EMPLOYMENT GUARANTEE SCHEME
USING RIGHT TO INFORMATION AND SOCIAL AUDITS

(By Shekhar Singh)

CONCEPT

1. **The Objective**

The objective is to make the planning, implementation and evaluation of the employment guarantee scheme (EGS) more participatory, transparent and accountable through facilitating the exercise of people's right to information and by encouraging social audits.

2. **Social Audit**

a. What is a social audit?

A social audit is an audit of public expenditure, service or institution by people directly affected by them. It can also be understood to be an audit that goes beyond a financial and economic audit, which ask "was the money spent correctly?' and "whether the expenditure resulted in adequate economic returns?". A social audit asks the question "did this expenditure optimally benefit society?"

A social audit is a kind of public audit that can also serve the purpose of a public enquiry. However, it must not be considered a substitute for the regular audits and enquiries, but is actually a complimentary process. Its findings could, for instance, have the same legal sanctity as an audit para, or serve the purpose of a preliminary enquiry.

Social Audits are essentially a step towards the transition from representative to participatory democracy.

b. Procedure for a social audit.

Any institutionalised process requires a set of formal procedures to enable it to function properly. The social audit procedure is still evolving, but some of the critical elements are listed below.

(i) Identify the process, scheme or institution that needs to be audited.

(ii) Identify the major stakeholders on all sides of the spectrum.

(iii) Access all the relevant information well in advance of the proposed social audit.

(iv) Understand, assimilate and cross check the information.

(v) Where possible, have a preliminary dialogue with the concerned officials in order to clear up any doubts and gaps in information.

(vi) Publicly evaluate the information in a closed or an open meeting (jan sunwai).

(vii) Carefully choose the time, date and location of the meeting, keeping in mind the convenience of the people, the maximum impact of the hearing, and factors related to the security and integrity of the process.

(viii) It is important to chose the right person to chair the meeting, to chose an effective method of conducting the meeting and the manner in which evidence will be presented. The proceedings must not only be fair but also appear to be fair, and principles of natural justice must be respected.

(ix) Ensure, as far as possible, that the concerned officials are present at the social audit and prepared to provide answers to the queries raised at the social audit.

(x) Try and ensure that the outcome of a social audit is taken note of legally and administratively and is well publicised among the people.

(xi) It is very important to determine how a decision would be taken? Through consensus? By majority vote? How would dissenting opinions be recorded?

(xii) How would the social audit body receive feedback on the action taken on its resolutions?

c. *Some Problems related to Social Audits*

There are a number of problems/potential shortcomings that need to be kept in mind, so that they can be specifically addressed and efforts made to overcome them. Some of the more obvious ones are:

(i) Social relationships and divisions in particular in rural caste based society.

(ii) The huge number of wards and gram sabhas in the state and country. In Rajasthan for instance there are over 1 lakh wards in the State. There are therefore questions of implementation. How can the government ensure implementation of the decisions of such a large number of statutory bodies?

(iii) The ward sabhas and gram sabhas are already plagued by poor attendance. How can one ensure sufficient attendance so that a meaningful social audit can be carried out?

(iv) If this is a body that is empowered, then sufficient safeguards must be built in to ensure there is no deliberate misuse of power.

(v) The social audit may still work in the context of Panchayats and public works, but how can it be extended to other spheres of governance?

d. Expanding the scope of social audit

Public audit is a powerful concept because it involves ordinary citizens in vigilance and enforcing accountability in a very tangible and direct manner. The concept of social audits in gram sabhas has grown along with the empowerment of Panchayati Raj Institutions, with an emphasis on self governance through gram sabhas. It is therefore an institutional body which has legitimacy, is democratic, and is open to all citizens. While working intensively on strengthening modes of social audit within gram sabhas, thought will also have to be given to expanding and widening its scope both within and outside the Gram Sabha. For instance:

(i) How can it move from public works to other departments?

(ii) How can it be used for vigilance in areas outside financial accountability. For instance for auditing the performance of functionaries?

(iii) How can it be used in areas where there is no geographically defined body like the gram sabha? How can the principles of public vigilance, used in the social audit of gram Sabhas, be used in other areas where public vigilance is essential?

3. <u>Applying RTI and Social Audits to the EGS</u>

a. Some Planning Tasks

(i) Identification of productive works at appropriate locations

(ii) Procurement of materials and other non-labour inputs.

(iii) Identification of required skilled and semi-skilled personnel.

(iv) Development of action plans.

(v) Imparting required training and orientation.

(vi) Organising the required facilities for the workers.

(vii) Registering applicants.

b. Some Implementation Tasks

(viii) Appropriately allocating work to applicants.

(ix) Ensuring that the applicants are informed of allocated work and schedules in time.

(x) Verifying the identities of the applicants.

(xi) Ensuring the timely supply of materials and other required inputs.

(xii) Quality control of the work.

(xiii) Ensuring that work is done on time.

(xiv) Ensuring workers welfare.

(xv) Ensuring full and timely payment of wages.

(xvi) Ensuring proper maintenance of records, including the accurate filling in of job cards.

(xvii) Operating a grievance redressal mechanism.

(xviii) Ensuring transparency and social audits, as prescribed in the law.

c. Some Other Tasks

(xix) Identification of applicants who could not be provided employment.

(xx) Payment of unemployment allowance.

(xxi) Maintenance of relevant records.

4. Some Major Vulnerabilities and Possible Safeguards

<table>
<tr><th>VULNERABILITIES</th><th>RTI/SOCIAL AUDIT SAFEGUARDS</th></tr>
<tr><td colspan="2">Planning Stage</td></tr>
<tr><td>1. Required works and projects not identified.</td><td rowspan="5">1. To make a participatory and transparent process of planning mandatory at each panchayat, with the monthly involvement of the village community and a periodic involvement of the gram sabha. The panchayat functionaries would present, before the gram sabha and before smaller concerned people's groups:
- the list of projects identified,
- their relative priority,
- their possible locations,
- the labour/skilled/material and financial inputs required.
The suggestions of the gram sabha and the smaller consultative group would be taken into consideration before finalisation.
2. The gram sabha would also review the progress of the planning and preparation whenever it meets, with a smaller consultation taking place each month.
3. The gram sabha would also discuss the work plans and other details of the finally accepted shelf of projects and works, before these are finalised.</td></tr>
<tr><td>2. The works and projects identified are not satisfactory in terms of
- Location
- Do-ability
- Financial and/or temporal viability
- Sustainability
- Social value
- Ability to absorb the allocated work force
- Others</td></tr>
<tr><td>3. The work plans are not properly developed.</td></tr>
<tr><td>4. The required materials and other inputs are not procured.</td></tr>
<tr><td>5. The required expertise is not identified.</td></tr>
<tr><td>6. Genuine names are not registered</td><td rowspan="4">1. List of applicants with the date of application would be put up weekly on the notice boards.
2. Public readings of the names with dates and other details every two weeks in public meetings at the village level, and in the gram sabha, whenever it meets.
3. List of those whose registration was refused, with reason for refusal, also on notice board and read out publicly.
4. Register with names and addresses available on all working days at the panchayat house, updated daily and open for inspection.</td></tr>
<tr><td>7. The dates of registration are not properly recorded.</td></tr>
<tr><td>8. Acknowledgements are either not given or are inaccurate.</td></tr>
<tr><td>9. Fictitious names are registered or names are registered twice.</td></tr>
</table>

<table>
<tr><th colspan="2">Implementation Stage</th></tr>
<tr><td>1. Giving out of turn preferences to preferred applicants.</td><td rowspan="3">1. List of those applicants allotted work, along with their date of application and the type and location of work allotted would be put up on the notice board every week and read out in a public meeting every two weeks.
2. List, indicating the manner and date on which those applicants who did not take up the allotted work were informed of the allotment, would be put up on the notice board every week and read out in a public meeting every two weeks.</td></tr>
<tr><td>2. Giving better locations/works to preferred applicants.</td></tr>
<tr><td>3. Not informing applicants in time or appropriately of the work allocated to them.</td></tr>
<tr><td>4. Not maintaining the required transparency and conducting the required social audits.</td><td>1. Public reading of the relevant clauses of the act every two weeks in a public meeting, and a public discussion on whether the clauses about transparency and social audit are being enforced.</td></tr>
<tr><td>5. Not getting proper quantity or quality of materials required.</td><td rowspan="16">1. Access of information/records using provisions of the EGA and, where required, the RTI Act.
2. Preliminary scrutiny and compilation of information, and prioritisation of issues.
3. There will be a social audit at each gram panchayat every six months. This social audit will assess the planning and implementation of each of the EGS components and also look at the work done under the EGS and the durable assets created.
4. As the effort would be to start an intensive process of public monitoring and social audits in a selected few districts initially, the detailed methodology would evolve through the process of doing.</td></tr>
<tr><td>6. Not having the required skilled and semi skilled labour.</td></tr>
<tr><td>7. Not maintaining proper timings.</td></tr>
<tr><td>8. Allowing the work to get delayed.</td></tr>
<tr><td>9. Not providing the required facilities to the workers.</td></tr>
<tr><td>10. Not paying wages on time.</td></tr>
<tr><td>11. Not paying the full wages.</td></tr>
<tr><td>12. Not maintaining accurate records.</td></tr>
<tr><td>13. Not filling in job cards properly.</td></tr>
<tr><td>14. Not operationalising the requisite grievance redressal mechanisms</td></tr>
<tr><td>15. Not recording grievances.</td></tr>
<tr><td>16. Not acting on grievances.</td></tr>
<tr><td>17. Not ensuring the quality of the work/ creation of a durable asset.</td></tr>
<tr><td>18. Not respecting the prescribed labour/ material ratio.</td></tr>
<tr><td>19. late or non-payment of unemployment allowance.</td></tr>
<tr><td>20. Ghost works.</td></tr>
</table>

5. Preparatory Work Required

(i) Formulation of rules regarding RTI and Social Audits.

(ii) Development of guidelines for government departments and manuals for the people, civil society groups and NGOs on the use of RTI and Social Audits in relation to EGS.

(iii) Developing training modules and materials for government and the public.

(iv) Training trainers.

(v) Organising training and orientation programmes for government and people's representatives, including hands-on training in using RTI and conducting social audits.

(vi) Setting up a network of individuals, groups and movements that can assist the government and the people to monitor the planning and implementation of the EGS in a participatory manner.