

A REPORT ON THE 5-DAY TRAINING OF TRAINERS ON ‘SOCIAL AUDIT IN NATIONAL RURAL EMPLOYMENT GUARANTEE ACT (NREGA)’ HELD AT SODA, BARIPADA, ORISSA UNDER THE JOINT AEGIS OF PRIA AND SADHANA DURING 24-28 SEPTEMBER, 2007

A programme of training of trainers on Social Audit in NREGA was conducted by SADHANA in collaboration with PRIA, Orissa under Orissa Civil Society and Poverty Programme (OCSPP) during 24th to 28th September, 2007 at the training centre of Society for Developmental Action (SODA), Sagunabasa, Laxmiposi, Baripada, Mayurbhanj in Orissa. The objective of the programme was to enhance the knowledge and skill of functionaries of Civil Society Organisations (CSO)/Non-Government Organisations (NGOs) who are engaged in activities aiming at raising of the level of accountability, responsiveness and transparency in the system of governance at grassroots level in general and improving the scope and frequency of communication between the rural people and government functionaries for proper implementation of Orissa Rural Employment Guarantee Scheme (OREGS) under National Rural Employment Guarantee Act, 2005 in particular.

The module of the ToT was designed in such a manner as to develop the understanding of the participants about the basic features and provisions of NREG Act and as well on the institutional mechanism called Social Audit mandated under the Act for ensuring transparency and accountability in the process of its implementation. With guidance from PRIA two participants each from 27 NGOs working across the districts of Mayurbhanj, Balasore, Bhadrak, Jajpur and Keonjhar were invited to participate in the ToT programme.

To facilitate the field-level training-cum-exposure of the participants on social audit, relevant documents like copies of Muster Roll, Estimates, Work Order, Measurement Book, Resolutions of Palli Sabha and Gram Sabha, Cash Book and Bills in respect of two NREGA works, one each in two sample villages had been collected and kept ready in advance by the staff of Sadhana before the programme was held.

A total of 33 participants hailing from 17 NGOs attended the training programme conducted during the 5-day period. Two resource persons, Sri Bidyut Mohanty of SPREAD, Koraput and Sri Chitta Behera, a consultant on governance reforms facilitated the conduction of the training programme in succession. Sri Mohanty was present on 2nd and 3rd day of the programme while Sri Behera on 3rd, 4th and 5th day.

The first Resource Person could not arrive on the first day due to heavy and continuous rains and therefore the sessions on the day were facilitated by Sushree Bharati Besra, Programme Manager SADHANA and Sri John George of Utkal Vikas Kendra. In the said sessions, information on the knowledge/experience of the participants on NREGA and their understanding of the role of CSOs in maintenance of accountability, responsiveness and transparency for effective implementation of OREGS and their expectations from the training programme were shared between the participants.

During the 2nd to 5th day of the training programme, both theoretical lessons and practical exposure to the field were held. On 3rd and 4th day, exposure visits to the sample villages Mohiniganj and Bhurudubani were conducted along with in-house sharing of the experience of the same. Both the resource persons Sri Mohanty and Sri Behera accompanied the participants in their exposure visit on the 3rd day, while Sri Behera alone accompanied them

during the exposure visit on the 4th day. On the 2nd day the resource person Sri Mohanty had imparted basic inputs on NREGA, OREGS and Social Audit. In course of different sessions held during the remaining days the resource person Sri Behera had as per the schedule of topics suggested by him covered the following 5 specific themes-

- Muster Roll under NREGA and OREGS
- Social Audit under NREGA
- Relation between NREGA and OREGS
- Right to information and inspection of documents under NREGA
- Grievance Redressal Mechanism under NREGA & OREGS

Though it was envisaged earlier that a public hearing should be held on the last day, it had to be cancelled following the suggestion of the resource person Sri Behera. Finding that a misconception prevailed on the term 'public hearing', Sri Behera clarified that the term 'public hearing' is, strictly speaking, a legal term, which means a pre-notified assembly of concerned members of public convened by the Government or a public authority to record the opinions or objections of the public if any about a new project before it is initiated. He warned not to use the term in any loose sense. The 'public hearing' as such is always called by the Government or a public authority, as the case may be, to 'hear' the 'public' on any particular issue or proposal. Citing a recent and well-known instance of 'public hearing' i.e. Public Hearing held on 15th of April last at Kujanga on POSCO-proposed Steel Plant and Captive Port, Sri Behera explained that it was called by a public authority named Orissa State Pollution Control Board, where the local people were given a chance to ventilate their opinions/objections on the proposed projects. And in fact, the proceedings of it as circulated subsequently by the Board did mention the said opinions/objections though in a synoptic manner. Thus there is absolutely no meaning in NGOs calling or organising a public hearing since they themselves are a part of the public. A properly called public hearing in the above sense of the term has a great legal force and the Government is bound to honour the public opinions/objections raised therein sooner or later, while the so-called 'public hearing' organised by the NGOs on any issue has no legal implications for the Government or concerned public authority, except of course some propaganda value. Of course, the NGOs can and should organise appropriate kind of forums, where the members of public may ventilate their opinions/objections on any particular issue and present the same before the Government or concerned public authority for their necessary perusal and action. But these forums instead of being labeled as 'public hearing' should be called 'public meeting', 'public rally', 'conference' or 'convention' etc. without using the suffix 'hearing'. In the specific context of NREG Act, 2005, there is no provision as such for holding a 'public hearing', but it provides for obligatory holding of 'social audit' (Section 17 of the Act) of the entire process of implementation of the projects and works carried at Panchayat level, and that too by Gram Sabha, and not by NGOs. The NGOs, however, can and should play wherever there is a scope or a space the catalytic role in awareness-building among the members of Gram Sabha about their powers and responsibilities for holding the social audit and its recommended mechanism. The resource person assured to ensure a full-fledged discourse on social audit to be held in course of subsequent sessions.

Reading Materials used-

The following 5 reading materials were provided to the participants as an aid to the discussion and field-level exposure to be held-

- A Brochure on NREG Act in English (prepared by the resource person Sri

- Bidyut Mohanty of Spread, Koraput)
- A Hand-out on Social Audit given by the resource person Sri Bidyut Mohanty of Spread, Koraput
- A Bilingual (Oriya & English) booklet on NREG Act, 2005 (prepared by the resource person Sri Chitta Behera and published by Orissa Shram Adhikar Abhijan)
- A Bilingual (Oriya & English) booklet on OREGS, 2006 (prepared by the resource person Sri Chitta Behera and published by Orissa Shram Adhikar Abhijan)
- An Oriya booklet containing the translation of selected 4 Chapters of Central Operational Guidelines under NREG Act, 2005 (prepared by the resource person Sri Chitta Behera and published by Orissa Shram Adhikar Abhijan)
- A 20-page FAQ in Oriya on NREGA and its implementation in Orissa, prepared by the resource person Sri Chitta Behera and circulated by the ToT organisers.

DAY-WISE DETAILS OF THE ToT PROGRAMME

The day-wise activities taken up during the ToT programme are detailed below:

Day -1 (24th September 2007 Monday)

Due to heavy rain that continued since last 4 days there occurred water logging and road blockage here and there seriously impeding the vehicular traffic all over. So the organizers felt apprehensive that the majority of the enlisted participants might not turn up. Then Sri Ranjan Rout of PRIA was consulted about the matter and he advised the organisers to observe the developing situation for sometime and then to decide about continuing or postponing the programme.

By 11.30 am 14 participants arrived at the training venue. The resource person Sri Bidyut Mohanty, who was supposed to travel from Keonjhar informed that he could not proceed from there because of road blockage. Then it was decided to start the programme with the available participants. First of all, Sushree Bharati Besra, Programme Manager, SADHANA gave an introduction on the objective and module of the 5-day programme envisaged so far. It was followed by self-introduction of the participants. Then a participant from among the team Mr. John George of Utkal Vikas Kendra, Krushnachandra Pur, Mayurbhanj facilitated a brainstorming session to assess the baseline knowledge and understanding of the participants on NREGA and OREGS.

By the time post-lunch session was started, another 6 participants joined in and some participants telephonically informed the organizer that they would reach the venue of the training by the next day. Taking the view of the participants and in consultation with Sri Ranjan Rout from PRIA, it was decided to continue the programme.

In the afternoon session, the discussion started earlier continued and focus was now laid on exploring by a collective effort the existing level of understanding of the participants on the role of CSOs for effective implementation of NREGA/OREGS and their specific expectations from this ToT programme.

and the expectations of the trainees were noted for discussion with the Resource Persons of the following days.

The understanding and expectations that emerged from the discussions so held were noted by Sri Malaya Kumar Mukherjee, a voluntary organiser of SADHANA and he also prepared the report of the activities of the entire day.

Day-2 (25th September 2007 Tuesday)

The Resource Person Sri Bidyut Mohanty of SPREAD, Koraput arrived in time. Sushree Bharati Besra, Programme Manager SADHANA apprised him of the situation and developments of the first day and also informed him about the understanding and expectations of the participants on NREGA/OREGS as revealed in course of the day's sessions.

The morning session of the day-2 started with a small prayer followed by a presentation of the report of developments and sessions of the day-1. Then a participant Sri Chitta Ranjan Mishra volunteered to prepare the report for the 2nd day.

Then Sri Mohanty divided the participants into 4 groups and gave them a hand-out (Oriya copy of OREGS excluding the Forms). He assigned each group with the task of reading in depth and discussing between themselves a few selected sections of the OREGS (such as Group-1: Section 1-8; Group-2: Sections 9-13; Group-3: Sections 14-23; and Group 4: Sections 24 to 30). The groups were told, each to articulate their understanding of the respective Sections allotted to them in the plenary session to follow.

The group work so entrusted continued for an hour and then the reporters from each group presented their understanding of sections they had gone through. After this the participants broke off for lunch.

In the post-lunch session the resource person made a power-point presentation on NREGA-2005. His presentation covered the following sub-themes:

- The Objectives and Special features of NREGA, 2005
- Definition of Family under the Act
- Registration Procedure
- Job Cards and Demand for work
- Employment and Unemployment allowance
- Minimum wage and scheduled rates/piece rates
- Wage Payment procedures
- Facilities to be provided at the Worksite
- Types of Work covered under the Act
- Procedures to be followed for selection of Work
- Sanction and allotment of the Work
- Compensation to be provided under the Act
- Transparency and Accountability provisions under the Act
- Social Audit in general and in reference to NREGA
- Grievance Redressal Mechanism
- Convergence/Dovetailing

After the power-point presentation the resource person facilitated the deliberations by the participants themselves to get a feedback from them on their understanding of various provisions made under NREGA and OREGS.

After a brief tea break, the resource person focused his deliberation on a very important provision of NREGA i.e. Social Audit. He took the help of power-point presentation for the purpose too.

The presentation on Social Audit covered mainly the following:

- Meaning of Social Audit, why, when and how it is being conducted
- Social Audit in NREGA
- Expected outcomes of Social Audit
- Basic Norms to be followed in conducting Social Audit
- The Process of Social Audit and role of Social Audit Committee (SAC)
- Analysis, Distribution and compilation of Information
- Public Hearing/Final Presentation of the Information
- Follow-up of Public Hearing
- Other points related to Social Audit

The resource person also gave a handout on Social Audit to the participants for their reference.

After this session the Resource Person divided the whole house into two groups for the purpose of field visit to two villages on the next day. He then presented the documents collected by SADHANA, which are of crucial significance in the context of social audit. Then he explained about each document such as Muster Roll, Work Order, Estimate, and Measurement Books etc. Thereafter he outlined the tasks for each group to follow during the field visits so proposed.

The business of the day came to an end at about 8.30 pm and the participants broke off for dinner.

Day-3 (26th September 2007 Wednesday)

On the 3rd day at about 10.00 am the participants boarded the bus heading for the field visit. The members of Group-1 dropped at Mohiniganj and Group-2 at Bhurudubani (both the villages belong to Rajabasa Gram Panchayat). Sri Chitta Behera the other resource, who had arrived last night for the purpose of ToT joined in the Group-2 together with the first resource person Sri Bidyut Mohanty. However, Sri Mohanty after staying quite sometime with the Group-2 at Bhurudubani had to rush to Group-1 on hearing the news of some disturbances created by the VLL (Village Level Leader) there at Mohiniganja. Except this VLL at Mohiniganja who out of his vested interests didn't want the interaction between the villagers and NGO activists to pass off freely and smoothly, the rest of the villagers in two places were very much eager to know from the visiting groups what was going on in the name of NREGA at both Panchayat and Block levels.

Two participants Sri Prakash Kandy and Sushree Deeptimayee Sahu volunteered to prepare the report of activities for the day-3.

For each village, a specific work, which had already been completed under NREGA was taken up for sample study. Accordingly, the Kutcha Road from Chandua School Chhak to Kuna Sahi and Kutcha Road from Bhurudubani to Chandanpur were selected as sample works respectively for Mohiniganja (Group-1) and Bhurudubani (Group-2) villages for the purpose. In each village various records like Cash Book, Muster Roll, MB Book, Work Order and Utilization Certificates which had been collected earlier by SADHANA were shown and read out to the respective villagers with a view to ascertain the authenticity of the entries made in these records. Of these records, the copy of the muster roll was demonstrated and debated at length among the villagers with the visiting activists facilitating the process. In course of the open discussion in both villages a visible mismatch could be identified by the villagers themselves in respect of the entries on number of days they worked and amount shown to be paid as against the actual number of days they worked and the actual amount received by them. The villagers further noticed, even some signatures and thumb impressions, which were found on the muster roll were not theirs, but forged ones.

At Bhurudubani (Group-2), where Sushree Swarnajit Mohapatra was facilitating the discussion by the villagers and where the resource person Sri Behera was present throughout, a detail note on discrepancies between the records and facts as noticed by the villagers themselves was taken. Based upon the villagers statement vis-à-vis the collated reading of the concerned muster rolls for Bhurudubani-Chandanpur Road signed by the JE of Baripada Block and Sarpanch of Rajabasa GP, several anomalies came to the fore, out of which only a few are cited below to illustrate the phenomenon.

- Case-1: Sri Mohan Singh was actually paid a total of Rs.2,100/- against 45 days of work; but the Muster Roll showed a total of Rs.4,169/- against 50 days work.
- Case-2: Sri Pitambar Singh observed that the Job Card issued to their family (No.10868) contained only the names of his father and mother, Sri Purna Singh (aged 95 years) and Smt.Tipiri Singh (aged 85 years) respectively. None of them worked even for a day and got any money, whereas the Muster Roll showed a total payment of Rs.9,122/- against 112 working days.
- Case-3: Sri Nini Singh and his wife had actually got Rs.800/- only against a total of 12 working days. But the Muster Roll showed a payment of Rs.5,430/- against 62 working days.
- Case-4: Sri Gajendra Mahanta and his wife Smt.Sahachari Mahanta together had actually received Rs.700/- only for having worked 6 days, but the Muster Roll showed a payment of Rs.3,680/- against 48 work-days.

The study of the muster rolls also revealed certain trends in the manner of manipulation made in respect of the number of workdays and amount of payment. The villagers, who have been issued job cards but didn't actually ever report for the work either because they are too aged to work or they don't stay in the village for some reason or the other, have been shown to receive maximum amount of money against the maximum number of workdays. Again, those who are used to give thumb impressions instead of signature on the muster roll due to their illiteracy were also shown to have received big, big amounts against the inflated number of workdays.

An interesting revelation was made as to why the muster roll could be manipulated on such a vast scale with impunity by the concerned functionaries. The resource person Sri Behera, who was present on the spot examined the format of the muster roll which was being used for attendance and payment of the workers at the Panchayat level. It was found that the muster roll was in some A-5 format, which is altogether different from the format of B-3, the one recommended by both Central Operational Guidelines (vide Para-9.4.1) and OREGS-2006 [(vide Para-16(7b) and Para-30(1))]. The difference between the two formats is nakedly visible too. While the recommended format (B-3) provides inter alia for 31 columns, each such column representing a particular day of the month, the fake format (so-called A-5) now being used contains the space for a consolidated period of 6 days only. Thus in case of B-3 a separate muster roll is to be used for each day of the month and anybody can instantly ascertain from it how much wages is paid or due to be paid to a worker for that particular day. But in case of the fake muster roll (A-5), no body can ascertain the exact wages that a worker has received or due to receive against a particular day's work, since a gross amount is only entered for the total period of 6 days only, and there is no column at all to show the wages received or due against a particular day's work. A corrupt Govt. official or Panchayat functionary can easily take advantage of this fake muster roll to swindle away the NREGA money into their pockets without leaving any legal scope for cross-checking in future the authenticity of the day-wise payment of wages made to a worker in the past.

The NGO activists present on the spot compared the prevailing A-5 format with the recommended B-3 format and got convinced of the big difference between the two as pointed out by the resource person Sri Behera. Then Sushree Swarnajit Mohapatra of Sadhana spoke aloud before all the villagers present about the fake muster roll that has been used by the authorities and signed by the workers, and showed the recommended format of muster roll in B-3 from the bilingual booklet on OREGS compiled by the resource person. The villagers on the whole felt that they have been cheated by the Block officials and Panchayat functionaries in every manner including the use of a fake muster roll. Then the NGO activists told them that their Gram Sabha has been empowered to check such nuisances by way of conducting social audit, and would visit their village again the next day to discuss the concept and mechanism of social audit.

On way back from the field visit, Sri Behera shared with the other resource person Sri Mohanty the finding on the fake format (A-5) of the muster roll in Bhurudubani village and the latter instantly confirmed that as per his knowledge the same format was being used throughout the State. It was a stunning news to Sri Behera. Then he out of curiosity took a yellow-covered booklet from Sri Mohanty entitled 'Muster Roll Watch' published on 7 Feb. 07 by OREGS Watch Group to see what it said about the right format of a muster roll. Strangely enough, this booklet though purported to serve as a guide to inspection of muster rolls under NREG Act-2005 also conceives of a muster roll as a register of consolidated attendance and payment spanning a split part of a month to the workers (say, for a week or a fortnight), and not a register reflecting the daily attendance and payment of the workers as recommended in Form B-3 of Central Operational Guidelines and OREGS-2006. Sri Behera further wondered how an outstanding forum like MKSS had authored the booklet 'Muster Roll Watch' as an aid to the NREGA activists across the country, when the very muster roll conceived by it bears no correspondence with the muster roll recommended by the Operational Guidelines. Sri Mohanty took note of this point and assured to reflect back on it after a few days.

The two groups returned to the venue of the training by 3 pm and took lunch.

The post-lunch session started with the presentation of report of 2nd day by a participant Sri Chitta Ranjan Mishra in the presence of both resource persons Sri Mohanty and Sri Behera.

The two groups narrated their respective experience of field visit to Mohiniganja and Bhurudibani. Each group first of all described how the villagers have been deprived of their rights and entitlements due to a nexus of vested interests between the Block Officials and Panchayat functionaries and how this nexus was manipulating the files and figures and even forging the signatures and thumb impressions of the villagers on registers so as to swindle away lion's share of NREGA money for themselves. Besides the common point expressed by both groups was that before visiting the villages in connection with social audit, they should have acquired a thorough understanding of the operational mechanism of social audit and also complete preparedness of the types of information required in the process of social audit.

At this point the resource person Sri Behera observed that it was wrong to say that the groups of NGO workers went on the day for a social audit of the NREGA works in the above villages. As per the Section-17 of the NREG Act-2005 and Para 4(b) of OREGS-2006 it is Gram Sabha and Gram Sabha alone who is empowered to conduct social audit of the NREGA works. NGOs or any other agency for that matter can't take the place of Gram Sabha in this respect. But what the NGOs can, should and must do is to make the villagers aware about the Gram Sabha's inherent rights and powers to conduct the social audit and about its exact mechanism, as detailed in the Chapter-11 of the Operational Guidelines. And before going for an awareness-building exercise among the villagers, the activists themselves need to thoroughly learn the mechanism of social audit itself.

Then Sri Behera observed, though there is a strong provision for social audit to be conducted by Gram Sabha, there is no provision at all for holding a 'public hearing' under NREGA as such. Of course, the NGOs carrying the aggrieved villagers along with them can hold protest meetings or public rallies and send the resolutions thereof to the concerned authorities from the Block to the State level and even to the Central Council to ventilate the objection of the concerned villagers about the corruption and misfeasance plaguing the implementation of NREG Act in a particular area. And the Section 19 of the Act provides for a grievance redressal machinery extending from Block to State level for attending to such objections and complaints.

To illustrate his point Sri Behera suggested, the various anomalies in NREGA works (such as mismatch between recorded and actual payment and use of fake muster roll etc.) that were witnessed in course of today's field visit to the two villages can be written down in the form of a memorandum signed by all the participating activists to be addressed to the District Programme Coordinator, Mayurbhanj with intimation to the State Employment Guarantee Commissioner and Central Council for their necessary action. And as per Para-29(3) of OREGS-2006, the DPC is bound to dispose of the said representation within 15 days of its receipt.

Then Sri Behera suggested that the next day's field visit to the above said two villages should aim at awareness-building among the villagers about what are the powers and responsibilities of Gram Sabha in respect of conducting Social Audit and about its wide scope and elaborate mechanism.

The resource person Sri Bidyut Mohanty was supposed to leave in the night for another destination. Before saying good-bye to the participants he informed them that since the State

Government was now contemplating to involve the NGOs to facilitate the process of social audit to be held at Gram Sabha level, those who would want to get so involved might write to him about their interest, so that he would take up the matter at the appropriate level. Then Sri Mohanty was given a warm good-bye by the participants for his valuable contribution to the ToT on the 2nd and 3rd days.

After a short tea-break the resource person Sri Behera resumed the discussion. He first observed that the chief objective of the ongoing ToT being to acquire the provisions of NREGA Act in such a way that we can help out the villagers in our respective areas, we should get conversant with the following 3 key documents, the provisions of which are legally enforceable-

- NREG Act, 2005 enforced on 5 September 2005
- Operational Guidelines announced by the Ministry of Rural Development, GOI, the nodal agency for implementation of NREGA
- Orissa Rural Employment Guarantee Scheme 2006 notified on Orissa Gazette on 16 December, 2006

While discussing the various issues on the subject, we should always endeavour to know whether a particular opinion or thinking of the participant can be justified by way of a reference to some or other provision occurring in any of the above documents. We should remember, it is not the opinion of this or that big person which as such would count in the long run; however an opinion of a humble person would certainly count if it could be substantiated on the basis of a provision made in any of the above mentioned legally enforceable documents.

As regards the method of discussion to be followed, Sri Behera explained, one should first read aloud the relevant provisions on the concerned topic from any of the above documents, and then each member of the house would be required to speak out what he/she understood thereby. The resource person would facilitate this process. Any member of the house can also interrupt the resource person at any stage for seeking a clarification or throwing a counter-point. This way can we make the discussion more authentic, inclusive, participatory and above all open-ended, observed Sri Behera.

Then keeping a balance between the constraint of time and the need for covering the salient most topics of operational value, he suggested the following order in which the selected five topics shall be discussed-

- Muster Roll under NREGA and OREGS
- Social Audit under NREGA
- Relation between NREGA and OREGS
- Right to information and inspection of documents under NREGA
- Grievance Redressal Mechanism under NREGA & OREGS

Muster Roll under NREGA and OREGS: The first topic was taken up for discussion. A participant read out Para-30 of OREGS-2006 (Muster Rolls), and then Para 9.4.1 (Muster Roll) under Chapter-9 of Operational Guidelines. Everybody became clear that a muster roll under NREGA in Orissa can be maintained only in Form-3B and not in any other form, and a muster roll maintained in Form-B as detected during the field visits is patently illegal and can therefore be challenged before the concerned authorities. The above para of OREGS also says

that a photocopy of the muster roll shall be kept in the offices of Gram Panchayat and Programme Officer and anybody can inspect them. The resource person added that the Item 17 of Schedule-II to the Act also mandates the right to inspection of a muster roll by any person, while Item 16 provides for the right to inspection and obtaining of copies of any account and record under the Scheme, which obviously include muster rolls. More about this right under NREGA shall be discussed subsequently when we take it up in reference to RTI Act, 2005, observed the resource person Sri Behera.

Social Audit under NREGA: The next topic, which is a vast and a crucial one was then discussed. The resource person observed that though there are references made to the word 'social audit' in both NREG Act (vide Section-17) and OREGS (vide para 4-A), its detail conception or procedure has not been laid down anywhere in these two documents. As a result, not only sheer ignorance prevails at the level of Gram Sabha, which is empowered to conduct social audit, but also widespread confusion reigns among the civil society groups working on NREGA across the country. However, the Chapter-11 of Operational Guidelines describes all essential aspects of social audit, its meaning, procedure, requirements and implications. This Chapter being an extensive one, we should only go through that portion of it in this evening, which would help us in our exercise for awareness building among the villagers in course of the field visit scheduled for tomorrow. It was suggested to read out the provisions from the start of the Chapter-11 for the purpose.

The first paragraph makes it clear that the term 'social audit' in the context of NREGA should mean either the social audit process or the social audit forum. As a process it runs all through the year, while as a forum it means a periodic assembly of the members of Gram Sabha called at least twice a year, where the villagers are entitled to raise questions and receive answers from the concerned officials and functionaries in respect of any unsolved problem or grievance encountered in course of implementation of NREGA works. Hence we should be very careful while using the word 'social audit'; we should use it in the sense of either 'social audit process' or 'social audit forum' and in no other sense.

Next, social audit process aims at maintaining transparency, participation, consultation and consent, accountability and redressal throughout the year in the entire course of implementation of NREGA. There are specifically 11 stages in the process of implementation of NREGA, and each stage should be subject to vigilance and verification by the public. The 11 stages are registration of the families, distribution of job cards, receipt of work applications, preparation of shelf of projects and selection of sites, development and approval of technical estimates and issuance of work order, allotment of work to individuals, implementation and supervision of works, payment of unemployment allowance, payment of wages, evaluation of work, mandatory social audit forum in the Gram Sabha (Social Audit Forum).

The Operational Guidelines anticipates that at each stage the norms of implementation may be bypassed or transgressed due to a variety of factors, called vulnerabilities. So to overcome such vulnerabilities proactive steps have been suggested to ensure transparency and social audit at each stage. The Chapter then presents a 3-column table mentioning the stage, vulnerabilities and measures required to prevent them. If at each stage the suggested measures are taken, then there would arise the least possibility of derailing of the NREGA implementation.

Then the resource person observed that the very lessons that the participants learnt from the Chapter-11 of Operational Guidelines about social audit and the role and responsibilities of Gram Sabha should be shared with the villagers in course of next day's field visit to Mohiniganja and Bhurudubani. And the participants confirmed that they would carry out the task accordingly.

After this the day's programme came to a close at about 8.30 pm and the participants departed for dinner.

Day-4 (27th September 2007 Thursday)

The session for the 4th day started with a brief prayer at about 9.00 am. The reporters for the previous day Sri Prakas Kandy and Sushree Deepitmayee Sahu read out the report of day-3. The participants were asked to opine on the omissions and commissions, if any found in the report just presented. Some participants gave their views. At this stage the resource person suggested that a proper art of report writing requires first of all the observance of close fidelity to the actual sequence of facts that occurred and a writing style that makes the contents neatly intelligible. Two participants Sri Bijay Kumar Das and Sushree Monalisa Bal volunteered to prepare the report of activities of day-4.

Then the resource person Sri Chitta Behera helped the participants to recapitulate the lessons on social audit that they learnt from Operational Guidelines. A participant asked, "In the situation as they found to be prevailing in the tribal villages where they are mostly ignorant about the provisions of NREGA and related documents, how is it expected that they would be able to carry their role and responsibilities in conducting social audit?" The resource person replied that anticipating such a problem, the Operational Guidelines has also provided for a working mechanism to be in place to help the people discharge their role in ensuring transparency and social audit in the entire process of implementation of NREGA works. He suggested the participants to read paragraph 10.7 (Monitoring and Vigilance Committees) from the Chapter-10 of the Operational Guidelines for the purpose. On reading of the said paragraph, the participants understood that there shall be two Committees at the level of each Gram Sabha such as a Monitoring and Vigilance Committee and a Beneficiary Committee, each comprising selected number of villagers who are more literate and articulate besides being enthusiastic than others, to supervise on behalf of the villagers the process of implementation round the year and to ensure that social audit forum be held as and when required. The Govt. officials and Panchayat functionaries are required to extend all sorts of assistance and cooperation to these Committees in respect of records and logistics. And it is the villagers themselves who in a Gram Sabha meeting shall form such Committees to safeguard their interests.

Next, the reading of the remaining portion of the Chapter-11 of Operational Guidelines was started. The para-11.3 (Social Audit Forum) and para-11.5 (procedural and organisational requirements) were specifically read out, where detail procedure for conduction of a social forum audit has been mentioned. The resource person wanted the participants to remember the following specific, uniquely orchestrated norms suggested in theses paragraphs of the Operational Guidelines-

- That a Social Audit Forum can't be presided over by a Sarpanch or any Panchayat functionary or any Govt official, but by an independent minded knowledgeable person who shall be chosen from the outside for the purpose by the villagers;

- The Secretary of the Forum must be an official outside the GP;
- The writing of the proceedings can't be entrusted to any Govt. official or Panchayat functionary involved in the implementation of NREGA works, but to an outside person;
- The presentation of the information required by the villagers shouldn't be made by a person involved with any implementing agency under NREGA but by an independent person;
- All officials responsible for NREGA works must be present during the forum to answer the questions raised by the villagers;
- Signatures of all the participants must be taken twice, first at the start of the meeting and then at its end;
- All objections must be recorded as per the prescribed format; and
- Action Taken Report of the previous Forum must be read out at the beginning of the Forum.

Then the resource person reiterated that the visiting groups should never say before the villagers that they came for holding a social audit of NREGA works for their village, but should say instead that they came for making the villagers aware that it is their Gram Sabha alone which can conduct social audit and the Programme Officer (BDO) is bound to comply with the decision of the villagers to hold the social audit as and when they want.[Section 15(5d)]. Further he advised that each group should carry the Oriya translation of NREGA, OREGS and Operational Guidelines, the relevant extracts of which dealing with social audit should be read out to the villagers and each village should be given at least a copy of each such document for their reference in future. And further the resource person made it clear that he won't speak anything directly to the villagers unlike the previous day but simply watch how the participants were interacting with the villagers on the acquired lessons on social audit.

After this the two groups left for the field visit. The resource person Sri Behera accompanied the team visiting Mohininganja led by Sushree Swarnajit Mohapatra of Sadhana, while the other group went to the village Bhurudubani led by Sri Samiran Ghosh and Sri Sadhu Charan Sahu of Sadhana.

At Mohiniganja, the people gathered in good numbers and a formal meeting was held. After a welcome song was presented, Sushree Swarnajit Mohapatra delivered a preliminary talk on the purpose of their visit. Then the meeting was conducted by Sri Bijay Dighal. The villagers listened keenly to the reading of salient provisions on social audit from the Chapter-11 of Operational Guidelines. A participant Sri Sania Singh translated the Oriya into local tribal dialect Santhali, which greatly helped the villagers appreciate the relevant provisions read out to them. Besides the villagers mostly women asked various questions relating to job card, amount and payment of wages and special provisions for women etc. and Sri Singh responded to them in lucid Santhali relying upon the Operational Guidelines. Interestingly enough, as a result of the overwhelming enthusiasm of the villagers the VLL (village level leader) who had non-cooperated and rather created some disturbances on the first day was found sitting calm and listening to the discussion with rapt attention.

At Bhurudubani, the people after returning from a soil conservation work gathered in good numbers too and cooperated with the visiting group in holding the discussion. A participant Sri Sudarshan Pradhan explained to the villagers the basic provisions made under NREG Act. There the villagers asked to know about the registration of families, wage rate, nature of

work, unemployment allowance and other benefits admissible to the workers, and their queries were met from the reading of the relevant provisions. The ward member Sri Sagaram Besra raised a question, 'Why in some cases the wages has not been paid even after 15 months of the completion of a work?'. In answer the group members told him that they should lodge a complaint with the Programme Officer (BDO) about this problem. Then the group told the villagers in detail about social audit basing upon the relevant extracts from the Operational Guidelines.

The participants returned back to the training venue at about 3.00 pm and took the lunch. Then the afternoon session was held. First of all, the group experiences at the two villages were presented by respective group spokespersons. Such members of the first group as Sushree Swarnajit Mohapatra and Bharati Besra and Sri Sania Singh, Bijay Das and Khirod Samal shared their findings on the field with the whole house. Then the report of the second group was presented by Sri Sudarshan Pradhan and Sri Alok Gochhayat. Both the groups observed that as a result of the day's visit the villagers have grown enthusiastic to conduct social audit on the NREG Act as per the norms read out to them from the Operational Guidelines.

After the group reports were presented, the resource person observed that in the manner of the day's field visit the NGO activists back home should hold awareness-building exercises on social audit in their respective areas and thereby truly empower the villagers to fulfill the role assigned to them under the NREG Act. He then reiterated, it must have been crystal clear by now to all the participants that there is no provision of 'public hearing' as such to be held by any agency under the NREG Act, but a strong and mandatory provision exists for 'social audit' to be held by Gram Sabha. The role of NGOs is therefore to go to the villagers and make them aware about their own powers to hold 'social audit' in accordance with the mechanism laid down in Operational Guidelines. The participants could now understand why the pre-scheduled programme for a 'public hearing' is redundant and needs to be cancelled and the limited time ahead should be scrupulously used to learn the remaining 3 topics, namely the interface between NREGA and OREGS, right to information under NREGA and grievance redressal machinery under the Act.

Then the discussion came to a close at around 6 pm and cultural items were performed thereafter till 9.30 pm by the participants for their recreation.

Day-5 (28th September 2007 Friday)

The morning session of the day-5 started with a prayer song recited by Sushree Anusuya Mishra. Then Sushree Monalisa Bal read out the report of activities of day-4.

The resource person Sri Behera proceeded to cover the remaining 3 topics. Like in the preceding sessions, the reading of the salient portions from the recommended texts was followed by an open-house discussion by the participants on the same.

Relation between NREGA and OREGS: The topic taken up for discussion was the interface between NREG Act, 2005 and OREGS-2006. Sri Behera explained that OREGS, which should now be renamed as 'NREGS, Orissa' is in the nature of a subordinate legislation, which is supposed to faithfully carry out the provisions made under the principal legislation i.e. NREG Act. The OREGS shouldn't therefore under any circumstances override the letter or spirit of NREG Act. Lest any of the States might act deviant and defiant vis-à-vis

the provisions of the Act, the Section 4(3) mandates that a State Scheme must reflect the minimum features specified in the Schedule-1 of the Act. Then Section-5(2) adds, the facilities a worker is entitled to under a Scheme can't be less than those which are specified in the Schedule-2 of the Act. Similarly, what the contents of the Rules of a State shall be is mandated in the Section-32 of the Act. So anybody can on the basis of a comparison between the principal legislation and sub-ordinate legislation can easily conclude whether the Scheme and/or Rules framed by a particular State is deficient or contradictory vis-à-vis the principal Act.

After this basic principle was accepted by the participants, the resource person went on to explain by way of illustration how the OREGS and Orissa Rules are deficient on some counts and contradictory on some others vis-à-vis the NREG Act-2005. First, he gave an example of deficiency in OREGS. The Section-25 of the Act has a provision of penalty upto Rupees one thousand against anybody whoever contravenes the provisions of the Act, but the OREGS nowhere spells out who are appellate authorities and what is the procedure for making and disposal of appeals. Another instance of deficiency in OREGS is that while the Item-16 under Schedule-1 of the Act provides for the arrangement to be made for the purpose of both scrutiny and obtaining copy of all NREGA related accounts and records (obviously including muster roll) on the part of the public, the Para-30 of the OREGS provides for only inspection of muster roll; thus strictly as per OREGS one can't even ask for obtaining a copy of the muster roll. The next instance of a serious deficiency of OREGS is that it doesn't provide for the deadline for disposal of any NREGA related complaint by the Programme Officer, though the Section-23(6) of the Act mandates a duration of 7 days within which a complaint has to be disposed of. Of course the para-8(11) of OREGS says that a grievance relating to non-issue of job card can be disposed of within 15 days by the PO and DPC as the case may be, but such a deadline does not apply to grievances other than the ones related to issue of job cards.

Then, the resource person gave an instance of a contradictory provision occurring in OREGS. While the Section-25 of the Act provides for penalty against anybody who contravenes the provisions of the Act, the para-24(4) of OREGS holds Sarpanch of the concerned GP personally liable for any expenditure made outside the sanctions. Such a provision of OREGS absolves other characters of their liability for the commission of any financial irregularity.

He further pointed out that a serious lapse on the part of the State Government of Orissa has been committed as is evident from its failure to announce the formation of State Employment Guarantee Council till date, though the Section-12 of Act bestows upon such a Council important powers and functions including monitoring of the implementation of NREGA at the State level.

Then he said, there are umpteen instances of another kind of violation on the part of the State Government, which can be described as malafide, such as the use of Muster Roll in A-5 format in place of the B-3 format recommended by OREGS. Here the State Government violates its own prescription. The civil society groups should ruthlessly expose and take to task the State Government for committing such malafide violations, whereas in contrast they should intellectually critique OREGS for its areas of incongruity vis-à-vis the NREG Act and Operational Guidelines and do the necessary lobbying and advocacy for its amendment.

Right to Information under NREGA and OREGS: Then the resource person took up the topic of RTI Act 2005 and its role and usefulness, if any for a proper implementation of

NREG Act. He first observed that it is a widely prevailing misconception among the civil society groups all over the country that we need to apply RTI Act, 2005 in order to ensure proper implementation of NREG Act 2005. Stating that there is no reference to RTI Act at all in the whole of NREG Act, the latter however contains much better and much stricter provisions than RTI Act in the matter of disclosure of information to the public. For instance, a PIO (Public Information Officer) can reject an application for information quoting any of the provisions made under Sections 8 (Exemptions), 9(Copyright), 10(Severability), 11 (Third party information) and 24 (Exemptions granted to security and intelligence agencies) of RTI Act, 2005, whereas under NREG Act, 2005 no application for information can ever be rejected on any ground. Rather, the para-10.12 of the Operational Guidelines clearly says that all the information covered under NREG Act are in the public domain and as such accessible to any person. To reinforce this mandate, the said Guidelines at para-10.11 make it clear that all the information relating to NREG Act are in the nature of proactive disclosures as covered under Section-4 of RTI Act and as such subject to dissemination by the concerned public authorities among the public at large irrespective of whether anybody applies to obtain them or not. The next important difference between the two Acts is that a PIO may take as many as 30 days to respond to an application for information or inspection under Section 7(1) of RTI Act, whereas the para-10.12 of Operational Guidelines mandates a maximum duration of 7 days within which an application for information is to be complied with. Another crucial difference between the two is that under RTI Act one has to pay Rs.10/- as an application fee for getting any information, whereas under NREG Act there is no such fee to be paid. The next difference, especially in Orissa context is that one has to fill up correctly and laboriously a long, complex 11-column application form along with submission of a copy of voter identity card or passport as a proof of his/her citizenship (vide Rule-4 of Orissa RTI Rules, 2005 made under RTI Act, 2005), otherwise his application shall not be entertained at all; whereas an applicant for information needn't go through these tedious hassles at all to apply for information under NREG Act, 2005. There is still another striking difference between the two; under RTI Act one has to pay towards the cost of information at the rate of Rs.2/- per page, whereas under the NREG Act the cost can't be charged more than the price of photocopying the page (vide para-10.15 of Operational Guidelines).

Thus in every respect that concerns the public interest, the NREG Act bears far profounder, easier and cheaper built-in provisions for public access to information than the RTI Act. Under the circumstances, it is simply confusing and misleading to say that one has to apply under RTI Act so as to get information relating to NREGA works. The resource person particularly drew the attention of the participants to the Items 15 to 17 under Schedule-1 of NREG Act and stressed the need for making use of the said provisions to obtain or inspect any information instead of taking resort to RTI Act.

Then the resource person observed that any public oriented legislation or sub-ordinate legislation which has been notified after the RTI Act was enacted, contained in different forms in-built provisions for the people's right to information. He cited the following such legislations, which together with RTI Act can be called Panchsheel (5 Acts) of Transparency-

- Protection of Women from Domestic Violence Act, 2005
- National Rural Employment Guarantee Act, 2005
- Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and
- Environment Impact Assessment Notification, 2006

To obtain information covered under any of the above legislations, one needn't resort to RTI Act, 2005 at all, since there is adequate provision for disclosure of information to the public built into each of them.

The resource person asked the participants whether they could follow the reasons as to why one needn't have to take shelter under RTI Act, 2005 in order to obtain NREGA related information. After everybody okayed, the resource person moved on to the next and last topic on the agenda, that is, grievance redressal under NREG Act.

Grievance Redressal under NREG Act: On this topic, on the suggestion of the resource person a participant read out the Oriya translation of para-10.8 (grievance redressal) in detail from Chapter-10 of Operational Guidelines. Since the para consisted of short and simple instructions addressed to the executives at different levels, the participants understood their meaning clearly. However, the resource person wanted the participants to underline the following salient provisions from the said bunch of instructions so that they won't face any big problem in pursuing their grievances lodged before any of the concerned authorities-

- A system of grievance redressal will be designated at each level. Appeal against the GP will be to the PO, appeal against PO to DPC and appeal against DPC shall be made to an authority to be designated by the State Govt;
- The person registering the grievance is to be given a receipt with number and date so that he/she can follow up the status of disposal of his/her grievance from a counter in the office of the Programme Officer and over internet using the receipt number;
- Name and address of the petitioner, and nature and date of the petition, are to be entered in a register, which will be uploaded on to the internet on a weekly basis;
- Once a grievance has been disposed of, the date and nature of disposal should be communicated to the petitioner. These details are to be made available over the internet;
- All grievances shall be disposed of within the time limit prescribed in the Act. [For instance, the PO shall dispose it of in 7 days as per Section 24(6) of the Act];
- Grievance redressal performance of all authorities under the Act and these Guidelines are to be posted on the internet on a weekly basis; and
- Action taken on the complaints received by the Programme Officer and District Programme Coordinator shall be placed before the meetings of the Intermediate Panchayats (Panchayat Samiti) & District Panchayats(Zilla Parishad) respectively.

Then the resource person observed that the State Government of Orissa has not so far designated the appropriate authority before whom the appeal against the DPC (Collector) shall be made. In its absence, the aggrieved persons may appeal against the DPC before the Secretary of Panchayatiraj Dept., Orissa who has been notified as the State Employment Guarantee Commissioner (vide Orissa Gazette Extraordinary No.247 dated 4.3.2006). Further, grievances may be lodged against the State Government or for that matter against the Dept. of Panchayatiraj, the nodal agency for NREGA in Orissa before the Central Employment Guarantee Council, who as per Section 11(1c) of the Act has the power to review the monitoring and redressal mechanism from time to time and recommend improvements required.

After this the resource person mentioned that a Complaint Register in Form B-11 as appended to the OREGS is to be maintained at both Block and District level. The NGO activists should verify whether such registers are maintained properly.

The addresses of State Employment Guarantee Commissioner and Central Employment Guarantee Council were mentioned on the blackboard by the resource person for the participants to note them down.

Then the resource person observed that if there is no grievance redressal machinery properly in place at different levels in the State, then it should be the duty of civil society groups to lobby for them by petitioning the Panchayatiraj Minister, Chief Minister and Governor of Orissa and also before the Central Government which provides lion's share in the NREGA funds.

Last but not the least, he observed that the NREG Act can only be properly operationalised, only when more and more persons on noticing the lacunae at any level keep on lodging and pursuing the complaints before the appropriate authorities, and the NREG Act also provides ample scope for such a correctional exercise.

The participants expressed that they would henceforth lodge complaints and encourage the villagers to do the same as and when they come across any anomalies in the process of implementation of NREGA in their respective areas.

Thus came to an end at around 2.30 pm the session on discussion of the last day's agenda. And the participants broke off for lunch. In the post-lunch session that started at 3.30 pm and continued for about an hour, an assessment of the 5-day ToT was carried out by the participants themselves, in which every participant spoke out his/her opinion on various aspects of programme just concluded. At around 4.30 pm the 5-day programme on ToT came to a formal close with a vote of thanks offered by both participants and organisers.

(A Brief Report originally prepared by Sushree Bharati Besra, Programme Manager, Sadhana was expanded and edited on 7th Oct. 07 by Sri Chitta Behera, a Resource Person for ToT Programme based upon the day-to-day reports for 4 days (24-27 Sept. 2006) submitted to him by the participants.)