



**Building Capacities for Empowerment: the
Missing Link between Social Protection and
Social Justice**
*Case of Social Audits in Mahatma Gandhi
National Rural Employment Guarantee Act in
India*

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Act in India

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Abstract

Social protection programs have become popular among Governments and International Agencies who have invested huge funds in elaborate social security programs. India has a long history of social safety net programs, but even now one-fourth of its population lives in poverty. The Government of India launched the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in 2005, which is one of the most expansive development programs today. It has provided employment to over 50 million households and spending nearly 8 billion US dollars in April 2009-March 2010. As a statutory law, it holds the government accountable for providing at least one hundred days of guaranteed wage employment in every financial year to every household in rural areas of India. MGNREGA has been changing the social fabric of rural India as well. The law mandates at least one-third workforce be women and paid equal to men. Seen as nothing less than social revolution, the unprecedented women participation under MGNREGA has been ‘re-gendering’ roles in a rural household across the country.

MGNREGA has also been playing an instrumental role in restructuring local governance and transforming social protection into social justice. By analyzing the Social

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Audit mechanism under Mahatma Gandhi Rural Employment Guarantee Act (MGNREGA) (NREGA, Section 17), this paper explores how social protection policies hold the potential for social justice. The basic objective of a social audit is to ensure public accountability in the implementation of projects, laws and policies. Initially envisaged as only post implementation exercises, they have actually now emerged as a way to empower poor and transform social-political structures in the villages. It has become a powerful medium to provide the most vulnerable with a “voice” to assert their “rights”, hold the village and local administration accountable also assume collective responsibility of the program. But this does not translate naturally. The poor are constrained by unequal socio-economic political structures, illiteracy and unawareness- lacking the capability to demand their rights and hold the government accountable. This is where the non-profit and civil society organizations have stepped in to invigorate and educate the beneficiaries of their entitlements. These models have to be contextualized in the social-economic-political-historical and cultural context in which they are being exercised. Social audits thus create a collaborative and constructive platform for participatory governance to address the above challenges of social protection programs.

Through this paper, I propose that empowerment is the first step toward sustainable development. Social Protection Programs have been aimed at providing only minimum subsistence and not building capacities for empowerment. Decentralized participatory governance models hold the key to more effective implementation and empowerment. Thus, participatory governance and social accountability are the missing links to bridge social protection and social justice.

Key words: Social Protection, Social Justice, Empowerment, MGNREGA

Introduction: Social Protection and Social Justice

It is unfortunate to be born poor, but worse to be poor, vulnerable and unprotected in a developing country. The poorest of the poor are most affected even by a temporary disruption or loss of income and assets. They are most vulnerable to external shocks-economic, environmental or political, and have poor resilience and limited capacity to overcome them.

Development theorists and practitioners have long realized the need for special programs to target the poor and vulnerable sections within the poor such as women, elderly, children, disabled, and socially-excluded groups. Social protection was often advocated and widely interpreted by institutions and agencies. It was commonly perceived as a two-pronged strategy aimed to minimize the risk exposure from external shocks while simultaneously building capacities and income for short term and long term asset accumulation to escape the poverty trap. The former focused on risk management and the latter on capacity building (Brunori and O'Reilly 2010). It thus, implied all public actions aimed for poverty reduction taken "in response to levels of vulnerability, risk and deprivation which were deemed socially unacceptable within a given polity or society" (Baulch, Weber, and Wood 2008; Norton, Conway, and Foster 2001). Conventional instruments of social protection included labor market policies and programs, social insurance, social assistance, micro/area-based schemes, and child protection (Baulch, Weber, and Wood 2008, 7).

However, interpreting social protection only as economic protection is narrow and misleading. Policies with the objective of risk management and economic strengthening do not address the complexities of the socio-political environment that constraint the poor or certain vulnerable sections of the poor from even accessing these social protection benefits. The economic condition of a poor is inextricably intertwined with the social dimensions of his well being, equity and social rights (Sabates-Wheeler and Devereux 2007). Women are often marginalized from participation (Sabates-Wheeler and Kabeer 2003). The Backward Classes and Backward Castes are often discriminated as well from working alongside with the rest of the community. For social protection to effectively contribute to economic growth it must address these structural inequalities within its design. Social protection should not only help poor escape poverty but should also promote their participation in social and political life and contribute to growth and development (Kabeer and Cook 2010). Thus, the ambit of social protection reaches far beyond risk management or economic protection. Social protection policies can be transformative if they are able to integrate all sections of the society and reap benefits of growth while enabling vulnerable groups to claim their rights and seek social justice towards a more egalitarian society (Sabates-Wheeler and Devereux 2007).

With this perspective, we refer the following definition for social protection:

“Social protection describes all (public and private) initiatives that transfer income or assets to the poor, protect the vulnerable against the livelihood risks and enhance the social status and rights of the marginalized; with the overall objectives of extending the benefits of economic growth and reducing the economic or social vulnerability of the poor, vulnerable and marginalized people.” (Sabates-Wheeler and Devereux 2007, 25; Devereux and Sabates-Wheeler 2004, 9)

Based on this definition, the instruments for social protection can be classified into provision measures, preventive measures, promotive measures and transformative measures (Sabates-Wheeler and Devereux 2007; Devereux and Sabates-Wheeler 2004). I elaborate on these measures when I apply this framework in analyzing a social protection initiative in India and different dimensions of social justice embedded in it.

This paper explores how social protection policies hold the potential for social justice by looking at Mahatma Gandhi Rural Employment Guarantee Act (MGNREGA), a social protection program in India and its unique Social Audit mechanism for monitoring. It reveals how improving the design of the social protection policies and building the capacities of the poor to exercise their rights translates to social justice. Social protection programs must incorporate rights-based approach within the design of social protection policy and provide “a space” within the policy framework to the poor to exercise their rights and hold the implementing agencies accountable. But only design will not translate into action (Joshi 2010). For the poor to effectively assert their rights, they need to be empowered. Civil society organizations can play a crucial role in this regard. They can collaborate with the government for better monitoring and implementation of the policy on one hand, and simultaneously empower the poor by building their capacities so they can demand their entitlements and assert their rights.

To better understand how capacity building is implicit in the policy design, I first propose a formal model of understanding this empowerment process and then analyze MGNREGA and Social Audits.

Empowerment: Building Capacities through Inclusion, Information, Influence and Integration

Governments are often criticized as being inefficient, incompetent or indifferent towards meeting peoples' expectations. As countries develop and grow, their administrative systems become more complex and may become difficult for public to access. With higher levels of interdependence between government departments and growing interconnectedness of administrative problems with socio-economic issues, policy implementation has now become "shared implementation." To overcome these challenges, public administrators often make a case for decentralized collaboration networks with greater participation from the public. These decentralized, participatory and deliberative processes foster a democratic decision making process and encourage citizen engagement, public dialogue and a reasoned debate. In doing so, they may yield higher decision quality, more perceived fairness and reduce post policy implementation resistance and mistrust by the public on the government officials. Citizens are engaged in the policy process from the formative stages, they develop a sense of mutual understanding, collective responsibility and accountability within the community.

Collaborative governance may hold the key for better and effective implementation, but for people to assert their rights, they must be empowered. It must not be implicitly assumed that public is educated, informed, aware and well-represented and that if given the chance they are capable discussing and debating with one another in a mutually constructive manner. In the developing countries, rural communities are ethnically diverse, socially stratified and heterogeneous in composition. With low literacy, abject poverty and a complex

social-ethnic environment, certain groups within a community are often mired with historical suppressions and subordinations over the generations such that even when they have an opportunity to assert themselves, they feel incapacitated. Their voices remain unheard and their needs, unaddressed.

In this context, public policy designs may play a limited but a useful role in expanding participation of the marginalized. Rights-based policies can be one way where the law accords the need of the public as a right; the people are thus empowered by the law to hold the government accountable. But merely conferring rights will not lead to empowerment. Empowerment occurs when there is a change in the existing power dynamics, relations and structures that may exist in a group, community, organization or society at large in a way that everybody able to enjoy more power. Thus a systematic process for building capacities and empowerment is needed. Empowerment should be viewed as a continuous process occurring over successive stages of empowerment where each stage is a necessary but not sufficient condition for the next stage. In other words, the stages occur sequentially indicating different levels of empowerment but it is not necessary that all four stages take place every time. I propose that empowerment process consists of four primary successive stages: *inclusion, information, influence and integration*. These stages of the empowerment process are displayed in Figure 1.



Figure 1: Stages of Empowerment Process

The first stage of empowerment is *inclusion*. For those who may have been initially marginalized and not included in the decision making process, empowerment would mean bringing them on board. This could mean access to political structures, formal decision making or effective targeting strategy to ensure a representative participation.

However this is not sufficient, as mere inclusion may not increase the ability of the marginalized group if they do not know what to do. They cannot contribute or participate if they are not aware of the provisions in the law and the entitlements that accrue to them. Thus, the second step in empowerment involves *access to information* by spreading awareness and knowledge exchange. But even this second stage of empowerment may not be considered sufficient in itself. People may be empowered by becoming aware or having knowledge and then feel the need to take action. Creating awareness does not mean that people are actually in position or capacity or have the skills to occupy a decision making space or influence the decision making process. Laverack and Wallerstein (2001) view empowerment as a process of building capacity, competence, cohesiveness and (social) capital. Capacity building should also be economic, social and political. Economic improvement may provide greater access and better options but does not necessarily ensure that poor can take charge of creating for themselves the options from which they can choose. Improving economic status of the poor should be complemented with political education. Informational campaigns regarding policies design and laws with rights-based framework encouraging greater participation should lead to political education and sensitization. As political education comes through, policies create a greater space for this practice, thus

leading to empowerment. Empowerment must include capacity building and developing competencies, skills and critical awareness. To do that a combination of confidence, self-esteem, information and ability to identify and tap into available resources, political and social influence is needed (Moore 2001). This is analogous to Sen's argument about enhancing capacities and capabilities of individuals to bring about development (A Sen 1999; A Sen 1982). This leads to the third stage of empowerment which enables the marginalized individual or group to *influence* the collaboration process.

The third step however, still lacks the dimension of *integration* of social influence and transformation in power relations. This leads us to the final stage of empowerment-*integration*. Even with the economic and social capability and competence, people need a "conducive" or enabling environment for them to assert their voice. Often this cannot be done individually and people/groups need to organize themselves to represent their views and integrate with higher levels. Rowlands (1995) sees that empowerment take place when people are able to connect with others in similar situations through self help, education support or social action group and network building; or on a larger scale through community organizations, campaigning, legislative lobbying, social planning and policy development. This is about organization and making people visibly making more powerful. Moore (2001) takes a polity centered perspective and sees empowerment as one step further in terms of degree to which different social group actively engage in politics, the ways they do so and the form organizations, networks and alliances they create. However, this significantly depends on the political context within which the groups exist and work. An effective political action inevitably has a major collective dimension which requires an 'enabling

environment” in which they can function and assert themselves. Thus, to empower would also mean create a political environment where people are able to organize themselves to ensure a democratic participation and able to support empowerment of others in the community (McWhirter 1991; Moore 2001).

This holistic conceptualization of empowerment relates to broader concept of ‘conscientisation’ where individuals act by developing a critical consciousness, an understanding of their circumstance and the social environment. This is also consistent with the way researchers view empowerment in a social setting. For instance, Keller and Mbwewe (1991) describe empowerment of weaker groups like women as a process whereby women become able to organize themselves to increase their self-reliance, to assert their independent right to make choices and to control resources will assist in challenging and elimination their own subordination.

Therefore, the *empowerment process seeks social justice by altering the preexisting unequal power relations through inclusion and providing information to the previously excluded or marginalized sections of the community for them to influence the governance process by integrating with the mainstream discourse*. Social protection policies must be designed to incorporate this empowerment process to realize the ideals of social justice.

The following section examines analyses MGNREGA as a social protection program and social audits which provides a platform for collaborative governance and empowerment process.

Social Protection in India: Wage Employment Programs and MGNREGA

Since India's independence in 1947, wage employment programs have been an integral part of the social security policies. Some of the earliest programs till early 1970s were pilot projects like Rural Manpower (RMP), the Cash Scheme for Rural Employment (CRSE), Pilot Intensive Rural Employment Programme (PIREP), Small Farmers Development Agency (SFDA) and Marginal Farmers & Agricultural Labour Scheme (MFAL). These gave way to full-fledged Food for Work Programme (FWP) in 1977 and other employment policies like Jawahar Rozgar Yojana (JRY) [1993-94] and Employment Assurance Scheme (EAS). During the late 1990s, with growing emphasis on rural infrastructural development, the programs were slowly merged with Jawahar Gram Samridhi Yojana (JGSY), Sampoorna Grameen Rozgar Yojana (SGRY) and finally with National Food for Work Programme (NFFWP)². However, most of these programs were crippled with an ineffective design, poor targeting and low awareness about the program or its provisions, administrative problems, distribution inefficiencies, non-transparent procedures, pilferages and widespread corruption. The results were a mixed bag without any clear indication of what policy worked best in reducing poverty (Yesudian 2007). Even as the economy grew at an average of 5% per annum, poverty declined at a rate of under one percentage point from 46.9% in 1983 to 28.4% in 2005 (Lanjouw and Murgai 2009). More than a quarter of the country's population still lived in poverty.

² Source: National Rural Employment Guarantee Act 2005, Report from Second Year April 2006-March 2007, Ministry of Rural Development, Government of India, http://nrega.nic.in/NREGArpt_eng.pdf accessed on February, 23, 2011

Amidst the gamut of programs, in 1977 the Government of Maharashtra had formulated the Maharashtra Employment Guarantee Scheme and Maharashtra Employment Guarantee Act, to provide wage employment to those who demanded it. This was the precursor to the MGNREGA which came into existence twenty eight years later. Notified³ on September 7, 2005, MGNREGA aims at “enhancing livelihood security by providing at least one hundred days of guaranteed wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work”⁴ (Government of India 2008). MGNREGA is a legal framework embracing rights-based approach for demand-driven employment. It provides guaranteed wage employment to every rural household at a national minimum wage. The Act covered 200 districts in 2006-2007⁵ and was extended to 330 additional districts in 2007-2008. All the remaining rural areas have been notified with effect from April 1, 2008.

As a statutory law, MGNREGA is a powerful instrument in the hands of poor who can hold the government accountable for falling short of its promises. MGNREGA is unprecedented, as no country has ever tried to implement a guaranteed wage employment policy of this scale and with legal guarantee. From April 2009-March 2010, 52 million households were provided employment and 2.8 billion days of work were generated.⁶ The total expenditure from April 2009-March 2010 was more than \$8 billion, making it one of the largest social protection initiatives. Table 1 displays the performance of MGNREGA at the national level for four years since its inception.

³ This implies that the Indian Parliament passed the NREG Act on September, 2005 and the implementation began on April 1, 2006

⁴ NREG Act, 2005

⁵ The Indian financial Year cycle referred is from 1st April to 31st March

⁶ It may be noted that the financial year in India is from 1st April to March 31st

Table 1: Performance of The MGNREGA (National Overview)^{7,8}

	(FY 2006-07) 200 Districts	(FY 2007-08) 330 Districts	(FY 2008-09) 615 Districts	(FY 2009-10) 619 Districts
Household Employed [In Millions]	21.0	33.9	45.1	52.5
PERSONDAYS [in Millions]				
Total:	905	1435.9	2163.2	2835.9
SCs ⁹ :	229.5 [25%]	393.6 [27%]	633.6 [29%]	864.5 [30%]
STs ⁸ :	329.8 [36%]	420.7 [29%]	550.2 [25%]	587.4 [21%]
Women:	367.9 [41%]	611.5 [43%]	1035.7 [48%]	1364.0 [48%]
Others:	345.6 [38%]	621.6 [43%]	979.5 [45%]	1384.0 [49%]
Average days worked per household	43 Days	42 Days	48 Days	54 Days
FINANCIAL DETAIL				
Budget Outlay [In USD Billions]	2.5	2.7	6.7	8.7
Central Release [In USD Billions]	1.92	2.80	6.65	7.45
Total available funds [In USD Billions]	2.68	4.29	8.31	11.02
Expenditure [In USD Billions]	1.96	3.52	6.06	8.42
Average daily wage [in USD]	\$ 1.44	\$ 1.66	\$ 1.86	\$ 2.00
WORKS DETAIL				
Total works taken up [In Millions]	0.84	1.79	2.78	4.62
Works completed:	0.39	0.82	1.21	2.26
Water conservation:	[54%]	[49 %]	[46%]	[51%]
Provision of Irrigation facility to land owned by SC/ST/BPL/S&MF /IAY beneficiaries ⁸ :	[10%]	[15 %]	[20%]	[17%]
Rural Connectivity:	[21%]	[17 %]	[18%]	[17%]
Land Development:	[11%]	[16%]	[15%]	[14%]
Any other activity:	[4%]	[3%]	[1%]	[2%]

Source: Ministry of Rural Development, Government of India

⁷ Source: MGNREGA, Ministry of Rural Development, Government of India website www.nrega.nic.in accessed on February 21, 2011

⁸ Conversion Rate: 1USD= Rs.45

⁹ SC: Scheduled Castes, ST: Scheduled Tribes, BPL: Below (National) Poverty Line, IAY: Indira Awaas Yojna, S&MF: Small and Marginal Farmers

The Scheme is sponsored by the Ministry of Rural Development, Government of India. Unique features of the Act include, a time bound employment guarantee of 15 days to which State Governments must adhere to or else they are liable to pay and bear the full cost of the unemployment allowance. Wage payment and funds transfers through institutional accounts to ensure transparency and prevent leakages. An extensive Management Information System (MIS) has also been set up for real time tracking of the policy implementation and performance. While extensive research and studies have been conducted to analyze the implementation outcomes and its impact, there is a need to step back and reflect more on its legal policy design and conceptual framework to understand its key drivers and areas for potential improvement. This assumes even more importance as there is considerable interest in the international community to replicate the policy in other countries like South Africa (Philip 2010).

MGNREGA has been much appreciated as a social protection program as it has the potential to reach out to the most “needy” economic and social groups of the country (Reddy, Rukmini Tankha, Upendranadh, et al. 2010). As a policy design for social protection, it is a significant departure from the earlier wage employment programs in India. Previous workfare programs were aimed at providing economic assistance and relief from vulnerabilities from loss or fluctuations in income or assets. One agrees that there is no magic bullet to address social exclusion and structural inequalities which are not only stark in India with the social-political-cultural environment being complex but also vary considerably across regions. But policy can be designed to effectively target and reach out to the vulnerable sections. There are certain sections even among the poor in rural areas are even

today visibly and passively discriminated on basis on gender, class, caste, religion or region. However, MGNREGA through its policy design not only covers for the economic risks but also addresses the socio-cultural dynamics faced by the disadvantaged sections of poor. First and foremost, it is a law not just another program. Second, its rights based approach ensures universal participation and also emphasizes that the most vulnerable sub-groups among the poor, particularly women, Scheduled Castes, and Scheduled Tribes are guaranteed a fair share of participation. The Act mandates that atleast one-third in the workforce is reserved for women who are paid wages equal to men. Basic provisions of water, shade and crèche for children of workers is mandatory at all work sites to encourage women participation. Wage payments are directly transferred to their individual accounts in post offices or local banks. The national average of women's participation is 48% with several states such as Rajasthan, Kerala, Andhra Pradesh and Tamil Nadu having greater women participation than men. The overwhelming participation of women in NREGA has led to changes in intra-household relationships. Women with direct control over their earning now feel empowered (Khera and Nayak 2009; Jose 2007; Pankaj and R. Tankha 2010; Jandu 2008; Sudarshan, Bhattacharya, and Fernandez 2010). The policy also ensures equal opportunity to work and equal pay for the elderly and disabled according to their capacity.

Further, the service-delivery systems have been decentralized with Panchayati Raj Institutions being the principal planning, implementing and monitoring agency. At the community level, participatory planning and monitoring approaches are heavily emphasized. Community social audits are designed to be instrumental in changing the existing dominant and unequal power structures by creating the power in the hands of workers to hold the

implementing agencies. MGNREGA thus satisfies both the instrumentalist and the activist argument by of universal participation and selective targeting to transition from social protection to the arena of social justice.

Table 2 shows different provisions in MGNREGA that fit into the conceptual framework of social protection as suggested by Sabates-Wheeler and Devereux (2007).

Table 2: MGNREGA as Social Protection

Interventions for Social Protection	Provisions in MGNREGA
Provision (relief for deprivation)	<ul style="list-style-type: none"> • 100 days of guaranteed wage employment for all, • Labor intensive unskilled work available on demand, • supplementing income during lean seasons
Prevention (prevent deprivation and alleviate poverty)	<ul style="list-style-type: none"> • 60% of expenditure on wages, • Guaranteed employment, • Wage payment through banks to encourage thrift and bringing the poor into formal banking and credit net, • Irrigation and land development works allowed to undertaken on SC/SC/BPL¹⁰ workers
Promotion (economic activities)	<ul style="list-style-type: none"> • National minimum wage rate, • Priority to water-conservation works leading to crop diversification, • Public infrastructure works and livelihood projects undertaken, • Convergence with other departments
Transformation (social justice)	<ul style="list-style-type: none"> • Women workforce reservation, • Disabled and elderly included, • Proactive Information Disclosure, • Mandatory Social Audits, • Right to Information, • Transparency Rules

¹⁰ Scheduled Caste/Scheduled Tribes/Below Poverty Level

Social Audits in MGNREGA

Quite naturally, with MGNREGA reaching out to over 50 million households every year, an equally extensive monitoring and evaluation system is in place in order to monitor it both from the top and the bottom. Some monitoring systems have been mandated by the law (i.e. are within the Act) while others initiated by the law (i.e. rules and additional directions to uphold the Act). The Act mandates that a formation of a statutory body Central Employment Guarantee Committee at the Central level, State Employment Guarantee Committee at the State Level and Village Monitoring Committees at the village level to monitor the implementation. Government of India was envisaged that decentralized and collaborative networks would be needed for monitoring such an expansive policy and thus included the Social Audits within NREGA (NREGA, Section 17). It is perhaps, the legal statute of the Act that acts as a catalyst for its deliverance.

Social Audits are the strongest tenet of the MGNREGA program as they infuse and stir “life” into the Panchayati Raj, and invigorate community activism with a sense of collective accountability and responsibility. Social Audits have been a significant vehicle for strengthening decentralization and deepening processes of democracy. The basic objective of a social audit as a mandatory post-implementation exercise is to monitor all projects under MGNREGA atleast once in 6 months. However, it can also be understood in a broader sense, as a continuous process of public vigilance to ensure public accountability in the implementation of projects, laws and policies by the community as whole. One simple form of social audit is a public assembly where all the details of a project are read out. But a more elaborate social audit could include an extensive inspection of status and quality of all works,

scrutinizing all documents and payments made, investigating discrepancies or grievances raised by the workers and pass resolution or directions to remedy or investigate the matter and discussing the findings in a specially convened Gram Sabha (Government of India 2008). To ensure that Social Audits are executed in their true spirit and objective, a more detailed procedure needed to be established. Unlike other social protection programs, this policy has not been a static one but evolving and changing itself with the outcome and challenges, it has been facing. The Government of India has recently passed amendments and rules strengthening and streamlining the social audit process.

From a public policy and citizen empowerment perspective, it has been a turning point. While the provision in the NREGA Act confers the rights to demand and get employment to the poor, the Social audits provide the “space” wherein the beneficiaries are empowered to claim their rights and entitlements. Social Audits are a self-monitoring mechanism to be jointly undertaken by the administrators and vigilant public; and a mode of citizen empowerment where the administration is answerable to the public as well. A closer analysis of the social audits reveals how the four-step stages of empowerment are implicit in the social auditing process. Table 3 maps social audit process over the empowerment model to illustrate how social audits can be seen as an empowering mechanism in policy evaluation.

Table 3: Social Audits as an Empowerment Process

Stages of empowerment process	Social Audit Process
Inclusion	<ul style="list-style-type: none"> • Forming a representative Social Audit Committee
Information	<ul style="list-style-type: none"> • Proactive disclosure of information online • Documents submitted before Social Audit Committee atleast 15 days before the audit, • information can also be sought through Right to Information Act
Influence	<ul style="list-style-type: none"> • Social Audit meeting is open to public participation • Gram Sabha members can ask question and seek redressal. • Media, civil society organizations participate as external observers • If discrepancies or grievances are legitimate, implementing agency must commit to take appropriate action within a timeline.
Integration	<ul style="list-style-type: none"> • An Action Taken Report to be submitted within a month • Social Audit Committee can approach Grievance Redressal or Ombudsman Cell and higher administration

The District Program Coordinator at the District level and the Program Officer at the Block level are responsible for ensuring the smooth functioning of social audits in their Gram Panchayats every six month. The Act also necessitates setting up of a Social Audit Committee elected from NREGA workers from Gram Panchayats with at least one-third representation of women in the committee. The Social Audit Committee is a separate from the Gram Panchayat committee to allow for impartial proceeding and allow the villages to express their concerns freely. All documents related to the MGNREGA projects are submitted to the Social Audit Committee. Most of this information must be accessible online through the MGNREGA MIS database and can also be requested through Right to Information Act. This ensures that the workers and general public have access to all the information regarding their work, payments made to hold implementing agencies

accountable for any delays or discrepancies. A special Gram Sabha is convened for the social audit where any member of the Gram Sabha can address their concerns or grievance to the Committee and administration. External members like civil society organizations, media can observe the proceeding without intervening in them. Sometimes even their presence can compel the implementation agencies to answer queries and commit to undertaking appropriate action with a set timeline. All action taken reports have to be filed within a month and findings related to contravention of the Act are automatically treated as complaints and enquired. While conflicts are expected when villagers question any discrepancies or question the implementing agencies as there is an inherent power struggle dynamics evolving, there have also been instances where individual workers and worker groups often work in tandem with the administration, local civil society organizations, media to coordinate and follow-up on social audits, thereby no longer remaining marginalized or excluded.

Social Audits thus, become an important transformative measure ensuring that the rights of the poor and the disadvantaged groups are protected and any violations and delays in conferring their entitlement are addressed. Table 4 provides a brief summary of the some issues that have been taken up and addressed in Social Audits across the country.

Table 4: Issues raised in Social Audits and Action taken under MGNREGA

	Issues raised in Social Audits	Action taken
<i>Registration</i>	denial of registration	on-spot registration and issuance of job cards
<i>Wages</i>	delay in opening the bank accounts, payments to wrong workers	payments through mobile banking, coordination meetings with the Financial Institutions held
<i>Availability of documents for Social Audit</i>	muster rolls not available during social audit and required registers not maintained at GP	social audits conducted again and necessary documents provided, gram rozgar sahayak dismissed
<i>Job cards</i>	job cards without photos	Photos taken on spot and job cards updated
<i>Measurements of works</i>	delay in valuation of works workers dissatisfied with measurements	sub-engineer dismissed work re-measured in front of the workers
<i>Fund deviations</i>	frauds by the mate and the gram rozgar sahayak	mate and the gram rozgar sahayak dismissed, FIRs lodged recovery of funds
<i>Gender equity</i>	33% quota not fulfilled in allocation of work to women	work allocation through SHGs

Source: Ministry of Rural Development, Government of India

Social Audits have thus, raised the yardsticks of transparency, accountability, community participation to a whole new level. While MGNREGA is appreciated as the largest social protection program in the developing world, social audits have also been nothing less than a revolution in the sphere of public administration and governance which must be analyzed and acknowledged for its contribution. The fact that social audits are seen as a powerful tool to improve implementation is because they are now been recommended

for other social protection programs like the Integrated Child Development Schemes (ICDS), Public Distribution System (PDS), Mid Day Meals and other programs which have been plagued with governance failures, insufficient and incompetent staff, corruption and fake reporting (Kidambi n.d.; Swain and PD Sen 2009; Singh and Vutukuru n.d.).

However, even with this elaborate design and legal mandate, the performance and quality of social audits have been far from uniform across the state. The effectiveness of this rights-based policy crucially depends on the capacity of the people to demand their rights and entitlements and the capacity of the implementation agency to protect and enforce it. According to the Social Audit Status Report by Ministry of Rural Development at the national level, 16% of districts have still not conducted any social audit from April 2010¹¹. In Bihar only less than 3 out of every 10 Gram Panchayats have conducted at least one social audit whereas social audits have been conducted in all the Gram Panchayats across the States such as Rajasthan and Kerala. Even in places where social audits have been reported, the possibility that they may have remained only on records or conducted unfairly cannot be ruled out. It is still the onus of the administration to help Gram Panchayats plan and ensure smooth functioning of the social audits. This may also be seen as an inherent paradox, as the implementation agency to be audited is entrusted with the task of planning and ensuring fair proceeding of the Social Audit. Further, in an independent evaluation of social audits conducted by the Government of India raised serious concerns on the status and quality of social audits conducted in the field¹². The quality of social audits is also somewhat reflective

¹¹ Social Audit Report 2010-2011: http://nrega.nic.in/circular/Social_Audit.htm accessed on January 21, 2011

¹² Source: National Level Monitoring of Social Audits in 2009 by Ministry of Rural Development, India. Summary of the reports were discussed in the Internal Performance Review Committee of Ministry of Rural Development on October 8, 2009. Presentation accessed on February 21, 2011

of the policy implementation and governance system of the State. The National Level Monitors noted that the local administration and the Village functionaries are unaware of the social audit provisions and procedures, reports submitted online were incomplete and inconsistent and social audits were marked by low attendance. The Government plans to conduct large scale training programs for the village level functionaries.

In States where MGNREGA implementation and social audits have been effective are those where civil society organizations, independent activists have been pro-active in spreading awareness and mobilizing the poor conducting mass public hearing and social audits. Organizations like Madzoor Kisan Shakti Sangathan, Right to Food Campaign, Rozgar Evum Suchna Ka Adhikar Abhiyan and Hum Kisan Sangathan, as well as independent activists like Prof Jean Dreze and many other have been spear-heading the process across the country. However, instances where civil society organizations, right to information activists and youth groups have been proactive in dissemination NREGA information, awareness about entitlement and rights, supporting social audits have been faced with hurdles, obstacles, pressures and resistance, especially where they could possibly expose corruption and leakages (Gopal 2009) . But amidst all criticisms, there are still interesting cases of civic activists groups successfully collaborating with the government and mobilizing the community to assert their rights, demand accountability from the public administration (Kidambi, n d)

The Way Ahead for Social Protection Policies and MGNREGA: Collaborative governance and capacity learning

While rights based framework and social audits mechanism in MGNREGA design is the first step in the right direction, its ideology needs to be embraced fully by the implementing agencies to deliver social justice. Social Audit mechanisms are a platform where the government, non-government organizations and the public can come together and collaborate to ensure policy implementation, monitoring and evaluation. Institutionalizing social audits needs capacity building and change in outlook in traditional bureaucracy towards civil society organizations. Collaborative governance is the key but can be successful only if the state and the organizations work synergistically and not as adversaries. Civil society through their technical expertise and outreach can complement the support the government in monitoring and implementation while empowering the poor so that they eventually have access and control over their lives and take responsibility and accountability of the schemes meant for their welfare. Policy designs thus, must enshrine the rights based perspective as well as elucidate a definite role and function of civil society organizations. Last but not the least, for these organizations to deliver they must be supported by the administration. This is the only way ahead for MGNREGA and sustainable development.

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