

Dutta, Sujoy

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Sujoy Dutta

**An Uneven Path to Accountability:
A Comparative Study of MGNREGA in Two States
of India**

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Affiliation of the author:

Sujoy Dutta

WZB-ISSC Global Fellow (August 2014 – January 2015)

WZB, Berlin, Germany

E-mail: artp1524@gmail.com

Abstract

An Uneven Path to Accountability: A Comparative Study of MGNREGA in Two States of India

by Sujoy Dutta

In India, a lack of accountability is considered the key reason for the failure of most development programs. Most poverty alleviation programs are riddled with inefficiency, absenteeism, incompetence, and corruption. This has resulted in poor service delivery, and to ordinary citizens losing trust. This paper examines whether Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is accountable to ordinary citizens, and civil society's role in making the Act viable. This study draws upon empirical evidence from two states of India - Andhra Pradesh (AP) and Uttar Pradesh (UP). The findings suggest that this Act has been implemented relatively well in AP, despite the state's dismal performance in the implementation of most welfare programs. The political class in AP has taken a keen interest in the Act, rather than in using it to amass wealth for their political activities. Social audits have been institutionalized with the help of civil society organisations, providing a platform to the beneficiaries to voice their concerns and negotiate their entitlements with the state machinery. But implementation has lagged in a politically vibrant state like UP where local leadership, is accountable neither to citizens nor to elected representatives, misappropriating resources from developmental funds and nurturing factional politics. This has resulted in poor participation in rural institutions and loss in faith on the part of citizens.

Keywords: Accountability, development, social audits, civil society, Uttar Pradesh, Andhra Pradesh

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INTRODUCTION

India has achieved much in the area of inclusion (political office for lower castes) but not in accountability. This lack of accountability¹ has limited the deepening of democracy, which requires both inclusionary politics and state accountability to citizens, as do welfare programs (Jenkins, 2007). But while most welfare programs partially meet the requirement of inclusiveness – accountability is rarely realized. Inefficiency, absenteeism, incompetence, and corruption characterize most rural development programs launched after the 1990s (such as Jawahar Gram Samriddhi Yojana, Sampoorna Grameen Rozgar Yojana, and National Food for Work Programme); as accountability is cited as the key parameter for the failure of these programs. Attempts to promote accountability have been thwarted by rural elites or members of state machinery for their vested interests. In India, the roots of accountability run deep – patronage politics, bureaucratic politicization, and asymmetric information. As a result, there is no effective policy design to reduce poverty (Yesudian, 2007). Even as the Indian economy grows at 5 per cent annually on average, poverty has declined at less than 1 percentage point annually, from 46.9 per cent in 1983 to 28.4 per cent in 2005 (Lanjouw & Murgai, 2009).

The developmental literature on accountability is divided into three broad, competing, and overlapping discourses. The first discourse is on donor governments and agencies, who consider accountability an integral aspect of good governance and essential for economic development, in exchange of development assistance. The second discourse is non-government-organisation-related, on accountability to various stakeholders, including beneficiaries of development assistance. For instance, Oxfam International may use social audits to improve its accountability to donors on appropriate utilization of their funds. The third discourse encompasses the voices of individuals and civil society groups that demand greater accountability from government and non-government-agencies. This type of accountability is often referred as vertical accountability, whereas the other two types of accountability discussed above are examples of horizontal accountability.

In India, in the public sector horizontal² and vertical accountability³ is weak. Providers of horizontal accountability (supply side) are accountable for money expenditures and processes followed but not for the quality of services rendered. The general elections are considered the most common form of vertical accountability. Voters are mobilized based on ascriptive identities such as religion or caste,

1 Goetz & Jenkins (2004) consider accountability to consist of two elements – answerability (accounting for actions taken) and enforceability (punishments, sanctions, or rewards for actions taken) – and define it as a relationship in which power holders can be held answerable for their conduct. This paper follows this definition.

2 Horizontal (supply side) accountability is a relationship where one state agency monitors the activity of another state agency (Aiyar & Samji, 2006).

3 Vertical (demand side) accountability refers to the citizen-state relationship (Goetz & Jenkins, 2004).

or by the lure of particularistic benefits, rather on accountable governance and initiatives that benefit citizens in the long term (Ackerman, 2004). But theorists Goetz and Gaventa (2001) argue that horizontal and vertical accountability must operate in tandem. This helps to break the monopoly over institutional oversight and ensure citizens' contribution to state policy (ibid). However, in India citizenship rights often act as an obstacle. Political mobilization of backward castes does not always produce a positive developmental outcome. Ethnic caste-based voting is difficult to measure, as the voter cannot determine the best candidate – at state or national level. Elected leaders use public sector jobs as instruments to reward members of their own castes. For instance, the present chief minister of UP, who is a member of the Yadav caste, rewards his supporters of that caste with jobs in government schools. In this mode of patronage politics, it is important to employ Yadavs (chief minister own caste) as teachers rather than to improve the quality of teachers or education in one of the most socially backward and illiterate states of India.

To overcome these lacunae, citizens are invited to assist in the implementation, administration, scrutiny, and monitoring of the state's everyday operations; these 'invited spaces' have come to constitute the new development agenda (Aiyar, 2010). As Goetz and Jenkins (2004) argue that accountability is best sought when citizens are involved not just in decision making but also in oversight mechanisms within the state. This shift from 'vote' to 'voice' challenges the state to establish a new relationship between ordinary citizens through participation, responsiveness, and accountability (Gaventa 2006) giving rise to stronger financial and human capital (Harisalo & Miettinen, 2002). The main channel for empowering citizens is information – the better the information, the greater the participation

The first in these reforms is the Right to Information Act, 2005 (RTI Act). This Act was the culmination of the Right to Information movement, pioneered by the Mazdoor Kisan Shakti Sangathan (MKSS) in the early 1990s in the state of Rajasthan. The RTI Act empowers citizens to obtain any information held by the government. The MKSS scrutinized school records in villages of Rajasthan; conducted public hearings (*jan sunwai*) and mobilized peasants who verified, corroborated, and analyzed information based on development expenditure. The RTI Act is not an invited space in the traditional sense, but it opened avenues and spaces for citizens to scrutinize the state's operations and participate in its affairs. Encouraged by the success of this Act, the Government of India took steps to institutionalize public engagement into larger service delivery programs. The most important articulation is the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). Unlike other poverty-related schemes, the MGNREGA treats employment as a right.⁴ It contains the toughest transparency and accountability measures as it devolves considerable powers to *panchayats* (local councils) to plan and allocate resources. MGNREGA is an example of post-clientelistic policy (Manor 2011). It is insulated from the intrusions of politicians seeking to appropriate

4 This act contains provisions for minimum wages, worksite facilities, and mandatory participation of female workers who comprise a third of the total participants.

public resources and distribute them through their patronage networks. In contrast to anti-poverty programmes whose aim was oiling patronage networks down to local level in the absence of party networks.

Despite strong steps taken by the Government of India to revive inclusiveness and accountability, performance of MGNREGA varies by state. In Andhra Pradesh it has been successful, but not in Uttar Pradesh. In AP, the state is actively involved in providing training to various civil society organizations (CSOs) to conduct social audits (Aakella & Kidambi, 2007); building infrastructure towards strong information technology; ensuring public support through the community participation approach by involving local leaders. On the contrary, political class in UP has failed to take interest in MGNREGA. The rural elite who exercises considerable influence in villages has co-opted *panchayats* in charge of implementation of this Act. Corruption is rampant, and it is difficult to monitor the accountability of most welfare programs. Given these differences, this paper addresses three questions: Why has MGNREGA performed unevenly in terms of accountability across these two states? Can social audits become effective instruments of accountability? What is the role of CSOs in making social audits vibrant?

The paper is divided into three sections. The first section discusses why accountability of the MGNREGA has differed in the two states. The second section explores the important role of CSOs in institutionalizing social audits. The third section investigates how CSOs should work with *panchayats* in UP.

1 WHY TWO STATES PERFORM DIFFERENTLY IN TERMS OF ACCOUNTABILITY

Before we focus on the MGNREGA's performance, it is necessary to understand why this Act places importance on *panchayats* and what are India's experiences with decentralization. Decentralization of governance is at the core of any successful accountable system; MGNREGA draws heavily on this principle. Section 13(1) of MGNREGA discusses, *panchayats* at the district, intermediate, and village levels are principally responsible for planning and execution welfare schemes, as these are best placed to understand local circumstances and villagers' problems. Further, *panchayats* hold half the funds and execute most public works within their periphery.

Before British rule, India had a well-developed system of local self-government, in which *panchayats* were crucial in resolving conflicts and dispensing justice within their jurisdictions. After independence in 1947, to decentralize governance, the Government of India included the restoration of the *panchayat* system as a Directive Principle of State Policy through Article 40 of the Constitution of India (Ministry of Law and Justice 2008); but, because Directive Principles are advisory in nature, most states did not seriously attempt to organize their *panchayat* system or devolve powers. In 1992, the 73rd Amendment made it mandatory to organize *panchayats* in three levels (two levels for smaller states) - village level (*gram panchayat*), block level (*panchayati samiti*), and district level (*zilla parisad*) -

and made these more accountable to villagers. Affirmative action was mandated by reserving positions for women and disadvantaged sections of society (Scheduled Castes, Scheduled Tribes, and Other Backward Classes). It was stipulated that *gram sabhas* (local village meetings) be held regularly to monitor the progress of development programs.

Theoretically, the 73rd Amendment was a huge step, as it was expected to bring government closer to citizens, and thereby allowing them to respond more effectively to local needs and preferences; but, in practice, it was far from satisfactory, because decentralization in most states of India is 'unbalanced.' As Turner (2000) rightly points out, mere existence of local self-government does not guarantee the economic and democratic participation of the poor. For instance, despite decentralization, the *pradhan* and his followers in states like Uttar Pradesh squander development funds for private rent-seeking; corruption is rampant; and the administration thrives on graft (Dutta, 2012). The main reason is that powers and resources have not been clearly devolved – horizontal accountability operates as it did before the 73rd Amendment, since line departments maintain control; vertical accountability structures are the same; and *gram sabha*, the strongest mechanism to reach citizens at the grassroots, remains weak (Besley, et al., 2005).

When MGNREGA was implemented in 2006, it was expected that panchayats would revive their transparency mechanism, as it promised massive funds,⁵ as serious efforts were made to strengthen and broaden accountability mechanisms at both local and national levels. But panchayats in states like UP are accountable neither to elected members nor to ordinary citizens. However, in AP, where the state bureaucracy controls the MGNREGA directly, it has been implemented successfully. This raises the question: why has MGNREGA performed unevenly? To answer it, it is important to investigate the social structures of these two states.

1.1 Differences in Social Structure

The concept of social structure can be approached through various ways. It can be seen as distribution of power between social groups (Johnson, 2000). Power differential results when a particular social group controls society's existing resources, leaving a large section of population with minimal resources (Corbridge, 2002). In India, identities such as caste, religion, and ethnicity are deeply hierarchical. Among them the most prominent is the caste. Historically, power has been concentrated in the hands of the upper castes, which have excluded lower castes socially and discriminated against them (Thorat, 2010). Although in recent years both in north and south India there has been emergence of pro-poor political parties. This has enabled dormant lower castes to assert themselves challenging the

5 The total budget between 2006 and early 2012 for workers' wages alone was Rs 1.1 trillion (over 60 per cent of program expenditure, and equivalent to US\$ 20.2 billion). Local councils were promised half this sum. They were promised additional funds for purchase of materials (Manor, 2011).

upper-caste dominance (Singh, 2009). In southern states, especially in Tamil Nadu, lower-caste mobilization, started in the 1920s with the self-respect movement, resulting in challenging upper castes leading to greater political participation. This improved political mobilization and has brought lower castes to the forefront of Tamil politics. This is evident as the lower castes in Tamil Nadu are better represented in all spheres of the government signifying a greater trust in democracy (Subramaniam, 1999). Even in village politics, lower castes regularly demand public meetings and carefully monitor the performance of welfare programs. Lower-caste mobilization has pressurized grassroots institutions ensuring that the needs of common villagers' needs are met quickly.

In UP, lower-caste mobilization started under the political banner of the Bahujan Samaj Party (BSP).⁶ Between the 1950s and the 1980s, local power holders in villages came from traditional higher castes whose dominance in the villages remained unchallenged, as the lower-caste resistance was confined to some pockets of the state. For example, studies indicate that lower-caste agricultural labourers pressed for higher wages and abolition of *begar* (free labour) (Singh, 1979); protests were made against debasing work (Pathak, 1987), against landowners' attempts to stop cutting of fodder and grass and redistribution of grains from fair price shops (Brass, 1985). But, in mid-1980s, with the benefits of the green revolution trickling into all parts of the state, poor agricultural labourers found opportunities in non-agricultural employment. This led to a partial breakdown of the patron-client relationship based on labour and social relations.

Given these differences in social structure across two states, the following section I will discuss the performance of MGNREGA in UP and AP respectively.

1.2 Performance of MGNREGA in UP

The main reason for poor performance of MGNREGA in UP is rampant corruption within local institutions. Villagers have complained regarding irregular wage payments, utilisation of funds for non-MGNREGA activities and non-issue of job cards. This failure has resulted despite the UP government taking steps since 1999 to promote *panchayats* and make them more accountable to villagers. Despite this, panchayats are not accountable to elected members or citizens. Government affirmation of disadvantaged groups aimed to transform the power structure in villages by electing women and members of backward castes, have brought only a token change in participation. These illiterate members have little knowledge of village politics, and often serve as surrogates to dominant groups. Most welfare

6 The BSP was formed by Kanshi Ram in 1984. The party's objective is to protect the interests of Bahujans, or the majority of society, referring especially to Scheduled Castes, Scheduled Tribes, and Other Backward Castes. In 1990, due to his failing health, he transferred the party leadership to Mayawati (a primary school teacher), who was the youngest chief minister of UP. In UP, the BSP came to power in short spells in 1993, 1995, 1997, and 2002, before winning the general elections in 2007 and losing again in 2012.

schemes are plagued with corruption and rent-seeking. Panchayat meetings (*gram sabhas*) are never held on time and whenever they are held factional rivalries dominate at the expense of social concerns (Dreze & Gazdar, 2001). The Integrated Rural Development Programme⁷ (IRDP) and Jawahar Rojgar Yojana⁸ (JRY), the two most publicized anti-poverty schemes, are subject to elite capture⁹ and have benefited associates of the *pradhan* or block officials. Even housing schemes introduced for the poor have been co-opted such as, the Indira Awaas Yojana¹⁰ sanctions a total of Rs 35,000, and does not require any expenditure on documentation, but beneficiaries at Barakheda village (in UP) were given only Rs 25,000. They believe that Rs 4,000 to Rs 5,000 of the sanctioned amount was spent on paperwork and other formalities, and the panchayat secretary and *gram pradhan* (local council head) took Rs 5,000 to Rs 6,000 (Priyadarshee & Hossain, 2010).

Another reason that works against MGNREGA in UP is low participation of the female workers. Unlike in southern Indian states, where female worker participation exceeds 50 per cent (Pankaj & Tankha, 2010), socio-cultural barriers and 'invisible' social constraints in the Hindi heartland has led to more male workers being benefited by the MGNREGA than female workers, who constitute 5–13 per cent of the workforce (Khera, 2009). This is quite a surprising as both men and women labourers are paid in parity. Women labourers are allowed to work only on the fields of farmers from their own community (or castes) or at places where others persons from their community are involved. Other communities, especially higher castes, equate letting women work outside their house with loss of honour and dignity for their family. For instance, female workers wanting to participate in the MGNREGA in Sitapur district face hostility from both panchayats and male relatives, whose names were excluded from job cards, as they were considered 'weak' and 'socially unacceptable' to undertake arduous work at worksites.

The third reason that works against the interests of the rural poor is their ineffective position to challenge the dominant groups. Elites interests still dominate the functioning of government institutions and prevent the state from obtaining development funds. In UP, elites control government institutions through concealment of information, discriminatory patronage, and secrecy. Out of which secrecy helps in siphoning of development funds. In rural environment information is only available to the elite who uses it upon his discretion. This clientelism has

7 The Integrated Rural Development Programme was introduced in India in 1978. This scheme seeks to provide productive assets to the 'poorest of poor' through a credit-cum-subsidy package after careful assessments of their requirements.

8 The National Rural Employment Programme and the Rural Labour Employment Guarantee Programme were merged to form the Jawahar Rojgar Yojana, which was launched in 1989, mainly to provide employment by focusing on public works that improve rural infrastructure in villages.

9 Elite capture is 'a process by which rural local elites dominate and corrupt community level planning and governance' (Dasgupta & Beard, 2007).

10 Indira Awaas Yojana provides financial assistance to rural households below the poverty line for constructing and upgrading of their houses. The ceiling of financial assistance extends from Rs 35,000 per unit in plain areas and Rs 38,500 to hilly/difficult areas.

opened up ways for elites accumulate state resources illegally at the local level, leading high levels of poverty, sluggish growth in formal sector (Hasan, 1998), inadequate funds for educational and health facilities and low growth in rural off-farm employment (Sen, 1997). Although lower castes have entered the political sphere, lower-caste leaders have done little to decrease the wide social and economic disparities between urban and rural villages. Groups of the weak and the powerless are not in a position to challenge dominant groups, as they are unorganized and serve merely as 'vote banks' to their political representatives. As Aiyar (2010) describes how limited public action has affected the beneficiaries of MGNREGA:

Almost in all gram panchayats the team visited, MGNREGA workers had many complaints regarding the functioning of the programme. However, the complaint registers in gram panchayat offices were blank showing no entries. None of the MGNREGA workers was aware of the helpline number or the mechanisms for grievance redressal. The grievance redressal system established by the state government is not known to the people and hence not effective. Why didn't the workers pick up courage to complain against the gram panchayat officials, or were their complaints ignored or suppressed? The general lack of adequate sensitivity in entertaining complaints and addressing them was observed.

To succeed, public action requires certain prerequisites - a literate population and unequal power relations - but UP lacks both. The Bahujan Samaj Party, which has a strong presence in state politics, did not change the bargaining power of poor Dalits vis-à-vis dominant caste farmers. The benefits of most welfare schemes and job reservations went to small Dalit middle-class business entrepreneurs and government employees who have emerged in rural areas (Mendelsohn & Vicziany, 2007). The rest of the Dalits, especially lower-caste agricultural labourers, are not satisfied by the piecemeal symbolic gains provided by BSP as most of them are isolated and disheartened by their exclusion from basic developmental goods (Jeffrey, et al., 2008). For example, the Ambedkar Village Programme failed to redistribute social goods and political opportunities to the poor; instead the developments benefits of this scheme went to sections of rural society that maintained a nexus with the pradhan or local officials (Lieten & Srivastava, 1999). The BSP failed to tackle the obstacles hindering the successful implementation of the MGNREGA, and tried to convert it to suit their populist agenda.

1.3 The Case of AP

MGNREGA has been implemented successfully in AP, which fares no better than other backward states in terms of caste-based politics. Caste is an effective instrument of social articulation and mobilization in the state (Srinivasulu, 2002). Politics is dominated by the continual rivalry between the two traditional land-owning castes, the Reddys and the Kammas, who are continuously at struggle to

take over ownership of landholding in the villages. State politics resembles rural politics, as the Reddys control the state assembly, while the Telugu Desam Party is run by the founding Kammas. Of the lower castes, who make up half the state population, some have joined the Telugu Desam Party and others favour the Reddys and support the Congress. Despite this rigid, caste-based inequality, the MGNREGA has benefited most of the poor labourers.

There are several reasons for the success of MGNREGA, but the main reason is the sincere commitment shown by the political class, especially the late chief minister Y. S. Rajashekhar Reddy (YSR), who made clear to all party colleagues during his tenure that MGNREGA should not be misused to amass wealth or finance political activities and that violators would not be protected (Maiorano, 2014). YSR wanted to reverse the bitter experiences of the Food for Works Scheme launched by predecessor Chandrababu Naidu, commonly referred to as the 'Loot for Work Scheme' for high misappropriation of revenues (Deshingkar, Johnson, and Farrington 2005). To achieve his objective, YSR made many transfers and brought efficient and honest officials to the rural department. The rural department was given a free hand to design innovative solutions and full authority to tackle issues. YSR also provided political backing to institutionalize social audits, as politicians in his cabinet were antagonistic towards transparency and downward accountability as they strongly resisted the audit process (Maiorano, 2014). Social auditing was conducted with the help of citizens, CSOs, and government officials. This improved the awareness of ordinary villagers and gave government officials first-hand information how much money was embezzled out of MGNREGA funds.

The second reason is, that implementation of MGNREGA has been taken out from the hands of *panchayats*, and is controlled directly by the state bureaucracy. The bureaucracy in AP feels that most state developmental schemes are riddled with corruption or are used to consolidate the vote banks of election representatives, and that *panchayats* have failed on service deliveries. For instance, the Deepam Scheme, introduced with great fanfare to provide liquefied petroleum gas connections, soon ran into problems when most intended beneficiaries found that connections were being sold at a higher price in the open market. Similarly, beneficiaries of Indira Awaas Yojana, faced hurdles in registration, securing a subsidy, and bribing several persons. Therefore, successive state governments have weakened the autonomy of *panchayats* by redistributing constituencies and undermining the *pradhan's* authority, and thereby letting user committees proliferate¹¹ and re-establishing control over many central and state-sponsored programmes (Khosla, 2011). The rural development department felt *panchayats* were administratively ill equipped to execute a massive Act like the MGNREGA (Maiorano, 2014). Many critics feel *panchayats* are driven by the interests of upper castes involved in factional politics rather than social concerns (Mukherji, 2014). Therefore, a field assistant was appointed and made responsible for executing the

11 These committees include watershed development, forest management, and thrift and credit committees (Mooij, 2002).

Act and generating employment in villages. But, in many villages, field assistants abused their preeminent position to amass considerable wealth and influence, and some even colluded with local politicians to become powerful and intimidating figures (Maiorano, 2014). Seeing this nexus, the state government appoints only the top three MGNREGA workers as field assistants. This has not stopped politicians from co-opting with field assistants, but it has prevented politicians from manipulating the scheme at local level. This has made the field assistants scared of losing their job if held for misappropriating funds, and therefore made them more responsible to villagers. In Upparahal village in Kurnool district, villagers complained that the field assistant and the local politician had colluded to siphon funds meant for building a canal irrigation system - construction had not begun, but it was complete on paper.

The third reason is that the political class of AP provided strong backing to organize poor labourers. The state government promoted the formation of Shrama Shakti Sanghas (fixed labour groups) at the village level. These small groups of 10–20 MGNREGA wage seekers and members of the same panchayat are involved in training and unionizing of poor workers. Most labourers pay the group a nominal fee to protect their rights. The training improves the workers' awareness and political sensibilities, and helps them deal with the administration and to express their grievances as a unified group. For example, in Upparawanka village in Anantapur district, agricultural labourers trained by veteran activist N. S. Bedi under the Young India Project had improved *televi* (Telugu for astuteness, awareness, education, and smartness), were outspoken and assertive compared to co-workers in MGNREGA work sites. According to them, in the past when there were fewer employment opportunities, farmers called them on demand and paid them low wages but, now that they have organized, farmers request them to join them in the fields. Labourers are now aware of their entitlements under the MGNREGA, and therefore target corrupt government officials whom they feel have deprived them. In 2010, a poor, lower-caste worker in Kalyandurg village in Anantapur district charged the local field assistant with lying to labourers about compensation. The local police took the case seriously and imposed corruption charges under the Harijan Atrocities Act, the field assistant was dismissed, and the labourer was compensated for the loss.

The success of Shrama Shakti Sanghas has prompted the state government to make these groups autonomous, by empowering them to decide their labour budget (amount of employment to be provided) and whether the village field assistant should keep his/her position. This has inserted downward accountability into the system (Maiorano, 2014). The formation of Shrama Shakti Sanghas is the first step towards equalizing local power relations. Expressing grievances or demanding respect as a group, thereby compelling local politicians or power holders, to listen to their requests; thereby providing confidence to interact in the public sphere.

The following section addresses the importance of Civil Society Organisations (CSO) and how social audits can be institutionalized.

2 CIVIL SOCIETY ORGANIZATIONS AND SOCIAL AUDITS

India has a long history of CSO.¹² Their importance has grown with the failure of the state to provide citizens' basic needs. These organizations have taken up the issues of corrupt state bureaucracy and power-hungry political leaders impervious to the failure of state-led development. In the late 1960s, some government policies began to be contested. The first movement against state power was the Naxalite movement. It was followed by the anti-caste, farmers', and women's movements. From the 1980s, the civil liberties and environment movements became dominant actors on the political scene. The public sphere of civil society became noisy and vibrant. But there was urgent need to locate these ongoing struggles on a podium, and emphasize legitimate rights to help citizens' demands on the state; state accountability; and the importance of an autonomous site where people could engage in their own democratic projects. All this was possible under the banner of civil society.

Since then, CSO in India have taken up many movements through Gandhian means of civil disobedience characterized by mass mobilization, rallies, petitions, and direct confrontation. In recent years, these organizations have been engaging more directly with states and their apparatus. New forms of planning have emerged, such as public interest litigation, budget analysis, participatory budget planning, and social auditing. Strategies too have shifted, to include networking, interacting with the media, lobbying with public officials, and partnering with the government. Partnerships with the government occur when the government thinks it is useful to outsource a particular activity to a CSO. For instance, most CSOs partner with the state government in conducting social audits for the MGNREGA from planning to implementation stage. The government benefits from the expertise, experience, insight, and skills of CSOs, which are involved in conducting social audits while the CSOs benefit by partnering with the government. This has encouraged many states to conduct social audits with the help of CSOs, as MGNREGA guidelines encourages states to develop and design their own social audit structures within the ambit of law (Vij, 2011). For instance, in Rajasthan the burden of social audits has been undertaken by MKSS, Soocha Evam Rozgar Adhikar Abiyan, and Hum Kisan, which are experienced in conducting social audits and *jan sunwais*. In Madhya Pradesh, the audit team comprises rural revenue development officials, engineers, the *sarpanch*, (village headman), the *gram panchayat* secretary, and villagers, but not CSO members. In Orissa, the CSOs have formed a union under the name of Orissa Shramjivi Union (Orissa Workers Union) to

12 See for details works on civil society on India: Chatterjee (1993) works on colonial Calcutta, where he makes a distinction between rich and the poor classes; where the rich occupy the civil society and the poor occupy the political sphere or political society. Also see Harris (2005), who argues that NGOs representing upper-middle classes are highly professional, as they play a key role in urban governance and planning, whereas NGOs working with the working class demands more on basic services and tend to involve themselves in everyday politicking via patrons and brokers.

strengthen the bargaining power *vis-à-vis* state agencies (Vij, 2011). No social audits have been conducted yet in states like Bihar, Himachal Pradesh, Manipur, Mizoram, Nagaland, and Jammu and Kashmir (ibid).

It is believed that in states where audits have been conducted yardsticks of transparency, accountability and community participation has grown immensely. In these states, social audits have produced informed workers; encouraged citizens to participate in local affairs through the provision of information and social auditing; and created a sense of civic responsibility by bringing together issues of collective actions (Chandhoke, 2007). These have immensely improved transparency, accountability, and community participation. Field research in AP suggests that villagers' awareness has increased by over 90 per cent¹³ (Pokharel, et al., 2008), which has enabled villagers to challenge corruption and to take punitive steps against corrupt officials to recover embezzled funds¹⁴ (Shankar, et al., 2010).

But this success did not happen overnight; citizens and government officials knew little of audits when these were introduced. Citizens, especially the poor, knew little about obtaining information pertaining to the MGNREGA and scrutinizing government records under the RTI Act. The administration, which was operating under the Official Secrets Act,¹⁵ and hiding the deficiencies and misuse of the administrative set-up, did not know if they should be accountable to their seniors or to citizens. But, with the introduction of social audits, the RTI Act has to be invoked each time whenever information has to be accessed. This has been a new learning for both the state administration as well as for citizens denied access to government records.

Another important step is learning from the mistakes of the Food for Works Programme, a development scheme riddled with misappropriation (Deshingar & Johnson, 2003). Private contractors made illegal profits by inflating employment figures, submitting inflated proposals, claiming quotas for incomplete work, and, in some instances, making fraudulent claims for old work under a different program. Given such a disappointing scenario, when the MGNREGA was introduced for the first time in Anantapur district in AP, the political class showed immense support for this Act. It took strong steps to address corruption and leakage - it had Tata Consultancy Services build an end-to-end management information system, which enabled all data - job cards, work estimates, pay orders, and documents - to be generated electronically, digitized, and made accessible to the public.

To increase transparency, CSOs were asked to partner with government organizations to inform the public on the details of welfare schemes through social audits. This was done so that people begin to question their rights and entitle-

13 Based on the World Bank study conducted in partnership with government of AP on 1st February 2008.

14 Before social audits took place in the state, Rs 125 crores were embezzled in AP from MGNREGA. In December 2011 after the social audit, officials who had embezzled funds were forced to return around 17 crores (Mukherji, 2014).

15 The Official Secrets Act, 1923 protects the disclosure of any information that is likely to affect the sovereignty and integrity of India.

ments not as a one-time event but as a way of everyday life. In AP, social audits have achieved its objective by bringing government documents to the public domain and discussing them openly with ordinary citizens. This has achieved two main objectives. First, aside from unearthing corruption, social audits offer senior officials a setting to interact with wage seekers. This has allowed proper feedback for implementation of this Act and its functioning. As analysts of India's public service delivery system have argued, the main weakness with most welfare programs is that they are poorly managed and rarely monitored. This feedback on the progress of MGNREGA has ensured that some of these problems are tackled. For instance, interacting with government officials helps wage labourers to clarify their doubts, resolve their problems, and access important information that helps them in their roles and responsibilities. Second, from the government's viewpoint, officials learn the names of labourers defrauded of their entitlements, and can take corrective action.

Contrary to this scenario, citizens in UP cannot access rural institutions. Service delivery for most welfare programs remains weak. Grassroots institutions at the village level are governed by the patron-client relationship, which encourages the old pattern of factionalism and patronage to flourish. In such a structure, the nature of social and economic relationship between the elite and ordinary citizens does not allow citizens to claim their rightful share of benefits and rewards. This class of elite wants to acquire political and economic power in villages by maintaining links outside the village. Their bases of power are relatively non-traditional, compared with the traditional elite, who relies mostly on landholding as their main source of power. These new power bases have enabled this elite to collude with the government bureaucracy and monopolize government benefits.

On the other hand, the bargaining power of ordinary citizens to check the incidence of elite capture is weak. For instance, participation of villagers within the panchayat happens in two ways. First, through elections, that normally takes place once in five years, but are often marked with corruption and vote-rigging. During elections, the decision to vote for a particular candidate depends upon the pressures exerted by various social groups or voters who are responsive to benefits distributed by them. An ordinary voter is pushed and pulled by multiple allegiances and ends up in a situation in which he/she must decide which allegiance will prevail. In the villages, castes with sizeable populations are divided among various factions depending upon their political ambitions. Depending upon patron-client relationships, both low and high castes align themselves with one or more factions, serving as vote banks for their patrons. The second way through which participation takes place is by *gram sabhas*, which in praxis should be held twice a year. But these *sabhas* in many villages in UP are never held on time, and whenever held are marked with low participation. One reason for low attendance is that villagers think these gatherings have no power to resolve their problems and so do not trust these meetings. This loss of faith in local meetings has resulted in panchayats emerging as individual-centric institutions in which the whole official authority is vested upon the shoulders on one person. This allows the poor villagers to think that securing benefits depended on being close to the *pradhan*.

This helps the *pradhan* in several ways. First, colluding with one person or a small group enables the *pradhan* to make decisions such that his chances for rent-seeking improve. Such collusion favours the *pradhan* as he/she is tempted to use his/her official powers in providing personal gains to households and factional alliances who are close to him or who support him during elections. Second, since the *pradhan* controls the flow of information, he can select beneficiaries based on discriminatory patronage. The aim is to derive personal gain from each beneficiary. Usually, the *pradhan* deals with three types of households, which are useful to him. The first category includes villagers who are close to him, these includes elites of the villages. These households help the *pradhan* in taking important decisions, and form his core group of members. The second category includes households who are the large landowners. These households have the capacity to generate employment for poor labourers. These poor labourers, usually vote under the instruction of their employer and form a close alliance with the *pradhan*. The third category includes households who are poor agricultural labourers. These groups are manipulated through by the *pradhan* through false promises of largesse. For example, in Raipur Raja (in Sitapur district in UP), forty-two households belonging to this category were selected for Indira Awaas Yojana. Of these, only twelve households were legally entitled to benefit from this scheme. Of the remaining thirty, only eight households received their money in full, while the remainder were promised by the *pradhan* that they would receive their share once he (or his candidate) was elected.

Given this disappointing working structure of panchayats in UP, in the following section I will discuss how CSOs should work with local panchayats in the state to make them robust.

3 PANCHAYATS AND CIVIL SOCIETY ORGANISATIONS IN UTTAR PRADESH

This section addresses two key questions: If CSOs interact with panchayats in UP, what are they likely to face? How can CSOs make panchayats more accountable to the public? Before any CSO is invited to partner with panchayats, it is necessary to consider the professionalization of the CSO sector, which has emerged as a double-edged sword. On the one hand, it has improved the skills of its workers by conducting monitoring and evaluation exercises. But on the other hand, these exercises are driven by donor discourses of good governance and donor guidelines. In such instances, what dominates is accountability to donors rather than to beneficiaries. If the CSO sector is invited to conduct social audits in UP, then they have to empathize with the conditions and strategies of its underprivileged, with whom they would work and to whom they would have to commit to promote transparency and downward accountability.

Another important aspect is that CSOs will face leadership constraints, as most panchayat leaders have emerged from the power structures that lorded over the

agrarian landscape of UP for decades. Women and lower castes elected as panchayat representatives under the reservation policy of the 73rd Amendment have little training or understanding of the governance pattern. Under these circumstances, if CSOs work with *panchayats* in conducting audits, they are likely to confront questions from the power structure on issues of transparency and accountability, to which most local leaders are antagonistic. Questions can be raised by the local power structure on corruption and why the poor are allowed to discuss rent seeking with government officials. When poor villagers testify against issues of corruption, they can become extremely vulnerable to the rural elite and government functionaries. Since the poor are unorganized, they need protection against the elite.¹⁶ Protecting the interests of the poor is the responsibility of the state and the participating CSOs, but this is difficult in a state like UP, where politics is criminalized and atrocities on lower castes have become an everyday affair. In contrast, the government in AP has managed to keep local police at every social audit gathering. This congregation has always been maintained whenever more than 100 persons have gathered during these meetings. Moreover, police is also called to protect CSO staff members and social auditors whenever government documents are verified. This has given the poor confidence to express themselves freely and fearlessly in these meetings.

The third aspect that CSOs are likely to face while working with panchayats is deficiency of funds, functions, and functionaries. Although it is expected that two deficiencies (funds and functions) will be fulfilled, as the MGNREGA promises panchayats massive funding, this will help *panchayats* to fulfil their functions (Manor, 2011). But increased funding will not enhance their administrative capacity, as members are either illiterate or lack the requisite administrative skills to handle a massive Act like the MGNREGA. If CSOs conduct social audits with these panchayats, their weak vertical accountability will prevent social audits from being conducted properly. The RTI will be difficult to implement, as the asymmetric state-citizen relationship will make it difficult to access information. The *pradhan*, who is the gatekeeper of resources, will ensure that the line between state and society in the village is blurred, and thereby making it difficult for poor villagers to obtain information (Gupta, 1995). These circumstances will make social audits difficult to operate, and raise questions - who participates? How often will meetings be held? What will be the quorum? What will be the gender participation? What processes will be followed? How will information be disseminated? Difficult for CSOs and the state to answer.

The *panchayat*-CSO partnership can mature only if both parties appreciate each other's strengths and weaknesses. The foremost step is to develop the capabilities of the weak *panchayats*. In UP, panchayats require both internal and external capacity building. For internal capacity building, it is necessary to scale up the role of state training institutions to improve the quality of participation (for villagers and elected members) within the *panchayats* by stressing on the importance

16 See Lakha (2011) on incidents of violence during social audits in villages of Rajasthan.

of conducting *gram sabhas*. This can be done in two ways: (i) *Raise awareness within panchayats for conducting gram sabhas*. One of the best ways of building confidence among villagers is to demonstrate how *gram sabhas* are effective instruments in resolving administrative and everyday problems. The innovative use of tools such as information technology can contribute towards better working of *gram sabhas* by reducing leakages and delays, and enhancing villagers' confidence. For example, the successful use of information technology (e-governance, e-sevas in AP; Bhoomi land registration system in Karnataka) has not only reduced delays, but has brought transparency within the system. Another example is the computerization of job cards and smart cards in Tamil Nadu and AP, which has enabled both villagers and panchayat members to verify that MGNREGA beneficiaries are paid dues on time. (ii) *Mobilize community-based organizations around the issue of gram sabhas*. CSOs should ensure that villagers are aware about the MGNREGA (rules and regulations; guarantee of 100 days of work; minimum wage to paid; ban on contractors; and understanding issues of wage, muster rolls, procurement of materials). A beginner's guide on social audits should be developed; as the villagers are scarcely literate, this should be in the form of a photo album. The key to community mobilization lies in institutionalizing social audits in line with AP. To ensure transparency, audit reports should be published in websites, newspapers, and monthly magazines (Aiyar & Samji, 2006). This will create awareness about the MGNREGA and help make panchayats more effective.

For external capacity building, both CSOs and the local media have a vital role to play. CSO staff should be allowed to visit work sites, write reports, and present their findings. Their terms of reference should include adherence to the general principles of the MGNREGA, position of infrastructure at work sites, and participation of villagers, especially the poor and women, in *gram sabhas*. Moreover, freelance journalists should be invited to make random field visits to obtain first-hand information on the de facto implementation reality. This could be in the form of commissioned articles, investigative reporting, or general information pieces. To ensure that the information collected is properly disseminated to citizens, articles should be published in local newspapers with wide circulation. In effect, this will enhance the role of the media as a 'public watchdog' by reporting on the private appropriation of resources. In all, it can pressurize policy-makers to make corrective decisions.

CONCLUSION

Much needs to be done if the Government of India wants to ensure transparency and accountability for welfare programs. This is to ensure citizens do not lose faith in these schemes. The concerns over corruption and poor service delivery stem from India's experience, when Rajiv Gandhi, then prime minister, estimated that 15 paise of every Rupee allocated by the government actually reaches the poor. The greatest beneficiaries of rural employment programs are private contractors, the rural elite, and members of the state machinery entrusted with the execution of these programs.

The performance of the MGNREGA in terms of accountability is much better in progressive states like AP and Tamil Nadu than in backward states like UP and Bihar. In backward states, corruption is rampant; as Congress vice-president Rahul Gandhi remarked in a private conversation, 'Why should my MPs from Uttar Pradesh support MGNREGA when they are all contractors?' (Maiorano, 2014). In backward states, field staff along with local politicians have fudged muster rolls to produce inflated figures and misappropriate funds. As a result, few MGNREGA participants receive minimum wages regularly, some even not sure whether they are beneficiaries to the scheme. Citizens do not trust panchayats or the state government. The three pillars on which accountability is constructed - decentralized planning, proactive disclosure, and social audits - do not work in these states. CSOs, which have played an important role in the states of Rajasthan and AP, are at loggerheads with the political class in these backward states. The panchayat leadership evolves from the traditional castes, which are more interested in factional politics rather than in working for social concerns.

Under these circumstances, if the Government of India institutionalizes social audits to ensure transparency within the MGNREGA, it will have to allocate separate resources for conducting audits. Panchayat-CSO partnership can succeed if participation within rural institutions improves. At present, participation of the women and the poor, is low in these grassroots institutions. The performance of any system of governance should be measured against the norms determined by the extent of people's participation in its operation (Hossain & Helao, 2008). Therefore, there is an urgent need to develop the capabilities of these panchayats on a massive scale, which goes beyond standard tool kits and training manuals. Otherwise, launching poverty alleviation programs in the future without understanding the socio-economic structure of the state will be futile.

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