

Chapter 2

Performance Audit

- 2.1 Management of Jails in Madhya Pradesh**
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Chapter 2

Performance Audit

Jails and Correctional Services Department

2.1 Management of Jails in Madhya Pradesh

Executive Summary

The prisons in the State were established under the Prison Act, 1894. The State Government partially adopted (February 2008) the Model Prison Manual introduced by Government of India. A Performance Audit of 'Management of Jails' covering the period 2007-12 was conducted to examine whether arrangements for detention and custody of the prisoners were adequate and facilities to the prisoners as envisaged in the Acts and Rules were being provided. The Performance Audit revealed the following:

- Financial management was deficient. While provision of Plan funds was much less than the approved Plan outlay, there was under-utilisation of Plan funds. Besides, there were delays in remittances of Departmental receipts into the Government Accounts.

Government should improve financial management for better implementation of the Plan schemes on jail administration.

- The Department's initiatives for providing facilities/privileges to the prisoners and for security of the prisons were not satisfactory. Inmates were not subjected to quarantine at the time of admission to prisons for want of Reception unit. In several jails there were no separate cells for convicts and undertrial female prisoners. Medical treatment was not provided to several ill prisoners who were referred to the hospital by the Jail Medical Officers for treatment, for want of police guard.
- There were shortages of weapons and modern security equipment such as CCTV, Siren, Intercom, Generators etc. mainly in District jails and Sub-jails. The proposed Prisoner Management System and Visitor Management System were not made operational in the eight test-checked Central jails. There were 91 instances of prisoners escaping from the jails in the State during 2007-12, in which 96 prisoners escaped. Cases of possession of prohibited articles with the prisoners in the jails were also noticed in nine test checked jails.

Security arrangement in the jails should be strengthened by providing necessary weapons and equipment.

- Undertrial prisoners were not produced in the courts for hearing of their cases on the stipulated dates for want of police escorts. This resulted in unnecessary detention of undertrials. Besides, there were overcrowding in 21 test-checked jails, mainly because of non-construction/delay in construction of jail buildings/barracks. In Central jail Satna, occupancy was 287 per cent in excess of its capacity.

Necessary arrangement should be made for producing the undertrials in the

court to prevent unnecessary detention and overcrowding of prisoners in the jails.

- Educational facilities for the prisoners were not available in the District jails and Sub jails. The prisoners engaged in industries running in the jails were not paid equitable wages as per the Minimum Wages Act, though directed by the Supreme Court of India.

Educational programmes and industrial trainings should be provided to all deserving prisoners.

- There were significant shortages of jail staff and medical/paramedical staff in the Department. Only 50 per cent of the targeted warders were imparted training.

All vacant posts should be filled up for efficient functioning of the jails.

2.1.1 Introduction

In Madhya Pradesh, jails were established under the Prison Act, 1894, and the Prisoners Act, 1900 and are governed by the Madhya Pradesh Prisons Rules, 1968, framed thereunder. The Model Prison Manual introduced by the Government of India (December 2003) was partially adapted in the State in February 2008. Thereafter, about 200 amendments¹ have been made in the Jail manual of the State through Gazette notifications from time to time. The main objectives of jails are to confine persons committing offences under various laws. Apart from custodial and proper care of offenders of laws, it is the responsibility of the Jails and Correction Services Department to ensure adequate security and to undertake programmes aimed at reforming prisoners as part of social reclamation through academic, moral, educational and vocational training and also providing proper medical care, so that they can fulfil their obligations towards their families and society after release from jail.

2.1.2 Organisational Structure

The Principal Secretary is the administrative head of the Jails and Correctional Services (JCS) Department at the Government level. Director General, Prisons and Correctional Services (DGP) is the head of the Department who is assisted by the Inspector General of Prisons and Correctional Services (IGP) and the Additional Inspector General, Prisons (AIGP). There are eight Central Jails (CJs) at division level, 22 District Jails (DJs) at district level and 92 Sub-Jails (SJs) at district and tehsil level. The CJs and DJs are managed by Jail Superintendents (JSs) while the SJs are managed by Deputy Superintendents/Deputy Jailors. One Open Jail at Hoshangabad, one Regional Training and Research Centre at Bhopal and one training centre at Sagar are also functioning under the Department. An organisational chart is shown in **Appendix-2.1**.

¹ Some important amendments made were on right of imposing minor penalty, Night Parade/watching parade/weekly parade, release process of the prisoners, right of sanctioning special remission and regarding gifts to the prisoners/rewards to the prisoners etc.

2.1.3 Audit Objectives

The audit objectives were to assess whether:

- the financial management was effective and efficient to ensure financial discipline;
- custody of prisoners was being done in a safe and secure manner;
- detention, facilities and privileges of prisoners, as envisaged in the Acts and Rules, were being provided for;
- initiatives taken for reformation, rehabilitation and education of the prisoners were effective;
- implementation of the schemes and projects related to improvement in administration of prisons was efficient;
- human resource management in the Department was efficient and effective; and
- inspection of jails and internal audit were adequate and effective.

2.1.4 Audit Criteria

The audit criteria for the Performance Audit were drawn from the following sources:

- Prison Act 1894, Prisoners Act, 1900 and Madhya Pradesh Prisons Rules 1968 and Jail manual and Model Prison Manual made thereunder.
- Government notifications and instructions issued from time to time for management of jails and Departmental rules and regulations.
- Madhya Pradesh Treasury Code (MPTC) and Madhya Pradesh Financial Code (MPFC).
- Madhya Pradesh Budget manual (MPBM).

2.1.5 Audit Scope and Methodology

The Performance Audit on 'Management of Jails' covering the period from 2007-08 to 2011-12 was conducted (January to July 2012) by test check of records of the offices of the DGP, all the eight CJs², six DJs³ out of 22 DJs and 22 SJs⁴ located in 13 districts⁵ out of 50 districts of the State. Information was also obtained through questionnaires issued to personnel of the Department and the test checked jails.

The audit objectives, scope and methodology were discussed in an entry conference held on 30 March 2012 with the Principal Secretary. Important

² Bhopal, Gwalior, Indore, Jabalpur, Rewa, Sagar, Satna and Ujjain

³ Badwani, Betul, Chhatarpur, Indore, Narsinghpur and Shahdol

⁴ Bijawar, Beohari, Budhar, Bunda, Dabra, Depalpur, Khachrod, Khurai, Luvkushnagar, Maheedpur, Mhow, Mahiar, Mauganj, Multai, Nagod, Naugaun, Patan, Raheli, Sawyer, Sehora, Sindhwa and Tarana,

⁵ Badwani, Betul, Bhopal, Chhatarpur, Gwalior, Indore, Jabalpur, Narsinghpur, Rewa, Sagar, Satna, Shahdol and Ujjain

audit findings were discussed during an exit conference held with the Principal Secretary on 18 October 2012. Their views have been incorporated at the appropriate places.

Audit Findings

2.1.6 Financial Management

2.1.6.1 Allocation and utilisation of funds

The budget allocation and expenditure of the Department during the period 2007-2012 under Plan and Non-Plan is shown as under:

Table-1: Budget allocation and expenditure (₹ in crore)

Year	Budget provision			Expenditure			Excess(+)/Saving(-)		Net Excess(+)/ Saving(-)
	Non Plan	Plan	Total	Non Plan	Plan	Total	Non Plan	Plan	
2007-08	84.46	1.80	86.26	81.85	1.34	83.19	(-)2.61	(-)0.46	(-)3.07
2008-09	98.98	2.84	101.82	97.26	1.75	99.01	(-)1.72	(-)1.09	(-)2.81
2009-10	117.18	4.11	121.29	115.32	2.30	117.62	(-)1.86	(-)1.81	(-)3.67
2010-11	139.29	8.66	147.95	132.32	6.13	138.45	(-)6.97	(-)2.53	(-)9.50
2011-12	152.12	4.55	156.67	149.14	4.46	153.60	(-)2.98	(-)0.09	(-)3.07
Total	592.03	21.96	613.99	575.89	15.98	591.87	(-)16.14	(-)5.98	(-)22.12

(Source-Appropriation Account) (Under Major head 2056 Grant No. 5, 32 and 64)

It would be seen from the table that there were significant savings under Plan expenditure during 2008-09 (38 per cent) and 2009-10 (44 per cent). Savings in Plan expenditure affects achievement of physical targets.

We observed that the Plan funds provided in State Budget (₹ 21.96 crore) during the period 2007-12 were 71 per cent of the total approved Plan outlay of ₹ 31.04 crore during the period. Expenditure was only 51 per cent of the approved outlay.

We further observed that under the scheme '1529-Modernisation in Jail Administration' there were savings of ₹ 0.17 crore (39 per cent) against the total provision of ₹ 0.44 crore during the period 2008-11. During 2008-09, savings under '5699-Jail Improvement scheme of GoI' were ₹ 0.75 crore (50 per cent) of budget provision of ₹ 1.50 crore and under '5044-Modernisation of Jails of GoI' saving were ₹ 0.35 crore (56 per cent) of the total budget of ₹ 0.63 crore during the year 2008-09. Large savings under Plan schemes indicated slow implementation of the approved programmes.

The Department accepted the audit observations and stated (July 2012) utilisation of funds would be ensured in future.

2.1.6.2 Delays in remitting the Government receipts

According to Rule 7(1) of Madhya Pradesh Treasury Code (MPTC), all receipts should be remitted into treasury without any delay so as to incorporate the same in Government account.

Government receipts were remitted to treasury with delays up to 289 days

We observed that in 21 test checked jails⁶ departmental revenues viz. fines, industrial receipts etc. amounting to ₹ 70.80 lakh collected during 2007-12 were remitted into the treasury with delays ranging from 7 to 289 days from the date of receipt (**Appendix-2.2**). Delays were more than 30 days in two DJs (Badwani, Narsinghpur) and four SJs (Beohari, Mahiar, Sandhwa and Sawyer).

The JSs accepted the audit observations and assured for compliance with the Rules in future.

In the exit conference, the Principal Secretary stated (October 2012) that instructions have been issued to all JSs to remit all receipts into the treasuries as soon as possible.

Delay in remittances of receipts tantamounts to temporary misappropriation of Government money.

2.1.6.3 Compensation amount recoverable from delinquent official paid from Government account

Compensation on account of custodial death recoverable from the responsible officers was paid from the State fund

In CJ Satna, on the basis of recommendation of the Madhya Pradesh Human Rights Commission (MPHRC) (April 2008), the State Government issued order for payment of compensation of ₹ 50,000 to the family member of a prisoner who died in custody. The compensation amount was to be recovered from the officials responsible for the custodial death and accordingly the Government directed (November 2011) recovery of amount of compensation from the JS and the Medical Officer. The compensation amount of ₹ 50,000 was however paid from the Government account (January 2012). The Department fixed accountability on the officials of the concerned CJ, but no action has been taken.

Similarly, in DJ Betul, as per the Hon'ble High Court decision (June 2010) a sum of ₹ 14,500 was paid (October 2011) as interest for delayed payment of compensation to the family of a deceased prisoner. Though the amount was to be recovered from the delinquent officials, the amount was paid from Government account.

JSs Satna and Betul stated (February 2012) that the amounts would be recovered from the concerned officials and deposited in Government account, as responsibility has already been fixed on them.

The reply was not satisfactory because the JSs did not comply with the court orders.

In the exit conference, the Principal Secretary stated (October 2012) that instructions have been issued for recovery of the amounts from the officials concerned.

⁶ CJ Bhopal, CJ Gwalior, CJ Indore, CJ Jabalpur, CJ Sagar, CJ Satna and CJ Ujjain, DJ Badwani, DJ Betul, DJ Chhatarpur, DJ Indore and DJ Narsinghpur, SJ Beohari, SJ Budhar, SJ Bunda, SJ Khachrod, SJ Luvkushnagar, SJ Mahiar, SJ Raheli, SJ Sandhwa and SJ Sawyer;

Central grant for installation of night vision devices was deposited in the Revenue head of account

2.1.6.4 GoI grants deposited in Revenue Head

GoI released (August 2007) ₹ 33.50 lakh under the Modernisation of Prisons scheme for installation of Night Vision devices in 30 jails (₹ 27 lakh) and for installation of Alcoholmeter in 13 jails (₹ 6.50 lakh). The amount was advanced by DGP to the Madhya Pradesh Laghu Udyog Nigam (MPLUN) in January 2009. Since MPLUN was not the approved supplier of these items, the Department requested (March 2010) MPLUN to refund the money. Though the amount received from MPLUN (August 2010) was to be refunded to the GoI, the money was deposited irregularly in the Revenue head of the Department. Thus, the equipment could not be purchased despite funds being made available by GoI.

The Department stated (May 2012) that MPLUN was the nodal agency for supply of the items/material and advances were paid on the basis of assurances given by MPLUN. Since MPLUN was not the approved supplier of these items, the amount was called back.

The reply confirms the Department's lapse. Besides, non-utilisation of GoI grants affected implementation of the scheme of modernisation of prisons.

In the exit conference, the Principal Secretary stated (October 2012) that provision has been made in the year 2012-13 for purchasing the Night Vision instruments and Alcoholmeters.

2.1.7 Safety and Security Management

The jails in the State are managed under the provisions of the Prison Act, 1894 which covers the provisions in respect to prison administration and under the Prisoners Act, 1900 which covers the provisions relating to custody, detention, security and privileges of prisoners. The Madhya Pradesh Jail manual was published in 1968. Appropriate safety and security arrangements are to be made in accordance with the Acts and Rules and also as per needs of the jails. An appraisal of security arrangements of the selected jails revealed deviations from the procedures relating to security and surveillance of prisons and prisoners, as discussed below:

2.1.7.1 Inmates not subjected to quarantine for want of Reception units

Prisoners were not subjected to quarantine to acquaint them with the jail environment

According to Rule 302(2) (i) and (iii) of the Jail manual, during admission in a jail, the prisoners are subjected to quarantine for a minimum of 10 days in a Reception Unit to acquaint them with the jail environment.

Scrutiny revealed that Reception units were available only in four test checked jails (CJ Bhopal, CJ Indore, CJ Satna and SJ Khurai). In 28 jails⁷, no

⁷CJs: Gwalior (11743), Jabalpur (13309), Rewa (6541), Sagar (7378), and Ujjain (11083)

DJs: Badwani (1600), Chhatarpur (1810), Indore (3404), Narsinghpur (2420) and Shahdol (2055)

SJs: Beohari (342), Bijawar (461), Budhar (372), Bunda (193), Dabra (838), Depalpur (241), Khachrod (504), Lavkushnagar (396), Maheedpur (141), Mauganj (349), Mhow (602),

Reception Units were available. In absence of Reception unit, 68,257 prisoners had not been subjected to quarantine during the period 2007-12. In response to an audit enquiry, all JSs stated that no scheme for setting up of Reception unit was undertaken by them.

The JSs accepted the audit observation and three JSs (CJ Rewa, CJ Sagar and DJ Indore) stated that due to congestion in jails it was not possible to establish a Reception Unit.

Further, according to the recommendation (April 2009) of MPHRC, it is essential for the prison management to conduct blood and other pathological tests when the undertrial prisoners or convicts enter the jail. We observed that there were only three CJs (Bhopal, Indore and Jabalpur) where blood and pathological labs were available.

In the 31 test checked jails⁸, there was nothing on record to show that blood and other pathological tests of the undertrials and convicted prisoners were conducted when they were admitted to the jail.

The JSs stated (April 2012 to July 2012) that blood and pathological examinations of the prisoners were conducted when these were referred by the Medical Officer. However, these tests were not conducted when they entered the jail.

The reply indicates that the instructions issued by MPHRC were not adhered to.

2.1.7.2 Lack of separate cells for female convicts and undertrial prisoners

There was no separate cell for undertrial female prisoners

According to Rule 401 of the Jail manual, there should be sufficient number of cells in a block for convicted female prisoners and undertrial female prisoners.

In the eight CJs⁹ and six sampled DJs¹⁰, where female prisoners were kept, we observed that a separate cell was available only in four CJs (Bhopal, Gwalior, Satna and Ujjain) and in two DJs (Badwani and Betul). There was no separate cell for female prisoners in CJ Indore and they were kept in DJ Indore. We observed that a separate cell was not there for undertrial and convicted female prisoners in two CJs (Sagar and Rewa) and three DJs (Chhatarpur, Narsinghpur and Shahdol). The details of average undertrial and convicted female prisoners during the years 2007-08 to 2011-12 are given below:

Naugaun (403), Patan(186), Raheli (559), Sawer(238), Sehora(531), Sendhwa(421) and Tarana(137)

⁸ Eight CJs: Bhopal, Gwalior, Indore, Jabalpur, Rewa, Sagar, Satna and Ujjain
Five DJs: Badwani, Chhatarpur, Indore, Narsinghpur and Shahdol

18SJs: Beohari, Bijawar, Budhar, Dabra, Depalpur, Khachrod, Khurai, Lavkushnagar, Mahidpur, Mauganj, Mhow, Naugaun, Patan, Raheli, Sawer, Sandhwa, Sehora and Tarana

⁹ Bhopal, Gwalior, Indore, Jabalpur, Rewa, Sagar, Satna, Ujjain

¹⁰ Badwani, Betul, Chhatarpur, Indore, Narsinghpur, Shahdol

Table- 2: Average number of female prisoners in five jails

Name of unit	2007-08		2008-09		2009-10		2010-11		2011-12	
	U	C	U	C	U	C	U	C	U	C
CJ Rewa	22	7	22	16	20	12	20	21	21	13
CJ Sagar	25	14	25	17	31	34	32	30	35	34
DJ Chhatarpur	1	13	2	13	2	13	10	14	9	16
DJ Narsinghpur	2	7	1	8	3	7	2	12	3	7
DJ Shahdol	1	19	2	26	5	23	3	23	4	29

(Source-Figures supplied by the Department) U-Undertrial prisoners, C- Convicted prisoners

JSs stated (April 2012 to July 2012) that due to non-availability of space, female prisoners were kept in the same barrack.

In the exit conference the Principal Secretary stated (October 2012) that due to shortage of female staff and non availability of space female prisoners were kept in the same barrack.

2.1.7.3 Medical treatment not provided to prisoners

Medical treatment was not provided to ill prisoners

As per Rule 178(a)(1) of the Jail manual, when a prisoner requires medical attention and admission to a Government hospital on the recommendation of the Medical Officer, the JS should immediately demand police guard to admit the prisoner in a Government hospital under police custody. In case of non-availability of police guard, he should admit the sick prisoner in a Government hospital with the help of two warders.

We observed that in 18 jails¹¹, 2.27 lakh cases were referred to the hospitals by the Medical Officers during the period 2007-12. However, 1.91 lakh (84 per cent) prisoners could not be sent to hospital in the absence of police guards/warders (**Appendix-2.3**).

JSs stated (March-August 2012) that though police guard was not provided by Superintendents of Police (SPs), medical aid was provided to the serious patients in the Government hospitals with the help of warders.

The reply was not acceptable because in spite of referring of prisoners by the Medical Officer for treatment, the required medical treatment was not being provided to all prisoners. Further, records relating to deployment of warders in cases of providing medical aid to seriously ill prisoners were not produced to Audit.

2.1.7.4 Parole jumping

24 prisoners released on parole had neither returned to jail nor had been arrested

According to the Prisoners Act, 1900 Part 6 and Prisoners (MP Amendment) Act, 1985, prisoners are eligible for general leave for a maximum period of 21 days¹² under Section 31-A and for emergency leave for a maximum duration

¹¹ CJs : Bhopal, Gwalior, Indore, Rewa, Sagar, Satna and Ujjain;

DJs : Chhatarpur, Indore and Shahdol;

SJs : Beohari, Budhar, Khachrod, Mahidpur, Mauganj, Patan, Sawer, Tarana

¹² Period revised to 3 spells of 14 days in a year.

of 15 days under Section 31-B in a year. It is also envisaged in the Jail manual that in case of parole jumping, the surety would be declared lapsed and penalty would be imposed.

As per the information furnished by Jail Headquarters, 8671 prisoners were granted leave (parole) during the period 2007-12. Of them, 20 prisoners had overstayed their leave period while 127 prisoners had not returned to the concerned jails after expiry of the parole period and were not arrested again. Details are given in **Table 3**.

Table-3: Statement showing parole jumping cases

Year	Under Section 31-A	Under Section 31-B	Presence after completion	Overstayed	Prisoners not returned
2007-08	242	57	289	4	6
2008-09	344	68	404	5	3
2009-10	1834	72	1902	2	2
2010-11	3413	80	3484	5	4
2011-12	2458	103	2445	4	112
Total	8291	380	8524	20	127

(Source- Figures Supplied by Jail Department)

The Jail Headquarters stated that Tehsildars have been asked to recover the security and the concerned Police Stations/ SPs have been asked to arrest the prisoners.

The reply was not acceptable because recovery of the sureties was not enough. Effective efforts to arrest the prisoner who had jumped parole, should also be made as this may adversely affect security of the public.

In the exit conference, the Principal Secretary stated (October 2012) that 103 prisoners had returned to the jails and 24 prisoners had not returned as of October 2012. The responsibility of sureties has been fixed in case of parole jumping.

2.1.7.5 Shortage of weapons

Appendix 26, Rule 9 to 11 of the Jail manual prescribes issue of pistols/revolvers for officers of the rank of Assistant Jailor and above and gun of 410 Bore for each Jail warder. All Superintendents of CJs are required to place demand for pistols, revolvers and ammunition from IGP, Bhopal in the month of March every year and the IGP shall send the demand to GoI through the State Government.

We observed that as on 31 March 2012, overall shortages of Rifle/Guns and Pistol/Revolvers were 24 *per cent* and 18 *per cent* compared to the requirement in the 36 test checked jails, as shown below:

Pistol/Revolver				Rifle/Gun			
Required	Available	Shortage	Percentage of shortfall	Required	Available	Shortage	Percentage of shortfall
118	97	21	18	1557	1178	379	24

Source: Superintendents of jails

The details of weapons in the test checked jails are shown in **Appendix-2.4**.

Shortage of weapons was noticed in 36 test checked jails

We observed that there was significant shortage of weapons in four CJs (Bhopal, Rewa, Satna and Ujjain). On the other hand, the weapons were in excess of requirement in three CJs (Gwalior, Jabalpur and Sagar) and one DJ Narsinghpur.

The Jail Headquarters stated (May 2012) that since JSs had not placed demand to the IGP, such demands could not be sent to GoI by the IGP. Shortage of weapon in jails may affect security in jails.

In exit conference, the Principal Secretary (October 2012) also stated that provision will be made in subsequent years to reduce the shortfall.

2.1.7.6 Modern security equipment

Modern security equipment was not available/ not working in large number of jails

The Model Prison Manual partially adopted by Government of Madhya Pradesh provides that each prison shall be properly equipped with modern security equipment like fire fighting equipment, emergency light arrangement, wireless equipment, search light, tear gas equipment, finger print machine, alarms and sirens, x-ray screening and closed circuit television etc. Modern security equipment is essential for better security and management of jails.

Scrutiny revealed that many of the 36 test checked jails did not have modern security equipment as shown in **Table 4** below:

Table-4: Number of jails where equipment was available/working as on March 2012

Items	Available, of which all or few were working	Available but no equipment working	Not available
CCTV	13	3	20
Generator	19	11	6
Intercom	24	1	11
Siren	16	8	12
Walky-Talky	31	3	2

Source: Superintendents of jails

We observed that large number of equipment remained non-functional in the test checked jails, as shown in **Table 5** below:

Table-5: Position of equipment in the test checked jails

Position of equipment in the test-checked jails	CCTV	Generator	Intercom	Siren	Walky-Talky
Total number of equipment	129	55	82	28	284
Number of equipment not working	27	25	7	11	102

In the exit conference, the Principal Secretary stated (October 2012) that since the equipment has become very old; the process for purchasing new modern security equipment was in progress.

Lack of adequate modern equipment may affect the security of the jails.

There were 91 instances of jail escapes in the State

We observed that there were 91 episodes in which 96 prisoners¹³ had escaped from various jails in the State during the period 2007-12. We further observed that during 2007-12, 57 prisoners escaped from 21 test-checked jails¹⁴ by jumping over the boundary wall, mixing toxic material in tea served to security staff and negligence of security staff etc.

In the exit conference, the Principal Secretary stated (October 2012) that due to some lapses in security the incidents happened and action against the responsible officials had been taken.

2.1.7.7 Possession of prohibited articles

184 instances of possession of prohibited articles by prisoners were noticed in nine test checked jails

According to Rule 185 of the Jail manual, with a view to restrict unidentified items or possession of prohibited articles in jail, the jailor should make arrangements to check each and every prisoner while leaving or entering the jail. The jailor should also search clothes, beds, wards, workshops etc. randomly at least once in a week.

We observed that in nine test checked jails 184 instances of possession of prohibited articles i.e. blade, mobile, *ganja*, *charas*, wire, knife etc. were found during surprise checking of the jails during the period 2007-12 (**Appendix-2.5**).

This indicated lapses in security and proper watch at the time of entry in jails and during meetings with visitors. Prevention of prohibited items in jails is essential to maintain security and to prevent unlawful activities.

In the exit conference, the Principal Secretary stated (October 2012) that in most of the jails there was no double wall and due to this prohibited items were thrown by anti-social elements from outside the jail walls. However, such items were seized during sudden checking. The reply confirmed the need for proper security arrangements.

2.1.8 Detention of undertrial prisoners

2.1.8.1 Delay in producing undertrial prisoners to court

Undertrial prisoners were not produced to court on stipulated dates

According to the instructions issued by the DGP (July 2009) indicating the directions of the Hon'ble High Court, as soon as the intimation to produce undertrial prisoners to the court was received, the demand was to be sent by the JSs to the Superintendents of Police (SPs), mentioning the name of the prisoner, category of crime, Article of Act imposed on the prisoner, pendency of cases against the prisoner and the name of the court where the prisoner should be produced.

¹³ 2007-08 (3); 2008-09 (20); 2009-10 (25); 2010-11 (13); 2011-12 (35)

¹⁴ DJ Badwani (1), DJ Betul (3), CJ Bhopal (1), SJ Bijawar (1), SJ Dabra (9), CJ Gwalior(4), CJ Indore (5), DJ Indore (5), CJ Jabalpur (6), SJ Khachrod (1), SJ Luvkushnagar (1), SJ Mauganj (7), SJ Maihar (1), SJ Mhow (1), SJ Multai (1),DJ Narasinghpur (1), SJ Nagaud (1), CJ Rewa (1), CJ Sagar (2), SJ Tarana (1), CJ Ujjain (4).

As per information furnished by the JSs of 22 test checked jails, undertrial prisoners for the years from 2007-08 to 2011-12 ranging between 18 *per cent* and 22 *per cent* of the total undertrials were not produced to **(Appendix-2.6)**. As a result, prisoners could not get an opportunity for court hearing. Delays in placing demand for police guard also delayed the arrangement of police escorts for the undertrials. We observed that the JSs (except CJ Gwalior and CJ Jabalpur) sent demand for police force to the SPs only two or three days before the date of producing the undertrial prisoners in the courts.

CJ Gwalior and CJ Jabalpur intimated that they placed demand for police force from the SPs as soon as the court orders were received. The JSs of CJs (Bhopal, Indore, Satna and Ujjain) and DJ Indore stated that due to practical problems they could not follow the said procedure while the other JSs accepted the audit observation.

In the exit conference, the Principal Secretary stated (October 2012) that instructions have been issued by the Director General of Police to all SPs to provide police force immediately on demand of the jail authorities.

The Government needs to ensure that all undertrials are produced before the court on the stipulated dates so as to avoid unnecessary delay in trial.

➤ According to Rule 82 of the Jail manual the District Magistrate/ Additional District Magistrate is required to inspect jails under his jurisdiction once in a month, but in inevitable circumstances he should inspect at least once in three months. The primary purpose of such inspections is to keep a check on disposal of cases and to avoid unnecessary detention of undertrial prisoners for long periods. If the visiting officer finds that the case against any undertrial prisoner is apparently delayed, he shall record remarks to that effect in the visitor's book.

We observed that in nine jails¹⁵ no inspection was conducted by the District Magistrate/ Additional District Magistrate during the period 2007-12. In 17 test checked jails, shortfall in conduct of monthly inspections ranged between 60 *per cent* and 98 *per cent* of 60 monthly inspections due. As regard quarterly inspection, only in Dabra SJ, 24 inspections were conducted against 20 quarterly inspections due during the period. In the remaining 16 jails shortfall in quarterly inspections ranged between 25 *per cent* and 100 *per cent* **(Appendix-2.7)**.

In the exit conference, the Principal Secretary stated (October 2012) that correspondence have been made with the all District Magistrates (DMs) to inspect the concerned jails in accordance with Rule 82 of the Jail manual.

2.1.8.2 Providing copy of Judgement to Jail Superintendents

According to Rule 780 of the Jail manual, the dates of applications for obtaining copy of the judgement and date of despatch of submission of appeal

Copies of judgement were not supplied to the prisoners

¹⁵ 3 CJs: Bhopal, Indore, Satna
6 SJs: Khurai, Lavkushnagar, Mahidpur, Naugaun, Sawer, Sehora.

in the court shall be recorded in the history ticket of each prisoner. The result of the appeal shall also be recorded. Further, as per the directions of Hon'ble Supreme Court (January 2005), a copy of the judgement should be obtained by the jail authorities within one month after its pronouncement so as to provide legal assistance, if required by the prisoner.

We observed that in 25 test checked jails¹⁶, no entry was found recorded in the history tickets of the prisoners relating to receipt of the copy of the judgement of the court. As such, we could not ascertain whether copies of the judgements were provided to the convicted prisoners and whether legal assistance was provided to the prisoners who sought it.

The JSs accepted the audit observations and gave assurance to get the copy of the judgment from court.

In the exit conference, the Principal Secretary stated (October 2012) that a copy of the judgement is given to the advocate of the concerned prisoner by the court, and the responsibility to supply the copy of the judgement lies with the court. However, the Department would make efforts to provide a copy of the judgement to the prisoner.

In view of the directions of the Hon'ble Supreme Court, the Department's responsibility to supply the copy of the judgement cannot be overlooked.

2.1.9 Reforms, Rehabilitation and Education

The ultimate objective of the prison administration is reformation and rehabilitation of offenders by giving them education and professional training in different trades during the conviction period, so as to make them responsible citizens of society and to enable them to discharge their duties towards their families after their release.

2.1.9.1 Educational programmes

As per objectives of the Jail Department, the prisoners in jails should be educated to establish them in the mainstream of the society. The energy of prisoners should be channelised into constructive work.

During test check of the records of 36 jails, we observed that education programmes were run only in the CJs. Such programmes were not conducted in any of the DJs and SJs though there were large number of undertrials and less number of convicted prisoners in DJs and SJs. The benefits accrued by the prisoners in CJs are shown below:

¹⁶ 8 CJs: Bhopal, Gwalior, Indore, Jabalpur, Rewa, Sagar, Satna and Ujjain;

3DJs: Indore, Narsinghpur, Shahdol;

14 SJs: Budhar, Beohari, Dabra, Depalpur, Khurai, Lavkushnagar, Mauganj, Naugaun, Patan, Raheli, Sandhwa, Sawer, Sehora and Tarana

Table-6: Number of prisoners benefited under education programme

Educational Programme	2007-08	2008-09	2009-10	2010-11	2011-12
Primary	939	977	788	719	472
Middle	191	110	202	198	171
Higher Secondary /Intermediate	44	48	90	686	19
Graduate	50	40	47	56	43
Post Graduate	57	66	59	39	197
Total	1281	1241	1186	1698	902

(Source- Figures supplied by Jail Department)

The Department stated (July 2012) that because of shortage of teaching staff educational programmes could not be undertaken in other jails. The process of recruitment of teachers was in progress.

The reply of the Department indicates that the prisoners of the other jails did not get the benefit of education.

In the exit conference, the Principal Secretary stated (October 2012) that educational programmes would be started in DJs and SJs after the recruitment of teachers, which was in its final stage.

2.1.9.2 Establishment of Industrial Training Institutes (ITIs) for prisoners

In the Annual Action Plan of the Department for the year 2008-09 two ITIs were proposed to be established in DJ Betul and DJ Dhar (November 2008) to provide vocational training to the prisoners in carpentry and as tractor mechanic and wiremen.

Targets were fixed (November 2008) by the Department to provide vocational training to 352 prisoners¹⁷ in these ITIs in four batches starting from January 2009 to December 2012. We observed that ITI centres were not started at DJ Betul and DJ Dhar as of April 2012, though an amount of ₹ 76.50 lakh was incurred on infrastructure development, machinery etc. Thus, the project proposed in November 2008 for the benefit of the prisoners could not be started in 40 months.

The Department stated (April 2012) that after getting inspection from the National Council of Vocational Training (NCVT) done, the training programme would be started.

In the exit conference, the Principal Secretary stated (October 2012) that training programmes have been started (September 2012).

2.1.9.3 Payment of equitable wages

According to the orders (1998) of the Hon'ble Supreme Court of India, the State Government has to ensure that equitable wages are paid to every convict for the work done by him/her at the same rate at which a worker is paid

Two ITI centres proposed in 2008-09 were not established

Equitable wages were not paid to prisoners though directed by Hon'ble Supreme Court

¹⁷ Ist batch-96, IInd batch-96, IIIrd batch-96 and IVth batch-64

outside the jail under the “Minimum Wages Act”. The State Government set up (1999) a Wage Fixation Body to determine the equitable wage payable to the prisoner and declare the wage rates. The Wage Fixation Body recommended (June 1999) that the wage rate should be revised after every three years. The rate was last revised in December 2008.

We observed that the wage rates for workers outside the jails are revised by the Labour Department every half year. As such, the Wage Fixation Body’s recommendation of revision of wages once in three years was not in accordance with the direction of the Hon’ble Supreme Court.

The Department stated (May 2012) that a meeting would be held at Government level regarding the revision of wages to the prisoners for the work done by them and in accordance with the Minimum Wages Act as per instructions issued by the Hon’ble Supreme Court.

In the exit conference, the Principal Secretary stated (October 2012) that the Government had constituted a Committee for wage revision for the prisoners and the recommendations of the Committee have been forwarded (September 2012) to the State Government.

2.1.9.4 Wages not deposited in joint bank accounts

According to Rule 647(B) (4) of the Jail manual, 50 per cent ¹⁸ of the wages earned by the prisoners shall be managed in the following manner:

- a. One-third shall be paid to the prisoner or his family to meet the legal expenses. If there is no such necessity then this amount shall be deposited in the joint bank account of the JS and the prisoner opened for each prisoner.
- b. Another one-third shall be deposited in the prisoner’s joint bank account opened in the name of the prisoner and the JS in a nationalised bank. This amount will be payable at the time of release.
- c. The remaining one-third shall be available to the prisoner in the form of coupons for purchasing articles from the prison canteen or from outside through the JS.

We observed that in 30 test checked jails, prisoner’s wages amounting to ₹ 69.33 lakh¹⁹ were kept in the cash chest of the jails, indicating non-observance of the provisions of the manual. This also resulted in depriving the

¹⁸ Remaining 50 per cent is to be deposited in Common Fund under Rule 647(B)(3)(b)

¹⁹ Badwani-₹0.72 lakh, Beohari-₹0.038 lakh, Bhopal-₹7.92 lakh, Bijawar-₹0.19 lakh, Budhar-₹0.013 lakh, Chhatarpur-₹0.92 lakh, Dabra-₹0.027lakh, Depalpur-₹0.78 lakh, Gwalior-₹0.38 lakh, CJ Indore-₹9.0 lakh, DJ Indore-₹0.16 lakh, Jabalpur-₹0.05 lakh, Khachrod-₹0.16 lakh, Khurai-₹0.94 lakh, Lavkushnagar-₹1.03 lakh, Mahidpur-₹0.087 lakh, Mhow-₹0.33 lakh, Multai-₹0.29 lakh, Narsinghpur-₹3.61 lakh, Naugaun-₹0.023 lakh, Patan-₹0.05 lakh, Raheli-₹0.19 lakh, Rewa-₹12.62 lakh, Sagar-₹17.59 lakh, Satna-₹9.27 lakh, Sawer-₹0.15 lakh, Sehora-₹0.10 lakh, Sendhwa-₹0.13 lakh, Shahdol-₹1.73 lakh and Ujjain- ₹0.84 lakh

prisoners of interest on their earnings. We also observed that the records relating to the prisoner's wages were not maintained separately for the parts at 'a', 'b' and 'c' mentioned above, as required under Rule 647(b) (4) of the Jail manual.

All the JSs stated (April to July 2012) that records relating to wages earned by the prisoners would be maintained.

In the exit conference the Principal Secretary stated (October 2012) that necessary instructions have been issued to JSs. Also, the Government had asked the State Level Bankers Committee to cooperate for opening bank accounts of the prisoners. The Government issued instructions that the amount of wages should be sent to the address of the prisoner on his remission and in case the amount is not delivered the same would be deposited in Government account.

2.1.9.5 Huge balances under 'Common Fund'

According to Section 36-A and Rule 647(B)(3)(b) of the Jail manual, a 'Common Fund' is to be created for payment of compensation to the deserving victims of offences or their family members (in case of death of the victim) and 50 *per cent* of wages earned by the prisoners are to be deposited in the 'Common Fund'. The amount of the 'Common Fund' is deposited in a Personal Deposit Account (PDA) of the concerned district treasury in the name of the District Magistrate and the Superintendent of the concerned jail. Rule 647 A(i) of the Jail manual provides that a committee consisting of District Magistrate as Chairman, Superintendent of Police as Member and Superintendent of CJ/DJ/SJ as Member Secretary would be constituted for each jail to decide the amount of compensation.

We observed that as of March 2012, a total amount of ₹ 9.62 crore was lying with the PD accounts of 33 jails opened for 'Common Fund'. The amount included ₹ 1.49 crore in 19 SJs. The JSs of the SJs stated that the prisoners under section 302 of Indian Penal Code (IPC) (i.e. in case of death of the victim) are not kept in SJs. We observed that as of March 2012 there were differences of ₹ 1.12 crore between the figures in the PD cash book and the treasury records in seven jails (**Appendix-2.8**).

JSs stated (April to July 2012) that correspondences with Committee members were being made for conducting meetings of the Committee. They also stated that the differences of PDA and PD cash book would be reconciled.

In the exit conference the Principal Secretary stated (October 2012) that the meetings regarding the distribution of compensation to the deserving victims were in process.

2.1.9.6 Work not provided to prisoners

According to Rule 176 of the Jail manual, the JS shall assign work to each prisoner.

Out of 36 test checked jails, industries like power looms, making utensils, carpentry, tailoring, shoe-making etc are running in eight CJs. In other jails the prisoners are used for jail services. We observed that during the period 2007-12, in four CJs (Bhopal, Jabalpur, Sagar and Satna) the percentage of prisoners who were not assigned work was two to ten, while in the remaining CJs (Gwalior, Indore, Rewa and Ujjain) the percentage was between 14 and 48.

Thus, the JSs did not fulfil the requirement of the Jail manual.

The JSs stated (April to July 2012) that due to illness of some prisoners and lack of industries in jails it was not possible to deploy them on work.

The reply was not acceptable because the number of sick, infirm and convalescent were not included for calculating non deployment of labour. This also defeated the objective of making the prisoners skilled which could help them for their livelihood after their release.

In the exit conference, the Principal Secretary stated (October 2012) that since the number of prisoners was more than the work in jails, it was not possible to provide work to all prisoners.

2.1.10 Delay in review of sentences

Rule 358 of the MP Jail manual, 1968 envisages that review of sentences of prisoners convicted with life imprisonment or imprisonment for more than 14 years would be considered by constituting a 'State Board for Review of Sentences' headed by a Minister for this purpose to explore the possibility of their premature release after undergoing a minimum sentence of 14 years. The Board would meet once in every quarter.

We observed that during 2010-11, there were 182 cases of prisoners in the State who had undergone sentences for more than 14 years. Out of these, 27 proposals were sent to the Jail Headquarters for review during that year, which remained pending as of 31 March 2012. There was no addition of such cases during the year 2011-12. During 2010-12, the State Board met only once (September 2011) in which the issue of remission of sentences was discussed.

The Department stated (March 2012) that the meeting of the Committee would be held to identify the prisoners for remission of sentences.

In the exit conference, the Principal Secretary stated (October 2012) that guidelines regarding remission of sentences of prisoners have been issued (January 2012).

The reply was silent on inaction on the pending cases pointed out by Audit.

2.1.11 Infrastructure

Infrastructure is an important pre-requisite for the efficient management of prisons. Scrutiny of the availability and adequacy of the infrastructure in the State and in 36 test-checked jails revealed the following deficiencies:

2.1.11.1 Construction of works under Centrally Sponsored Scheme

Against the financial targets of ₹ 155.15 crore, ₹ 151.13 crore had been spent, but 37 works remained incomplete

Under the Scheme 'Modernisation of Prisons' in State Jails, GoI, Ministry of Home Affairs allotted ₹ 155.15 crore (Central share ₹ 116.36 crore and State share ₹ 38.79 crore) for construction of five new jails, 67 barracks, one sanitation work and 746 other works in the State during the period 2002-07. Further, GoI extended the period for completing these works up to 2008-09. We observed that the amount utilised against the allotted fund was ₹ 151.13 crore (Central share ₹ 116.36 crore and State share ₹ 34.77 crore) (December 2011). Against these, 37 works²⁰ sanctioned during July 2003 to January 2008 remained incomplete as of January 2012. Expenditure incurred on these incomplete works was ₹ 36.07 crore as of December 2011. Delay of more than three years in construction resulted in inadequacy of necessary infrastructure in the jails as well as cost over runs.

The Department stated (January 2013) that delay in commencement of the scheme, slow progress of works and increase in the cost of construction in 2008 caused the cost over run. The State Government has approved (January 2012) the additional amount of ₹ 47.85 crore for completing the incomplete works, of which ₹ 14.66 crore was provided in the State budget of 2012-13.

In the exit conference, the Principal Secretary stated (October 2012) that PWD is mainly responsible for delay in completion of work.

The fact remains that due to delay in execution, the State Government had to make additional provision to complete these works. Besides, the Department suffered from inadequacy of infrastructure.

2.1.11.2 Blocking of funds for construction of CJ Indore

Construction of new CJ at Indore remained incomplete after spending of ₹ 8.83 crore

The existing CJ Indore was more than 100 years old and was not having sufficient space. For construction of a new CJ building at Indore at an estimated cost of ₹ 33.60 crore an MoU was signed between Collector, Indore and MP Housing Board (MPHB) in October 2002. The estimate was revised (2007) to ₹ 55 crore for completion by June 2009. However, the Council of Ministers cancelled the MoU in July 2008 due to slow progress of the work by MPHB. MPHB demanded ₹ 17.91 crore against construction of boundary wall, administrative block, guard rooms and staff quarters done by them. The Jail Department had constituted a Committee to investigate the work for which MPHB had demanded payment. The Committee recommended payment of ₹ 9.92 crore to MPHB. However, the Department paid ₹ 8.83 crore (March 2012) to MPHB. Thus, despite expenditure of ₹ 8.83 crore incurred on the jail building, the objective of creating adequate space for the prison was not achieved. We observed that in CJ Indore, total occupancy was 125 per cent of the capacity. Besides, there is no cell for female prisoners in the CJ.

²⁰ Renovation and construction- 9 works; Construction of new Barracks-16 works; Construction works in new jails-9 works; Water supply and sanitation-2 works; I-type quarters-1 work

In the exit conference, the Principal Secretary stated (October 2012) that a new CJ Indore would be constructed by PWD by taking loan from HUDCO.

2.1.11.3 Overcrowding in jails

Rule 30 of the MP Prison Rules, 1968 provides that the jail building should be designed to provide each prisoner a space of 41.806 square meters.

The capacity, actual occupancy and percentage of occupancy in all jails in the State as of 31 December 2011 is shown in **Table 7** and a summarised position is given in the chart:

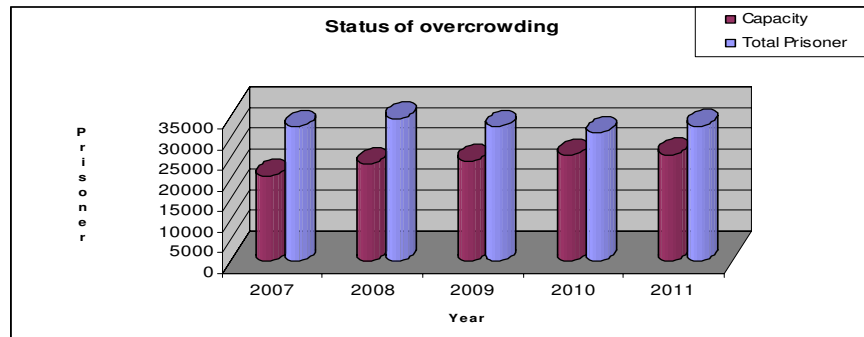
Table-7: Number of prisoners

(As of 31 December 2011)

At the end of year	Capacity	Number of prisoners									Total			Excess (Per cent)
		Convicted			Undertrial			Others			M	F	total	
		M	F	total	M	F	total	M	F	total				
Dec-2007	20448	15879	373	16252	15772	481	16253	207	00	207	31858	854	32712	12264 (60)
Dec-2008	23430	15538	390	15928	17902	586	18488	333	06	339	33773	982	34755	11325 (48)
Dec-2009	24130	14967	400	15367	16780	531	17311	128	00	128	31875	931	32806	8676 (36)
Dec-2010	25545	14145	412	14557	15948	574	16522	208	09	217	30301	995	31296	5751 (23)
Dec-2011	25685	15502	454	15956	16071	630	16701	258	01	259	31831	1085	32916	7231 (28)
Total		76031	2029	78060	82473	2802	85275	1134	16	1150	159638	4847	164485	

(Source-Jail Department) M=Male, F=Female

Chart No. 1



There were overcrowding in 21 jails out of 36 test checked jails

In addition, 167 children were also residing with their guardians in the jails. On an analysis of the actual intake of prisoners²¹ vis-à-vis the sanctioned capacity, we observed that out of 36 test-checked jails, there were overcrowding in 21 jails. All the CJs except CJ Gwalior were overcrowded. In Bhopal, Jabalpur, Sagar, Rewa and Ujjain CJs occupancy was 15 to 93 per cent in excess of the capacity. Excess intake was severe in CJ Indore (125 per cent) and Satna CJ (287 per cent). We observed that out of 28 test checked

²¹ CJ Bhopal- 2985:2600, CJ Satna-1485:384; DJ Badwani-426:416, DJ Seoni – 387:132; SJ Baithan-178:50, SJ Depalpur-51:50.

DJs and SJs, occupancy was more than the capacity in 14 DJs and SJs. Excess intake was severe in DJ Shahdol (140 *per cent*) and SJ Khachrod (116 *per cent*). The details are given in **Appendix-2.9**. Overcrowding was mainly due to lack of jail buildings.

Overcrowding in jails results in inadequate ground space and lateral ventilation space to prisoners which may affect their mental and physical health. Moreover it may also put pressure on utilities (water, sanitation and sewerage etc.). The load on security staff would also increase.

The Department stated (May 2012) that efforts were being made to increase the capacity of jails.

In the exit conference, the Principal Secretary stated (October 2012) that after completion of works in barracks and deployment of more staff, the overcrowding will be reduced.

2.1.11.4 Prisoner Management System (PMS) and Visitor Management System (VMS) were non-operational

Under the Central Scheme 'Modernisation of Prisons', an amount of ₹ 80.99 lakh was provided to National Information Centre (NIC) in October 2009 to establish Bio-Metric devices of PMS and VMS to maintain important information about prisoners in a systematic way in 11 earmarked jails known as Circle Jails²². The Superintendents of these Circle Jails were nominated as Nodal officer for implementation of project. Arrangements for furniture, electrical points, data entry for the master data and prisoners database were to be made available by the concerned JSs. A timeline of four months was given (October 2009) to NIC for completion of the task. CJ Bhopal was nominated (December 2009) for pilot implementation of these modules and to provide training to the concerned staff of each Circle jail.

During scrutiny of records relating to implementation of PMS/VMS system (April 2012) in CJ Bhopal, we observed that data entry work started in December 2010 was not complete. We also observed that though the VMS software was loaded in the computers in all the Circle jails in April 2012 its operation was not started in any of the test checked eight CJs (October 2012).

The JSs stated (May 2012) that PMS/VMS could not be started due to non-availability of technical staff. DGP stated (April 2012) that functioning of PMS and VMS was in its final stage and one Data Entry Operator would be posted for each jail so that the data entry work can be completed.

The fact remains that the system could not be made operational even after 30 months after the timeline for completion of the project expired.

²² Bhopal, Datia, Gwalior, Indore, Jabalpur, Narsinghpur, Rewa, Sagar, Satna, Seoni and Ujjain

In the exit conference, the Principal Secretary stated (October 2012) that the work was in progress regarding preparation of information about prisoners through PMS/VMS.

2.1.11.5 Non-working of video-conferencing system

Facility of video-conferencing system was provided in 22 jails, but was working only in five jails

The video conferencing system between jails and Districts courts was established in 22 jails for quick disposal of cases in respect of undertrial prisoners. An amount of ₹ 1.08 crore was incurred during the period 2007-12 in 17 jails²³ while in five jails²⁴ the expenditure on installation was borne by the Police Department. According to the information furnished by Jail Headquarters (July 2012) the court hearings through video conferencing in respect of 25,727²⁵ undertrial prisoners were held in 22 jails (8 CJs, 13 DJs and 1 SJ) during May 2008 to October 2011. We however noticed (July 2012) that the system was working only in five jails²⁶. Thus, the system was not in operation in 17 jails since August 2005 despite incurring significant expenditure on installation of the system.

Jail Headquarters stated (July 2012) that hearing through video conferencing was taking place in some jails and action was being taken for repairing of the system in the jails where this system was not working.

In the exit conference, the Principal Secretary stated (October 2012) that the video conferencing system was used only when the Hon'ble Court instructed for hearing through this facility.

The reply was not acceptable as despite incurring expenditure of ₹ 1.08 crore the video conferencing system was non-operational in 17 jails.

2.1.11.6 Non availability of adequate number of toilet seats

According to section V Rule 33 of the Jail manual, there should be sufficient number of toilet seats in each enclosure cell. One toilet seat is approximately sufficient for five prisoners.

As per information furnished by Jail Headquarters, as of October 2012, there were 3500 toilet seats against total of 34,000 prisoners in the State, i.e. one toilet seat for 10 prisoners. In 16 test checked jails²⁷ it was found that for 15752 prisoners the number of toilets available were 2444 i.e. one toilet seat for six prisoners on an average.

²³ 3 CJs: Sagar, Satna, Ujjain;
13 DJs: Badwani, Betul, Chhatarpur, Chhindwara, Damoh, Datia, Hoshangabad, Indore, Narsinghpur, Khandwa, Ratlam, Shahdol, Shajapur;
1 SJ: Mandsaur

²⁴ 5 CJs: Bhopal, Gwalior, Indore, Jabalpur, Rewa.

²⁵ 7 CJs: Bhopal (7858), Gwalior (5429), Indore (2864), Jabalpur (5090), Rewa (386), Sagar (1497), Satna (790);

4 DJs: Hoshangabad (96), Chhatarpur (1072), Khandwa (640), Betul (5);

²⁶ 1 CJs: Sagar; 4 DJs: Badwani, Chhindwara, Hoshangabad, Khandwa

²⁷ 7 CJs: Bhopal, Indore, Jabalpur, Rewa, Sagar, Satna, Ujjain; 2 DJs: Betul, Indore
7 SJs: Banda, Khurai, Maihar, Maunanj, Multai, Nagaud, Raheli

The Department stated (May 2012) that the number of toilet seats would be increased.

It is essential to construct the toilet seats as per the norms to maintain a hygienic environment.

2.1.12 Consumption of LPG without norms

Due to absence of norms, variation in consumption of LPG was noticed in 34 test checked jails

According to Rules 530 to 564 of the Jail manual, diets of various categories are fixed for the prisoners. Further, according to Rule 531 of the Jail manual, norms for the consumption of fuel (Coal and Wood) were fixed. Though LPG (cooking gas) was being used as fuel, no scale/norms have been prescribed for consumption of LPG per prisoner per day.

We observed that in 34 test checked jails (8 CJs, 6DJs and 20 SJs) total expenditure on consumption of LPG was ₹ 12.86 crore during the period 2007-12. There was huge variation in average per prisoner per annum consumption in different jails, which ranged from 151.33 kg (DJ Betul) to 424.25 kg (SJ Sawer) (**Appendix-2.10**) due to absence of norms.

JSs stated (February 2012 to July 2012) that the consumption of LPG depends upon the number of prisoners. However, no norms have been fixed in this matter.

The reply was not acceptable because absence of any norm may lead to misuse of LPG.

In the exit conference, the Principal Secretary stated (October 2012) that the Department has issued orders (October 2012) to all jails of the State regarding per day per prisoner consumption of LPG.

2.1.13 Purchase of food

Food items were purchased from the local market at higher rates instead of purchasing the same from fair price shops

Madhya Pradesh Store and Stock Purchase Rules provides that articles should be purchased at lowest rates by inviting tenders/quotations. The Jail Headquarters issued (February 2007) instructions to the jail authorities from time to time for purchasing the food items from Food and Civil Supplies Department (FCSD).

We observed that in 28 test checked jails²⁸, the JSs purchased 19.9 tons of rice, 4.6 tons of sugar and 11.2 tons of wheat during the period 2007-12 at market rates²⁹ instead of purchasing the commodities from Fair Price Shops at FCSD rate³⁰, in violation of the orders of the Jail Headquarters.

²⁸ 8CJ: Bhopal, Gwalior, Indore, Jabalpur, Rewa, Sagar, Satna, Ujjain;
6 DJ: Badwani, Betul, Chhatarpur, Indore, Narsinghpur, Shahdol;

14SJ: Banda, Beohari, Bijawar, Khachrod, Khurai, Lavkushnagar, Multai, Naugaun, Patan, Raheli, Sawer, Sendhwa, Sehora, Tarana;

²⁹ Sugar: Minimum-₹ 1425 per quintal; maximum- ₹ 4380 per quintal
Rice: Minimum-₹ 1100 per quintal; maximum- ₹ 2400 per quintal
Wheat: Minimum-₹ 1000 per quintal; maximum- ₹ 1700 per quintal

³⁰ Sugar: ₹ 1350 per quintal,

The JSs stated (February 2012 to July 2012) that the purchases were made as providing food to the prisoners was essential.

The reply was not acceptable because the requirement of rice, wheat and sugar could be assessed in advance and demand of the food items could have been made from the FCSD in advance. Thus, the excess expenditure could have been avoided.

In the exit conference, the Principal Secretary stated (October 2012) that the demand for supply of wheat, rice and sugar was made to the FCSD but presently only wheat has been supplied by the FCSD to jails. Further demand for supplying the rice and sugar has been made to the FCSD but so far no instructions have been issued by them.

2.1.14 Encroachment of jail land

Information furnished (February 2012 to July 2012) by the test checked jails revealed that there was encroachment of jail land in three CJs (Bhopal-12440 Sq.ft, Satna-8,71,200 Sq.ft and Ujjain-9,00 Sq.ft). The CJ Jabalpur could not furnish information as the demarcation of jail land was not done. The remaining CJs stated that there was no encroachment of jail land.

On an audit enquiry (July 2012) with the Jail headquarter regarding the current status of encroachment of land in various jails, the Jail headquarters intimated that there was encroachment of land in 11 jails³¹ as of March 2006. It was also informed that in CJ Satna, the case of encroachment was pending in High Court. The information regarding encroachment in CJ Ujjain was not available with the Jail headquarter since the updated information was not maintained by the Jail headquarter.

The Department stated (July 2012) that in five jails³², proceedings for making the land free from encroachment were in progress at local level.

In the exit conference, the Principal Secretary stated (October 2012) that the construction of boundary walls have been completed in 60 jails and a proposal for construction work of boundary walls in the remaining jails will be included in the next Perspective Plan.

2.1.15 Human Resource Management

2.1.15.1 Shortage of staff in various cadres

According to the information furnished (March 2012) by Jail Headquarters, there were vacancies in key posts of various cadres viz. Doctor, Accountant, Instructor, Pharmacist, Male Nurse and Matron. The percentage of shortfall vis-à-vis sanctioned strength under these cadres was 33 to 77

Rice: ₹ 920 per quintal (revised to ₹ 1100 per quintal as on 11May 2011),

Wheat: ₹ 700 per quintal (revised to ₹ 900 per quintal as on 11May 2011)

³¹ 3 CJs: Bhopal, Jabalpur, Satna; 4 DJs: Badwani, Chhatarpur, Narsinghpur, and Sidhi

4 SJs: Bijawar, Sabalgarh, Seonimalwa and Silwani

³² CJ Bhopal, DJ Badwani, DJ Narsinghpur, SJ Seoni Malwa and SJ Silwani

(Appendix-2.11). We observed that vacancies in the cadres of Jail Superintendents and Warders ranged between 10 per cent to 17 per cent. All the posts of Industry Superintendent, Senior Probation and Welfare officer and Computer Operator remained vacant as of March 2012.

The Department stated (May 2012) that recruitment of the warders, Male Nurse and Pharmacists was in process (September 2012).

In the exit conference, the Principal Secretary stated (October 2012) that the process of filling up the vacant posts of JS and Assistant JS was at Government level.

2.1.15.2 Training of warders at training centre, Sagar

The Training Institute at Sagar is the only institute for the basic training of warders. Targets and achievements in training during the period 2007-08 to 2011-12 is shown below:

Table-8: Position of basic training of warders

Year	warders to be trained	warders actually trained	Shortage (per cent)
2007-08	150	44	106 (71)
2008-09	150	28	122 (81)
2009-10	150	80	70 (47)
2010-11	150	147	3 (2)
2011-12	150	76	74 (49)
Total	750	375	375 (50)

We observed that the targets were not achieved in any of the years and the shortfall ranged between 2 to 81 per cent. We observed that only 375 warder could get training during the period 2007-12. It was also observed that there were 2655 warders in the State jails as of March 2012.

The JS, Sagar stated (April 2012) that the training could not be provided to more warders due to shortage of trainer staff in jails.

The reply was not acceptable because the objective of establishment of the Training Centre could not be fulfilled due to non-achievement of the targets.

In the exit conference, the Principal Secretary stated (October 2012) that the strength of warders is less in jails and due to security reason, it was not possible to send the warders for training resulting in shortfall in achievement. However, the process of recruitment of warders is in progress.

2.1.16 Inspection of jails and Internal Audit

2.1.16.1 Inadequate inspection

(i) Rule 72 of the M. P. Jail manual envisages that the DGP/IGP shall inspect every jail at least once in two years. Based on the information furnished by Jail Headquarters we observed that there was shortfall in inspections by DGP/IGP which ranged from 30 per cent to 84 per cent during the period 2007-12 as detailed below:

Targets in respect of training of Warders were not achieved in Training Centre, Sagar

Targets in respect of inspections were not achieved

Table-9: Shortage in inspection

Year	No. of Jails	Inspections due	Inspections conducted	Shortfall (Percentage)
2007-08	120	60	38	22(37)
2008-09	120	60	38	22(37)
2009-10	120	60	42	18(30)
2010-11	122	61	42	19(31)
2011-12	123	62	10	52(84)
Total		303	170	

Besides, there was shortfall in inspection by the District Magistrates to keep a check on disposal of undertrials as discussed in paragraph 2.2.8.1.

The Department stated (December 2011) that inspections were conducted wherever it was administratively necessary.

The reply of the Department was not acceptable as inspection should be conducted as per prescribed norms for every jail as laid down in Jail manual.

(ii) As per Rule 76 of the Jail manual, the Director of Health Services, in addition to functioning as an official visitor to all jails, shall also be the consulting officer on all subjects connected with the general hygiene and sanitary arrangements in jails and is expected to offer his advice freely to the IGP. If there are differences of opinion on important points of hygiene or sanitary management, the IG shall refer the case to the State Government.

As per the information furnished by the JSs of 27 test checked jails, no inspection was carried out by DHS during 2007-12.

In the exit conference, it was stated (October 2012) that a request has been sent to the Government by Jail Headquarters to take up the matter with DHS at Government level.

Not conducting of inspection leads to inefficiency and ineffectiveness on working of jail officials.

2.1.16.2 Internal Audit

There was 17 to 61 per cent shortage of internal audit. Moreover, 3662 audit paras were pending for settlement

There is an Internal Audit Wing at Jail Headquarters which is headed by the Deputy Director (Finance). Every year a roster is drawn up for internal audit of jails.

We observed that there was shortfall in conducting internal audit against those planned in the Annual Internal Audit plans, which ranged from 17 to 61 per cent during the years 2008-09 to 2011-12. Besides, replies to 3662 internal audit paras were pending as of March 2012. There were persistent irregularities noticed during internal audit, e.g. irregularities in cash books, bill registers, and contingency register etc.

The shortfall of internal audit of jails is detailed below:

Table-10: Position of Internal Audit

Year	Number of Jails (units)	Selected units	Audited units	Shortfall (per cent)
2007-08	120	96	37	59 (61)
2008-09	120	96	80	16 (17)
2009-10	120	86	58	28 (33)
2010-11	122	95	69	26 (27)
2011-12	123	93	48	45 (48)

In the exit conference, the Principal Secretary stated (October 2012) that shortfall was due to shortage of staff.

The reply indicated that the internal audit plans were not drawn up according to the available strength of the audit staff.

2.1.17 Conclusion

The Performance audit of 'Management of Jails' covering the period of 2007-12 revealed the following:

- Financial management was deficient. While provision of Plan funds was much less than the approved Plan outlay, there was under-utilisation of Plan funds. Besides, there were delays in remittances of Departmental receipts into the Government Accounts.
- The Department's initiatives for providing facilities/privileges to the prisoners and for security of the prisons were not satisfactory. Inmates were not subjected to quarantine at the time of admission to prisons for want of Reception unit. In several jails there were no separate cells for convicts and undertrial female prisoners. Medical treatment was not provided to several ill prisoners who were referred by the Jail Medical Officers to hospital for treatment for want of police guard.
- There were shortages of weapons and modern security equipment such as CCTV, Siren, Intercom, Generators etc. mainly in District jails and Sub-jails. The proposed Prisoner Management System and Visitor Management System were not made operational in the eight test-checked Central jails. There were 91 instances of prisoners escaping from the jails in the State during 2007-12, in which 96 prisoners escaped. Cases of possession of prohibited articles with the prisoners in the jails were also noticed in nine test checked jails.
- Undertrial prisoners were not produced to courts for hearing of their cases on the stipulated dates for want of police escorts. This resulted in unnecessary detention of undertrials. Besides, there were overcrowding in 21 test checked jails, mainly because of non-construction/delay in construction of jail buildings/barracks. In Central jail Satna, occupancy was 287 per cent in excess of its capacity.
- Educational facilities for the prisoners were not available in the District jails and Sub jails. The prisoners engaged in industries running in the jails were not paid equitable wages as per the Minimum Wages Act, though directed by the Supreme Court of India.

- There were significant shortages of jail staff and medical/paramedical staff in the Department. Only 50 *per cent* of the targeted warders were imparted training.
- Prescribed inspections of Jails by the departmental authorities were not regularly carried out which indicated weak controls in Jail administration.

2.1.18 Recommendations

- The Government should improve financial management for better implementation of the Plan schemes on jail administration.
- Security arrangement in the jails should be strengthened by providing necessary weapons and equipment.
- Necessary arrangement should be made for producing the undertrials in the court to prevent unnecessary detention and overcrowding of prisoners in the jails.
- Educational programmes and industrial trainings should be provided to all deserving prisoners.
- All vacant posts should be filled up for efficient functioning of the jails.

Panchayat and Rural Development Department

2.2 Mahatma Gandhi National Rural Employment Guarantee Scheme

Executive Summary

The National Rural Employment Guarantee Act became effective on 2 February 2006 in 18 districts¹ of Madhya Pradesh in the first phase. In the second phase, 13 more districts² of the State were included from 1 April 2007 and the remaining 19 districts³ were included from 1 April 2008.

The Performance Audit of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) was conducted during March 2012 to June 2012 by covering 13 districts for the period 2007-12.

Audit found that there were 1,18,60,150 number of registered households in 2011-12 in the State and 117.20 crore persondays were generated during the audit period. The Government of India released ₹ 15,946.54 crore to the State and an expenditure of ₹ 17,193.12 crore was incurred for implementation of the scheme during 2007-12.

- It was observed that though the State Employment Guarantee Council was constituted within the stipulated period, it could not meet at the scheduled intervals.

Regular meetings of the General Body of State Employment Guarantee Council and its Empowered Committee should be conducted.

- Adequate staff for the implementation of the scheme was not posted.
- The prescribed procedure for the preparation of annual development plan and labour budget was not followed.
- The Employment Guarantee Fund was not constituted at State, District, Block and Gram Panchayat level.
- Orders of the State Government stipulating registration of all rural households resulted in registration of 13.35 lakh to 19.74 lakh ineligible beneficiaries under the scheme in the selected districts.

The eligibility of the applicant should be duly verified for registration and issue of job cards.

- Only 2.31 per cent to 12.60 per cent of the registered households could complete 100 days of guaranteed employment.

¹ Balaghat, Barwani, Betul, Chhatarpur, Dhar, Dindori, Khandwa, Jhabua, Khargone, Mandla, Satna, Seoni, Shahdol, Sehore, Shivpuri, Sidhi, Tikamgarh and Umari.

² Anuppur, Ashoknagar, Burhanpur, Chhindwara, Damoh, Datia, Dewas, Guna, Harda, Katni, Panna, Rajgarh and Rewa.

³ Alirajpur, Bhind, Bhopal, Gwalior, Hoshangabad, Indore, Jabalpur, Mandsaur, Morena, Narsinghpur, Neemuch, Raisen, Ratlam, Sagar, Sehore, Shajapur, Singrauli, Ujjain and Vidisha

- Impermissible works were executed under the scheme. Some of the executed works were not found in existence though completion certificates of the works had been issued.

Impermissible works should not be sanctioned under the scheme.

- Employment provided to the Scheduled Caste beneficiaries ranged between 18 per cent to 21 per cent while the same decreased for Scheduled Tribe beneficiaries from 49 per cent to 27 per cent during the period 2007-12.
- Essential records were not maintained by the Gram Panchayats.

Maintenance of essential records of employment generation and asset creation should be ensured.

- Timely disposal of complaints was not ensured.

Grievance redressal mechanism should be strengthened for timely disposal of complaints.

No records of inspection of works was maintained at the Gram Panchayat level. Impact assessment reports of MGNREGS were not submitted.

2.2.1 Introduction

The National Rural Employment Guarantee Act, 2005 (NREGA) guarantees at least 100 days of wage employment in a financial year to every rural household (HH) whose adult members volunteer to do unskilled manual work. The Act provides rural HHs a right to register themselves with the local Gram Panchayats and seek employment. The Act made the Panchayats at each level the principal authorities for planning and implementation of the scheme.

The Act required the State Government to formulate a State Rural Employment Guarantee Scheme. Accordingly the scheme was notified (2 February 2006) as Madhya Pradesh Rural Employment Guarantee Scheme (MPREGS). Panchayat and Rural Development Department was the nodal department for its implementation in the State. The name of the Act was changed to Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in October 2009.

The National Rural Employment Guarantee Act became effective on 2 February 2006 in 18 districts of Madhya Pradesh in the first phase. In the second phase, 13 more districts of the State were included from 1 April 2007 and the remaining 19 districts were included from 1 April 2008 in the third phase.

2.2.2 Organisational set-up

The scheme at village level is implemented by Gram Panchayats (GPs). The Programme Officers (POs) are responsible for coordinating the works undertaken by the GPs and other implementing agencies at block level while District Programme Coordinator (DPC) is responsible for overall coordination and implementation of the scheme at district level. The State Employment Guarantee Council (SEGC) is to advise the State Government on

implementation, evaluation and monitoring of the scheme. Other roles of SEGC include deciding on the 'preferred works' to be implemented under MGNREGS and recommending the proposals of works to be submitted to the Central Government under Schedule I, Section 1 (ix) of the Act.

2.2.3 Implementing Agencies

The GP is the single most important agency for executing works, as the Act mandates earmarking a minimum of 50 *per cent* of the works in terms of costs to be executed by the GPs. The other Implementing Agencies (IAs) are Intermediate and District Panchayats, Line Departments of the Government, Public Sector Undertakings of the Central and the State Government, Cooperative Societies with a majority shareholding by the Central and State Government, and reputed NGOs having a proven track record of performance.

The role of the Line Departments is to give technical support for preparing the estimates, measurement and supervision of works executed. No overhead charge would be paid to any Line Department for this. The selection of the IA, other than the GP that has a mandatory responsibility for work execution, would be based on technical expertise resources, capacity to handle work within the given time frame, and proven track record for work, and the overall interests of beneficiaries. The selection of the IA should be indicated in the Development Plan.

2.2.4 Audit Objectives

The objectives of the Performance Audit (PA) were to ascertain whether:

- Structural mechanisms have been put in place by the State Government for implementation of the Act;
- The procedures for preparing perspective and annual plan at different levels for estimating the likely demand for work and preparing shelf of projects were adequate and effective;
- Funds were released, accounted for and utilised by the State Government in compliance with the provisions of the Act/Rules;
- There was an effective process of registration of HHs, allotment of job cards and allocation of employment in compliance with the Act/Rules;
- The primary objective of ensuring livelihood security by providing 100 days of annual employment to the targeted rural community at the specified wage rates was effectively achieved and unemployment allowance for inability to provide job-on-demand was paid in accordance with the Act and relevant Rules;
- MGNREGS works were properly planned and economically, efficiently and effectively executed in a timely manner and in compliance with the Act and Rules and durable assets were created, maintained and properly accounted for;
- The auxiliary objectives of empowering rural women and fostering social equity were effectively achieved in accordance with the Act and the Rules;

- Convergence of the scheme with other rural development programmes as envisaged was effectively achieved in ensuring sustainable livelihood to the targeted rural community and improving the overall rural economy;
- All requisite records and data were maintained at various levels and the MGNREGS data was automated and provided reliable and timely MIS;
- Complete transparency was maintained in implementation of the Act by involving all stakeholders in various stages of its implementation from planning to monitoring and evaluation;
- There was an effective mechanism at State level to assess the impact of MGNREGS on individual HHs, local labour market, migration cycle and efficacy of assets created.

2.2.5 Audit Criteria

The audit criteria for the PA were drawn from the following sources:

- NREGA-2005 and amendments thereto.
- Operational Guidelines 2006 and 2008 issued by the Ministry of Rural Development (MoRD), GoI, regarding MGNREGS and the circulars issued by MoRD.
- Madhya Pradesh Rural Employment Guarantee Scheme notified in February 2006.
- Fund Rules 2006, Financial Rules 2009 and Audit of Scheme Rules 2011.
- MGNREGA Works Field Manual.
- Reports of the State/District by National Level Monitors, available with the State MGNREGS Commissioner.
- Muster Roll Watch Guidelines.
- Guidelines/Checklist for internal monitoring by State.
- Performance indicators framed by Government of India/State Government.
- MGNREGS Vision, Strategic Framework and Plan of Action (2010-2011) by MoRD.

2.2.6 Scope and Methodology of Audit

The sample selected for the PA was 287 GPs of 29 blocks of 13 districts⁴ and SEGC and covered the period 2007-12. The test audit was conducted during March 2012 to June 2012. The audit methodology included beneficiary survey, physical verification of works executed under the scheme and attending Social Audit meetings. A total of 2744 beneficiaries were interviewed and 2809 works were physically verified.

⁴ Ashoknagar, Balaghat, Chhindwara, Datia, Dhar, Indore, Khargone, Neemuch, Satna, Sehore, Shajapur, Shahdol, Vidisha

An entry conference was held with the Principal Secretary, Panchayat and Rural Development Department, Government of Madhya Pradesh on 14 February 2012 during which the audit objectives and criteria, scope and coverage of audit were discussed.

An exit conference was held with the Principal Secretary, Rural Development Department, Government of Madhya Pradesh on 17 July 2012 wherein the audit findings of PA were discussed and the State Government furnished para wise replies to the audit observations.

2.2.7 Structural mechanism and capacity building

2.2.7.1 Functioning of SEGC

As per Section 12 (1) of NREGA, 2005 every State Government was required to constitute a State Council to be known as State Employment Guarantee Council (SEGC) with a Chairperson and such number of official members as may be determined by the State Government and not more than 15 non-official members nominated by the State Government from Panchayati Raj Institutions (PRIs), organisations of workers and disadvantaged groups.

The State Government constituted the SEGC in January 2006.

As per para 12.1 of MP SEGC (Rules), the meetings of the General Body of SEGC were to be held at least twice in a financial year.

We noticed that the General Body meeting of SEGC was held only twice (June 2007 and February 2008) since its registration against the requirement of 13 meetings upto March 2012.

As per Para 15.5 of MP SEGC (Rules), the meetings of the Empowered Committee of SEGC were to be held at least once in a quarter.

We found that the committee met only six times against the requirement of 25 meetings upto March 2012 since its registration which shows lack of high level involvement in the planning and monitoring process for implementation of the scheme.

During the exit conference the State Government replied that due to very detailed guidelines issued by GoI and regular quarterly reviews by the Chief Minister, there were no major independent issues to be decided in the General Body Meetings, hence less number of meetings were held. Further it was stated that the Empowered Committee under the chairmanship of Chief Secretary was also not required to hold quarterly meetings due to very clear guidelines for the programmes.

The reply confirmed that the Government's action was not in accordance with the provisions of the MP SEGC (Rules).

2.2.7.2 Appointment of key functionaries

Gram Rozgar Sahayak (GRS)

As per Para 3.1.1 of the Operational Guidelines, 2008 of MGNREGS, for effective implementation of the scheme, appointment of GRS in each Gram Panchayat was suggested.

The meetings of the General Body of SEGC and its Empowered Committee were not held at scheduled intervals

GRS was not appointed in every Gram Panchayat

We observed that out of 23,336 GPs in the State, only 6,438 GRS were appointed upto 2011-12.

During the exit conference the State Government replied that it has been recently decided to provide GRS for each Gram Panchayat. New instructions in the financial year 2011-12 have been issued for speeding up the appointment of GRS.

Programme Officer (PO)/Additional Programme Officer (APO)

As per Para 3.1.2 of the scheme guidelines, a full time dedicated PO, not below the rank of Block Development Officer (BDO), was to be appointed at the block level. The responsibility of the PO may be discharged by the BDO. In such circumstances, another person may be appointed as APO.

Full time PO was not posted in any of the blocks of the State and APOs were not appointed in every block

Scrutiny of records of SEGC revealed that a full time PO was not posted in any of the 313 blocks of the State. The Chief Executive Officers (CEOs) of the Janpad Panchayat (Intermediate Panchayat) discharged the functions of the PO. For assisting the CEOs, out of 313 posts, only 249 APOs were appointed.

During the exit conference the Government replied that due to limited administrative funds available under six *per cent* ceiling⁵, the POs were not independently recruited and the remaining APOs would be provided based on the need assessment and availability of funds under administrative head.

The reply confirmed that the Government did not take action in conformity with the scheme guidelines as appointment of a full time dedicated PO/APO was essential for coordination of MGNREGS at the block level.

Supporting staff at block level

As per Para 3.1.2 of the scheme guidelines, to facilitate programme functioning at the block level, supporting staff of PO i.e. engineers, accountants and data entry operators (DEO) should be deployed.

Adequate number of engineers and DEOs were not appointed

We noticed that against 2,817 sanctioned posts of engineers in the State, only 1,447 (51 *per cent*) engineers were posted to provide technical assistance and against 626 sanctioned posts of DEOs, only 421 DEOs (67 *per cent*) were appointed.

During the exit conference the State Government replied that the Government has been cautious and sensitive towards unnecessarily burdening the scheme's limited administrative budget by way of overstaffing. The Government has now recruited 969 more engineers recently and the training process is about to be started. Similarly recruitment of DEOs has been done in a phased manner while allowing the Collectors to continue the work by hiring DEOs either by outsourcing or engaging them at wage rates decided by the Collector.

⁵ The limit for administrative expenses is six *per cent* of the annual cost of implementing MGNREGS.

The reply confirmed that the Government did not appoint sufficient number of supporting staff for effective implementation of the scheme.

2.2.7.3 Expenditure on training of key functionaries

As per Para 3.3.1 of the scheme guidelines, all key agencies will need to be trained in discharging their responsibilities under the Act. Basic training on core issues pertinent to the Act and the guidelines must be arranged by the State Government with priorities accorded to its key functionaries.

As per information furnished by SEGC (October 2012), total expenditure of ₹ 14.81 crore was incurred on training activities during the period 2008-12. However, the details of staff trained were not furnished to audit.

2.2.8 Preparation of Perspective and Annual Plan

2.2.8.1 Non-preparation of District Perspective Plan (DPP)

As per Para 4.5.1 of the scheme guidelines, the DPP is intended to facilitate advance planning and to provide a development perspective plan for the district. The aim is to identify the types of MGNREGS works that should be encouraged in the district, and the potential linkages between these works and long-term employment generation and sustained development.

Scrutiny of records in the 13 test checked districts revealed that five districts⁶ did not prepare the DPP and three districts⁷, out of eight districts which prepared the DPP, did not send it to the State Government for approval.

We further noticed that GoI released ₹ 40 lakh to four districts⁸ out of 13 selected districts. However, only three districts prepared DPP by incurring expenditure of ₹ 22.06 lakh while Indore district did not prepare a DPP. The five remaining districts⁹ prepared DPP without getting funds for this purpose from GoI.

During the exit conference the Government replied that the preparation of DPP and its approval by the State Government is purely cosmetic in nature having no significance with actual implementation of the scheme. Being a demand driven scheme, it is impossible to project the accurate labour demand owing to monsoon variations and other factors.

The reply is not acceptable as for advance planning and sustainable development, the preparation of DPP was an essential process.

Five districts did not prepare the DPP and three districts did not send it to the State Government for approval

⁶ Ashoknagar, Indore, Khargone, Neemuch and Shahdol.

⁷ Datia, Shajapur and Vidisha.

⁸ Datia, Indore, Sehore and Vidisha.

⁹ Balaghat, Chhindwara, Dhar, Satna, Shajapur.

2.2.8.2 Shortcomings in Planning

As per Para 4.4.1 of the scheme guidelines, the Panchayats at district, intermediate and village levels are the principal authorities for planning. The process of planning as laid down under Sections 13-16 of the Act gives the power to make recommendations on the works to be taken up under MGNREGS to the Gram Sabha and the power to prepare a development plan comprising a Shelf of Projects (SoP) on the basis of these recommendations of the Gram Sabha to the GP. The GP has to forward the development plan with its priorities to the PO by 15 October. The PO will consolidate them into the block plan and forward it to the DPC by 30 November. The DPC has to approve the block-wise SoP and labour budget by 31 December.

We found the following shortcomings in the planning process at the GP, block and district levels:

(i) The scheduled dates of approval of the annual plan were not adhered to in 56 test checked GPs. The delays ranged between 1 to 21 months. The details are given in **Appendix-2.12**.

(ii) The scheduled dates of approval of the annual plan were not adhered to in nine test checked blocks. The delays ranged between 1 to 11 months. The details are given in **Appendix-2.13**.

(iii) The scheduled dates of approval of the annual plan were not adhered to in seven test checked districts. The delays ranged between 1 to 11 months. The details are given in **Appendix-2.14**.

During the exit conference the Government replied that the procedure for preparation of annual development plan and labour budget starts from SoP being approved by the Gram Sabha based on which further planning is done. Considering very limited capacity available at GP level, it is accepted that the SoP is not frozen at the start of the year.

The fact remains that timely preparation and approval of annual plan is necessary for effective planning at the GP, block and district level.

2.2.8.3 Unrealistic Labour Budget

As per Para 8.4 of the scheme guidelines, the DPC shall prepare in the month of December every year a labour budget for the next financial year containing the details of anticipated demand for unskilled manual work in the district. The labour budget was to be based on realistic estimate for the number and kind of works to be taken up, as derived from the annual SoP in the Development Plan.

During test check of the records of the 13 selected districts, we found that the labour budget was prepared in all the test checked districts during the period 2007-12 except for three districts¹⁰ for the year 2007-08. We further noticed

The scheduled dates of approval of annual plan were not adhered to by the districts, blocks and the GPs

The labour budget was not prepared on the basis of actual expenditure of the previous years as a result of which it remained only a formal exercise

¹⁰ Ashoknagar, Balaghat and Datia.

that there were variations between the actual expenditure *vis-à-vis* the budgeted figure in each year, in respect of all the test checked districts. In case of Vidisha, the actual expenditure was only six *per cent* and eight *per cent* of the budget estimates in the years 2008-09 and 2009-10 respectively (**Appendix-2.15**). Thus, the labour budget was not framed realistically.

During the exit conference the Government replied that the scheme is demand driven and also focuses on livelihood security and further stated that labour budget is a projection of tentative demand.

While the labour budget would be based on tentative demand, it did not justify the wide variation between actual expenditure and estimates noticed in certain cases.

2.2.8.4 Wasteful expenditure on preparation of Detailed Project Reports (DPRs)

Government of Madhya Pradesh, Panchayat and Rural Development Department issued instructions (June 2007) that the DPRs for *Kapil Dhara*¹¹, *Khet Talab*¹², *Nandan Phalodyan*¹³, *Bhoomishilp*¹⁴ and *Shailparna*¹⁵ sub-plans may be prepared by engaging outside agencies. The selected outsourcing agency was responsible for preparing detailed plan for selected beneficiaries for the next two years and was also responsible for seeking approval of the DPRs from the three tiers of PRIs.

Scrutiny of records of block Pandhurna, District Chhindwara revealed that the work order for preparation of DPRs was issued (May 2008) to M/s Parag Printers, Pandhurna. The said work was reported to be completed in May 2009 for which a payment of ₹ 24.04 lakh was made to the agency for the preparation of the following sub-plans as detailed in **Table 1**.

Wasteful expenditure was incurred on the preparation of DPRs as not a single work was executed from these DPRs

Table 1: Sub-plan wise details of DPRs

Sl. No.	Name of Sub plan	No./Area of works for which DPR was prepared	Expenditure (₹ in lakh)
1	Kapil Dhara(Koop)	2803	8.97
2	Khet Talab	536	1.61
3	Nandan Phalodyan	961	2.79
4	Bhoomishilp	3317	9.95
5	Shailparna	359 Hectare	0.72
	Total		24.04

We found that not a single work was taken up for execution from these DPRs (31 March 2012). Thus, an expenditure of ₹ 24.04 lakh incurred for preparation of DPRs became wasteful.

¹¹ Scheme for dug wells

¹² Scheme for ponds for agricultural purpose

¹³ Scheme for plantation of fruit yielding trees

¹⁴ Scheme for leveling of field for agricultural purpose

¹⁵ Scheme for construction of bunds in the fields using stones

During the exit conference the Government replied that necessary enquiry has already taken place and departmental proceedings were in progress (July 2012).

2.2.9 Financial Management

MGNREGS is implemented as a Centrally sponsored scheme on a cost-sharing basis between the Centre and the State as determined by the Act. The Government of India (GoI) bears the entire cost of wages of unskilled manual works, 75 *per cent* of the cost of material and wages for skilled and semi-skilled workers along with administrative expenses as determined by GoI. The State Government bears 25 *per cent* of the cost of material and wages for skilled and semi-skilled workers. Unemployment allowance and administrative expenses of SEGC is also borne by the State Government.

During 2007-09, the scheme funds were transferred by GoI directly to the districts. From the year 2009-10, the funds were released to SEGC and the SEGC transferred it to the districts along with matching share of the State. The districts transferred the funds to the blocks, GPs and other implementing agencies. The position of funds received and expenditure incurred during the period 2007-12 is given in **Table 2**.

Table 2: Statement showing receipt and expenditure of funds during the period 2007-12

(₹ in crore)

Year	Opening Balance	Receipt during the year	Total available fund	Expenditure	Closing Balance (per cent)	Difference between CB and OB
1	2	3 (4-2)	4	5	6	7
2007-08	357.00	2945.38	3302.38	2892.67	409.71(12)	
2008-09	448.92	4360.95	4809.87	3551.67	1258.20(26)	39.21
2009-10	1550.01	4805.58	6355.59	3779.72	2143.14(34)	291.81
2010-11	2664.92	2871.12	5536.04	3512.14	1687.03(30)	521.78
2011-12	1900.39	3343.63	5244.02	3456.92	1766.96(34)	213.36

(Source- Data furnished by the State Employment Guarantee Council)

Optimum utilisation of funds was not ensured and wide variations between OB and CB were noticed

We observed that the funds were not utilised properly during 2007-12 as the unspent balances at the year-end ranged between 12 *per cent* to 34 *per cent* of the total funds available. Wide variations between the Closing Balance (CB) of the previous year and Opening Balance (OB) of the next year were also noticed. The amount of OB was taken in excess of the CB of the previous year during 2007-12 as shown in the above table. The figures of CB provided by SEGC also did not match with actual figures of CB (Total available fund-Expenditure) during the years 2009-12.

During the exit conference, the Government replied that SEGC is sending Utilisation Certificates (UCs) to GoI from financial year 2009-10 onwards. Previously, the funds were released by GoI directly to the districts and the districts were sending UCs to GoI. However, the differences in CB and OB are being worked out.

2.2.9.1 Non-establishment of Employment Guarantee Fund

As per Para 8.2.2 and 8.2.3 of the scheme guidelines, the State Government, by notification, was required to establish the State Employment Guarantee Fund to be expended and administered as a revolving fund with Rules that govern and ensure its utilisation according to the purposes of the Act. Similar Revolving Funds were to be created at the district, block and the GP levels.

The Employment Guarantee Fund was not established along with revolving funds at district, block as well as GP level

We observed that the Employment Guarantee Fund was not established in the State level till March 2009 and the revolving fund was also not created at district and block as well as GP level.

During the exit conference the Government replied that for running the scheme, a dedicated single account at GP, Block Panchayat and District Panchayat has been maintained. In this bank account, the available funds act as revolving fund and at the district, block and the GP level there is absolutely no need to create a unique fund as a separate bank account for MGNREGA.

The reply was not in conformity with the scheme guidelines. Further, in order to ensure availability of sufficient funds for the implementation of the scheme, the establishment of an Employment Guarantee Fund at all levels of execution was essential.

2.2.9.2 Belated transfer of funds of Sampoorna Gramin Rozgar Yojana (SGRY) and National Food for Work Programme (NFFWP)

As per Circular dated 20 March 2006 of Ministry of Rural Development, GoI, all unutilised balances of NFFWP and SGRY on 1 April 2006 were required to be transferred to the National Rural Employment Guarantee (NREG) account.

Seven districts transferred the balance amount of SGRY and NFFWP to MGNREGS funds with a delay of one to five years

We noticed that seven districts transferred the balance amount ₹ 6.73 crore of SGRY and NFFWP with delays of one to five years. The details are given in **Appendix-2.16**. Thus the unspent balances of the closed schemes were parked idle in the bank accounts and could not be utilised on the implementation of MGNREGS.

During the exit conference the Government replied that the switchover from SGRY and NFFWP to MGNREGA was a major task in the field in terms of accounting and handing over of the ongoing works. The calculation of liabilities and other implementing details took a lot of time in the field resulting in delay and belated transfer of funds.

The reply of the Government confirmed that it did not transfer the balance funds of SGRY and NFFWP to the NREG account on time.

2.2.9.3 Monthly squaring of accounts

Para 8.6.1 of the scheme guidelines emphasises on the need to introduce monthly squaring of accounts to reduce the risk of financial leakages and to promote transparency and accuracy in fund management. The accounts should be categorised under three heads i.e. (i) money held in bank

Monthly squaring of accounts was not carried out at the district, block as well as GP level

(ii) advances to the implementing agencies and (iii) vouchers of actual expenses, and should be made publicly available on the Internet at all levels of aggregation.

Audit found that the monthly squaring of accounts was not carried out in 160 GPs, 20 blocks and 10 districts.

During the exit conference the Government replied that monthly squaring of State Grant accounts at SEGC is done regularly and the MIS is in the public domain. Due to capacity constraints at the GP level, it is very difficult to achieve monthly reconciliation. However, currently due to a large number of schemes and programmes that the GPs are expected to run and keep records for, it is impractical to expect them to perform monthly squaring of accounts.

The reply was not in conformity with the guidelines as monthly squaring of accounts was necessary to ensure transparency and accuracy in fund management.

2.2.9.4 Irregular expenditure of ₹ 22.15 lakh on printing of bank pass books

Expenditure of ₹ 22.15 lakh was incurred on printing of bank pass books of beneficiaries

As per Para 7.2.1 (viii) of the guidelines, the banks were required to open the accounts of MGNREGS labourers without charge.

Scrutiny of the records of DPC, Shahdol revealed that an expenditure of ₹ 22.15 lakh was incurred by DPC, Shahdol on printing of 1,96,000 pass books of 11 different banks through private printing press and handed over to the banks concerned for issuing it to the beneficiaries as detailed in **Appendix-2.17**.

During the exit conference the Government replied that the concerned district has raised demand against the lead bank for depositing the money for the pass books which were ordered for printing during the financial year 2008-09. The accounts would be settled with the bank concerned and suitable instructions in this regard would be given to all the banks by putting the matter before the State Level Banking Committee.

The reply confirmed that the Government did not take action to settle the accounts with the bank even after a lapse of four years.

2.2.10 Registration and Employment

2.2.10.1 Registration and issue of Job Cards to all rural HHs

As per Schedule-II under Section 5 of the Act, the adult members of every HH who (i) reside in any rural area and (ii) are willing to do unskilled manual work, may submit their names, age and the address of the HH to the concerned GP for registration and issue of Job Card (JC). It shall be the duty of the GP to register the HH, after making such enquiry as it deems fit and issue a job card. As per para 5.1.2 of the guidelines, all adult members of the HH who register, may apply for work. Panchayat and Rural Development Department,

Government of MP issued detailed instructions (January 2006) to all districts and block authorities to register HHs residing in the rural areas on the basis of the Below Poverty Line (BPL) Survey 2003. The names of those families which were not included in the list of BPL Survey 2003, may submit their application for registration.

All rural HHs appearing in the BPL survey list of 2003 were registered under the scheme and issued job cards. The number of households who were provided employment in comparison to the HHs who were registered and issued job cards ranged between 32 per cent to 55 per cent

Audit found that the GPs, in compliance of the above orders of the Government, registered all rural HHs appearing in the BPL survey list of 2003 in 13 test checked districts without obtaining formal requests from the beneficiaries. Thus, 13.35 lakh to 19.74 lakh HHs who neither submitted application for registration nor were BPL, were registered under the scheme and issued job cards during the audit period as detailed in **Appendix-2.18**. We further observed that the number of HHs who were provided employment in comparison to the HHs who were registered and issued job cards in 13 test checked districts ranged between 32 per cent to 55 per cent during the period 2007-12.

During the exit conference the Government replied that the State Government has rightly issued the necessary guidelines to the districts for registration of HHs vide its letter of 16 January, 2006. The first para of this letter indicates that the registration shall be done on the basis of 2003 BPL survey. However, it has not been mentioned that the registration of only BPL families will be done. In fact, the survey list was a reference list and during the BPL survey in 2003, all HHs of the village were surveyed and listed. This authentic reference list was readily available and therefore it was prescribed to use this data.

The fact remains that all the rural HHs were registered and issued job cards, including HHs who were not registered as BPL families, without obtaining any oral/written application or conducting door to door survey which was irregular.

2.2.10.2 Dated receipt of job applications not issued to the beneficiaries

As per Para 1.5 of the scheme guidelines, wage employment programme under MGNREGS is demand driven. Employment under the scheme is dependent upon the applicant exercising the choice to apply for registration, obtaining a job card and seeking employment for the time and duration that the applicant wants.

As per Para 5.4 of the guidelines, for obtaining employment, a written application for work should be submitted to the GP. The applicant may present himself in the GP office to indicate willingness for work. This would be recorded in the prescribed application form and employment register. A dated receipt for the application for work must be issued to the applicant.

Dated receipts of the job applications were not issued to the applicants

We found that in 158 GPs of 16 blocks of eight districts, dated receipts of job applications were not issued to the applicants (**Appendix-2.19**). Further the Employment Register was also either not maintained or was incomplete as mentioned subsequently in Para no. 2.2.10.3 The absence of dated receipts coupled with incomplete information in the Employment Register would

render it difficult to ascertain the actual number of persons seeking employment.

During the exit conference the Government replied that the labourers turn up for works under MGNREGS only if they are in need of work. Therefore, if labourers are employed by the Sarpanch, it should not be taken that there was lack of demand or, that the labourers did not demand their rightful employment. It is however, a fact that the rural masses generally lack full information about the programme and the State has taken steps to carry out detailed and result oriented Information Education and Communication (IEC) activities.

The reply confirmed that proper documentation of demand for work and employment generation was not maintained.

2.2.10.3 Irregularities in the maintenance of Employment Register

As per Para 9.1.1 (vi) of scheme guidelines, an Employment Register containing the information on details of application for work, allotment of work, performance of work and the wages or unemployment allowance paid to the worker must be maintained by the GP/POs.

The employment register was either not maintained or was incomplete at the GP level

The Employment Register was not maintained in 10 GPs of four blocks of two test checked districts while it was incomplete in 220 GPs of 23 blocks of 10 districts as detailed in **Appendices-2.20 and 2.21**.

Thus, data of employment generation per HH could not be updated and the prescribed limit of 100 days of employment from GoI fund could not be checked.

During the exit conference the Government replied that in present MIS, Employment Register is automatically generated and is available in the public domain. It is, therefore, redundant to maintain these registers physically.

The reply was not in conformity with the scheme guidelines as maintenance of essential records was mandatory for the authentication of the data of MIS.

2.2.11 Livelihood security of the rural HHs

2.2.11.1 Non-fulfilment of ensuring livelihood security to rural HHs

As per Para 1.1 of the scheme guidelines, the primary objective of the scheme is to enhance livelihood security in rural areas by providing at least 100 days of guaranteed wage employment in a financial year to every HH whose adult members volunteer to do unskilled manual work.

Only 2.31 per cent to 12.60 per cent of the total registered HHs completed 100 days of employment

During scrutiny of records of SEGC, we found that the number of HHs who completed 100 days of employment during the audit period (2007-12) ranged between 2.31 per cent to 12.60 per cent of the total number of registered HHs

and the average employment provided per registered rural HH in a financial year ranged between 14 days to 38 days.

It was further noticed that though the estimated persondays in the labour budget showed a declining trend (except in 2009-10), the number of persondays actually generated was far below the projections made in the budget. The details are given in **Table 3** below:

Table 3: Statement showing registration and employment generation for HHs

Year	No. of HH registered	Labour Budget (Projection of persondays in lakh)	No. of HH provided employment	Persondays generated (in lakh)	Average persondays generated per HH	No. of HH completed 100 days of employment in lakh (Per cent)
(1)	(2)	(3)	(4)	(5)	(6) (5/2)	(7) (7/2*100)
2007-08	72,38,784	Not available	43,46,916	2753.01	38	9.12 (12.60)
2008-09	1,12,29,546	3703.00	52,04,924	2946.97	26	9.79 (8.72)
2009-10	1,12,92,252	4720.90	47,22,409	2623.12	23	7.32 (6.48)
2010-11	1,16,87,129	3499.47	40,46,933	1782.54	15	3.74 (3.20)
2011-12	1,18,60,150	2900.00	37,75,915	1613.88	14	2.74 (2.31)

(Source: Data furnished by SEGC)

During the exit conference the Government replied that the scheme is demand driven. Every rural HH whose adult members voluntarily demand work are given the guaranteed un-skilled manual work for not less than 100 days.

The fact remains that the number of HHs who completed 100 days of employment and the average person days per rural HH showed a downward trend during the period 2007-12.

2.2.11.2 *Delayed payment of wages*

Para 7.1.5 of the scheme guidelines states that the wages of workers should be paid on a weekly basis and in any case within a fortnight of the date on which the work was done.

During test check of 2027 muster rolls (MRs) of line departments in 21 divisions of 11 districts, we found that payment of wages was made with delays ranging from 30 days to 360 days to 66,636 labourers as detailed in **Appendix-2.22**.

During the exit conference the Government replied that the phenomenon of delayed payment is a problem not specific to any district and state.

The reply confirmed the audit observation regarding delayed payment of wages.

The delay in payment of wages ranged from 30 days to 360 days

2.2.11.3 Non-issuance of wage slips to the workers

As per para 7.2 (xi) of scheme guidelines, a wage slip may be generated for intimation of the worker in the prescribed format {Annexure B-3 (i)}. The amount should be disbursed only on production of wage slip and the withdrawal slip by the worker or his authorised representative.

The wage slips were not issued to the workers as a result of which the authenticity of payment made to the workers could not be ascertained

We found that in 247 GPs of 25 blocks of 12 districts, the wage slips were not issued to the workers (**Appendix-2.23**). Thus, the authenticity of the payment made to the workers for the work done by them could not be ascertained.

During the exit conference the Government replied that with 100 *per cent* payment through personalised bank account to each beneficiary, wage slip has become totally redundant.

The reply was not in conformity with the scheme guidelines which stipulates issuance of wage slips.

2.2.11.4 Deployment of mates

As per 6.5.4 of the scheme guidelines, for supervision of the work and for recording attendance at the worksite, a mate was to be designated for each work. The remuneration of the mates was to be included in the cost estimates, under the material component of MGNREGA works.

Mates were not deployed on every work and the wages of mates were booked under labour component of the work

In test check of 227 GPs of 23 blocks of 12 districts, we found that mates were not deployed on every work (**Appendix-2.24**). Wherever the services of mates were obtained by the Implementing Agencies (IAs), the wages of the mates were charged as unskilled labour and booked under labour component instead of material component of the work. Thus, due to non-deployment of mates on every work, formation of groups required to earn minimum wages, measurement of work, physical attendance of the workers and proper monitoring and supervision of the works could not be ascertained.

During the exit conference the Government replied that the ratio of mates to labourers at a given worksite should be at least 1:50. Thus, it is not mandatory to deploy mate on every work and further stated that the wages of mates should generally be similar to those of semi-skilled workers, and in any case not less than those of un-skilled workers. Therefore, the State decided to use mates only in cases where more than 50 labourers were working. As such, it cannot be expected that every work would have a mate. The State also decided to give the work of un-skilled labourer to the mate which included formation of groups ensuring provisions of work site facilities etc. Thus the mate was not expected to work as a semi-skilled worker and accordingly, the wages of un-skilled worker were paid and accounted.

The reply was not in conformity with the scheme guidelines which stipulates deployment of a mate for each work. Further, the services of the mates were not utilised as per norms and the payment made to the mates was booked in labour component which was irregular.

2.2.12 Execution of works

2.2.12.1 Execution of impermissible works

Para 6.1 of the scheme guidelines stipulates that the intention of MGNREGS is to provide basic employment guarantee in rural areas. Only those works permissible for execution under Schedule-I of the Act, should be taken up for execution.

During scrutiny of records of the test checked GPs, we found that the following types of impermissible works were carried out by the GPs:

(i) Construction of Cement Concrete (CC) Roads

Para 6.1.1 (viii) of the guidelines states that no cement concrete (CC) roads should be taken up under NREGA.

Irregular expenditure of ₹ 66.37 lakh was incurred for the construction of impermissible works of CC roads

During physical verification of the selected works, we found that in seven districts¹⁶ an expenditure of ₹ 66.37 lakh was incurred on construction of 38 CC roads during the period 2007-08 to 2011-12. The details are given in **Appendix-2.25**. Since the construction of CC roads was not permitted under MGNREGS, the expenditure of ₹ 66.37 lakh incurred on the above works was irregular.

During the exit conference the Government replied that GoI issued a circular (January 2012) to take up cement concrete roads. Thus, the works of CC roads taken up under MGNREGS fall under the category of permissible work.

The reply of the Government was not in conformity with the scheme guidelines and orders of the Government as the GoI permitted to take up the CC roads from January 2012, whereas these roads were constructed before January 2012.

(ii) Construction of Ghat of Talabs

As per the provisions contained in the MGNREGA Works Field Manual, the construction of *ghat*¹⁷ was not permissible under the scheme.

Irregular expenditure of ₹ 33.85 lakh was incurred for the construction of impermissible works of *ghat* of talabs

During scrutiny of records and physical verification of works, we found that in the test checked GPs of district Shahdol, ten works of construction of *ghats* were taken up along with the construction of *talabs* by incurring expenditure of ₹ 33.85 lakh. As such works are not included in the MGNREGA Works Field Manual, the expenditure of ₹ 33.85 lakh incurred on these works was irregular (**Appendix-2.25**).

During the exit conference the Government replied that generally, the *ghats* are constructed on rivers at such places where the section of river is flumed resulting in higher velocity of water, which is responsible for erosion of bunds/banks. Similarly, the tank bunds, where the common movement of the

¹⁶ Balabhat, Indore, Khargone, Satna, Sehore, Shahdol and Vidisha.

¹⁷ Stairs of talab.

public is more for general *nistar* and bathing purposes, the bunds are more prone to erosion, therefore the construction of *ghats* is an activity of protection of bunds/water bodies rather than the activity of only public welfare.

The fact remains that the works undertaken were not in conformity with the MGNREGS Works Field Manual.



Ghat Nirman
GP-Bijuri, Block-Burhar, District-Shahdol, Year 2009-10, Expenditure-₹ 3.54 lakh

(iii) Construction of platform and boundary walls of cremation ground

As per MGNREGA Works Field Manual, the construction of boundary walls, platform and leveling of grounds was not permissible.

During scrutiny of records and physical verification of works, we found that in test checked GPs of four districts, ten works of construction of platform, leveling and boundary walls of cremation grounds were carried out during the period 2007-08 to 2011-12 by incurring expenditure of ₹ 21.78 lakh. **(Appendix-2.25).**

During the exit conference the Government replied that the Government of MP issued guidelines of sub-scheme for development of cremation grounds which permitted the above activities in a village.

The fact remains that the guidelines issued by the Government of M.P. for leveling of ground and construction of boundary walls were in contravention of the provisions of MGNREGA Works Field Manual.

Irregular expenditure of ₹ 21.78 lakh was incurred for the construction of impermissible works of platform and boundary walls of cremation ground



Levelling of cremation ground
GP- Umrikhera, Indore, Year-2011-12, Expenditure-₹ 29,000

(iv) **Plantation of Jatropha**

As per MGNREGA Works Field Manual, Jatropha is a shrub and not tree; therefore, plantation should be made of forestry trees which are hardy and are of utility, and not of Jatropha.

Irregular expenditure of ₹ 9.40 lakh was incurred for the impermissible work of plantation of Jatropha

During scrutiny of records and physical verification of works, we found that in test checked GPs of two districts, 11 works of Jatropha plantation were carried out by incurring an expenditure of ₹ 9.40 lakh. Therefore, the expenditure of ₹ 9.40 lakh incurred on the above work was irregular (**Appendix-2.25**).

During the exit conference the Government replied that as per Bio-diesel purchase policy published by Ministry of Petroleum and Natural Gas, Government of India on 9 October, 2005, the plantation of Jatropha was to be taken up on a large scale and it was stated that Jatropha would have positive impact on the rural economy and rural livelihood. Accordingly, the State allowed the plantation of Jatropha on a very limited scale.

The fact remains that plantation of Jatropha was impermissible as per the provisions of MGNREGA Works Field Manual.



Jatropha plantation
GP- Banka, Block-Majhgawan, District- Satna, Year-2007-08
Expenditure ₹ 28,000.

2.2.12.2 Non-existence of the works stated to have been executed

(i) During joint physical verification of selected works of GP Birgoda, block Depalpur, district Indore with departmental authorities, we found that the work of construction of 19 units of leaching pits under *Nirmal Vatika* sub-component of the scheme was carried out in 2008-09 and an expenditure of ₹ 25,861 was incurred. Though completion certificate of the above work was issued on 23.08.2010, we found that leaching pits were not found constructed at five sites.

During the exit conference the Government replied that the cases were being investigated and appropriate corrective measures would be taken.

(ii) During joint physical verification of works of GP Birgod, block Shajapur, district Shajapur, we found that three works of *Samudayik falodyan*¹⁸ were

¹⁸ Community garden.

Three works of plantation were not found in existence during physical verification of works

executed in 2009-10 by Executive Engineer, Rural Engineering Service (EE, RES), Shajapur and an expenditure of ₹ 7.27 lakh was incurred on these works. However, we did not find the plantation work at the site. The EE, RES stated that these works were not in existence.

During the exit conference the Government replied that the cases have been found to be factual and appropriate departmental proceedings are being started by the department.

An amount of ₹ 1.05 crore was booked as Miscellaneous Public Works Advance recoverable from seven engineers of WRD, Satna

(iii) During scrutiny of the records of Executive Engineer, Water Resource Department (EE, WRD), Satna, we noticed that 18 works of stop dams and talabs amounting ₹ 3.62 crore were sanctioned in 2008-09. The works were executed and an expenditure of ₹ 3 crore was incurred on these works. During valuation and physical verification of these works conducted by the EE, WRD, Satna (August 2010), it was found that works amounting to ₹ 1.95 crore only were actually executed at these sites. The difference of ₹ 1.05 crore was treated as 'Miscellaneous Public Works Advance' recoverable from seven engineers who were held responsible for the above works.

During the exit conference the Government replied that the necessary recovery action would be taken up at WRD level and the concerned department would be requested to expedite the action.

2.2.12.3 Non-maintenance of Wage-Material Ratio of 60:40

As per Para 6.2 of the scheme guidelines, the ratio of wage costs to material costs should be no less than the minimum norm of 60:40 as stipulated in the Act.

The wage-material ratio of 60:40 was not maintained in the test checked districts

During scrutiny of records of selected districts, we found that the wage material ratio of 60:40 as stipulated in the guidelines was not maintained at the district level. Out of 13 test checked districts, 10 districts in 2009-10 (40.82 per cent to 70.33 per cent), seven districts each in 2008-09 (41.70 per cent to 74.71 per cent) and 2010-11 (40.70 per cent to 64.59 per cent) and three districts in 2007-08 (44.38 per cent to 74.86 per cent) and four districts in 2011-12 (40.73 per cent to 47.33 per cent) did not limit the expenditure on material to 40 per cent due to execution of material intensive works. The details are given in **Appendix-2.26**.

During the exit conference the Government replied that the State would continue its efforts to maintain this ratio as per Guidelines.

2.2.12.4 Payment of overhead charges to the Line Department

Para 6.3.3 of the scheme guidelines stipulates that the role of the Line Department is to give technical support in the nature of estimates, measurement and supervision of the works executed. No overhead charge will be given to any line department for this.

The Government of MP, Panchayat and Rural Development Department issued an action plan (March 2010) to all the DPCs regarding convergence of MGNREGS with *Mukhya Mantri Sadak Yojna* (MMSY) and Backward Region Grant Fund (BRGF) scheme. The Executive Engineer, Rural Engineering Services (EE, RES) was made the implementing agency. For this purpose EE, RES would act as Project Management Unit (PMU) in every district. For preparation of DPR, quality control, supervision, monitoring of work, a field consultant was to be appointed and the expenses on such charges were to be paid from the administrative head of MGNREGS.

Funds amounting to ₹ 1.68 crore under administrative head of MGNREGS were released to EE, RES for meeting the expenditure of the PMUs. The IAs incurred an expenditure of ₹ 72.56 lakh on administrative head during 2010-12

Scrutiny of the records of five test checked districts revealed that funds amounting to ₹ 1.68 crore under administrative head of MGNREGS were released to EE, RES for meeting the expenditure of the PMUs as detailed in **Appendix-2.27**. The IAs incurred an expenditure of ₹ 72.56 lakh on administrative head during 2010-12.

During the exit conference the Government replied that the PMUs were created as dedicated units in view of effective survey and control on quality of the works to be done by the job card holders under MGNREGS. Services of dedicated consultants were also taken for the above purpose. In no case, are the overheads of the line department, i.e., the salary and allowances or overheads of staff of RES loaded on to MGNREGS.

The reply was not in conformity with the scheme guidelines as the PMUs were under the administrative control of RES and not the supportive staff of the Programme Officers. Hence, no overhead charges were to be met from administrative head of MGNREGS funds for supervision of the works.

2.2.13 Employment provided to the vulnerable groups

As per Para 1.2 (a) of the operational guidelines, strong social safety net for the vulnerable groups was to be ensured by providing a fall-back employment source, when other employment alternatives are scarce or inadequate. Para 5.5.9 of the operational guidelines stipulates that while providing employment, priority shall be given to women in such a way that at least one third of the beneficiaries shall be women who have registered and requested for work.

Employment provided to Scheduled Caste/Scheduled Tribe (SC/ST) and women beneficiaries is given in **Table 4**.

Table 4: Statement showing status of employment provided to SC/ST and women beneficiaries

(In lakh)

Year	Total persondays generated	SC persondays (per cent)	ST persondays (per cent)	Women persondays (per cent)
2007-08	2753.01	491.96 (18)	1342.46 (49)	1147.34 (42)
2008-09	2946.97	525.07 (18)	1379.85 (47)	1275.39 (43)
2009-10	2623.12	484.35 (18)	1188.25 (45)	1171.38 (45)
2010-11	1782.54	380.88 (21)	519.39 (29)	744.17 (42)
2011-12	1613.88	341.02 (21)	442.40 (27)	687.27 (42)

(Source: Data furnished by SEGC)

Employment provided to SC beneficiaries increased from 18 per cent to 21 per cent of the total persondays generated during the period 2007-12, the employment provided to ST beneficiaries decreased from 49 per cent to 27 per cent

It can be seen from the above table that while employment provided to SC beneficiaries increased from 18 *per cent* to 21 *per cent* of the total persondays generated during the period 2007-12, the employment provided to ST beneficiaries decreased from 49 *per cent* to 27 *per cent*. Though the employment provided to women beneficiaries was above one third of the total number of beneficiaries as stipulated in the guidelines, it remained stagnant between 42 *per cent* and 45 *per cent* during the same period. Thus, immediate measures need to be taken to arrest the decline in persondays provided to ST beneficiaries.

2.2.14 Convergence

2.2.14.1 Irregular convergence of MGNREGS funds

As per Para 14.1 of the scheme guidelines, the convergence of MGNREGS funds with funds from other sources for the creation of durable assets is permissible. However, care must be taken to ensure that MGNREGS funds do not substitute for resources from other sectors/schemes. MGNREGS funds are intended to create additional employment. Funds from other programmes for the works permissible under NREGA can be dovetailed with MGNREGS funds but not *vice versa*. All initiatives of convergence will be within the parameters of NREGA and it is to be ensured that there is a complete ban on contractors.

MGNREGS funds were irregularly converged with MMSY and BRGF funds for the construction of Barahmasi sadak

The State Government prepared an action plan (March 2010) for convergence of MGNREGS funds with MMSY and BRGF for the construction of *Barahmasi Sadak*¹⁹ where the initial *kuchha* and gravel work was to be done with MGNREGS funds under the MGNREGS guidelines. After the *kuccha* work, the construction of the road work was to be carried out with the funds of MMSY/BRGF by engaging contractors and heavy machinery.

Scrutiny of records of eight test checked districts revealed that 570 road works were sanctioned during 2010-12 in convergence with MMSY for ₹ 252.92 crore. The Implementing Agencies (RES) reported an expenditure of ₹ 36.45 crore from MGNREGS funds on the above road works as detailed in **Appendix-2.28**.

We found the following irregularities in execution of the above works:

- The Muster Rolls were not forwarded to the GPs for social audit.
- The details of employment generation of these works were not maintained in the concerned GPs.
- No additional employment was generated due to engagement of contractors and heavy machinery on execution of works from BRGF and MMSY funds.

¹⁹ All weather roads.

- The wage-material ratio of 60:40 was maintained only on the share of NREGA funds and not on the whole amount of work.
- Though 59 roads works were completed, none of the above assets were handed over to the concerned GPs.

Thus, the expenditure incurred on above works was irregular.

During the exit conference the Government replied that the State Government designed a sub-scheme called Chief Minister Gram Sadak Yojana, which permits expenses on unskilled labour from MGNREGS and expenses on machinery and substantial component of material from State resources or BRGF.

The Government further stated that:

- The muster rolls and the details of employment generation are being entered in the MIS by the implementing agencies; therefore, it is not mandatory to provide copies to the GPs.
- It is very valid that 60:40 ratio was maintained for the MGNREGS component, however, for the whole work, it was not mandatory.
- The handing over of completed roads would be carried out in due course of time.

The reply of the Government was not in consonance with the scheme guidelines as (i) the funds obtained through convergence of MGNREGS with MMSY/BRGF were not utilised within the parameters of MGNREGS as 60:40 ratio of labour and material was maintained only on MGNREGS funds, (ii) heavy machinery and contractors were used on above works and (iii) no additional employment was generated as the funds from other schemes were not utilised for employment generation.

Thus, the objective of convergence of MGNREGS funds with other scheme funds for creation of additional employment was defeated.



**MMSY at GP- Gogakhedi, district- Indore, Sanctioned cost ₹42.22 lakh
Year 2010-11, Expenditure from MGNREGS funds ₹24.49 lakh**

2.2.15 Maintenance of records

2.2.15.1 Non- maintenance of essential records

As per Para 9.1.1 of the scheme guidelines, proper maintenance of records is one of the critical success factors in the implementation of MGNREGS. Information on critical inputs, processes, outputs and outcomes has to be meticulously recorded in prescribed registers at the levels of DPC, PO, GPs and other IAs. The computer based MIS will also capture the same information electronically. In order to facilitate collection of information at various levels, essential records are to be maintained.

During the scrutiny of records of GPs of the selected districts, we found that the essential records of registration and employment generation, work execution, creation of assets, monitoring and supervision of works etc. were either not maintained or were incomplete as detailed in **Appendices-2.20 and 2.21**.

It was further found in seven test checked districts²⁰ that the fortnightly reports of employment generation of the GPs as prescribed in Para 9.2.2 of the scheme guidelines were also not received at block level for consolidation.

During the exit conference the Government replied that the instructions have already been issued to maintain the records. MIS is in place and it captures all the essential records. Proper record keeping at GP level has always been a challenge in implementation of rural development schemes. The extremely poor capacity, manpower, office automation and training facilities available at GP level are a few of the major reasons.

The fact remains that maintenance of essential records was necessary for having authentic data of employment generation and asset creation at GP level.

2.2.15.2 Non-reconciliation of MIS data with the actual data

During scrutiny of the records of DPCs and POs of the selected districts, we found that the MIS data on physical and financial performance of the scheme was not reconciled with the data of the original records.

In this regard, SEGC issued instructions (September 2011) to all DPCs to get the MIS corrected as the variation between Monthly Progress Report (MPR) and MIS data of mandays generation for the year 2010-11 ranged between 55 per cent to 112 per cent and the expenditure data varied between 82 per cent to 122 per cent for all the districts in the State.

It was further noticed that in district Shahdol, the expenditure of ₹ 2.65 crore for the year 2011-12 remained out of MIS as the data entry work of MIS was not completed (June 2012).

MIS data was not reconciled with the data of MPR

²⁰ Ashoknagar, Indore , Neemuch, Satna, Sehore, Shahdol, Shajapur.

During the exit conference the Government replied that GoI has opened the entries of financial year 2011-12 up to July 2012 and the correct data in MIS will only be revealed after July 2012.

The Government offered no comments on the differences in MIS data and data of MPR prior to 2011-12.

2.2.15.3 Non-production of records

➤ During the audit of GP- Arodakot of block Depalpur, district-Indore, the Cash Book of MGNREGS, vouchers, muster rolls, bank account details and other supporting records of accounts were not produced for audit.

On this being pointed out, the Secretary of the GP replied that the records were lost and an FIR²¹ was lodged on 05.05.12. Due to non-production of records, expenditure incurred by the GP during the audit period could not be verified.

➤ During audit of selected GPs of Block- Sohagpur, District-Shahdol, three test checked GPs²² did not produce the Measurement Books (MBs) of the works executed during the period 2007-08 to 2011-12.

On this being pointed out, the Secretaries of these GPs replied that the MBs were not in the office but with the sub-engineer who was suspended. Due to non-production of MBs for scrutiny to audit, the expenditure incurred by these GPs on execution of MGNREGS works could not be verified.

During the exit conference the Government replied that the services of the concerned sub-engineer has been terminated. Legal action has also been taken against him for absconding and non-production of records.

➤ During the course of audit in GP Bodri, block Sohagpur, district Shahdol, the Panchayat Secretary of the GP absconded from the office of GP.

During the exit conference the Government replied that disciplinary action has been initiated under section 69 (1) of Madhya Pradesh Panchayat Raj Act against the Secretary of GP Bodri.

➤ The records of GP Ghoti, block Khairlanji, district Balaghat and GP Bharatpur, block Ramnagar, district Satna, could not be checked as the concerned Panchayat Secretaries were in jail and alternative arrangements for production of records could not be made by the POs/DPCs.

²¹ First Information Report.

²² Padmaniya Khurd Jamui and Lalpur.

2.2.16 Transparency

2.2.16.1 Grievance Redressal Mechanism

As per Para 11.7 of the scheme guidelines, the PO will be the grievance redressal officer at block level and the DPC at the district level. A system of appeal was to be designed to deal with the grievances at each level. Further, Para 9.1.1 (ix) of the guidelines states that a complaint register will be maintained by the PO/DPC/GP/other IAs.

The complaint registers were not maintained in 215 GPs and a large number of complaints were pending at the State and district level

We found that out of 287 test checked GPs, the complaint registers were not maintained in 215 GPs and it was incomplete in 40 GPs (**Appendices-2.20 and 2.21**).

It was further noticed that out of 2352 complaints received at the State level during the period 2007-08 to 2011-12, only 1799 complaints (76 *per cent*) were disposed of (**Appendix-2.29**).

At the district level, out of 4185 complaints received by 13 test checked districts during the same period, only 3629 (87 *per cent*) complaints could be disposed of (**Appendix-2.29**).

During the exit conference the Government replied that for effective and timely disposal of grievances according to MGNREGA Act, Madhya Pradesh Mahatma Gandhi Employment Guarantee Scheme (Grievances Redressal) Rules 2012 have been approved by the Empowered Committee after administrative approval of the Panchayat & Rural Development Department. These rules are in process of being notified. Measures are being taken to maintain records of complaints at every level of administration.

2.2.16.2 Lack of supervision of works

As Para 10.3.1 of the scheme guidelines, targets were fixed for the internal verification of works at the field level by the official functionaries to be achieved within a quarter as per which 100 *per cent* of works at the block level, 10 *per cent* at the district level and two *per cent* of the works at the State level were to be verified.

No records of inspection of works were maintained at the GPs

We observed that no records of inspection of works carried out by the various levels were maintained at the GPs.

During the exit conference the Government replied that the State has a well defined mechanism for supervision of works. In addition to in-house supervision, independent monitoring is also carried out.

The fact, however, remains that no records of inspection of works were produced to audit.

2.2.16.3 Social Audit

As per Para 12.1.1 of the guidelines, the basic objective of a social audit is to ensure public accountability in the implementation of the projects, laws and policies and is a continuous process of public vigilance. As per Gazette Notification issued (June 2011) by the Ministry of Rural Development, it was essential for the GPs/IAs to produce the vouchers, cash books, bank account details and muster rolls etc. for the social audit in the Gram Sabha.

The prescribed procedure for the conduction of social audit was not adopted

The audit parties participated in the proceedings of social audit meetings in 12 GPs of six districts as detailed in **Appendix-2.30** and observed that in the name of social audit, the Panchayat Secretaries organised a meeting of eight to ten people of the village and conducted a Gram Sabha. The Secretary read out the work details and recorded the proceedings on paper which were signed by the Sarpanch, Secretary and a few other persons available there. The prescribed procedure such as circulation of photocopies of accounts, advance notice of 15 days for holding the meeting of Gram Sabha, participation of district and block level officials etc. was not followed.

During the survey of 2744 beneficiaries in 287 selected GPs, we found that only 18 *per cent* of the beneficiaries were aware of social audit.

During the exit conference the Government replied that serious and sincere efforts have been taken up by Government of Madhya Pradesh in its true spirit for conducting Social Audit. To make the process of social audit more effective, the State has taken up necessary action regarding conducting social audit.

2.2.17 Impact assessment

As per Para 10.4 of the scheme guidelines, regular evaluation and sample surveys of specific NREGS works should be conducted to assess the outcomes. The findings of the evaluation studies should be used by the SEGC, the District Panchayats and other institutions for initiating corrective actions.

Evaluation studies for impact assessment of MGNREGS were not submitted

Audit found that at the State level, the work of impact assessment of three districts each was assigned (January 2010) to Indian Institute of Management²³, Indore and Indian Institute of Forest Management²⁴, Bhopal for which an amount of ₹ 48.60 lakh was paid to them. The report was required to be submitted within seven months (August 2010). However, the report was not submitted (July 2012).

Further, the Mahila Chetna Manch²⁵, Bhopal was awarded the work of impact assessment of six districts for a sum of ₹ 24.15 lakh in March 2011. Though

²³ Sanctioned amount ₹ 48 lakh and ₹ 28.80 lakh was paid.

²⁴ Sanctioned amount ₹ 44 lakh and ₹ 19.80 lakh was paid.

²⁵ Sanctioned amount ₹ 24.15 lakh and ₹14.49 lakh was paid.

the report was required to be submitted within nine months (December 2011), the same was not done (July 2012).

During the exit conference the Government replied that the final draft reports have been received and no unnecessary delay has taken place. Time extensions shall be granted as per contractual provisions.

The reply of the Government confirms that it did not take action to ensure submission of the reports by the concerned agencies within the stipulated period as it is yet to take a decision on the issue of granting time extension.

2.2.18 Conclusion

The performance audit revealed that planning and monitoring of the scheme was weak as the prescribed numbers of meetings of SEGC and its Empowered Committee were not held at regular intervals. Key functionaries such as GRS, POs and mates were not deployed in the required number. In the test checked districts the DPPs were either not prepared or were not sent to the State Government for approval. Preparation of annual plan and labour budget at all levels of execution remained only a formal exercise and the scheduled dates of approval were not adhered to. The unspent balances ranged between 12 *per cent* to 34 *per cent* of total funds available. The Employment Guarantee Fund was not constituted as a revolving fund at district, block and GP level. There was belated transfer of funds from SGRY and NFFWP to MGNREGS account. Monthly squaring of accounts was not done to reduce the risk of financial leakage. Only 32 *per cent* to 55 *per cent* of the applicants were provided employment in the test checked districts. All rural HHs were registered under the scheme and issued job cards without obtaining request from the beneficiaries. Dated receipts for job applications were not issued to the applicants. Livelihood security of the rural HHs could not be ensured as only 2.31 *per cent* to 12.60 *per cent* of the total registered HHs in the State could complete 100 days guaranteed employment. Execution of impermissible works was noticed. Some of the works stated to have been carried out were not found to be in existence, though completion certificates of the works had been issued. Employment provided to ST beneficiaries decreased from 49 *per cent* to 27 *per cent* during the period 2007-12. The generation of additional employment by the convergence of MGNREGS funds with other funds was not ensured and the converged funds were not utilised within the parameters of MGNREGS. Essential records such as Employment Registers required to be maintained at different levels were either not maintained or were not maintained properly. The grievance redressal mechanism was not effective as a large number of complaints were pending at the district and state level. Timeliness in the disposal of complaints was not ensured. Impact evaluation studies were not submitted by the agencies engaged for this purpose.

2.2.19 Recommendations

- Regular meetings of General Body of SEGC and its Empowered Committee should be conducted.

- For the registration and issue of job cards to the beneficiaries, eligibility of the applicant should be duly verified.
- Request for work should be obtained from the beneficiaries and dated receipt should be issued to them to enable them to get unemployment allowance in case of not getting the employment within 15 days.
- Maintenance of essential records of employment generation and asset creation should be ensured. Fortnightly reports and a copy of Muster Roll of the works executed by the line departments should be forwarded to the GPs for maintaining the data of employment generation.
- Impermissible works should not be sanctioned under the scheme.
- Convergence of MGNREGS funds with the funds of other schemes should be done for the generation of additional employment and for providing the benefits of other schemes also to the MGNREGS beneficiaries.
- Grievance redressal mechanism should be strengthened for timely disposal of complaints.