

Employment Guarantee on the Ground: Insights from Jharkhand

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“Koi parivartan nahi hua. Pehale bhi saag-gethi khate the. Aab bhi vahi khate hai”. (Nothing has changed. Earlier we used to survive on saag and roots, and we are still doing the same today). Thus spoke Jago Devi of Kusumatand village (Palamu) when we met her recently. We first met her four years ago after it was reported that her husband had died of starvation. She lived in abysmal poverty at that time and her situation did look much the same today.

One difference is that today Jago Devi has a job card. However, she is not sure what this card actually means, except for a vague hope of employment. Twenty days earlier, she said, about 30 labourers had been employed on the excavation of a pond in Kusumatand, but she was turned away. The contractors who had organised the work ensured that their own kith and kin were employed first.

Jago Devi's situation is typical of other rural poor in Palamu district today. The National Rural Employment Guarantee Act (NREGA) came into force in Palamu on 2 February 2006, but little has happened beyond the distribution of job cards, itself fraught with problems. Employment generation has been very limited, and where jobs were provided, wage payments were delayed for long periods and always below the statutory minimum.

This is, in a nutshell, the picture emerging from a recent study of the implementation of NREGA in two districts of Jharkhand: Palamu and Latehar. The survey was conducted by students from Delhi University and Jawaharlal Nehru University in May 2006. They were divided into two teams of approximately 15 each, and spent about two weeks in Manika block (Latehar) and Manatu block (Palamu) respectively. In each block, the team visited a sample of worksites, interviewed labourers and conducted a household survey in two villages.

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The teams also used this opportunity to inform labourers about the provisions of NREGA, especially their entitlements under the Act. There were also extensive interactions with government officials (from *panchayat sevak* to Deputy Commissioner), elected representatives, and local NGOs. At the end of the survey, *jan sunwais* (public hearings) were held at the block headquarters in Manika and Manatu.

This article discusses various aspects of the implementation of NREGA in the light of this field investigation. Before we proceed, two qualifications are due. First, this article is based primarily on first-hand observations from the field survey (our own as well as those of other members of the survey teams). Formal analysis of the survey data awaits the completion of similar surveys in other states. Second, it should be borne in mind that the survey took place in remote and deprived areas. It may not be representative of the general situation in Jharkhand as a whole.

Status of NREGA in Jharkhand

Twenty of Jharkhand's 22 districts are in the list of 200 districts where the National Rural Employment Guarantee Act came into force on 2 February 2006. Under NREGA, every state government is bound to launch a Rural Employment Guarantee Scheme within six months of the Act coming into force. In Jharkhand, the scheme is still in the process of being drafted. Meanwhile, NREGA has been initiated within the framework of the earlier National Food For Work Programme (NFFWP) and Sampoorna Grameen Rozgar Yojana (SGRY), based on the Operational Guidelines issued by the Ministry of Rural Development in January 2006 (hereafter "Guidelines") as well as further State guidelines.

Judging from our experience in Manika and Manatu, there is no doubt that the coming into force of NREGA has become a matter of great interest in rural areas. There is growing awareness of the promise of "100 days of employment for every household" and widespread demand for job cards. Government officials such as Block Development Officers (BDOs) and panchayat sevak are having to devote a considerable part of their work time on NREGA related matters, due not only to orders from the top but also to rising pressures from below. The practical results so far leave much to be desired, as discussed further on, but nevertheless this activation of the local administration shows the potential effect of NREGA on

government priorities. Realising this potential, however, depends on public mobilisation of a kind that has only begun to happen in these areas.

Low awareness

Even though there is growing public awareness of NREGA as a new initiative to provide rural employment, there was very little understanding of the basic features of the Act in the survey area. For instance, the ‘job card’ is another card that people know they are supposed to get (like the BPL *lal card*), but most people are not clear about the entitlements associated with the job card. Further, few people understand that after getting a job card they need to apply for work in order to get employment. In that sense the fundamental principle of employment guarantee (employment on demand) is yet to sink in. Similarly, there is very little awareness of other entitlements such as employment within 15 days, minimum wages, weekly wage payments, worksite facilities and unemployment allowance – not to speak of the right to scrutinise all NREGA-related documents.

Even among concerned government officials, there is little awareness of the basic features of the Act. For instance, we were startled to learn that the Hindi version of the Guidelines was not available anywhere in the two sample districts – not even in the office of the District Collector. Similarly, training programmes for key officials have barely started, five months after the Guidelines instructed state governments to organise such programmes on a priority basis.

Job cards

Under NREGA, all rural households are entitled to apply for a “job card”. Registering applications and issuing job cards is the responsibility of the *gram panchayat*. In Jharkhand, however, there are no gram panchayats, as panchayat elections have not been held since 1978. This institutional gap is a major stumbling block in the implementation of NREGA.

In the absence of gram panchayats, the distribution of job cards and related responsibilities have been assigned to the panchayat sevaks. This arrangement is far from satisfactory. For one thing, there are too few panchayat sevaks, and while each panchayat

sevak is supposed to look after a single panchayat, in practice many of them deal with two or even three panchayats. For another, panchayat sevak have many other responsibilities and the distribution of job cards is a further addition to an excessive work burden. This situation reflects another stumbling block in the implementation of NREGA: the general lack of staff at all levels. Crucial gaps include Programme Officers at the block level, Gram Rozgar Sevaks at the panchayat level, supervisors, engineers, etc. In the absence of the required appointments, these responsibilities have been assigned to existing officers such as the Block Development Officers and panchayat sevak.

In spite of this shortage of staff, the distribution of job cards is under way in both Manika and Manatu. However, many irregularities were found in this process: the applicants often had to purchase the application form (for as much as Rs 10 in some cases); many have also been charged (up to Rs 60) for the photographs; oral applications as well as applications on plain paper have not been permitted; bribes have been extracted while delivering the job cards; and most importantly, applications from households not listed in the BPL Census 2002 have been rejected.¹ The last irregularity is a gross violation of the Act and Guidelines, which clearly state that all rural households are entitled to job cards.

A related irregularity is the denial of separate job cards to nuclear families living together as a joint household. According to the Guidelines, each nuclear family is entitled to a separate job card. This point, however, has not been clearly conveyed to the panchayat sevak. In fact, even the BDO in Manatu was convinced that a joint family should have a single job card.

¹ According to official data presented by Dr. Y.B. Prasad (Xavier Institute of Social Service, Ranchi) at a workshop held in Ranchi on 29 May 2006, 1.5 lakh applications for job cards have been rejected in Jharkhand. The main reason for rejection was that the applicant household had not been listed in the BPL Census 2002. The BPL Census was supposed to be a census of all rural households aimed, at the identification of households below the poverty line. In practice however, many households were missed and these households do not have a BPL Census number. This appears to have been used as an excuse to refuse job cards to these households, on the grounds that the serial numbers of job cards are supposed to be based on the same coding system as in the BPL Census (according to the Operational Guidelines). Sometimes eligibility for job cards has also been denied to households who do not have a BPL card even if they were listed in the BPL Census. As a matter of fact, the Operational Guidelines do not require the serial *number* of a job card to be the same as the serial number of the concerned household in the BPL Census. The Guidelines only require the coding *system* to be the same. There is, thus, absolutely no justification for denying job cards to households that do not have a BPL Census number, let alone denying cards to those are listed but do not have a BPL card (i.e., APL households).

Behind these irregularities is a pattern of “hide and seek” whereby government officials are trying to restrict the number of job cards that are issued. This helps them to evade their full responsibilities and keep the work load under control. As a result, universal entitlements get confined to specific households and divisions of interests are created within the rural society.

It is also worth noting that the design of job cards in Jharkhand is quite defective. For instance, there is no space to record wage payments. This defeats one of the main purposes of the job card, i.e. to ensure that labourers are in possession of an official record of the wages paid to them. Similarly, there is no space to record the quantum of work done, or payments of unemployment allowances. Last but not least, people’s entitlements under the Act have not been printed on the back of the job card, as directed in the Guidelines. Thus, a crucial opportunity has been missed to ensure wide awareness of the basic features of the Act from the very beginning, at no extra cost.

Demand for work

As mentioned earlier, most people in the survey areas do not understand that in order to get employment under NREGA, they have to apply for it. As a result, while the distribution of job cards is well under way, the process of work application has not even begun.

An odd situation has developed in Manika and Manatu whereby many people have job cards and there is an acute need for work, yet very little employment has been created under NREGA. So far, employment generation under NREGA has been confined to the continuation or execution of works planned earlier under NFFWP and now renamed as NREGA works. In Manika, the BDO was unable to give figures for current employment under NREGA in the block, but the field survey suggests that the total number of labourers employed was unlikely to be more than a few hundred, out of a total population of 64,000. A similar situation prevailed in Manatu.

At this stage, further progress of NREGA depends first and foremost on a concerted awareness campaign to activate the work application process. Basic rules of this process

should become common knowledge: for example, that individual or collective applications can be submitted at any time either to the gram panchayat or the Programme Officer (in this case the BDO); that applications on plain paper are allowed; that a dated receipt should be given to the applicant, etc. The last provision is essential to enable applicants to claim the unemployment allowance if work is not provided within 15 days.

Wage payments

A range of problems and irregularities emerged in relation to wage payments. Four issues deserve special mention: fudging of muster rolls, flawed work measurement, non-payment of minimum wages, and delays in wage payments.

A muster roll is a document that has much power. This is the only written record of the work done at a particular worksite, the number of labourers employed, the person days of employment, and wages due. It is also the crucial document used to claim funds from higher authorities. The person who has the muster roll in his custody therefore has a lot of clout. The NREGA Guidelines (and indeed the Act itself) lay much emphasis on the transparency of muster rolls. In particular, they require muster rolls to be available at the worksites.

In Manika and Manatu, the muster rolls were supposed to be maintained by the *abhikarta* (the supervisor in charge of a particular worksite). More often than not, the *abhikarta* was hard to locate, and once found, very reluctant to disclose the muster rolls. In all cases where the survey team was able to see the muster roll, it turned out to be a “*kaccha* muster roll”: a simple notebook, often poorly maintained, used to record daily attendance. The standard practice seems to be to maintain *kaccha* muster rolls as long as the work is in progress, and to transfer the attendance details to the “*pacca* muster rolls” later on.² Needless to say, this practice opens the door to massive fudging since the filling of *pacca* muster rolls is essentially beyond scrutiny. The *pacca* muster rolls are supposed to be signed by labourers at the time of wage payments, but this is not much of a protection against corruption since most labourers are unable to verify the written details, nor do they have any bargaining power

² This practice was already observed in May 2005 in an earlier survey of the National Food For Work Programme in Palamu (see Bhaskar, 2005), and also in the neighbouring districts of Surguja (Chhattisgarh) and Sonebhadra (Uttar Pradesh). It is likely to have a long history.

to demand corrections if the details are wrong. Besides, the two-stage completion of muster rolls makes it easy to enter fake names in the *pacca* muster rolls.

Since the *pacca* muster rolls were nowhere to be found, the survey teams were unable to verify their authenticity. In Manika, the BDO finally handed a completed muster roll to the survey team on 19 May – a muster roll pertaining to the construction of a *kachha* road in village Auratand. However, when the team went to Auratand to verify this muster roll, it emerged that the BDO had gone there on 18 May, and personally filled this muster roll from the *kaccha* muster roll (the attendance register) in the presence of the panchayat sevak and *abhikarta*.³ Interestingly, some members of the *nigrani samiti* (vigilance committee) were also present. Evidently, this was a window-dressing exercise. The survey team also learnt in Auratand that the work had been completed at the end of March, and that wages had been paid sometime in April. Since wages are not supposed to be paid without completing the muster rolls, two possibilities arise. One is that the BDO manufactured this new muster roll after destroying the muster roll that had actually been used earlier to make the wage payments. Another is that wage payments were made without completing the muster rolls and getting them signed by the labourers.⁴ In both cases, the entire process is at variance with the Act and the Guidelines, whereby *pacca* muster rolls should be kept at the worksites, finalised at the time of wage payments, displayed at the panchayat bhawan, and submitted to the gram sabhas for social audit.

Further inspection of the Auratand muster roll pointed to another possible scam. According to this muster roll, labourers had received part payment of wages in kind at the rate of 7 kg of rice per day. However, labourers denied having received any grain. Instead, they had received equivalent payments in cash, with rice being valued at the BPL price. Further, according to the BDO a permit had been issued for lifting this grain from the FCI godown and the grain had been lifted. This suggests that the grain was sold in the market.

³ The BDO himself admitted this later on. He also accepted that the muster roll he had handed to the survey team had only 53 names, while the attendance register had 126 names. The reason, he said, is that he “ran out of time” to complete the *pacca* muster roll on 18 May. Therefore, he instructed the *abhikarta* to continue filling the muster roll in the same manner after his departure. His explanation for the entire operation is that he was “training” the *abhikarta* to fill the new NREGA muster rolls, which are a little different from the NFFWP muster rolls.

⁴ The labourers said that they had signed “something” at time of wage payments, but it was not clear whether this document was the *pacca* muster roll or something else.

This would have been quite lucrative since the market price of rice is higher than the BPL price. In other words, money is being made by selling grain in the market at one rate and giving the cash equivalent to labourers at a lower rate.

Turning to work measurement and wage payments, two systems were in place: piece rates and daily wages (both are permitted under the Act). Most labourers were paid under the piece-rate system, known locally as “*chauka*”. Under this system, they are supposed to dig a *chauka* (pit) of pre-specified size (e.g. 100 cubic feet in the case of soft soil) in order to earn the minimum wage of Rs. 73. In practice, this system raises several problems. To start with, it typically takes more than a day for an average labourer to complete the specified task, making it hard to earn the statutory minimum wage. This is a violation of the Act, which states that the “schedule of rates” should be such that a labourer working for seven hours would normally earn the minimum wage (Schedule I, Section 8). Further, the schedule of rates is far from transparent: labourers do not understand the variations in rates depending on soil type, depth, etc. Some tasks are not “counted” at all.⁵ Finally, there are no proper arrangements for work measurement. Effective implementation of the *chauka* system requires individual measurement of the work done, which is virtually impossible at present due to shortage of trained personnel. As a short-cut, collective measurement tends to be done. The bottom line is that labourers are unable to verify that the wages paid to them correspond to the work done, as per the schedule of rates. In particular, they are routinely paid less than the minimum wage, without being able to protest.

Delays in wage payments are another major issue. Under NREGA, labourers are legally entitled to being paid every week, and in any case within a fortnight of the work being done. In Manika and Manatu, however, wage payments were routinely delayed for weeks or even months. Needless to say, this causes extreme hardship to the labourers, all the more so as many of them belong to some of the poorest adivasi communities of Jharkhand (Parhaiyas, Cheros, Kharwars, Bhuiyas, among others). Their frustration was well captured in the words of one labourer. Pointing at the *tendu pattas* he was making *paulas* (bundles) of, he said: “As you can see in this season we are collecting *tendu pattas*. We make a *paula* of 50 *pattas*. For

⁵ For instance, labourers are often required to carry the earth and throw it some distance away, without additional payments being made for this task (known as “lift and lead”), even though it is officially included in the schedule of rates. Sometimes, husband and wife end up working together for the

each paula we get paid 50–60 paise. The season will last for another 15 days but the contractor will take a month or two to make the payment. So we go for casual labour on public works. And what happens there? There too we are not paid for months on end. Is the government no better than the tendu contractors?”

Other Implementation Issues

Before concluding, brief mention should be made of a few other implementation problems observed in the survey areas.

Worksite facilities: Labourers working under NREGA are entitled to basic worksite facilities such as shade for periods of rest, safe drinking water and first-aid. Also, if more than five children under the age of six are present at the worksite, one of the woman labourers is supposed to be deputed to look after them. Except for natural shade in some cases, none of these facilities were available at any of the sample worksites.

Productive assets: There is great potential for the creation of much-needed productive assets under NREGA. In the survey areas there was much scope for building rainwater harvesting systems, excavation of tanks, construction of kaccha roads, regeneration of waste land, etc. The Act also permits land improvement works on land owned by SC/ST families. However, the survey teams found that much of this potential had been wasted. Most of the works had not been completed, and were in danger of being washed away in the coming monsoon. In other cases, the work had been completed but its productive value was doubtful. For example, well-built kaccha roads would be of great value in both Manika and Manatu, but the technical standards of kaccha roads built under NREGA were very low. Little use has been made of the rich experience of road and tank building under drought relief works in other parts of the country, especially the western and southern states.

Fictitious gram sabhas: Gram sabhas are supposed to play an active role in the planning and monitoring of NREGA works. For instance, priority is to be given to proposals formulated by the gram sabha, and regular social audits of all NREGA works are supposed to be

whole day on a single chauka, with the husband digging and the wife carrying the earth, and earning (say) Rs 73 between the two of them, i.e. as little as Rs 37.50 per person per day.

conducted by them. However, there was no evidence of NREGA-related gram sabhas being held in the survey areas. Instead, what seemed to be happening is that contractors and other local vested interests were using the sanction of a fictitious or cosmetic gram sabha to further their own ends. For instance, in Manika, NREGA works are supposed to be implemented by a team of two local persons (the *abhikarta* and *adhyaksh*) selected by the gram sabha, at least one of whom has to be a woman. In practice however most of the abhikartas appeared to be puppets of local contractors, when they were not contractors themselves.

Bicholias: The above-mentioned “contractors” are not necessarily very powerful themselves. Most of them are small-time “bicholias” (middlemen), as they are known locally. These bicholias essentially act as multi-purpose intermediaries between the people and the local administration. They get the work done, ensure that the officials get their “cut”, and earn their own commissions. For instance, some of them get job card application forms from the block headquarters and sell them to the applicants, or deliver job cards on behalf of the panchayat sevaks. Others implement NREGA projects in the name of the official abhikarta. Their names do not appear on any records, enabling them to vanish quietly in the event where there is any threat of corruption being exposed. There were plenty of bicholias in the survey areas, partly because they act as substitutes for the non-existent gram panchayats, and partly because government officials are reluctant to visit the villages, on the grounds that these are Naxalite areas. The hold of bicholias on NREGA is a flagrant violation of the Act, which clearly states that contractors are not allowed. However, removing bicholias is likely to be difficult until gram panchayats are formed in Jharkhand.

Concluding Remarks

The picture emerging from this brief investigation is far from encouraging. As things stand, there is little difference between NREGA and earlier employment programmes such as NFFWP and SGRY. And the basic purpose of providing employment on demand, at the statutory minimum wage, is nowhere near being achieved.

It is, of course, natural to expect various “teething problems” after the introduction of such an ambitious programme as NREGA. A learning phase is bound to be required. Yet, it is worth noting that some states have been much more successful than Jharkhand in putting NREGA on track. For instance, the preceding findings are in sharp contrast with those of a

similar investigation conducted earlier in Dungarpur district, Rajasthan. In Dungarpur, substantial progress has been made towards effective implementation of NREGA. Most rural households have a job card. At the time of the investigation, in mid-April 2006, about half of all rural households in Dungarpur had a member employed on NREGA. There were irregularities such as delays in wage payments, non-payment of minimum wages, and inadequate worksite facilities. Nevertheless NREGA was providing vital employment opportunities to the rural poor and helping to revive the local economy. Last but not least, some headway had been made towards implementing the Guidelines related to transparency and accountability. For instance, muster rolls were available at the worksites and NREGA records were available for public scrutiny. As a result, the scope for corruption had been drastically reduced.⁶

There are several reasons for this sharp contrast between Dungarpur on the one hand, and Manika and Manatu on the other. First, the absence of gram panchayats in Jharkhand has created an institutional vacuum at the village level. In Dungarpur, by contrast, gram panchayats and gram sabhas are in place and they have been actively involved in the planning, implementation and monitoring of NREGA works. So much so that contractors have been largely kept out of the programme, as required under the Act. In Jharkhand, contractors have stepped in as a substitute for the gram panchayats, and are manipulating the programme to further their own ends.

Second, Rajasthan has a long tradition of labour-intensive public works programmes, and the required administrative arrangements have been improved over time in the light of experience. For instance, the separation of payment agencies from implementing agencies (a crucial safeguard against corruption) has been introduced in the context of drought relief works, and continues under NREGA. Similarly, there are well-tested arrangements for work measurement, record-keeping, work inspections, and related matters. Jharkhand is nowhere near achieving the same level of administrative competence in this field.

⁶ For further details, see Sivakumar (2006). In an earlier survey of the National Food For Work Programme, conducted in May-June 2005 in six states (Chhattisgarh, Madhya Pradesh, Jharkhand, Rajasthan, Uttar Pradesh and West Bengal), it had already emerged that Rajasthan was doing considerably better than other states, particularly in terms of the implementation of transparency measures; see Drèze (2005).

Third, the right to information movement in Rajasthan has fostered a culture of transparency and public vigilance. Government officials are getting used to the fact that citizens have a right to consult and even to request copies of government documents. Muster rolls, which were treated as confidential if not secret documents in Rajasthan not so long ago, are now available for public scrutiny. At the panchayat level, too, records were carefully maintained in Dungarpur. In Jharkhand, however, there is still very little acknowledgement of people's right to information among government officials, and even more limited awareness of it among ordinary citizens.

Finally, there are important differences in the politics of NREGA in Rajasthan and Jharkhand. In Rajasthan, "employment guarantee" has been a subject of competition among political parties for some time. While the enactment of NREGA is due to the UPA Government, the BJP government in Rajasthan is clearly "owning" the programme at the state level. It has seized NREGA as an opportunity to win popular support in rural areas at the cost of the Central Government. On the very day when NREGA came into force, on 2 February 2006, gram sabhas were convened throughout Dungarpur district and registration of applications for job cards began on a large scale. Ever since, there has been relentless pressure on the administration to deliver. Further, employment guarantee has also been a lively issue for people's organisations and social movements such as Mazdoor Kisan Shakti Sangathan, Akal Sangharsh Samiti and Rozgar Evum Suchna ka Adhikar Abhiyan.⁷ In Jharkhand, by contrast, NREGA still has low priority on the political agenda. For instance, very little progress has been made towards framing a Rural Employment Guarantee Scheme for Jharkhand, as required under the Act. Opposition parties and people's organisations have also failed to take the government to task for its apathy in this regard.

This situation, however, is not immutable. In Manika and Manatu, public hearings held at the end of the field surveys gave an inspiring glimpse of the potential of NREGA as a

⁷ Mazdoor Kisan Shakti Sangathan (a workers' organisation based on south Rajasthan) has a long-standing commitment to the right to work and the right to information. Akal Sangharsh Samiti is a network of organisations that came together during the 2001 drought, to campaign for the rights of drought-affected people, and beyond that, for the right to food and the right to work. Both played an important role in the campaign for an Employment Guarantee Act, and were actively involved in preparing the first draft of the Act (submitted to the National Advisory Council on 16 July 2004). Rozgar Evum Suchna ka Adhikar Abhiyan organised the Dungarpur padyatra in April 2006 (see Sivakumar, 2006) and continues to work for effective implementation of the National Rural Employment Guarantee Act and the Right to Information Act in Rajasthan.

rallying point for local action. In Manatu, for instance, about 2000 men and women (mainly poor labourers from the surrounding villages) attended the public hearing on 28 May and sat with rapt attention for more than six hours as individual villagers testified on various aspects of NREGA. The BDO had to respond to a range of pointed questions and panchayat sevaks from the surrounding panchayats were also grilled one by one. The local MLA (Videsh Singh), who had previously attempted to scuttle the public hearing, and sent word that anyone who attended the public hearing would have to face the consequences, eventually showed up himself and stayed for the full duration of the hearing. Aside from helping to create much wider awareness of people's entitlements under the Act, the public hearings underlined the fact that local officials and elected representatives are ultimately accountable to the people under NREGA.

All said and done, NREGA has created a sense of hope amongst the rural poor. This sense of hope can be further strengthened if people understand that the Act gives them employment as a matter of right, and that claiming this right is within the realm of possibility. Translating this latent energy into organised public pressure is the best way to ensure that the implementation problems reviewed in this article are addressed without delay.

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