

## Chapter 4: Major Findings of the Study

### **4.1 The main thrust of the Study re-stated:**

**4.1.1 Differentia Specifica of the Current Study:** As mentioned elsewhere in this Report, the focus of the current study on the state of NREGA in Orissa was to find out whether and to what extent the process of implementation of NREGS in Orissa was in conformity with the mandatory provisions laid down in the three principal legal instruments i.e. National Rural Employment Guarantee Act of 2005, Central Operational Guidelines (3<sup>rd</sup> Edition) and Orissa Rural Employment Guarantee Scheme 2006 (OREGS) now called NREGS, Orissa. This focus was carefully chosen in view of the fact that the earlier studies done on the subject such as by CEFS New Delhi, Dr. Jean Dreze, C&AG Govt of India and NIRD, Hyderabad concentrated more or less on laying bare glaring discrepancies between the inflated and exaggerated output projected by the authorities at different levels on one hand, and the actual state of under-performance, even in some cases non-performance at ground level, on the other. Except the Report of C&AG and that too sketchily here and there, none of the reviews took pains to deal with at length the moot question looming large, i.e. how could such alarming discrepancies take place at all notwithstanding that the Government of Orissa had the mandatory instrument in the shape of duly notified OREGS-2006 in place coupled with its loud pronouncement that the process of operationalisation of NREGA in Orissa would follow the Operational Guidelines of GOI (Vide Section 2-1d) of OREGS-2006.

**4.1.2 Specific Questions addressed by the Study:** In exploring the above problematic the Study posed the following major questions and sought to answer each of them on the basis of the findings from the ground reality:-

- How far OREGS-2006 (now called NREGS, Orissa) in tune with the principal Act and Operational Guidelines? ;
- How far the administrative circulars issued from State Secretariat before and after the notification of OREGS-2006 was in tune with Act, Guidelines or OREGS itself? ;
- How far the real practices by executing authorities designated at different levels were in conformity to OREGS and administrative circulars besides the Act and Guidelines?; and
- Above all, how far the concerned legislative instruments and administrative provisions put in place in the State of Orissa cater to the quintessential concern of NREGA i.e. a built-in, foolproof mechanism for transparency and accountability at each level?

It needs to be mentioned here that the prime document called 'Operational Guidelines' was issued by the Ministry of Rural Development GOI, the nodal agency of NREGA for the whole country, as required under Section 27(1) of the principal Act in the immediate wake of the enforcement of the Act w.e.f. 2<sup>nd</sup> February 2006. The document has undergone two revisions since then, the latest version being its 3<sup>rd</sup> Edition, which is in force with effect from 1<sup>st</sup> April 2008. In view of the fact that the time-scale of the current study is the six-month period ranging from 1<sup>st</sup> April to 30<sup>th</sup> September 2008, its findings

should, technically speaking, be discussed and reviewed vis-à-vis parameters set in the Operational Guidelines of 3<sup>rd</sup> Edition. However, keeping in view the practical difficulties that prolong the percolation period for any legal instrument to get grounded to grassroots level, the study presumed that neither the executing authorities at cutting edge i.e. Gram Panchayats nor the village workers were yet conversant about the amendments and new provisions carried by the 3<sup>rd</sup> Edition of Operational Guidelines. Therefore, for all practical purposes, the 2<sup>nd</sup> Edition of Operational Guidelines, which was by then found to be the well-acknowledged text formally current in official circles was taken as the reference point for arriving at findings related to discrepancies.

#### **4.1.3 Major Instruments relied upon-**

While exploring the ground reality and reviewing the findings so explored the current study kept in view a bunch of legislative quasi-legislative instruments proclaimed at both national and State levels for its points of reference. It is worthwhile at this stage to list out the major ones from among them-

- National Rural Employment Guarantee Act 2005
- Operational Guidelines for NREGA (2<sup>nd</sup> Edition)
- Orissa Rural Employment Guarantee Scheme-2006
- Orissa Notification on Minimum Wages w.e.f. 1<sup>st</sup> May 2007
- Orissa Notification designating Collector as DPC and PD DRDA as Addl. DPC dated 4 March 2006
- Orissa Notification designating BDO as PO and ABDO as Addl. PO dated 4 March 2006
- Orissa Notification designating Commissioner-cum-Secretary, Panchayati Raj Dept. as State Employment Guarantee Commissioner, State Programme Coordinator and Member Secretary State Employment Guarantee Council and designating Director Special Projects as Addl. Programme Coordinator dated 4 March 2006
- Orissa Notification on State Employment Guarantee Fund and Council Draft Rules dated 9 May 2006 and that on Final Rules dated 1<sup>st</sup> August 2007
- Orissa Notification on Revision of Out-turn in Standard Schedule of Rate dated 15<sup>th</sup> July 2006
- Orissa Notification on State Employment Guarantee Council Rules, 2007 dated 27<sup>th</sup> Nov. 2007

#### **4.2 OREGS-2006 vis-à-vis NREG Act and Operational Guidelines-**

**4.2.1 Belated and erratic notification of OREGS-** As is well known, the NREG Act was notified on 5<sup>th</sup> September 2005 and as per its Section 4(1) a State Scheme ought to have been formulated and in place by the expiry of a 6-month period i.e. by 2<sup>nd</sup> Feb. 2006, the date on which the implementation of the Act was supposed to have started in the concerned State/States. Alternatively, the said Section envisaged that failing the notification of such a Scheme, the NREGA funds would be utilized as the Action Plan of such pre-existing Schemes as SGRY or National Food for Work Programme. In the context of Orissa, a peculiar situation was noticed at the time of inauguration of NREGA implementation. While there was then no State Scheme specially made under NREGA as

it should have been, the Government of Orissa declared the starting date of implementation of the Act as 2<sup>nd</sup> February 2006. As a result, a contradictory situation prevailed for a long period even beyond the notification of OREGS on Orissa Gazette dated 16<sup>th</sup> of December 2006. While the Government, on one hand, sought to create an impression through wide-scale media publicity coupled with conspicuous display on compound walls of every Gram Panchayat and Block that it was pursuing NREGA in letter and spirit, it on the other continued to follow the procedural regime that was applicable to pre-NREGA Schemes such as SGRY or NFFWP. For instance, instead of the format B-3 for Muster Roll recommended by Operational Guidelines, an older format named A-5 continued to be adopted almost everywhere for the purpose of NREGA. Even in course of the current study, the older format for Muster Roll was found to be in use in most of the offices at GP and Block level.

Secondly, as per Section 4(2) of the Act the Government of Orissa should have publicized a summary of the State Scheme in at least two local newspapers including the one in regional language. Strangely enough, bypassing this bounden obligation, the State Government notified the OREGS on the Gazette in so stealthy a manner as no body could take instant notice of it. Neither was the Scheme circulated to the district, block or GP offices even months after its notification on the gazette. Further, in absence of an Oriya translation of OREGS, the common workers are yet to know its provisions, let alone apply them to avail their entitlements.

Thirdly, the absence of a properly formulated and timely notified Scheme coupled with subsequent lack of its dissemination among the executing agencies and village workers at large, NREGA used to be dispensed from State Secretariat with the help of administrative fiats, which often stood contradictory to the well known provisions of NREGA. For instance, while the NREGA attaches least priority to machine-dependent works like cement concrete road, one circular issued by Additional Secretary-cum-Director Special Projects in the Department of Panchayati Raj accorded top priority to it. Another instance is the primacy that was accorded in one such circular to a post-holder called VLL (Village Level Leader) in the NREGA process. As it turned out later, the VLL was the Contractor in mask, who sought to enter the NREGA process through backdoor, since the Act has expressly prohibited the role of contractor in any form. Strange may it seem, even OREGS-2006, without defining the term at the appropriate place simply makes an abrupt mention of VLL as an appointee under the Scheme, whose remuneration is to be covered under Material component of the total expenditure.

#### **4.2.2 OREGS deficient in mandatory provisions of the Act-**

The Section 4(3) of the Act obligates a State Scheme to reflect 17 minimum features as mentioned under its Schedule-1 and Section-5 obligates a State Scheme to reflect 34 conditions for employment guarantee and workers' entitlements as mentioned under its Schedule-2. On a close perusal, it was found that OREGS was grossly deficient in respect of both. For instance, the Paragraphs 15, 16 and 17 of Schedule-1 required a State Scheme to prescribe the fees, if necessary, to be deposited by a person desirous of inspecting and accessing the documents including annual plan, muster roll and accounts related to NREGA. But the State Scheme in its Section 30(3) allowed only a photocopy

of Muster Roll to be kept in the offices of Gram Panchayat and Programme Officer for the inspection by the public. It kept mum about the right of the public to inspect and access the original of Muster Roll and also about their right to inspect and take copy of other important documents. It also lacked in prescribing the procedure and fees required for the purpose. In absence of such facilitative provisions in OREGS the members of public were found compelled to take recourse to cumbersome, time consuming and expensive procedure of accessing information as available under Section 6 of RTI Act. Similarly, the Paragraph-30 of Schedule-2 expected a State Scheme to detail the mechanism of paying compensation to a worker on account of delay in wage payment as required under Payment of Wage Act 1936. But the OREGS refrained from making any provision for implementing the same. As a result, though thousands of cases of delay in wage payment took place all across the State, not a single case of compensation was noticed anywhere. Coming to another important mandate of the Act, i.e. Social Audit, the Section 17 entrusted it to be held under the aegis of Gram Sabha. The OREGS instead of laying down the detail procedure of how to organize it, merely reiterated in Section 4 that it was an obligation of Gram Sabha. Similar kind of omission is noticed in respect of grievance redressal at Block level. While the Section 23(6) of the Act obligates the Programme Officer to dispose of a grievance within 7 days, the Section 5(A-VI) of OREGS merely states that the PO shall respond to every grievance put forth before him. Even the time-limit of 7 days that the Act stipulated is conspicuous by its absence in OREGS. As a result of OREGS lacking in focus on grievance redressal, not a single Block Office was found to be maintaining a Complaint Register in the prescribed Form B-11 and the members of public were at a fix all the time as to whether and within how many days their complaint would be disposed of.

#### **4.2.3 Suicidal Personnel Policy of OREGS-**

One of the major issues that came up in course of the study was that there being no full-time dedicated personnel to serve as Programme Officer or Junior Engineers for the purpose of NREGA, the workers encountered all sorts of hassles for no fault of theirs, such as delayed measurement of works, delayed payment of wages, no payment of unemployment allowance, no compensation on account of delayed payment, updating of records and grievance redressal etc. In fact, the Section 22(1c) of the Act maintains the the salary and allowances of Programme Officer and his associates shall be borne by Central Government. And elaborating on this provision, the Paragraph 2.2.2b) of Operational Guidelines provides for posting full-time dedicated officers in the capacity of PO and technical assistants at Block level for the simple reason that the existing personnel like BDO or JE who are already overburdened with so many tasks of routine nature can't do justice to a massive development programme like NREGS. But OREGS in its Section 5(A) provides for appointment of existing BDO in the post of PO and consequently his associate, Junior Engineer comes on the scene as the technical personnel at Block level for the purpose of NREGA. This policy of managing NREGA through personnel already entrusted with so many charges has played havoc with the implementation of NREGA in Orissa, especially in respect of its thrust on time bound allotment of work, payment of wages, unemployment allowances and compensation against delayed payment besides upkeep of records and grievance disposal.

#### **4.2.4 Omissions and Commissions in Formats and Registers-**

The Form C-2 (Notice for Joining in the Work) attached to OREGS-2006 in its last line says, “If any member of the registered family does not report for the scheduled work within 3 days of receipt of this notice, it will be presumed that he/she is not willing to work in the project, as a result he/she will forfeit his/her claim for unemployment allowance and employment in future”. It means that even if somebody fails to turn up owing to severe illness or some unavoidable reasons, he/she shall not be entitled to any employment or unemployment allowance in future. This provision created by the Govt of Orissa under OREGS runs counter to the provision made in the Act, which guarantees at least 100days of wage labour to every registered family in a year, and unemployment allowance in case of failure to guarantee this legal minimum (Section 3 read with Section 7 of the Act). An instance of serious omission is the absence of any column for mentioning the amount of daily wages in the Job Card prescribed under OREGS-2006 in the 1<sup>st</sup> and 2<sup>nd</sup> Phases of NREGA implementation in Orissa. In view of the categorical stipulation in Para 4.8.1 of Operational Guidelines that an executing agency shall mention the amount of wages along with number of workdays performed in the Job Card, the above omission is ominous and deserved to be rectified. In fact, the Job Card issued for the third phase districts has filled up the above gap.

#### **4.2.5 OREGS lacks in online transparency –**

The Para 13 of Schedule-1 of the Act emphasises the need for making provisions for transparency and accountability at each level. Accordingly, the Operational Guidelines in its Annexure A-6 recommends an initial list of documents to be displayed on the REGS website. Out of a total of 17 items covered in this list, such documents are of great significance for public at large as Social audit reports of each GP, Complaints registers and ‘action taken’ reports, Annual reports of State Employment Guarantee Council, List of grievance redressal officials and appellate authorities and List of Vigilance committees and their members. However, in the OREGS’ scheme of things the online display of such documents hasn’t received the due importance. For instance, after going through the concerned website nobody can tell how many social audits have been held in a GP, and when, where and under whose chairmanship. In course of the current study, quite many officials interviewed by the investigators verbally claimed that the social audits were held in due manner for each project within their jurisdiction, but when they were requested to provide a copy of social audits so organized, they flatly refused to do so. Had there been online display of social audit reports, the veracity of information presented therein could have been checked easily at ground level.

#### **4.2.6 OREGS lacks in mechanism of Social Audit-**

The Act in Section 17 entrusted Gram Sabha with monitoring and vigilance and social audit of each project completed within a GP. The GP authorities were supposed to put in place these provisions and the PO at Block level to ensure their execution. The Operational Guidelines in Chapters 10 and 11 did also elaborate on how the Vigilance and Monitoring Committees along with Beneficiary Committees all comprising the workers and villager shall be formed and how the Social Audit in terms of a regular process and also in terms of a six-monthly forum shall be organized. It was expected that OREGS would lay down the detail norms and procedures for actualization of these

essential requirements and thereby infuse necessary elements for transparency and accountability into NREGA process. But it was noticed that OREGS paid only lip service to social audit (Section 4-A) while leaving out the matters relating to vigilance and monitoring altogether. In course of the study it was therefore noticed that both social audits and vigilance and monitoring committees existed only on paper in the Block offices and there was hardly any effort from any quarter to ensure their real operationalisation.

#### **4.2.7 OREGS lacking in grievance redressal machinery-**

It is a fact that the Form B-11 attached to OREGS is the format for register of complaints to be maintained at both Block and District levels. It is reproduction of the one recommended by Operational Guidelines, which in paragraph 10.8 prescribes a detail 15-step manual on how to operationalise the grievance redressal mechanism from Block to State level. Besides Section 27(2) of the Act provides for receipt of any complaint regarding misutilization or misappropriation of NREGA by the Central Government from anywhere in the country and holding of enquiry thereon. But the OREGS merely mentions the grievance redressal powers of PO and DPC. While it obligates the DPC to dispose of a grievance collected from the Complaint Box kept for the purpose within 15 days, it refrains from mentioning any time-limit for disposal by PO. Moreover, the OREGS doesn't obligate the PO or DPC or any other authority for that purpose to issue a dated receipt of a complaint submitted by an aggrieved citizen. It was noticed in course of the study that in view of all these reasons the common people have taken it for granted that the mere act of lodging a grievance before the very authorities whose acts might have given rise to the cause of grievance itself was of no use.

#### **4.2.8 Absence of a penal regime-**

The Section 25 of the Act provided for liability of any person to a fine upto Rs.1000/- if he or she violated the provisions of NREG Act. It was expected that the OREGS in order to give effect to this crucial provision would designate appellate authorities at different levels who could pronounce penalty against the errant persons after hearing the complaint in question. But it is conspicuously silent about this provision. As a result, the persons and even officers at different levels who by their dubious acts siphon off the NREGA money and thereby defeat the very objectives of NREGA remain carefree in their attitude on corruption, misappropriation and misfeasance. The Study found that the ominous absence in the Scheme of the very mechanism of penalizing the errant persons and officials was the single greatest factor responsible for derailing of a very pro-people and progressive enactment such as NREGA.

#### **4.2.9 RTI Truncated under OREGS-**

As already mentioned, the Paragraphs 13, 15, 16 and 17 of Schedule-1 of NREG Act provide for a foolproof mechanism for enabling the members of public to exercise their right to information relating to NREGA at every level of its implementation. The Operational Guidelines in its Chapter 10 further clarifies that all information related to NREGA matters are in public domain and therefore accessible to every person by way of inspection or photocopying. In view of a misconception that often arises among a section of public that one has to access information on NREGA by using RTI Act 2005, the

Operational Guidelines strongly and preemptively warns against the wisdom of harbouring such a misleading view. It says that NREGA itself is permeated with spirit of RTI, and no body can withhold any NREGA related information quoting the grounds of exemption mentioned under Section 8 of RTI Act. Rather the authorities at every level ought to treat the NREGA related information as if all such information belong to the category of suo motu disclosures under Section 4 of RTI Act. In other words, it implies that the concerned authorities should, on their own, disseminate so much of information that there would arise hardly any need for the public to apply for any information. Moreover, if a person ever applies for a piece of information, he needn't use so-called Form-A prescribed under Orissa RTI Rules-2005 or pay the application fee of Rs.10/- either. He or she can apply for NREGA related information on a plain paper and without having to pay any application fee. As the Paragraph 10.1.2 of Operational Guidelines says, every such application shall be complied with within 7days and as per the Paragraph 10.1.5, no more than the cost of photocopying shall be charged towards cost of information.

Given such a clear and unambiguous exposition of RTI as a built-in component of NREGA, it is sad that OREGS has conspicuously refrained from making necessary provisions for its actualization. Except the solitary provision made under Section 30(3) that Xerox copy of the muster roll shall be available at GP and Block Offices for inspection of the public, OREGS has nothing to offer in terms of RTI. In absence of a definite procedure to apply for information along with prescription of necessary fees, which was required to be laid down under the Scheme, the concerned officials at different levels were found unwilling to share NREGA related information with the members of public. With confusion reigning all around over the right of the public to avail straightway NREGA related information, most people who faced a pressing need for information had to make use of the time-consuming, expensive and cumbersome application mode of RTI to access the same. In course of the study it was noticed that taking advantage of the absence of RTI provisions in OREGS, the Panchayat executives and Govt officers at various levels could nakedly refuse to share such basic information as a copy of muster roll.

### **4.3 Ground Reality, too Dismal –**

#### **4.3.1 Denial of Unemployment Allowance-**

Except a few workers in Nawarangpur district who could literally snatch away the unemployment allowance from the Block authorities following a prolonged agitation, nowhere else in Orissa this allowance was paid though there is evidence to show that thousands of applicant workers were denied work within the stipulated period of 15 days. The PO who is supposed to arrange for payment of unemployment allowance to the workers deprived of job, simply sat idle about it. A misconception also prevailed among some civil society groups fighting for the workers that the workers should have applied for this allowance on expiry of 15-day period from the date of their application for job. They rationalized that in absence of such applications the workers got deprived of unemployment allowance. However, such a notion is baseless, since nowhere the Act or Operational Guidelines or OREGS ever tells that the workers need to apply for unemployment allowance. It needs to be remembered that the NREGA asks the registered

workers to apply for work, and failure on the part of the State to provide work within the stipulated period automatically makes the worker entitled to unemployment allowance. Be that as it may, the adamant attitude on the part of the State not to offer unemployment allowance come what may was primarily responsible for the workers losing their basic entitlement under NREGA. And because of this persistent refusal to pay the unemployment allowance, the initial hope and enthusiasm of the workers which were created around NREGA have started waning fast.

#### **4.3.2 Administration's new ploy to deny unemployment allowance-**

It was a fact that the workers in many places were unaware about the provision of unemployment allowance and that is why they didn't bother about it even when it was denied to them. However, rising demand for unemployment allowances in some places and that through such means of agitation as sit-in strike, mass meetings and rallies, gherao of the offices and mass petition to the Government has made the bureaucratic class more cautious and shrewd as to how to stamp out this demand altogether from NREGA process. A new ploy they have chanced upon and are clinging to i.e. not to issue a dated receipt against an application for work made by a worker or a team of workers. As is well known, the OREGS-2006 prescribes Form C-1 as the format for application for work, and the lower portion of it bears the form of a receipt to be issued instantly against the application for job, and the receipt to be so issued is to bear the seal of the office, signature of the authorized officer and as well the date of the receipt. It is obvious that an applicant worker if denied a receipt against his application for work can't legally claim the provision of unemployment allowance after the lapse of the stipulated period. In absence of a dated receipt, it is impossible to compute whether the stipulated period of 15 days has elapsed since the date of submission of the application for work. No only in areas where agitation took place around unemployment allowance, but also all over the state the Officers at GP and Block levels are therefore calculatedly refusing to issue any dated receipt against the application for work.

#### **4.3.3 Whither Muster Roll-**

As already mentioned, the OREGS-2006 following the Operational Guidelines recommended Form B-3 as the format for Muster Roll. But except in a few places where this recommended format was noticed to be in use, another format namely A-5, altogether different from the former, was in place. Between the two formats there is a critical difference bearing serious implications for the workers' interest and as well for maintenance of transparency in payment to the workers. The format A-5 mentions the rate of minimum wage in one column and requires the tick mark (√) meaning 'present' to be put in the column of each date against the worker's name. Thus in the A-5 format there is no space or possibility either for mentioning the varied amounts of daily wage that a worker might receive depending upon the quantity of the work performed, which is as such permissible under NREGA. What happens as a result of this blanket standardization of the wage amount received by all workers on all days is a ludicrous defiance of the principal norm laid down in the NREGA wage policy i.e. each worker working normally for 7 hours on a day ought to receive an amount, which shall not be less than minimum wage, but may be more than that depending upon the higher quantity of work performed by him. The manner in which A-5 Muster Roll has been filled up in

respect of wage amount and the manner in which the corresponding data have been uploaded and are display on the internet, have made a mockery of the unique wage policy of NREGA. It is also simply unbelievable that every worker irrespective of his/her engagement in time rate or piece rate work receives equal wages on each day.

In contrast, the format B-3 is more scientifically designed and if filled up properly by the trained persons can more authentically record the wage amount received by each worker on each date, which is in fact the central concern of NREGA. It is presumed in case of B-3 that in the column for each date, not tick mark, but exact amount of daily wage is to be mentioned. At the conclusion of the column for each date, there is a space for mentioning the total amount of money disbursed on account of daily wages to the concerned group of workers, and this total is but the summation of the different wage amounts paid against respective workers on that particular date. However, it has been noticed that in a few places where B-3 Format was used, the concerned officers in charge of the muster roll, due to their lack of perception and training, went on filling the Muster Rolls in the same mechanical manner as was found in case of A-5 Muster Roll. Of course, there remains too the scope for manipulation by the concerned officers even where B-3 form is used. The concerned officer may feed an exaggerated amount as daily wage in the date column. However, as if to plug this loophole, the amended format for Muster Roll bearing the same name i.e. B-3 which has been recommended by Operational Guidelines of 3<sup>rd</sup> suggests the need for signature or thumb impression of each worker in the concerned box in the date column attesting to the amount of wages he/she has received for the particular day. It is desirable that the whole range of personnel starting from Gaon Sathi to the Programme Officer whosoever are concerned with upkeep of Muster Roll be imparted proper and adequate training in the use of the amended B-3 format for Muster Roll.

#### **4.3.4 NREGA virtually a non-starter in 3<sup>rd</sup> Phase Districts-**

In course of the Study it was noticed that 6 coastal districts of Orissa, which came into purview of NREGA in the 3<sup>rd</sup> Phase commencing from 1<sup>st</sup> April 2008 are yet to get NREGA grounded to village level. Even though more than six months have elapsed since then, the basic work, that is, registration of eligible families and distribution of job cards have been negligible. The people of this region, relatively more literate and concerned with their entitlements as they are, want job cards, since they know that the job card, apart from being a source of employment under NREGA, can serve as a reliable document for so many other purposes, such as Voter Identity Card, Residential Certificate and Caste/Tribe Certificate etc. However, the main problem facing the progress of NREGA in these districts is the low, unattractive wage rate i.e. Rs.70/- per day offered by NREGA, whereas the actual daily wage in the coastal areas of Orissa is around Rs.100/-. Under the circumstances, if NREGA is at all to succeed in these districts, the rate of daily wage needs to be enhanced to such a level as to attract the villagers to the Scheme. And legally speaking there is no difficulty in planned wage hike in the areas where it is needed. The term minimum wage means that the wage to be paid can't be less than the one fixed, but there is no bar as such to paying more than the fixed amount. Another such area, where wage level needs to be enhanced to an appropriate level is the KBK region and Gajapati district, where en masse migration of villagers has been continuing even after the NREGA came into operation. The migrant labour chooses

to go out and work outside his region in preference to working under NREGA, simply because the outside work offers him much more in terms of wages and other facilities than what NREGA holds forth. Unless there is wage-hike in these backward districts, neither migration of labour can be checked nor progress of NREGA ensured. However, in the face of such grim reality around the wages in both forward and backward districts, the Government seems not to have been seized with the matter yet.

#### **4.3.5 Worksite Facilities-**

Both the Act and Operational Guidelines prescribed such worksite facilities to be in place, such as rest shed, drinking water, First Aid Box and Creche for Children. But in course of the study it was noticed that in most of the places only two facilities, namely the natural Shade of a Tree and drinking water were available. Being asked about other two facilities, the concerned Panchayat executives were evasive in their reply, saying, for instance, the women workers carrying children have not asked for a crèche yet, or no worker has far faced any injury yet. In fact, Gaon Saathi, who has been recruited since 1<sup>st</sup> April 2008 and whose principal duty is to supervise the workers and manage the worksite, has not been assigned with his job yet. Thus the worksite goes unsupervised most of the day except the concerned personnel appearing at the end of the day in connection with measurement or muster roll. The solution to the problem of deficient facilities at the worksite lies in engaging the Gaon Saathis at the worksite and entrusting them inter alia with the task of providing necessary conveniences at the worksite.

#### **4.3.6 Idle Gaon Saathis, to what end?**

As already mentioned, Gaon Saathis (Village Mates or simply Mates) have been recruited for each Gram Panchayat in Orissa with effect from 1<sup>st</sup> April 2008, as per the direction given in the Operational Guidelines of 3<sup>rd</sup> Edition. Their principal duty is to take attendance of workers, supervise their work, ensure worksite facilities, fill up the muster roll, arrange for display of the essential information relating to the project, manage contingencies and above all aid the concerned personnel in respect of measurement and payment. Unlike Gram Rozgar Sewak, he is not a regular salaried employee under NREGA. His remuneration, to be reimbursed from Central funds, mostly depends upon how many workers turn up to the worksite. This it is obviously in the prime interest of Gaon Saathis that they exert themselves to mobilize as many workers as he can for involvement in NREGA works. Moreover, by virtue of his assigned duty to remain present at the worksite during the working hours, Gaon Sathi, if properly trained and motivated can ensure the maintenance of quantity and quality in works. But it is a sad comment on the NREGA administrators at district and State levels that they have not been able to engage Gaon Saathis in the work-field though several months have elapsed since their recruitment. It seems, if NREGA is to be reinvigorated across the State in true sense of the term, the Gaon Sathis need be immediately engaged and put to the duties assigned to them.

#### **4.3.7 Gram Sabha/Palli Sabha meeting on NREGA – only in name’s sake**

Needless to reiterate that the NREG Act, Operational Guidelines and even OREGS emphasise the need for formulation of annual action plans in the meetings of Gram Sabha/Palli Sabha held for the purpose. The role of the Programme Officer thereon is to

consolidate the GP level plans into a Block level plan and thereafter the role of the District Programme Coordinator is consolidate the Block level plans into a District Plan. Even in case of non-Panchayat works to be implemented by other executing agencies, the choice and planning of such works rest on the concerned Panchayat. Except the provision for the job order to be issued by the PO in the name of the concerned executing agencies and all payments to be made by the latter, the rest of operational processes such as planning, supervision, transparency, accountability and social audit belong to the domain of Gram Panchayat and Gram Sabha.

In course of the current study, it was found that meetings of Gram Sabha/Palli Sabha to plan and discuss NREGA were held only in a formal sense, just to comply with legal requirements. Since the quorum of a meeting of Gram Sabha or Palli Sabha is only 10% of the total membership, such meetings could be held bypassing the participation of overwhelming majority of a village. It was gathered from the respondents that the meetings of Gram Sabha/Palli Sabha wherever these were held were attended mostly by persons of vested interests such as contractors, businessmen, suppliers, teachers, Village level Leaders and the like. In some cases meetings of Gram Sabha/Palli Sabha were not held at all, but records were prepared by Sarpanch in league with concerned Ward Members and Panchayat officials in order to fulfill the legal requirement. In either case, the real concerns of the common villagers who as such were absent from the real or concocted meetings, couldn't find any reflection in the reports and proceedings thereof. Asked about their opinion on the role of Gram Sabha/Palli Sabha in such critical matters as the preparation of GP level Plan, formation of Vigilance and Monitoring Committees and Beneficiary Committee, conduction of Social Audit, some Sarpanchs who were interviewed for the purpose candidly opined that the non-participation of common villagers was not peculiar to the NREGA matters only, but pervaded all aspects of village governance, and under the circumstances, only a few interested persons were to manage the whole show to keep things going. However, the officials like Panchayat EO or BDO or ABDO were less frank in their response. They asserted that on the whole everything was running smoothly as per law. But when requested to share a copy of the village plan or report of a social audit or even a list of members of Vigilance and Monitoring Committee, these officers were firm in their denial of the request so made.