

Public Audit

Demanding Accountability, Ensuring Justice

Landless Organization and Nijera Kori Dhanbari, Bangladesh

10th March 2012

Introduction:

The report covers broad highlights of the Public Audit, organized by the Landless Organisation, a collective of the landless people facilitated by Nijera Kori, an NGO working to mobilize and empower landless groups to demand the accountability from the State. The tribunal was result of 8 months of collective work and evidence gathering by the landless organisation members and Nijera Kori. The process was financially supported by Open Society Initiative.

The event was organized at Dhanbari upazila (sub district), in Tangail District. Nijera Kori has been working in this area since 1982 in helping organising and forming landless organizations. The Landless Organisations of this region decided to undertake this critical work as the community members themselves selected the topic and location on which undertake this audit.



The event holds significant importance as unlike most of the ongoing efforts, this was for the first time in Bangladesh that using the Right to Information Act, the landless citizens themselves took the lead to demand accountability from the State institutions in the implementation of 6 schemes of Government of Bangladesh. The process, data collection, analysis and also directly demanding accountability from the duty bearers was undertaken by the community, through the support and facilitation by Nijera Kori team. ¹

More than 3000 members of the Landless Organisation attended the tribunal. Sadeka Halim , Information Commissioner, Government of Bangladesh, Khushi Kabir, Coordinator- Nijera Kori, Sultana Kamal – Director- Ain O Shalish Kendra and Chairperson – Transparency International – Bangladesh, Hameeda Hossain – prominent human rights activist, Meghna Guhathakurta – Executive Director – Research Initiatives Bangladesh (RIB), Rizwana Hasan, Executive Director – Bangladesh Environmental Lawyers Association (BELA) and other social activists attended the tribunal that echoed the ethos of what a vibrant democracy should look like. The Bank representatives of various banks also participated in the tribunal including the two Deputy Managing Directors of the concerned Banks.

Right to Information Act in Bangladesh:

Enactment of Right to Information Act (referred as RTI hereafter) in Bangladesh is one of the major legal intervention in terms of strengthening the governance structure upholding the democratic value system of the country. The RTI was enacted in 2009, and gradually the importance of this Law is being recognized by the citizens and civil society groups alike. Nijera Kori firmly believes that RTI is a very important mechanism available to the citizens to demand accountability from the State and ensure community voice in the effective implementation of the State policies.

Since 2010, Nijera Kori has been thus, engaged in organizing training and work-shops with the landless members to make the communities aware about the RTI and its use to demand accountability. The trainings were divided into two phases: (i) first phase focused on sharing information about multiple aspects of law, and second phase focused on facilitating the practical application of the knowledge by the communities themselves to build the evidence base.

Purpose of the Public Audit:

Bangladesh government has recognized Right to Information as a fundamental right of the citizens. Connected to the Nijera Kori values, application of RTI to demand accountabilities is paving way to how the communities can strengthen the democratic system through citizens led

¹ Viewing the sensitivity of the matter, as many of the witnesses who deposed in front of the people are being threatened by various people, the identities of few individuals have been maintained confidential.

action. No democracy can flourish without participatory action. The salient features of the RTI include:

- Right to information law emphasizes that 'People are the ultimate custodian of power'
- Expecting a positive result from Right to information law it is assumed that this law will enhance transparency and accountability, it will reduce corruption and ensure good governance.

Preparatory phase:

As the communities needed to have a detailed understanding of the RTI Act and also the sensitive matters involved with those and hence 8 months ago, joint workshops were held to understand the concept of Public Audits, their importance, the methodology on the basis of these, responsibilities and expectations were laid down and a detailed action plan drawn.

The Landless organisation committee members decided to expose the irregularities in the 40 day employment guarantee Act as this is one of the major safety net scheme promoted by the government and effective implementation of this has a potential for large scale positive impact on the lives of ultra poor families. The government of Bangladesh's food, relief and disaster management ministry chalked out a 100 day food for work programme in 2008-2009 for jobless masses. Later-on in 2009-2010 and 2010-2011 another programme 'Job opportunity programme for ultra-poor' was introduced. The landless groups in collaboration with Nijera Kori then chalked out a programme to ensure a meaningful public audit and hearing in two Unions. Following committees were formed to undertake the work:

1. Overall Co-ordination and management committee
2. Cultural sub-committee
3. Publicity sub-committee
4. Gathering information, public investigation and reports sub-committee (8 groups of 10 members in each)

The information gathering, public investigation and report making sub-committee designed and submitted the query seeking 19 types of information from various government departments. The information for 18 applications was received as per the stipulated period of the RTI. However, one application related to the job-opportunity project activities for the ultra-poor and information on master-roll application was not received on time, which was received only through an appeal application.

Following the receipt of RTI response from the government, a door to door survey was carried out in 45 villages in the two selected Unions to verify the merit of the response. The public investigation team in 7days interviewed 407 persons (female-141, male-266) in 2 unions. Total 111 laborers (female-29 and male-82) could not be interviewed as they had migrated outside the area in search of livelihood. The investigation activities were conducted on the basis of public investigation teams approved labour list, muster roll, approved project and blueprint, other information and document.

The groups assessed the implementation status on the basis of the following

1. Assessment of records.
2. Method of planning the project and approval procedure.
3. Selection of labourers and approval procedure.

4. Monitoring of activities, attendance record, making master-roll, payment through bank to the labourer.

The groups reviewed the legal provisions, which constitute the foundation of the assessment of implementation of the 40 day employment Programme. Those documents include,

1. Review of Right to information Act
2. Review of job opportunity implementation policy for the ultra poor.
3. Review of the proposed project's authorization process.
4. Review of proposed and approved labor list.
5. Review of social safety-net work activities and lists of other activities.
6. Review of master-roll.
7. Review of the project's budget.
8. Review of approval letters of fund through bank.
9. Review of food for work and test relief activities.

Findings from the RTI:

The analysis of the RTI information collected and the door to door interviews revealed irregularities at various levels. The irregularities can be categorized under three different aspects:

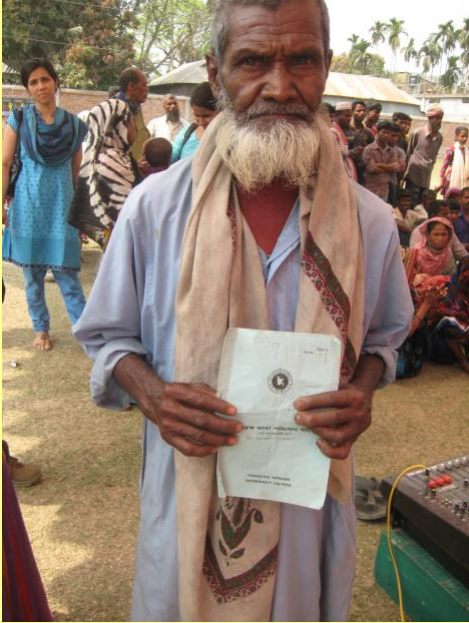
- Government employees using public services beyond the purview of approved work
- Irregularities in selection of the beneficiaries
- Harassment and exploitation faced by women
- Irregularities in payment of wages and embezzlement of funds

1. Government employees using public services beyond the purview of approved work:

The investigation revealed that some of the works undertaken were not approved by the government. For e.g. in Paishka, the road repair works in 'Hitali Bill' and in Jadunathpur the road repair was done from 'Daila bridge' upto 'Baktarpur' river side. The people who had done the labour work were not aware of the actual approved site. There was no transparency in sharing about the number of labour employed, the payment details as well as total allocation of the budget. The respondents were also unaware of the provision of the project implementation committee and none such committee existed.

Only after the discussions with the respondents, they realized that they were made to work at the two sites which did not exist in the approved programme list. The local respondents shared that the land where the work was undertaken is the private road of the project committee members and the local elites.

Demands from the Landless Organisation:



- There is no transparency about the approval of the project, the project site and project implementation committee. There must be a thorough sharing the project and approved works with the people offering their labour.
- There is lack of awareness amongst the people about the 40 day employment provision. Hence there should be a mechanism organized for awareness raising regarding this programme.

2. Irregularities in selection of the beneficiaries

- Many irregularities are found in selection of the beneficiaries, labour list, muster roll, list of social safety net card holders. As per the information received from the members interviewed, 45% experienced corruption and nepotism (27% women, 58% men), irregularities in selection of labour was reported is 39 %, i.e. 23% women, 45% men). In cases of men, irregularities are found in terms of selection of the beneficiaries and in case of women, instances of being excluded from the assigning of work are evident.
- This programme guarantees work only for the hardcore poor. However, as deposed by three members they earn more than 300 Tk per day and yet their names showed present in the master roll, along with thumb prints, which obviously enough, were not theirs. Humayun, from Ghagra village deposed that he was surprised to learn that his name was there in the list, as he earns more than 350 Tk per day. He bravely shared with the entire group that it was on his name that someone else siphoned off money earmarked for the poor.
- Out of the total people interviewed, 24 people possess more agricultural land than the legal permissible limit. All these respondents came to depose their testimony.
- As per the activity implementation policy clause 8 No c, '18-60 years old able bodied person will be selected'. The investigation team ascertained the correct age on the basis of national identity card and it was found that total 36 persons (female 7 and male 29) age was more than sixty and one person below 18 years of age. The under age person is a nephew of a local influential person.
- As per the provision of the Law, only one person from each household can be considered to avail this employment. However, investigation found that there were 16 persons (8 families), who had two members of the family registered for the work (10 husband – wife, 4 brother – sister, 2 father- son).
- Names of the people who are over age for being qualified for this programme, have been put in the master roll and the monies have been siphoned off.

'Can you all see how old and fragile I am to be considered for the harsh labour work that the 40 days employment guarantee programme entails? I am above 60 years of age. I am still struggling to get my due entitlements under the Old Age Pension scheme, and here, my name is registered where some people are siphoning money on my name', deposed a person

- As per the policy, any recipient of other social safety net programme is not eligible to be registered for this work. The investigation on the basis of the data for the social safety net programmes revealed that total 6 % i.e. 23 persons (10 women, 13 men) were in possession of social safety net cards (old age allowance – 11, V.G.D card holders – 5, handicapped allowance – 2, freedom fighter allowance – 1).
- The policy states that out of the total, at least 30 % ought to be women. As per the data available, only 27 % women are enrolled.
- No crèche facilities or shade to look after the babies and children were available leading to problems for the mother in looking after her children, problems for the child itself and often harassment from the supervisor.
- Women were sometimes made to work in the homes of the elected members/ people in charge of the project., instead of the project itself.

3. Harassment and exploitation faced by women:

- Total three women showed enormous courage to openly share about the physical and sexual harassment faced by them at the hands of the government officials.
- This is highly objectionable, as the protection of the women (and all the citizens) from violence is State's responsibility, where as, in these cases, the custodians themselves are the perpetrators.

4. Irregularities in payment of wages and embezzlement of funds

- Major irregularities are found in the payment of wages to the people. Most of the participants reported to have either been paid wages for 35 days instead of 40 days, where as they were made to sign on the 40 days wages.
- There was no signature put in any of the bank payments made, where as those people were not paid for their works.
- The PIO tried to defend himself giving the details that he had made all the payments as per the documents made available to him. At this point, all the Landless organization committee members collectively rose and asked for his explanations to the negative treatment that he practiced with the people and his role in embezzlement of funds.

Summary:

The Public Audit was a strong message to the State and the officials responsible to ensure that the poor families are supported to access employment, thereby, sustain the families and themselves. Viewing the positive results of putting the State functionaries to question, the Landless Organisation declared to work together again and analyze the land allocations of Khaslands. The Public Audit shows us a direction to how citizen's can create a 'culture of questioning' across the State, thereby, contribute to strengthening and deepening democracy.

Initial responses:

As this report is being prepared, there are some positive responses being received from various appropriate authorities, which indicate positive impact of the tribunal. However, this is too early

to gauge the actual impact of the tribunal and hence, Nijera Kori remains committed to follow it up with various duty bearers.

On 25th March Mr. Golam Farooq, Assistant Secretary, Food and Disaster Management Ministry along with his enquiry team went to the upazila to look into the irregularities and corruption revealed through the Public Audit. The landless group spread the news in all the participant villages and motivated the people to depose their witness to this committee. Approximately 700-800 people assembled to participated in that meeting with the duty bearers. Representatives from five other regions i.e. Bolibhadro, Baniajan, Mushuddi, Dhopakhali and Birtara unions also participated. Though he refrained from answering many questions, the Assistant Secretary also assured the people that they will not be exempted from getting the employment. Later, he also held a meeting in upazila office and the UNO office.

The Deputy Managing Director of the Banks requested for all the details of the findings of the tribunal. They have again assured of taking actions against the people involved in the corruption.

The Deputy Managing Director has submitted an observation report and public audit report to the board meeting. The main discussions in the meeting were as follows:

- (a) None of the master roles mention the total number of working days in the columns for total working days column
- (b) According to article 19, of Programme Management Policy for implementation of the program, labors must receive their respective wages in a maximum of five days. However, in Jodanupur Union, Bangladesh Krishi Bank provided for the wages of five days for the first time, ten days for second time and yet another ten days for the third time, fifteen days for the fourth time, all altogether. This has been targeted as an irregularity by the mass investigation team.

Result

When the irregularity mentioned above was presented in the public tribunal, the Deputy Managing Director-2 of BKB had asked the concerned bank officials to prevent these irregularities in future and had instructed them to take necessary steps so that these are never repeated in future.