, the question remained that if conditions for effective use of information displayed through the JIS had existed, was the design of the JIS such that it would have strengthened the capacity of workers to exercise their voice and demand accountability. Put more simply, was the design of the system such that it would have facilitated workers to register complaints against the violation of their rights? To investigate this issue, the institutional structure of the JIS was analyzed.

As previously mentioned in Section 3, the link between transparency and voice power is conditioned by the type and medium of information displayed as well as the design of information system. In terms of the first criteria, the JIS was conceptualized as a system for the proactive disclosure of information which provided extensive information to workers regarding their entitlements-particulars of job card holders, decisions made- information on works sanctioned, as well as the justification of decisions made- details of input costs. In this sense then the JIS provided information which met with the clear transparency criteria spelt out by Fox. Moreover, as

previously stated in Section 4 the information displayed through the JIS was displayed in a form and format which was relatable and disaggregated so as to be accessible to a large section of the population.

While the JIS met with the first two criteria, similar importance was not attached to a) creating a feedback mechanism to strengthen its responsiveness to the end users, and b) providing the institutional space for follow up action. Neither in the circulars issued by the Department of Rural Development nor in the manner in which the JIS was implemented, was an emphasis placed on the ways in which discrepancies noted could be reported and fed back into the system. Workers were thus unable to validate and falsify the data in a systematic manner and thereby exercise some control in improving service delivery. Another challenge with the inadequate attention given to addressing discrepancies in information was that it created space for inaccuracies in the system of information reporting. The system of information reporting (See Textbox 3) was designed such that information at the local level formed the basis for information which was fed through the system. Consequently, discrepancies which were not corrected at the Panchayat level were liable to be passed on to the Block and from there to the District (see text box 3 for details).

Further, unlike the complementary relationship shared between other transparency mechanisms and the grievance redressal system, there was an absence of adequate institutional links between the JIS and the grievance redressal system. Specifically, there was an absence of provisions for treating an inconsistency in information reporting as a complaint under the grievance redressal system. Moreover the official form and format of the JIS did not disseminate information on the structure of grievance redressal system and the manner and level at which complaints were supposed to be registered. The limitations of the design of the JIS thus constrained the capacity of the workers to exercise their voice, to the extent that it, a) lacked provisions for allowing workers to exercise some control over the information provided, and b) was not institutionally connected to mechanisms of grievance redressal.

- Majority of the workers in Vijaipura reported that they had seen information displayed on the Panchayat walls. In the words of one respondent, "*Haan dekha hai. Sabh ne dekha hai Panchayat ki deewaraon par likha hua*" (Yes, all of us have seen the figures written on Panchayat walls)¹⁴. Awareness levels in Bagana Panchayat did not appear to be as high. Many of the workers interviewed claimed that they had not noticed the displays of information.
- In Vijaipura, a lesser percentage of respondents within this group were however aware that the information displayed pertained to MGNREGA. Others quoted the following reason for being unable to discern the type of information displayed; "*hume nahi paata, hum zyadatar log padhna likhna nahi jaante.*" (We don't know, most of us are illiterate)¹⁵. Similarly, workers in Bagana who recalled having had seen such displays, did not know that the information provided pertained to MGNREGA.
- Within the category of those who were aware that the information pertained to MGNREGA, a majority of respondents both in Vijaipura and Bagana displayed an inability to describe the specific nature of information displayed including whether the JIS included job card details or the number of works sanctioned in the village. In this case as well workers identified illiteracy as a major reason for their inability to describe the information displayed through the JIS, in the words of one respondent, '*hum unpadh hain hum kuch nahin jaante*' (we are illiterate we do not understand what is written)¹⁶.
- According to this category of respondents, information displayed on the Panchayat walls was of little relevance or use to illiterate workers. To quote a respondent from Hira ki Basti, '*humare kissi kaam ka nahi hai panchayat ki deewaro main likha hui baat*' (The figures painted on the Panchayat walls are of no use to us)¹⁷. In contrast others felt that the information displayed through the JIS increased workers awareness levels and made the functioning of the Panchayat more transparent.

¹⁴ MGNREGA Worker on '*NH-8 Gravel Sadak Nirman Worksite*', Hira ki Basti, Vijaipura Panchayat, Focussed Group Discussion, June 10th 2010

¹⁵ MGNREGA workers on Kakar Maliya Nadi Nirman Worksite, Hira ki Basti, Vijaipura Panchayat, June 10th 2010

¹⁶ MGNREGA workers, 'Sakrampura village, Vijaipura Panchayat, Focussed Group Discussion, 11th June 2010

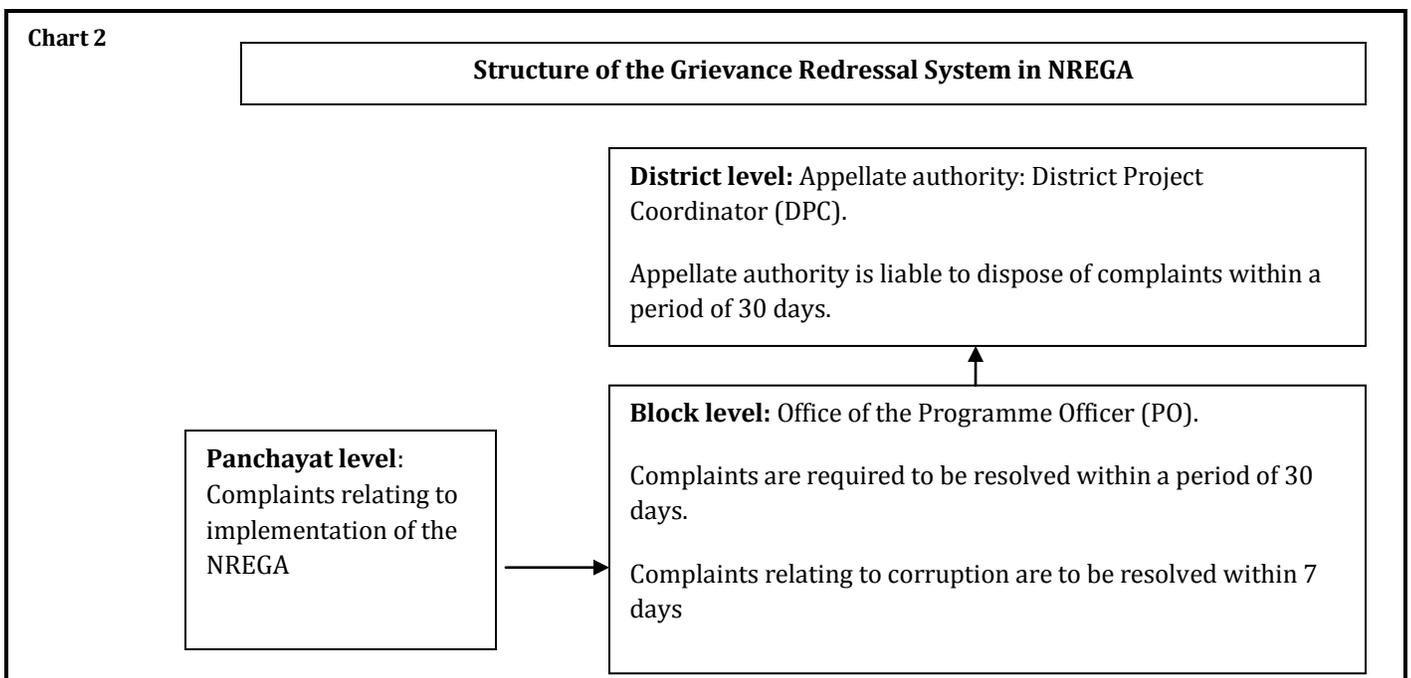
¹⁷ MGNREGA Worker on '*NH-8 Gravel Sadak Nirman Worksite*', Hira ki Basti, Vijaipura Panchayat, Focused Group Discussion, June 10th 2010.

6. Link between Voice and Accountability

In the previous section we have already noted the constraints of the JIS in strengthening voice power of workers. Given this context, the question arises that were these to be resolved, was the institutional design of the formal grievance redressal system such that grievances could be responded to? In other words was the grievance redressal structured such that it was effective and responsive to the complaints registered? To answer this, the functioning of the formal system of grievance redressal was traced in both Vijaipura and Bagana Panchayat.

6.1 System of Grievance Redressal under the MGNREGA

The MGNREGA guidelines include an elaborate set of measures to address complaints relating to violations under the Act (See Chart 2). Complaints under the guidelines have been broadly defined to include any matter referred directly or indirectly, written, signed and enclosed with complete identity. Complaints related to the implementation of the MGNREGA at the Panchayat level are supposed to be registered with the office of the Programme Officer (PO). All complaints within the jurisdiction of the PO are to be disposed off within a period of 30 days. In cases where the complaints relate to a matter to be resolved by any other authority, the PO is required to conduct an inquiry and refer the matter to such an authority within a period of seven days under intimation to the complainant. Complaints against corruption are to be similarly resolved within a period of seven days. All complaints are required to be immediately entered into the complaints registers and dated receipts are to be issued to the complainant. The guidelines adopt a stringent stand concerning the disposal of complaints such that any case of failure to dispose complaints is considered to be a contravention of the Act and is deemed punishable.



6.2 Functioning of the System of Grievance Redressal in Vijaipura

In accordance with the MGNREGA guidelines, all complaints relating to the functioning of the scheme are required to be registered with the PO. In Vijaipura Panchayat however findings suggest that complaints were usually registered first with the Sarpanch who represented the first point of authority at the local level. Many of the workers displayed a limited awareness of the procedure involved in registering a complaint and usually approached the Sarpanch to report their grievances. Interestingly, the researchers were unable to access any records of complaints filed with the Panchayat¹⁸.

At the Block level, the PO displayed familiarity with system of grievance redressal, although he admitted that most complaints at the village level were registered at the Panchayat office. All complaints that were directly registered at the Block Office were recorded in the MGNREGA roster. According to the records, between the years 2008-09 a total of 73 complaints reporting violations in the functioning of the MGNREGA were registered with the Block Office. Out of these only two complaints were registered by residents of Vijaipura. In the first case, the complaint registered reported disruption in MKSS work caused by anti-social elements. The second complaint lodged in 2009 was submitted by a complainant by the name of Lal Singh, a resident of Hira ki Basti one of the villages in Vijaipura Panchayat. As per the roster, the complaint related to delay in payment of wages, was described as having been resolved. Upon investigation it was discovered that the complainant had not worked on an MGNREGA worksite during that year, and had instead submitted an application for pension. Given these limitations, a sample of complainants was chosen through the Snow Balling technique. A total of nine complainants were interviewed, which included those who had submitted an oral complaint and those who had chosen to submit a written complaint. The following section analyzes the functioning of the complaint system.

6.3 Analysis of the Functioning of the Grievance Redressal System

In Vijaipura, despite problems of delay in payment of wages, inaccurate measurement of work, and inconsistencies in selection of work, only two formal complaints were registered in Vijaipura (for details see Annexure 2). Out of these, one complaint relating to delays in payment of wages was later discovered to be bogus. Other complaints were informally registered, mostly with the Sarpanch¹⁹. Amongst the complainants who were interviewed, only one complainant had directly filed a complaint with the PO, which was not officially recorded. Given that the complaint register maintained by the PO revealed that only two complaints were registered from Vijaipura, it appears that complaints registered at the village level were not registered

¹⁸ Every time the researchers attempted to gain access to the complaint roster, they were dissuaded by the same excuse. Supposedly, the Panchayat Sewak or the Panchayat Secretary who was responsible for maintaining the complaint register was reported to be unavailable.

¹⁹ Given the relative proximity of the Sarpanch in comparison the PO it was not surprising that the Sarpanch emerged as a defacto first point of authority. Indeed one of the weaknesses of the grievance redressal system were that the first point of authority was at the block level rather than at the Panchayat.

as formal complaints at the block level. Majority of the complaints were also submitted orally, which effectively limited the power of the complainant to track their complaint or register an appeal with the appellate authority in the event that their complaint was not resolved by the PO within the designated period (See Textbox 5 and Annexure 2 for details).

The link between the JIS and the grievance redressal system was also found to be limited, as only two complainants reported basing their complaints on information derived from the JIS. Though majority of the complainants had seen the JIS, a significant proportion of workers interviewed were unable to comment upon the information displayed through such a system. Further, four of the respondents claimed that the complaints had not been investigated. While five of the respondents asserted that their complaint had resulted in a satisfactory outcome. However in this case as well, the formal complaint was as such not properly investigated. It was only after further pressure was added, that the officials finally conceded to fulfil the demands of the labourers. These findings however were not entirely surprising given the limited engagement with the JIS.

6.4 Evaluation of the Grievance Redressal System

Thus as in the case of the link between transparency and voice, the empirical link between voice and accountability was also found to be limited. In Vijaipura despite high levels of awareness very few complaints were registered with the authority responsible for redressal (PO). The constraints experienced in the exercise of voice and the conversion of this power into effective accountability, were a product of a mix of factors, ranging from demand side problems which stemmed from the design of the system which was unsuited to the local capacities of workers, to institutional constraints which limited the ability of the system to respond to complaints registered. With respect to the demand side problems, the grievance redressal system was designed in a way which 'obliged citizens to take action in legally literate ways', such that it placed constraints on the ability of those not acquainted with such procedures, either due to lack of information or capacity, to access such a system (Goetz and Gaventa 2001: 13). Workers were ill-acquainted with the manner in which the system was required to function. Majority of the complainants reported a limited awareness of the procedure involved in registering complaints; specifically the manner in which complaints were required to be registered and the responsibility of the PO to respond to complaints within a designated period. Further, the importance of ensuring that dated receipts were issued by the office of the PO was not known to most complainants. The nature of the grievance redressal system was also such that workers often needed basic capital to register complaints. In Vijaipura complainants had to travel to Deogarh to the Block Office to submit a complaint. The cost of transport to Deogarh ranged from between Rs 10-15 (10-15% of their daily wages), which de-incentivized those workers who did not have the monetary capacity to incur such expenditure.

Apart from demand side problems, there were also constraints in the working of the system which impinged on its capacity to be responsive to complaints registered. To draw upon the framework proposed by the World Bank (2006) there was an absence of certain basic elements, specifically;

- 1) There were problems such as **bundling up of responsibilities**, which led to a situation wherein the authority responsible for implementation was the same as the one tasked with overseeing grievance redressal. The PO was jointly responsible for implementing the scheme as well as investigating complaints at the Block level.
- 2) **Lack of autonomy** also limited the capacity of the PO to carry out his roles and responsibilities effectively. For instance, while the PO was responsible for addressing all grievances registered at the block level, it was not within his jurisdiction to take any action against the bank manager. Complaints against the bank manager were forwarded by the PO's office to the bank manager at the district head office, who was advised to take necessary action.
- 3) Another feature of the problem of **insufficient autonomy** was also reflected in the lack of capacity of the PO's office to respond to complaints. Investigation of complaints was the sole responsibility of the PO, who was generally not assisted by any support staff specifically hired for the purpose.
- 4) There were also constraints such as **inadequate flow of information** from the PO's office to the complainant which limited the responsiveness of the grievance redressal mechanism. Due to an absence of a complaint tracking system, citizens were unable to track the status of their complaint.
- 5) Lastly, the **lack of provisions for monitoring and evaluating** the functioning of the grievance redressal system weakened its enforceability. There was an absence of provisions for ensuring that systematic evaluations were conducted to assess the efficacy of the grievance redressal system; the responsiveness of the authorities and the satisfaction levels of the complainants.

Functioning of the Complaint System²⁰

- **Nature of complaints:** Six of the complaints filed were concerned with delays in payment of wages. Other complaints related to refusal to pay minimum wage, tampering with passbook and illegal withdrawal of money from bank account, and failure to adhere to Gram Sabah's list of priorities.
- **Persons who filed complaints:** In eight cases complaints were based upon personal experience and were in a significant number of cases (seven) filed by the individual themselves. In the remaining number of cases complaints were filed by Panchayat officials, or a spouse on behalf of the complainant.
- **Persons with whom complaints were filed:** Complaints in a majority (five) of the cases were first registered with the Sarpanch. Only one complainant had directly filed a complaint with the PO.
- **Medium of registration:** With respect to the medium of registration, five of the complaints were registered orally, with the remaining filed as written complaints. Amongst those who had filed written complaints, only three retained copies of the complaints filed.
- **Registration of complaints:** Eight of the complaints were not formally registered by the recipient authorities. Only two of the complainants reported getting receipts on submission of the complaint. Though these were not recorded formally in the register maintained by the office of the PO.
- **Investigation of complaints:** Four of the complainants were assured that their complaints would be resolved within a certain period. Four complainants attested to their complaints being investigated by the recipient authority. Two of the complaints however did not know of whether their complaints had been investigated

7. Conclusion: Links between Transparency and Accountability

This case study set out to understand two primary questions; first, what was the role played by the JIS in promoting greater transparency; specifically raising awareness levels of workers and empowering them to assert their voice through the registration of complaints against violations of their rights, second, to examine the functioning of the grievance redressal system and analyze the extent to which complaints could be registered and redressed in a manner that would allow for workers to hold frontline providers accountable for their actions. Through an analysis of these two questions, the objective of this study was to comment on the link shared between transparency

²⁰ Quantitative Interviews conducted with 9 complainants in Vijaiपुरa Panchayat

and accountability; i.e. to what extent does the transparency of information create space for the exercise of voice, and to what degree does this translate into an assertion of claims for accountability.

With regard to the first objective, experiences from Vijaipura and its neighbouring Panchayat, suggest that while the JIS represented a unique medium for providing workers with unencumbered access to information, it did not emerge as the most important factor in raising awareness levels of workers. The JIS was instituted both in Bagana and in Vijaipura, but despite that, awareness levels were higher in Vijaipura than in Bagana. Awareness levels thus did not increase purely as a consequence of the institution of the JIS. The findings suggest that other factors, such as the role of the MKSS's mobilization activities, played more of a role in raising awareness levels of workers. From the perspective of the translation of awareness levels into claims for voice, it appeared that even if the JIS had played a role in raising awareness levels, the institutional design of the system was such that it did not encourage its conversion into an effective assertion of voice. This was primarily for two reasons; first, the JIS was structured such that an emphasis was not placed on how it was supposed to interact with the end user. Particularly, equal importance was not attached to the manner in which discrepancies uncovered through scrutiny of information were required to be fed back into the system and corrected. The lack of emphasis on addressing discrepancies in information also created the possibility for incongruities in information to be passed on from one level to another. Second, unlike other transparency measures institutional links were not made between the JIS and the grievance redressal system. There was thus an absence of provisions by which discrepancies could be registered as complaints and addressed as per the rules for grievance redressal. Thus, the absence of adequate feedback mechanism coupled with the inadequacy of provisions to link the JIS with the grievance redressal system, limited the capacity of workers to effectively falsify and validate the information, as well as use the information provided to assert their voice and improve the delivery of public services.

Higher levels of awareness also seemingly played a marginal role in empowering workers to assert their voice through institutional measures of grievance redressal. In spite of problems of delays in payment of wages, inaccurate measurement of works and inconsistencies in selection of works, only two formal complaints were registered by workers in Vijaipura (See Annexure 1 for details). Findings suggest that the constraints experienced in the capacity of workers to register complaints and thereby translate their voice power into claims for accountability, was a function of two specific factors; specifically the personal capacities of those seeking to exercise such power; their awareness and capacity levels, as well as the institutional capacities and environment. In Vijaipura, the emphasis placed on ensuring greater transparency of information through the JIS, did not appear to be sufficient in empowering workers with the capacity to access the official channels for demanding accountability. Despite the relatively high levels of awareness amongst workers in Vijaipura and significant instances of violation of MGNREGA provisions, only two complaints were formally

registered with the PO. The low rates of complaints in Vijaipura were partly explained by demand side problems such as the structural flaws in the working of the grievance redressal system which was not suited to the local capacities. The system of grievance redressal obliged individuals to take action in 'legally literate ways', which meant that it was not amenable to access by the most marginalized and dispossessed groups (Goetz and Gaventa, 2001). Further, there were also supply side constraints which undermined the responsiveness of the grievance redressal system. These included;

- a) *bundling of responsibilities*; the official responsible for monitoring the programme was also the one implementing it,
- b) *lack of adequate autonomy*; the PO lacked the autonomy to take action against certain officials particularly the bank manager
- c) *poor information flows*; citizens were unable to track the status of their complaints,
- d) *absence measures for ensuring systematic evaluations*; there was an absence of provisions for ensuring that systematic evaluations were conducted to assess the efficacy of the system,

In conclusion, the case study strengthens the argument that the link between transparency and accountability is empirically neither automatic nor unassailable. The ability of citizens to exercise voice is a key ingredient cementing the relationship between transparency and accountability. The extent to which transparency of information can lead to strengthening of voice power is predicated on the ability of citizens to make use of information, their capacity to participate in the decision making processes which affect the delivery of services and their ability to use the information for redressing their grievances. The former is influenced by the medium and mode by which information is presented, whether it is useful and felicitous. The second condition is dependent upon the establishment of feedback systems within measures of transparency while the third factor is conditioned by the institutional links shared between transparency and accountability measures which allow for citizens to use the information in lodging complaints through mechanisms of grievance redressal. However, even if transparency measures create the space for the exercise of voice, the translation of voice into accountability is also a function of two specific factors, namely the personal capacities of those seeking to exercise power and the institutional capacities and the environment. From a policy point of view then, the above findings prompt further analysis of the ways in which transparency and accountability measures are designed, the social and institutional factors which impact such relations and empower citizens with the capacity to exercise their voice and demand accountability from the state.

Bibliography

- 1) Aiyar, Y et al (2009), 'Institutionalizing Social Accountability: Considerations for Policy' *Accountability Initiative Policy Paper*, No. 2, Accountability Initiative, New Delhi.
[online] Available at: <http://www.accountabilityindia.in/article/working-paper/792-institutionalizing-social-accountability-considerations-policy> [Accessed 1 July 2010]
- 2) Bruns, B., Filmer, D. and Patrinos, H., (2011) '*Making Schools Work: New Evidence on Accountability Reforms*' Human Development Perspectives, World Bank, Washington
- 3) Florini, A., (2007) "Introduction: The Battle Over Transparency", in Anne Florini edit. *The Right to Know: Transparency for an Open World*, New York. Columbia University Press, pp. 5
- 4) Fox, J. (2007), 'The Uncertain Relationship between Transparency and Accountability', *Development in Practice*, Vol. 17(4/5), pp. 663-671
- 5) Goetz, A. M. and Gaventa, J (2001) 'Bringing Citizen Voice and Client Focus into Service Delivery'. *IDS Working Paper* 138, Institute of Development Studies, Brighton.
- 6) Roy, A. and De, N. (2009) 'NREGA: Breaking New Ground', *Delhi Compass Blog*, The Hindu Newspaper, 21st June 2009, [online] Available at <http://blogs.thehindu.com/delhi/?p=24233> [Accessed 10 September 2010]
- 7) Jayal, N., (2008), 'New Directions in Theorizing Social Accountability?' *IDS Bulletin* 38(6), Institute of Development Studies, Brighton, pp. 105-110
- 8) Jenkins, R. and Goetz, A. (1999) 'Accounts and Accountability-Theoretical Implications of the Right to Information Movement in India', *Third World Quarterly*, Vol. 23(3).
- 9) Joshi, A., (2008) 'Producing Social Accountability? The Impact of Service Delivery Reforms' *IDS Bulletin* 38(6), Institute of Development Studies, Brighton, pp. 10-17
- 10) Khemani, S. (2006) "Can Information Campaigns Overcome Political Obstacles to Serving the Poor?" in S. Devarajan and I. Widlund edit, *The Politics of Service Delivery in Democracies. Better Access for the Poor*, Stockholm. Ministry of Foreign Affairs Sweden.
- 11) Malena, C. et al (2004) 'Social Accountability: An Introduction to the Concept and Emerging Practice', *Social Development Paper*, No. 76, Washington DC: World Bank, pp. 2
- 12) Moncrieffe, J., (1998) 'Reconceptualising Political Accountability' *International Political Science Review*, Vol.19 (4), pp. 387-406
- 13) MGNREGA Operational Guidelines, Available at: http://rural.nic.in/MGNREGA_guidelines.pdf [Accessed 25 August 2010]

- 14) Background and Overview of MKSS activities and objectives, [online] Available at:
<http://www.mkssindia.org/wp-content/uploads/2010/08/MKSS-Threefold.pdf>
[Accessed 25 August 2010]
- 15) Management Information System [online], Available at:
<http://www.nrega.net/ict/mis/index.html> [Accessed 30 January 2012]
- 16) National Rural Employment Guarantee Act, (2005), [online] Available at:
<http://rural.nic.in/rajaswa.pdf> [Accessed 12 August 2010]
- 17) O’Niel, T., Foresti, M. Hudson, A. (2007) ‘*Evaluation of Citizens’ Voice and Accountability: Review of the Literature and Donor Approaches Report*’, London, DFID
- 18) Posani, B and Aiyar, Y (2009), ‘State of accountability: Evolution, Practice and Emerging questions in Public Accountability in India’, *Engaging Accountability: Working Paper Series*, No2., Accountability Initiative.
- 19) Pritchett, L., 2006, ‘Local Information about Schooling: Performance and Costs’, *ASER, Discussion Series*, New Delhi: ASER
- 20) Schedler, A., 1999, Conceptualising Accountability in Schedler A, et al., ‘*The Self-Restraining State: Power and Accountability in New Democracies*’, London: Lynne Rienner.
- 21) Stirton, L and Lodge, M., (2001), ‘Transparency Mechanisms: Building Publicness into Public Services’, *Journal of Law and Society*, Vol. 28(4), pp. 471-489
- 22) Social Research Methods (2006), ‘*Non Probability Sampling*’, [online] Available at:
<http://www.socialresearchmethods.net/kb/sampron.php> [Accessed 30 January 2012]
- 23) World Bank (2004) *World Development Report 2004: Making Services Work for Poor People*, New York, Oxford University Press.
- 24) World Bank (2006) ‘India Inclusive Growth and Service Delivery: Building on India’s Success’, *Development Policy Review*, Report No. 34580-IN.

List of Interviews and FGD’s Referenced

- 1) MGNREGA Worker on ‘NH-8 Gravel Sadak Nirman Worksite’, Hira ki Basti, Vijaipura Panchayat, Focussed Group Discussion, June 10th 2010.
- 2) MGNREGA workers on Kakar Maliya Nadi Nirman Worksite, Hira ki Basti, Vijaipura Panchyat, June 10th 2010

- 3) MGNREGA workers, 'Sakrampura village, Vijaipura Panchyat, Focussed Group Discussion, 11th June 2010
- 4) MGNREGA Worker on '*NH-8 Gravel Sadak Nirman Worksite*', Hira ki Basti, Vijaipura Panchayat, Focused Group Discussion, June 10th 2010.
- 5) MGNREGA worker, Nadi Nirman worksite, Vijaipura village, Vijaipura Panchayat, Focused Group Discussion, June 7th 2010.

Circular's Referenced

- 1) Circular No.. F80(6), issued by the Chief Secretary, Development, Government of Rajasthan, Dated 17th December 2009.
- 2) Circular No. F 4(4), issued by Chief Secretary, Department of Rural Development, dated 20th April 2009

ANNEXURE 1

Status of Implementation of NREGA

Qualitative interviews and FGD's were conducted with workers across six of the twelve worksites in Vijaipura and in two of three operational worksites in Bagana Panchayat. The objective of the exercise was to understand the extent to which the implementation of the NREGA in the two Panchayat's was in compliance with the guidelines and to gauge awareness levels regarding their entitlements under the Act. In keeping with this objective, the following trends were observed;

- **Application for work:** Under the Act, workers can demand work by submitting a written application to the gram Panchayat. Once an application is submitted, workers are statutorily required to be provided work within a period of fifteen days. To guarantee that such provisions are complied with the Gram Panchayat is obligated to issue a dated receipt confirming the receipt of the application. In Vijaipura, workers asserted that they were provided work throughout the year and applications for work were submitted to the Rozgar Sewak²¹. Majority of the respondents also reportedly received receipts for applications submitted²². The system of application for work was found to be more inconsistent in Bagana Panchayat, as many of the respondents reported that they often did not receive work within the designated period. Respondents also quoted instances when they were denied receipts for applications of work submitted, by the Rozgar Sewak.
- **Selection of works:** As per the provisions of the NREGA Act, in Vijaipura Panchayat, works to be conducted under the NREGA were mostly selected by the Gram Sabha. Workers seemed to be aware of the process of selection of work, and most tended to describe the process as being fair, with the exception of workers in one village, Kito Kapadia, who insisted that the selection of works tended to benefit the Scheduled Caste dominated villages more than the Other Backward Caste villages. Specifically, they bemoaned, that while all the other villages had paved roads theirs was the only village, which had been deprived of one. The legitimacy of such claims however could not be entirely ascertained given the particularly charged political atmosphere following the Panchayat elections²³. Contrastingly, in Bagana Panchayat, researchers discovered that many of the villagers were unaware of the system of selection of works. Women respondents, claimed that women workers (who formed a significant proportion of the workforce) rarely attended the meetings of the Gram Sabha. Respondents from the *Harijan* (lower caste) community attested to discrimination in the selection of works. According to them upper caste members tended to dominate the decisions of the Gram Sabah preventing lower caste members from participating effectively.

²¹ Such assertions were consistent with official records and information obtained through the JIS.

²² Such trends were confirmed by the researchers own experience. During several unannounced visit to the gram Panchayat, researchers witnessed the Gram Sewak receiving applications for work and handing back dated receipts.

²³ During the Panchayat elections of 2010, as opposed to the one Dalit candidate, several representatives from the OBC community had stood for the elections. When the Dalit candidate, who also happened to be the wife of Kalluram Salvi won the elections, the OBC community was particularly unhappy. Their biggest lament (according to MKSS members) was rooted in their dwindling control over the Panchayat, Manifestations of this discontent were channelled through complaints of discrimination.

- **Facilities available at the worksite:** To ensure the provision of minimum facilities in all worksites, the NREGA mandates for the availability of drinking water, crèche and first aid kits. With respect to drinking water facilities all of the surveyed worksites in Vijaipura and all three worksites Bagana were found to have such facilities. In every worksite, workers were employed to provide and serve water to those who were engaged in manual labour. As per the provisions of the Act, workers who were appointed to serve water were paid a fixed wage of Rs 100. The prevalence of crèche/shade facilities was however not as ubiquitous as only five of the worksites had access to such facilities. The incidence of such facilities was higher in Vijaipura than it was in Bagana village. In the worksites, which did have a crèche, such facilities consisted of cots made of wood and cloth. However at few of the worksites the cots or *palnas* as they are locally referred to were not available to all children. Workers were specifically hired to look after the children. In keeping with the provision of the Act, these workers were paid a fixed rate of Rs 100. First aid facilities were available only in four of the worksites in Vijaipura and in one worksite in Bagana. Workers in both Vijaipura and Bagana displayed an awareness of the kinds of facilities required to be available on worksites.
- **System of wage payments and awareness of minimum wage norms:** Across all worksites, the system of wage payments was based on the piece rate system, i.e in accordance with the task completed. In Vijaipura, as per the state guidelines, tasks were allotted to groups of five workers who were paid a uniform rate irrespective of the amount of work completed by the individual workers. Each task allotted was valued at the minimum wage of Rs 100; hence, workers working in a group of five who completed their task were paid Rs 100 each, while those who did not complete their task were paid less than Rs 100. In Bagana Panchayat however instead of tasks being allotted to a group of five labourer's workers in both the worksites were found to be divided into groups of ten. In Vijaipura, workers across all the worksites were aware of the minimum wage norm. In Bagana, in contrast many of the workers seemed unaware that they were required to receive a minimum wage and claimed that the wages that they were paid were based on the amount of work completed. This was consistent with the manner in which work was allotted in Bagana. In both the sites, the mates did not fix the task prior to the initiation of work. Workers were asked to do as much work as possible within the given period after which the work was measured and the workers would be paid on the basis of the work completed.
- **Maintenance of Muster Rolls:** As per the NREGA guidelines, to ensure that attendance is regularly taken and the work completed by every worker is recorded daily, the Act stipulates for the maintenance of a muster roll on every worksite²⁴. In both Panchayats muster rolls were maintained on both worksites and attendance was recorded on a cumulative basis such that the last name on the rolls represented the total number of people present. In Vijaipura, workers were aware of the details to be recorded in the muster rolls and had knowledge of the fact that muster rolls had to be maintained on worksites and details had to be entered into on a daily basis. Additionally workers had also been issued a labour card in addition to the job card, in which similar details were recorded on a daily basis. In Bagana Panchayat, while attendance was recorded on a daily basis, researchers found that details of tasks in both worksites were not recorded

²⁴ Muster rolls indicate the job card number, name of the workers and days worked. Workers attendance and the wages are required be shown against each name with the signature/thumb impression of the worker.

on the same day. Workers it appeared were not aware that mates were required to do so as per law, though many of them complained of irregularities in wage payments as well as problems of fake names and ghost attendance. Researchers however were unable to verify such complaints as muster rolls pertaining to such works had been submitted to the Block Office. Muster rolls in Vijaipura Panchayat were regularly crosschecked by various functionaries ranging from the Sarpanch and Rozgar Sewak to the PO and Junior Engineer. In contrast, workers in Bagana Panchayat complained of lax monitoring mechanisms. Officials did not regularly cross check muster rolls; verification by the Junior Engineer was reported as being particularly irregular.

- **Maintenance of Job Cards:** To ensure that workers are protected against fraudulent practices, the Act provides for the distribution of job cards to every household, which is to serve as a legal document where all details of work completed and wages received are required to be recorded. All the workers interviewed in Vijaipura were found to possess a Job Card. Job card entries were also regularly made by the mates who recorded the number of days worked by the labourer in the course of 1 *pakhwada*, or thirteen-day period. In contrast in Bagana Panchayat, majority of the workers interviewed were found to possess a job card, and while the number of days worked were recorded after the completion of a *pakhwada*, in several job cards the team found that the mates often did not calculate the total amount of wages for each *pakhwada*. Many of the workers especially those who were illiterate had however not noted such inconsistencies before they were pointed the out.
- **Maintenance of Passbooks:** With the promulgation of financial inclusion, MGNREGA payments in both the Panchayat's were found to be made through Banks. In Vijaipura, a sole Cooperative Bank catered to the three thousand odd workers engaged in MGNREGA work. All the workers interviewed were found to possess a passbook, with separate passbooks for male and female members of the household. In Bagana Panchayat a significant number of workers interviewed did not possess a passbook. Moreover, unlike Vijaipura where separate passbooks were issued for male and female workers, passbooks were issued on a household basis.

ANNEXURE 2

Outcome of Complaints registered in Vijaipura

The outcome of the nine complaint's registered were tracked terms of the type of violation under Section 25 of the MGNREGA guidelines.

- **Delays in Payment of Wages:** complaints of this nature were initially registered with the Sarpanch and later with the Block Development Officer (BDO), during a *Dharna*, organized by the MKSS. At the time the (BDO) assured the workers that payments would be made within a fortnight. However, even after a fortnight when payments were still not made, some of the workers influenced by the mates (who were also awaiting payment), decided to lodge their protest by blocking traffic (also known as *chakka jam*) on the highway. The tremendous disruption to traffic which was caused by the *Chakka Jaam*, finally caught the attention of the district bureaucracy. The BDO, PO and Sub Divisional Magistrate (SDM) visited the Panchayat and struck a compromise with the labourers- in return for the withdrawal of the *Chakka Jaam* they agreed to make payments within a period of three days. The workers agreed to withdraw the *Chakka Jaam*, and as promised payments were made within the agreed time.
- **Failure to Pay Minimum Wages:** this particular complaint was lodged against the inaccurate measurement done by the Junior Engineer (JE) on the *Ganga Sagar* worksite in Vijaipura Panchayat. The complaint was lodged by the mate who accused the JE of not only shying away from his responsibility of measuring the work completed but also arbitrarily reducing the wages to Rs 95 (against the minimum wage of Rs 100). The complaint was filed with the PO, who upon receiving the application ordered the JE to re-measure the work. The JE however refused to re-measure the work and instead attempted to bribe the mate by offering to hike his wages while leaving those of the workers unchanged. The mate ostensibly denied the bribe but by then, according to the PO, the measurements were already entered into the MIS system and could not be altered.
- **Failure to adhere to the Gram Sabha's List of Priorities:** This particular complaint was filed by the previous ward Sarpanch of Kito Kapadia had filed a complaint with Sarpanch reporting a failure to commence a previously sanctioned 'work'. The 'work' which referred to the construction of a road connecting parts of the village to the school was supposed to have been initiated in 2009. A mandated board was also constructed but despite this till the summer of 2010 no such work had begun. The respondent however did not receive a formal acknowledgement of the complaint neither was there any intimation given regarding the status of the complaint. When the researchers tried to investigate the reasons why the work had been delayed, they were told that it was due to delays in the renewal of the contract with the tender who was responsible for supplying the material.
- **Illegally withdrawing money from the bank account of an MGNREGA worker:** In 2009, Rukmani Devi filed a complaint to report an indiscretion on the part of the bank manager whom she accused of illegally withdrawing money from her bank account. The bank manager Mr Amit, refused her the full amount claiming that from the Rs 7500 that she had intended to withdraw, she would only be able to withdraw Rs 1500. The rest of the money would be treated as the second instalment for the agricultural loan that her husband had taken, the payment for which was due. This was done despite the fact that repayment of agricultural loans had been forgiven that year by the government, as a measure to provide relief to farmers suffering from acute distress experienced as a consequence of the continuing drought. Moreover Rukmani Devi was not given any receipt acknowledging that the amount to be recovered from her

husband had been debited from her account. Following this incidence when her husband went to speak to the bank manger to inquire into the situation, he was denied entry into the bank and was told that his passbook had been seized. Faced with this situation, Rukmani Devi and her husband filed a notice with the court, citing malpractice on the part of the bank manager. The notice was later forwarded to the Sarpanch the BDO and the PO. In response, the PO assured them that he would look into their complaint and the money would be returned. However after no action was taken Rukmani Devi and her husband approached the court a second time. The court ordered the bank manager to return the money by the March end. However the bank manager who faced criminal charges, threatened to terminate the employment of the complainant's father who worked at the bank. Under pressure the complainant and her husband decided to strike a compromise with the bank manager; the bank manager offered to repay the money and in return the complainant decided to drop the case against him. The money however was not returned. In June when the researchers interviewed the complainant, they tried to file a formal complaint with the PO. The PO however informed the researchers that because the complaint pertained to the bank, it did not technically fall within his jurisdiction. Nevertheless, attempts were made by the PO's office to contact the regional head of the bank to lodge a complaint against the Bank Manager. These efforts however proved to be futile and the complaint against the Bank Manager was not investigated.

