

JOB APPLICATIONS

NREGS: A farce at Latehar

The first-ever Lok Adalat on the National Rural Employment Guarantee Act was held recently in Latehar, Jharkhand. Most petitioners came in the hope of receiving unemployment cheques, or at least having their job applications accepted, but left with neither.

24 March 2009 - A common complaint from people wanting to work under the National Rural Employment Guarantee Act (NREGA) is that no one accepts their work applications. Without a receipt for work application, it is difficult to get work, and even harder to apply for the unemployment allowance (which is given in case no work can be found for the applicant under the NREG Scheme). Villagers of Latehar District in Jharkhand were misled into thinking that they could claim the unemployment allowance even without applying for work, simply based on the fact that they had not been employed under the NREGA. And they were told to apply for the same in a Lok Adalat. More than 20,000 complaints reached the first-ever Lok Adalat on NREGA, convened in Latehar on 7 February 2009 by the Jharkhand Legal Services Authority (JHALSA). Aside from misguided applications for the unemployment allowance (the bulk of the case load), there were also other complaints pertaining to non-payment of minimum wages, fake entries in Job Cards, delayed wage payments, and refusal to accept work applications.

Crowds thronged the benches at the Lok Adalat in search of benefits under the scheme (Picture by Mithilesh Kumar).



Since a large number of complaints were received, preliminary Lok Adalat proceedings were held in Latehar a few days ahead, on 2-5 February. Thousands of applicants were forced to make expensive and time-consuming trips to the District headquarters. A team of researchers associated with the G B Pant Social Science Institute (Allahabad) followed the entire process. Together with *Gram Swaraj Abhiyan*, they made many suggestions to JHALSA and the administration to resolve the matter of misguided applications and address the genuine complaints. They also pressed for a fine of Rs.1000 being imposed on the Block Development Officer of Manika (where the unemployment allowance was actually due in 5 villages) under Section 25 of the NREG Act. Many of these demands were accepted, but in the case of misguided applications, the agreement was broken.

The main demand in this regard was that all applications for unemployment allowance based on the mere possession of a Job Card should instead be treated as work applications under NREGA. This would involve giving the concerned person a receipt for work application on 7 February 2009 (at the Lok Adalat), and employing him or her within 15 days. Assurances that this would be done were given by JHALSA and the Department of Rural Development during the preliminary proceedings. However, the required arrangements were not made, and on 7 February, most of the applicants did not get a receipt for work application, or for that matter a copy of the Lok Adalat's "award", in cases where an award was available. In fact, many of them were unable to reach the benches, due to massive overcrowding.

Meanwhile, thousands of women and men sat in a pandal watching the ceremony of the Lok Adalat. The dais was decorated with canary yellow marigold flowers and adorned by three judges of the Jharkhand High Court, the District Judge of Latehar, several government officials involved in the implementation of the NREGA, Jean Dreze (Member, Central Employment Guarantee Council) and Reetika Khera (G B Pant Social Science Institute). These women and men were each carrying their Job Card and each had made a complaint. They looked innocently and expectantly at the "awards" due to them, only half understanding the wise comments made from the dais. Some cheques had been prepared well in advance for the payment of unemployment allowances in Kope and Jerua Gram Panchayats, two of the five villages of Manika Block where the allowance was actually due. They were ceremoniously presented to the workers by the honourable Judges of the Jharkhand High Court. The government did not apologise for failing to provide work. The distribution of an unemployment allowance under NREGA is a reflection of government failure (since it is done only when the government is unable to find the applicant a job), but it was celebrated with much fanfare and took a substantial time of the Lok Adalat.

Two kinds of snacks were distributed under the same pandal, one for the applicants and the other for the officers sitting behind the marigold flowers. Not only were the contents different, even the size of the packets was smaller for the applicants. Needless to add, there was tap water for the applicants and mineral water for the others.

Speaking from the dais, Jean Dreze forcefully argued for treating the misguided unemployment allowance applications as work applications, as agreed earlier, and issuing receipts for the same. Unless this is done, he said, the entire event would be an insult to the thousands present at the Lok Adalat. As the proceedings took a gradually more casual turn, he and Reetika Khera left the dais. Later a public meeting took place outside the Lok Adalat campus, where more than 2000 people gathered. It was inspiring to watch them take out a spontaneous rally through the local market to the residence of the Deputy Commissioner (DC), then sitting on the road and blocking the traffic while they waited for him to come and meet them. Most leading NGOs and activists who had come from Ranchi to witness the event had disappeared from the scene.



Reetika Khera talking to Somvati Devi - one of the thousand applicants who returned disappointed (Photo by Mithilesh Kumar).

The rally was forced to go back to the Collectorate and what followed were protracted negotiations with the Deputy Commissioner and the District Judge. They were requested to arrange for receipts to be sent by post to all the concerned applicants. However, an agreement could not be worked out, as the Deputy Commissioner and District Judge kept passing the buck to each other (even a letter allegedly sent by hand from the District Judge's office to the Deputy Commissioner's office, less than 100 metres away, was "lost" in transit). The impasse remained and the poor tribals left the premises empty-handed, drawing the final curtain of the farce.

After day-long proceedings, the workers went home, perhaps tired or confused, or perhaps with more energy to work towards realizing their rights in the future. Marx had once said, "History repeats itself first as tragedy and second as farce". Latehar railway station was blown up by the Naxalites some years ago.

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