

**REPORT ON**  
**SGRY CORRUPTION**  
**IN BISRA BLOCK OF SUNDERGARH DISTRICT**

**Enquiry made on 30<sup>th</sup> July, 2003**

**Submitted by**

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## 1. Context:

The background features leading to the present enquiry are stated below:

- 1.1. The Hon'ble Supreme Court of India dealing with the case PUCL vrs Union of India and others (Writ Petition Civil-196 of 2001) constituted a Commission comprising Dr. N.C. Saxena and Mr. S.R. Sankaran to look into the complaints received in the matter of implementation of 8 nos. of Social Security Schemes including SGRY. It may be mentioned here that on 28<sup>th</sup> Nov 2001 the apex Court had given direction to all State Govts. to implement 8 nos. of Social Security Schemes including SGRY. The aforesaid Commission received complaints in regard to implementation of the scheme. It also received copies of muster rolls, which revealed several inconsistencies. The Commission vide Letter No. Corruption/SGRY 1/C dtd. 5.6.2003 requested the Chief Secretary to Govt. of Orissa to constitute a Committee to enquire into the allegations of corruption in the execution of the SGRY schemes undertaken in several villages within the Bishra Block of Sundergarh district. Accordingly, pursuant to such direction, the State Govt. constituted a committee by its letter No IIRE 3/03/PR. Dtd 24.7.2003 comprised the following vide the letter of Mr. R.N. Das (IAS), Director, Special Project Panchayat Raj Department:

1. Joint Secretary, vigilance, PRI Dept.
2. Mr. Bikash Das, Advocate, Orissa High Court,
3. Collector, Sundergarh
4. P.D. DRDA, Sundergarh.

- 1.2 It is pertinent to mention here that Bishra Block in the district of Sundergarh is a scheduled area as declared by the Constitution. As such, the provisions of the Panchayat (Extension to tribal Area) Act is applicable to this Block. Besides this Block having been declared as a drought affected area the projects under the SGRY scheme were undertaken in this area to alleviate the sufferings of the inhabitants of the said area.

## 2. Process of Enquiry:

- 2.1. After constitution of the Enquiry Committee, 29<sup>th</sup> July 2003 was fixed for the visit of the Committee to the concerned area for enquiry. However on account of certain administrative pre-occupation of the Collector Sundergarh, on his request, the date of enquiry was shifted to 30<sup>th</sup> July 2003 and accordingly the team comprising the Collector Sundergarh, the PD, DRDA Sundergarh and Sri Bikash Das, Advocate Orissa High Court and the Executive Vice President of Committee for Legal Aid to Poor (CLAP) visited the concerned area within Bishra Block on 30<sup>th</sup> July 2003.

It is pertinent to mention here that prior to the visit by the above members of the Committee to the concerned area one of the members namely Sri Bishnupada Sethi , IAS, Joint Secretary, Vigilance PRI Dept., Govt. of Orissa had already toured the area from 25<sup>th</sup> to 27<sup>th</sup> June 2003 and had submitted a report office finding and as such he did not form part of the Committee who visited the concerned area on 30<sup>th</sup> July 2003.

- 2.2.** The complaints being serious in nature in as much as it adversely affected the beneficiaries, on the request of CLAP Sri. S.K. Mishra former Vice Chairman, Orissa Administrative Tribunal, former Secretary to Govt. of Orissa, Law Dept. and Chairman, State Minimum Wages Board accompanied him as an observer. Ms Namrata Chadha , Member Orissa State Commission for Women also accompanied Sri Bikash Das to observe the conduct of the enquiry.
- 2.3.** Similarly a number of Govt. Officials also accompanied the enquiry team. Some of the important officials who are directly responsible for implementation of SGRY in Bisra Block were the following:
1. Sri Jayanta Kumar Das, Executive Engineer, DRDA, Sundergarh.
  2. Sri Sangram Keshori Swain, Block Development Officer.
  3. Sri S.P. Ganesan, Junior Engineer.
  4. Sri Suresh Oram, Chairman, Panchayat Samiti, Bisra.
  5. Some of the Sarapancha of different Gram Panchayat and Members of Panchayat Samiti and Gram Panchayat.
- 2.4.** Several Govt. officers accompanied the Committee during the visit to the concerned areas. Though I had intended to visit around 16 villages listed below in respect of which I had received copies of muster rolls from Dr. N.C. Saxena , on account of heavy and incessant rains and inaccessible villages located within forest it was not possible to go to all the villages given below:
1. Kokerama
  2. Barasuan
  3. Talbahal
  4. Jharbeda
  5. Sanpartola
  6. Bairatola
  7. Bairabahal
  8. Hariharpur
  9. Sanramloi
  10. Manko
  11. Bailabahal
  12. Puruna Bisra.
  13. Dudurta
  14. Bhalulata
  15. Kapranda
  16. Cherubeda.
- 2.5.** Out of those villages the Committee visited only two villages namely Sanramloi and Kokerama. Our attempt to visit the village Cherubeda could not succeed due to heavy rains and slippery forest road for which

our vehicle could not proceed. Attempt to go by foot was also impossible. However, the Committee was able to meet a delegation from the village Cherubeda comprising 8 members (one man and seven women) in the Block office at Bishra on the same day. As authorised by Dr. N. C. Saxena I instructed my authorised representatives to visit the rest of the villages and submit reports to me. My representatives also visited the following villages on 31<sup>st</sup> July 2003 to ascertain the position existing there. The same villages are:

1. Village: Mashirkudar, Gram Panchayat : Badbambua, Nature of work: Pond Digging at Mashirkudar.
2. Village: Dumertola, Gram Panchayat: Badabambua, Nature of work: Pond Digging at Mashirkudar.
3. Village and Gram Panchayat: Badabambua, nature of work: Pond Digging at Mashirkudar.
4. Village: Selghati, Gram Panchayat: Bhalulata, Nature of work: Pond Digging.

**2.6.** The scope of the enquiry is to be found in the letter of Mr. R.N. Das (IAS) Director Special Project PR Dept. And letter of Dr. Saxena enclosed herewith as an **Annex 1 & 2**. The letters broadly suggested that the enquiry should be directed to find out the truth or otherwise of the allegations received concerning execution of work under the SGRY schemes in the villages within the Bishra Block. Accordingly the committee restricted the inquiry to the above aspects. At this point I may mention that the report of Sri Bishnupada Sethi (IAS) (Joint Secretary vigilance PR Dept.) dealing with the aforesaid allegations of corruption had been made available to us and the same is enclosed herewith **Annex-3**.

**2.7.** Under the special component SGRY/CRF for the year 2002-2003 and 2003-2004, 59 Projects have been planned out of which 42 Projects have been taken up so far. Until 30<sup>th</sup> July, 2003, 6-Projects have been reported to be completed. A list of plans with estimated project cost drawn up by Executive Engineer is enclosed with this report and marked as **Annex-4**.

**2.8.** Keeping in view the scope of inquiry referred to above it becomes necessary to keep in view the fundamental features of the SGRY schemes, its objects vis a vis the population should to be benefited from it. The following may be mentioned as the basic object of the schemes, which provided relevant modus operandi for its execution so as to benefit the persons living in the concerned area.

1. Additional wage employment in rural areas with a view to provide food security and improve nutritional level.
2. Wage employment for those who are desirous for wage employment.
3. Wages to be paid in the form of cash and kind (in the form of rice). But in no case the payment in form of cash shall be less than 25% of the total wage.
4. 30% of the work to be reserved for women.

5. 22.5% of the annual allocation under the first stream of SGRY both at the District and State level shall be earmarked for individual beneficiaries of SC/ST families living below the poverty line.
6. Certain identified target group like SC/ST, marginal farmers, wage earners, non –agricultural unskilled wage earners, agricultural wage earners, women and parents of child labour withdrawn from hazardous occupations and parents of handicapped children or adult children of handicapped parents shall be given preference.
7. Social audit of programmes undertaken on completion.

### **3. Revelation:**

- 3.1. On 30<sup>th</sup> July 2003 our team visited Sanramloi village in Manko Panchayat. The work executed was linking of a road. We ascertained from some of the beneficiaries present at the site that the work was undertaken by one Sri D.D. Banarjee, who was stated by the Block Development Officer present there, as a member of the Panchayat Samiti.
- 3.2. The muster roll in respect of the concerned Block was purportedly prepared by one Sri Bichha Oram but we are told that he is completely illiterate. A bare perusal of the muster roll examined in presence of some of the beneficiaries indicated that it did not reflect the correct position and had been fabricated. The Collector and the PD, DRDA were candidly of the view which they expressed at the site that the muster roll was false and fabricated and therefore it did not merit further examination. In such a circumstance though I was intending to examine and record statement of some of the persons whose names found place therein I was not able to do so. Of course time was the constraint. Some of the beneficiaries present at the site told questioned by us that they had no knowledge about preparation of the muster roll and what had been written therein and they merely put their thumb mark on being asked by the D.D. Banarjee and his employees.
- 3.3. As to the number of days of employment given to them, the beneficiaries could not give the exact number nor could they say as to the amount of wages they received for each day of work. It was however ascertained by us that, those who had worked on daily wage basis were paid only 7 KGs of rice and cash while others who worked on piece rate basis, locally called chowka basis, received 7kgs of rice and Rs 10/-. I was convinced that the workers were not paid the prescribed wages of Rs. 50/- per day either in cash or in cash plus kind.
- 3.4. The beneficiaries hardly got employment for around 6 days as per the statement. However some of them said to have worked for some more number of days.
- 3.5. While interacting with some of the beneficiaries, who on being questioned by me replied the same replies which revealed clear violation of the guideline prescribed in the scheme. The instances are:
  1. Ms. Saniara Munda W/O Budha Munda said that she got wages of 15 days @ 7kg. of rice and Rs. 10/- per day.

2. Samil Munda worked for 3-weeks and got 100 kg. of rice only.
  3. Mr. Susil Munda, S/o Agupita Munda said that the Muster roll is false. The Contractor Mr. D.D. Banarjee after allegation of false Muster Roll forced the labour to work in Hariharpur Road improvement. Till now they ( 35 persons ) have not received their wages although the work was completed on 15<sup>th</sup> June, 2003. He further alleged that about 15 numbers of labourers who belonged to another Panchayat, worked in the project even though there were aspirants for the work from the concerned Panchayat.
  4. Sukarmani Oram W/o Bichha Oram said that she worked 2-weeks and got one packet of rice (50 kg). Her husband received rice from Bisra Block after affixing thumb impression on plain paper on her behalf.
  5. Suresh Gopa S/o Nanda Gopa said that he worked 3-weeks and got 7kg of rice per day in 3-times at Bisra and no cash was paid.
  6. Bharat Gopa S/O Braja Gopa said that he cut 24 chowka @ 7 kg of rice and Rs. 10/- per chowka. He received the material from Bisra, which was 15 km away from the village and the workplace was in hilly tract.
  7. Ms. Muni Munda D/o Mangu Munda worked together with her friend Sukarmani (15-year girl) cut 10-chowka and got one packet of rice (50 kg). After receiving the rice they distributed equally. In principle she is entitled to get 70kg of rice and 70 rupees for 10 chowka. She is yet to receive the remaining 20 kg of rice and the entire Rs. 70/-.
  8. Marian Oram S/o- Email Oram observed that Sri D.D. Banarjee asked them to work in road improvement and gave them the wages. On behalf of D.D. Banarjee Sri Dahur Oram performed as supervisor ( in local language Munsii)
  9. One Sunil Munda complained that his father worked on contract and daily wages ( in local language hazira) but he got only 22-kg rice and 150 rupees for 2-persons for 7-days work.
- 3.6.** In the absence of the correct and genuine muster roll it was not possible to verify the correctness of the statements made by the beneficiaries. It was not possible to verify whether appropriate reservations were made for employing women as per the guideline of the scheme.
- 3.7.** Wages were not disbursed to the beneficiaries following the prescribed norms of payment on a suitable date in the weekend, payment of wages were made irregularly.

- 3.8.** In violation of the guideline food grains were disbursed at the contractors house at Bishra more than 14 km away from the village Sanramloi.
- 3.9.** It is pertinent to mention that this scheme provides for transportation of food grains at the rate of Rs. 50/- per quintal from the FCI Godown to the Gram Panchayat Storage.
- 3.10.** Despite prohibition for engagement of Contractor in implementing the scheme (Guideline 5.16.1) almost all the villagers present stated that one Sri D.D. Banarjee acted as the contractor to execute the work, he even engaged a supervisor (Munsi) named Sri Dehur Oram.
- 3.11.** The Sarapanch of Manko Panchayat Sri Amarsingh Mundari expressed his total ignorance about the implementation of the scheme. He stated that there was no display board in the Panchayat giving programme details. One must bear in mind that the Hon'ble Supreme Court in their order instructed the State Govt. to take appropriate measure to display programme specification. Though the scheme fixed the bottom line for payment of 25% of the wages in cash which comes to Rs. 10.45 paisa. Most of the beneficiaries were given food grains only and no cash.
- 3.12.** Drinking water facilities, rest shed and crèches for working mother as prescribed in the scheme were not provided. I was informed that there were working women engaged who had children in the age group of 0-6 years. There being no genuine muster roll, it was not possible to ascertain the exact number of children, who were deprived of crèche services.
- 3.13.** Despite the fact that the project of road improvement had been completed on 15<sup>th</sup> June 2003 and despite existence of the provision in the scheme for conducting social audit, no such exercise had been done (5.16.5 of the SGRY guideline).
- 3.14.** The Zilla Parishad and the DRDA seem to have failed to discharge their duty of ensuring transparency, accountability and social control by making available information concerning the scheme. The explanation offered by the DRDA officers present that since enquiry was being conducted, no social audit had been made, which appears to be flimsy and not acceptable.
- 3.15.** During enquiry after seen the muster roll and listening to the beneficiaries present, the villagers and officers I feel persuaded to believe that on account of callousness and negligence of the Officer at the District, Sub-division and Panchayat level who never cared to inspect and monitor the implementation of the programme such irregularities did occur. Net result was that the beneficiaries were deprived of the benefits and middle man who acted as agents / contractors enjoyed benefits. Had there been monitoring and inspection during implementation of the programme such irregularities and deficiencies would not have occurred. I may say that negligence of the officers in charge of looking after monitoring the programme resulted in frustrating its objects.

- 3.16.** On an overall consideration I am of the view that Sri Bishnupada Sethi (IAS), Joint Secretary Vigilance, PRI Department has correctly assessed the matter and has arrived at correct conclusion in his report.
- 3.17.** Some villagers of the Sanramloi village who had worked in an adjacent road improvement work at Hariharpur alleged that they have not been paid their wages though the work had been completed since 15<sup>th</sup> June 2003. It was revealed by the BDO, Bishra and the Junior Engineer in-charge of the project that a portion of the estimated amount provided for Sanramloi village had been diverted for improvement of Hariharpur road. I am of the view this was absolutely irregular. It is astonishing that despite the fact that the work had been completed since 15<sup>th</sup> June 2003 wages had not been paid to the workmen for such long period. The Collector enquired about the matter from the BDO & Junior Engineer and directed that payment of wages should be made to the workmen within a period of 2 days and compliance report be sent. I may observe here that this was a serious lapse on the part of the concerned officials and the administrations.
- 3.18.** We then proceeded to Cherubeda, a remote and boarder village of the Block, with the entire team. As mentioned earlier in this report, on account of heavy rain and being stopped by mud we could not proceed in our vehicle further. We attempted to proceed by foot but after covering about 1km we found it impossible to proceed further and therefore returned back. However a delegation from the village met us and informed that though they were willing to work under the SGRY scheme, they were not engaged on the plea that roadwork was not appropriate for women. The delegation comprised of 7 women and one man. They alleged that work was substandard and hardly cost Rs. 14000/- but Rs. 50,000/- had been shown spent for its construction. They also alleged that the work had been assigned to a contractor Sri D.D. Banarjee. They also stated before us that despite protest the beneficiaries of the scheme were paid Rs. 40 only and no food grain per day for labour. According to them the duration of the work was only 23 days. One of the member of the delegation Sri Marsalan Hari, complained that due to his involvement in the protest against irregularities in SGRY, his son who is 15 years old according to School certificate had been arrested under section 147, 148, 341, 323, 435, 149-IPC, 25/27 of Arms Act and termed him as a M.C.C. (Naxalites). On my quarry to the OIC of the Bisra Police Station who was with us, denied the allegation. One of the members of the Committee, that is the Collector, also stated that there is no point with linking criminal matters with the present charges. However, I must note here that if there exists any nexus, in that case, the administration is duty bound to investigate the allegations purely for the fact that the case relates to a Juvenile (perhaps Police overlooked the age factor) and for the fact that a beneficiary complains that when they solicited the Right to information such criminal offence had been made against them.
- 3.19.** In the sequence of visits we went to Kokerama of Tulsikani Panchayat. I found a peculiar situation in this village where two groups of women were demanding payment of wages for a particular work. The brief

outline of the fact is that in this village under SGRY an excavation of a pond had been undertaken. It was done in 2-phases. In the first phase the beneficiaries had received 100 Kg of rice and Rs 200/= for 19-days of work. The duration of work stretched for a period of 3-weeks. It is therefore impossible at this point to ascertain how many days the beneficiaries had worked and the amount that was to be paid to each single beneficiary. The Muster Roll is fabricated, as the leader of the village who happens to be Naib Sarapanch Ms. Katrin Munda of the concerned Panchayat stated that, she never put her thumb impression in the Muster Roll. However, the Muster Roll bears thumb impression in her name. It was revealed that the rate of payment was based on Chowka system on the specification of Rs 50/= per 10X10X1 excavation. The rate had been approved by the Executive Engineer of DRDA. An English translation of the specification is enclosed and marked as **Annex-5.**

- 3.20.** The bone of contention lies in the Second phase of the implementation. By this time the beneficiaries were divided on the ground of caste i.e. Mundari and Munda (both are STs) as well as on the basis of habitation as one group lives in the close proximity of the village. Although the work is completed no payment had been made until our visit on the pretext of dispute among beneficiaries. The Executive Engineer of DRDA who accompanied us told me that Rs 16,000/= is earmarked for payment but it is not sufficient to make payment to both the groups as per their demand. When I wanted to know how the issues are going to be resolved, the officials present over there said that it will be distributed among both the groups. Such statement created a lot of resentment and both the sides scolded each other with up in arms. Had there been no police official with us who managed to control the situation who knows what would have happened to both the communities? **I noticed that a group of women reduced to tear and had broken on the spot fearing the decision that their labour is being compromised due to demonstrated administrative failure.**
- 3.21.** When my authorised representatives visited Seleghati village of Bhalulata Panchayat some villagers namely Sanika Munda, Bhudhram Munda, Anil Munda, Manga Munda and others collectively alleged that the Contractor paid daily wages less than minimum wages of Rs 50/=. The contractor paid Rs 40/= for men and Rs 35/= for women. Only food-grains were provided as wages. On filing of complaints at the Labour Office regarding less payment of wages on the same night the contractor paid Rs 50/= as wages (Food-grain) to them and retrenched them from work from the next day. The muster roll maintained is false and fabricated. Even the thumb impression of other members of beneficiaries who are not involved in the work is in the Muster roll. In this village pond digging work was taken up for 28-days only.
- 3.22.** Further my authorised representatives visited Badababua village of Badababua Panchayat the beneficiaries (Surat Ch. Mundari, Kedar Mundari, Tikeswor Mundari, Basi Mundari, Jena Mundari etc) alleged that they worked in Masertola Road work where 20-chowka of wages is

not paid. The contractor Hawa Oram was husband of a Samiti Member paid the wages @ 6-Kg rice and Rs 5 per chowka which is less than the prescribed wage. Women were refused to work in this village. The beneficiaries were provided rice and their money is still due.

- 3.23.** In Domartola Village of Badababua Panchayat the beneficiaries namely Susila Oram, Rukmani Oram, Kumari Oram, Punei Oram, Rasau Oram told my authorised representatives that the contractor did not pay minimum wages of Rs 50/= to women beneficiaries. The contractor paid Rs 40/=(6 Kg. Of rice and Rs 5/=) per women. When the women worker demanded their minimum wages, the contractor refused those women to be engaged in the work. Only money was paid and food-grain was not provided. 5-days wages has not been paid to 5-nos. of beneficiaries since last 2-months, they said.
- 3.24.** In Masuri Kudar village of Badababua Panchayat Ms. Sukhi Oram, Manga Oram, Jhalo Oram and ward member Chanda Xalxo said that the workers from other Panchayat were engaged in the work by the Contractor. In equal wages were provided. Hawa Oram Husband of Silo Oram was acting as contractor. The ward-member was never consulted in this work. The contractor engaged the beneficiaries in pond digging work.
- 3.25.** The Administrative Agencies whose culpable negligence made the scheme a mockery did not feel shy to suggest that the approved money is going to be distributed without following the norms. There cannot be two opinion with regard to the responsibility of DRDA officials to monitor and supervise the scheme. If from the beginning of the scheme a proper record would have been maintained about engagement of beneficiaries, such situation would not have occurred.
- 3.26.** Similarly, many people complained that on the eve of our visit the administration had brought rice and dumped without permission in a house belonging to Deba Mundari. The person concerned met me and expressed his dismay over such forcible dumping of rice in his house. It is visibly clear that just to satisfy the Enquiry Committee and to get rid of the administrative obligation of payment in time such overnight arrangement of food-grains had been made.
- 3.27.** It is also not a sign of good governance that, a welfare measures had been undertaken and on its completion payment could not be made due to non-availability of record regarding engagement of labour force. It is a wrong strategy that intervention of police becomes essential to resolve the dispute. One should not forget that the scheme is meant for food security and enhancement of nutritional status which has a bearing on improvement of quality of life of the people. I do not understand the logic of the administration to make a compromise.
- 3.28.** Besides, in this village beneficiaries complained about involvement of contractors in the implementation of the scheme. One Mr. Debasis Banerjee had been assigned with the work. On behalf of him one Sri

Ganesh acted as Munsif (Supervisor). On the other hand the villagers themselves appointed Katrin Munda Naib Sarapanch as leader.

- 3.29. The points raised by Sri Bishnupada Sethi, IAS is corroborated by the beneficiaries without any deviation.
- 3.30. The Muster Roll was maintained and signed by one Ganesh Pradhan, the Ward Member of Ward-7 by the order of secretary of the same Gram Panchayat. At present the Secretary is placed under suspension for such irregularities. I was told by Katrin Munda that her signature was fabricated by Ganesh Pradhan.
- 3.31. In this village at least 3-set of Muster Rolls have been maintained by people. It seems there is no approved Muster Roll.
- 3.32. One of the group and some officials complained that one voluntary organisation called DISHA creates confusion and leads the group. It is completely immaterial as the administrative responsibility rests with the DRDA and Panchayat Samiti. They should have shown accountability.
- 3.33. It appears that in spite of complaints on several occasions the officials at the DRDA and Block satisfied themselves with the reports given by field level officials like VLW and Junior Engineers. They never thought it necessary to apply the **philosophy of doubt** to the reports compiled by junior officials. On the other hand the Block and DRDA level officials convinced that the report must not be appropriate as only two Junior Engineers and a few VLWs were available to cover 42 projects spread over the Block. Knowing fully well that the supervision is inadequate they allowed the project to go ahead creating a conducive environment for middleman to misuse the fund.

#### 4. Measure Findings:

4.1. My visit and interaction with the community gives me no choice but to emphatically say that the administration at the District and Block level had not shown due diligence in the entire process of implementation. They should have monitored the progress from time to time to ensure that the public money and the great ideals of the scheme are properly accomplished. But it is clear that they have not performed as per the prescribed manner as a result of which the problems cropped up at the end of the programme when the agents, contractor and middlemen have already gained from the scheme. The end product of any social security measure cannot be useful for the community, if the means applied is violative of the scheme. Exclusion of the community from decision making is surely an inappropriate means to accomplish the end. Broadly, the following nature of violation of norms of the Scheme were found:

1. Inappropriate maintenance of Muster Roll.
2. False and fabricated entries in the Muster Roll.
3. Non-payment of wages in time.
4. Less amount of wages paid.
5. Non-payment of wages in the workplace.
6. Involvement of Contractor.
7. Non-holding of Gramsabha/Pallisabha.
8. Exclusion of members of Panchayat Institutions.
9. Overlooking of reservation for women and others.
10. Non-availability of rest-shed, crèches and drinking water facility in work place.
11. A minimal guarantee with regard to wage employment between 20-30 days.
12. Violation of norm of wage payment ration of 75:25.
13. Non-completion of work in most of the project.
14. Poor quality of work.
15. Discontinuity of work.
16. Inadequate supervision on the part of administration.
17. Relying on contract work in stead of daily wage.
18. Non-payment of Minimum wages in some places.
19. Misuse and embezzlement of public fund and deflection of accounts.
20. Culpable negligence.
21. Payment of wages less than the prescribed Minimum Wages according to the State Act has been considered as forced labour which has been prohibited in Art-23 of the Constitution, a fundamental right. The Supreme Court in several cases have defined forced labour as payment of wages below the prescribed minimum wages. Section 374 of the IPC makes it an offence punishable under that section. Some of the evidences collected by me in Bisra block can be cited as such contravention of law.

- 4.2.** As per the scheme there has to be Pallasabha and Gramsabha to approve plans. Besides the area is a scheduled area where the provisions of Panchayat (Extension to Tribal Areas) Act were to be applied. However, in none of the cases approval by Pallasabha was obtained. In this process the entire concept of devolution of power to the Panchayat institutions were ignored. This caused exclusion of little republics in the decision making process.
- 4.3.** The SGRY Scheme makes it a norm that on the completion of work a social audit is to be carried out by DRDA and Panchayat Samiti. However, no social audit has been made in spite of the fact that the officials claim 6 projects out of 42 to have been completed. If social audits were carried out as per the norm the communities could be made aware about the decisions taken in their name.

### **5. Problem Faced:**

It would not be out of context to mention the problems that I have encountered in course of making an enquiry smoothly. In spite of the fact that the enquiry is made on the behest of Dr. N.C. Saxena, Commissioner of Supreme Court in the PUCL Vrs. Union of India, it appears that a serious consideration to the suggestion has not been taken care of. The following points need to be reflected:

1. The suggestion of Dr. Saxena that the concerned people be informed through publicity in AIR about the Enquiry had not been carried out. The situation forced me to take the initiative personally but according to my knowledge the matter did not get publicity. If the message had been communicated properly many more issues might have come to our knowledge. It is not a prediction rather it is a fact as a number of delegations met me on hearing that I have been making an Enquiry afterward in the evening.
2. I find it very difficult to cope with a situation where one of the members of the Enquiry Committee i.e. Project Director, DRDA is himself giving clarification about irregularities. It posed me in an awkward position.
3. The Bisra Block is one of the area where MCC (Naxalites) are very active. Therefore, we visited the place amidst heavy security arrangement. This might have caused fear among many people of the community, as a result they did not want to depose.
4. I was intimated about the visit to Bisra Block by Director Special Projects, Panchayatiraj Department without making any arrangement for my travel from Cuttack to Bisra which is 430 Km away. Finally, I used a vehicle on rent without knowing who is going to pay for it.
5. I found that to visit all the 42 Projects in one day is not sufficient. I could visit only 2-villages and met a delegation from another village. Therefore, I relied on my authorised representatives to give me firsthand information about the status of the project undertaken in other villages. Still we could reach out to only 7-villages.

6. Some of the technical aspects like work specification drawn up by DRDA for contract work and financial transactions needed professional expertise. It is also very essential to know about quality and quantity of food-grains and monetary transaction between different persons.

## 6. Reflections:

- 6.1. It was found that no where in this Block 100 days of work guarantee had been given. In most of the projects the duration of work lies between 20-30 days, If it is more it could not be ascertained from the Muster Roll due to false and fabricated documents. The disadvantaged people are not in a position to calculate the exact number of days they worked and got paid. What is important here is that what would be the bottom line of additional wage employment. Can Govt. satisfy itself by offering hardly 20-30 days work in a year? Is it sufficient to accomplish the objective of the scheme of food security and enhancement of nutritional level? It must be kept in mind that the Employment Assurance Scheme, which is amalgamated in the SGRY, provided 100-days work guarantee. An eye-estimation (which is permissible under Orissa Relief Code) gives me the impression that the SGRY Scheme in the villages which I visited had not brought any change in their nutritional status nor ensured Food Security. I may mention that the area had been declared a drought area. Hence I referred to ORC.
- 6.2. The objective of the Scheme is to provide additional wage employment with a view to ensure Food Security and enhancement of nutritional status. But what I is that there is no nutritional surveillance mechanism. Thus it is difficult to ascertain the impact of the scheme. On the basis of eye-estimation and verification of documents I can say that the projects in different villages had not been able to accomplish these objectives. When nutritional surveillance is completely ignored in that case, it cannot be presumed that the scheme is being properly implemented and able to accomplish the envisaged objectives.
- 6.3. One of the important aspect of the implementation of the scheme is, to what extent the beneficiaries were covered and the method of selection of beneficiaries. My visit to Kokerama gives me the impression that women of the community had expressed their interest to work under the scheme. **But many were left out. If all who have shown interest to work under the scheme were given wage employment, then there would not have been a fund crunch.** Now the amount of Rs 16,000/= could not be disbursed as it is not sufficient to provide wages to all who demanded having work. Besides I feel that when certain persons who are eligible to be covered on priority basis like the women members of this Kokerama village have expressed their interest of work, they must have been given wage employment as the objective of the scheme is to provide additional wage employment. If Govt. is unable to provide work to the persons who are eligible to work and have shown interest in that case it will be assumed that the scheme has failed to accomplish its objectives.
- 6.4. In case of Bisra Block the irregularities could be brought to focus due to sagacious effort of voluntary organisations like DISHA who have whole-heartedly worked to enable the village communities to demand their Rights

for which they are entitled. The question here is, which must be seriously considered, what are the mechanisms that exist to monitor the performance of the work. At least in Bisra Block the administration has drastically failed to monitor the progress of the work and to check irregularities from the very beginning of the project to its end. The irregularities could be brought to light by the villagers and not by the administration. Had the beneficiaries not demanded copies of Muster Roll, the exploitation of the tribals would not have surfaced.

- 6.5.** It is also noticed that the Panchayatiraj institutions are not well-equipped to perform their duty. Administrative highhandedness could be clearly visible. The Sarapanch of Manko Gram Panchayat, Sri Amarsingh Munda and Naib Sarapanch of Tulsikani Gram Panchayat, Mrs. Katrina Munda have expressed their helplessness to properly deliver their work. Every time the Administration leaves the responsibility to the members of Panchayatiraj institutions. Without making adequate efforts to equip the members of Panchayatiraj institutions with appropriate skills to cope with the situation. Let us not forget that Bisra Block is one of the Scheduled Areas therefore, exploitation of even the Member of Panchayatiraj Institutions cannot be overruled. The voices of these members were never heard. The provision of Panchayat (Extension to Tribal Areas Act) is required to be applied. However, the prescribed provision of Pallasabha in Panchayats for approval of programmes have never been undertaken.
- 6.6.** In a scheme for creation of additional wage employment with a view to ensure food security and enhancement of nutritional status, can it be permissible to provide contractual work? I have noticed during depositions by beneficiaries that in many cases they were denied any wages in any form as they could not complete the work. That means they have lost their labour without any compensation package. I wonder how it helped in realisation of the objectives of the scheme? Further, the work specification for contractual work prepared by DRDA is also not appropriate because the condition of the beneficiaries as noticed by me is that, they cannot strike a proper bargain. As a result the illegally appointed contractors exploit the beneficiaries by not differentiating the nature of work on the basis of land pattern and soil conditions.

## 7. Recommendation:

After delving deeply into the matter of implementation of SGRY, I would like to recommend the following for immediate action:

- A. A High Powered Committee be constituted to examine all 42 projects. It must include audit of financial transactions made and food-grains supplied.
- B. Monitoring of projects regularly being a sine-qua-non, a special mechanism must be created to monitor the implementation of the project in all incomplete sites. It appears that the present mechanism is unable to perform its duties due to the geographical location and presence of MCC.
- C. In all 6 projects which were already completed, social audit must be undertaken.
- D. Special measures be taken to enhance skills of members of Panchayatiraj institutions to cope up with the situation particularly about the scheme.
- E. At least 100-days work guarantee be given to the beneficiaries.
- F. Appropriate proceedings must be started against officials who have violated the norms of the scheme.
- G. Criminal proceedings should be started where there is prima facie case of embezzlement of public fund.
- H. Identified leaders in each Project site must be properly trained about maintaining Muster Roll.
- I. Pallisabha must be convened in all Panchayats for approval and information about the scheme.
- J. Display boards must be properly put up.
- K. Local NGOs should be involved in monitoring and creating awareness about the scheme.
- L. The dispute in the Kokerama village should be amicably settled with payment to all deserving persons.
- M. A special enquiry be made in the matter of alleged criminal action of two juveniles of Cherubeda village.
- N. Pending wages must be disbursed as early as possible with proper record concerning payment.

**Concluding Remarks:** Gross violation of duties by public servant which results in the deprivation of the meaningful rights of the citizens, more particularly, the citizens belonging to the weaker sections of the society is an instance of culpable negligence, for which the erring public servant deserves strong censure, reprimand and legal action.

A very vital principle which must be kept in view is that a person on being a public servant becomes the custodian of public interest. This is specially true in a democratic set up like ours with rules of law as it's signature tune wherein the role of the public servant has got to be that of a pioneer rather than of a pirate, of a public sentinel rather than of a self seeker, of one dedicated to the public weal and not one obsessed with the desire of personal gain. The old adage that Ceaser's wife should be above suspicion is equally true of the public servant in a democratic set up.

In case of Bisra it is demonstratively clear that the administration has not shown due diligence in protecting the public interest. If the situation persists further a condition may be created where the beneficiaries will be reduced to a situation of poverty ratchet, from where it will be impossible to enhance the holistic development of a determinate class of people i.e. tribal people.

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Place: Cuttack

**Annex-5****DIFFERENT GOVT. RATES OF EARTH-WORK  
FOR THE INFORMATION OF GENERAL PUBLIC**

One chowka means 10ftX10ftX1ft

The following Govt. rates have been mentioned below:

Excavation of 1-chowka soil and to spread/put the soils on scheduled/stipulated place i.e. (within 50 metres or 163 feet distance and 1.5 Metres or 5 feet height) breaking or dissolving clod of earth/large lumps of dry clods is also included in this rate:

1. For easily excavating soil, the rate per chowka is Rs 46.00
2. For hard soil/morum, the rate per chowka is Rs 62.00 (Value of food)
3. For stony soil/stone-mixed morum, the rate per chowka is Rs 96.75.
4. For marshy soil, the rate for chowka is Rs 63.50.
5. For stony cutting by using hammer, pick-axe and drill, the rate per chowka is Rs 157.30.

Other than that, for every 5 feet height, the rate per chowka is Rs 5.90 and for bringing/carrying soil from more than 25 metres it distance the rate per chowka is Rs 4.30 will be given as extra amount.

The rate of rice served/given in Food for Work Programme is Rs 5.65 per Kg.