

12 Grievance Redressal, Transparency and Accountability

12.1 Prescribed Requirements

The main mechanisms prescribed under the Act and MoRD's Operational Guidelines/ circulars for grievance redressal, transparency and accountability are summarised below:

- **Grievance Redressal** – The PO and the DPC would be the Grievance Redressal Officers at the Block and District levels. Grievances are to be acknowledged, and disposal intimated to the petitioner. Details of grievance redressal are to be uploaded on the Internet on a weekly basis. Also, the State Governments should formulate rules for grievance redressal. Further, in September 2009, GoI directed all State Governments to establish, within three months, offices of Ombudsmen at the District level as an independent mechanism for redressal of MGNREGA related grievances.
- **Social Audit** – The Act mandates conduct of regular social audits under the Scheme by the Gram Sabha. MoRD's Operational Guidelines and the MGNREGA Audit of Schemes Rules, 2011 lay down the detailed procedures for half-yearly social audits by the Gram Sabha, including:
 - ❖ establishment of an independent social audit unit for facilitating conduct of social audits (through capacity building of resource persons, preparing social audit formats and guidelines, creating awareness, facilitating verification of records with primary stakeholders and worksites, facilitating smooth conduct of social audit by Gram Sabhas, and hosting social audit/action taken reports in the public domain);
 - ❖ specifying the process for conducting social audits; and
 - ❖ laying down the obligations of officials in relation to social audit.
- **Monitoring** – MoRD's Operational Guidelines provide for the formation of local Vigilance & Monitoring Committees (VMCs) for every work sanctioned under the Scheme, internal field verification of works (100 *per cent* of works at Block level; 10 *per cent* of works at District level; and 2 *per cent* at State level), and verification and quality audit by external monitors at the Central, State and District levels.

12.2 Audit Findings

12.2.1 Grievance Redressal

Audit scrutiny revealed that:

- State Government appointed an Ombudsman in every district (entrusted with the responsibility of examining all complaints of irregularities pointed out by the

Social Audit and passing ‘Awards’ expeditiously) in a phased manner (August/November 2010 and July 2011). However, in Vizianagaram and Anantapur districts, the post of Ombudsmen fell vacant from July 2011 and August 2012 respectively for which the State Government replied (August 2012/ February 2013) that the selection process was in progress.

- During 2009-10, the State Government introduced a formal system of registering grievances, petitions at GP/block/district level and maintaining complaint registers for recording, investigating and disposing the grievances of workers and complaints of public. Review of the status of complaints received and settled during the last three years from 2009-10, as reported by Director, EGS, indicated that pending cases amounted to about 10 *per cent* of the total cases registered. However, the status of grievance redressal was not uploaded onto the AP MGNREGS MIS website.
- Audit scrutiny in the sampled districts confirmed maintenance of complaint registers at the Mandal level in all the sampled districts, as well as the pendency of complaints.
- In Vizianagaram district, out of 185 disposed cases, 121 were rejected and 64 were accepted/redressed. As per Praja Vani, the time taken for settlement of complaints ranged from 1 to 7 months; however, scrutiny of the complaint registers indicated delays of 2 to 5 months. As of August 2012, 26 cases from 2011 and 15 cases from 2012 were pending. Also, a representation from 130 villagers of Lakkidam GP³⁶ for provision of work was registered in Gantyada mandal, Vizianagaram district. This was not acted upon on the grounds that the beneficiaries refused to do work on account of low wages.
- State Government set up a toll free help Line (155321 BSNL users) and 1800-200-4455 (March 2012); complaints registered through the Help Line are redressed by Redressal officers at Mandal, Cluster, District and State levels by the Commissioner, Rural Development.
- In April 2011, the State Government created a legal cell to deal with MGNREGA related court cases filed by general public, voluntary organisations and such other entities. Further, the State Government enacted ‘The Andhra Pradesh Promotion of Social Audit and Prevention of Corrupt Practices Act, 2012’ in April 2012³⁷, providing for creation of special mobile criminal courts with powers to sentence erring officials for upto two years for fraud in record keeping, misappropriation of funds, non-disbursal of payments and abetment of these offences; the first mobile criminal court was set up in 2012.

³⁶ Outside our audit sample of GPs

³⁷ Replacing the Social Audit (Punishment of Corrupt Practices) Ordinance, 2011

12.2.2 Social Audit

Social audits of NREGA works were initiated in July 2006 under the aegis of the Strategic and Performance Innovation Unit (SPIU) of the Rural Development Department in collaboration with civil society activists. A multi-tier structure (consisting of State Resource Persons, District Resource Persons, and Village Social Auditors) was set up.

In contrast to other States, the social audit process concludes with a two level hearing:

- A hearing at the level of the Gram Sabha; followed by
- A consolidated ‘public hearing’ at the Mandal level where the major social audit findings in respect of all GPs under the Mandal are read out, opinions of villagers, officials and other stakeholders taken, and decisions taken on the social audit findings. While the meeting is chaired by a representative of DPC/Additional DPC, a Mandal level Specialist Officer (from outside any implementing agency) is deputed for this hearing.

Details of social audit findings and action taken reports are available on the Social Audit website. A summary of Social Audits conducted during the last three years, and the status of cases settled, penal actions imposed are indicated in *Appendix-5*. It was noticed that against objections worth ₹347.61 crore raised in social audit during the last three years from 2009-10 to 2011-12, recoveries were effected for only ₹18.35 crore (5 per cent) to end of August 2012.

12.2.3 Inspection and Vigilance

- Details of inspections carried out at the State level, District level authorities and Block level and the shortfalls in the inspections at the respective levels for the three years from 2009-10 to 2011-12 are indicated in *Appendix-5*.
- State Government has established³⁸ a third party quality audit/control system, consisting of Chief Quality Control Officers and Regional Quality Control Officers at the State level, and Senior/Junior Quality Officers at the District level.

However, these third party quality control teams do not cover works by other Implementing Agencies (PRED, Horticulture, Forest, etc.), which are covered by their own quality control mechanisms. For effective, consistent and independent quality control, the control mechanism for works executed through Mandals/PRIIs should also cover works by other implementing agencies.

State Government replied (August 2012) that the suggestion of audit would be examined in consultation with GoI.

- State Government also appointed a Chief Vigilance Officer (CVO) specifically for MGNREGA implementation, who is the designated State level vigilance authority. In addition to other vigilance matters, he was also made responsible for

³⁸ GO No. 387 dated 10 August 2007

monitoring action on Social Audit Reports. State Government has also developed standardised electronic templates for disciplinary action on social audit and related findings, including charge sheets, notices for personal hearing, and final orders.

12.2.4 Beneficiary Survey Findings

The findings of the beneficiary survey conducted by Audit relating to transparency, grievance redressal, monitoring and vigilance and social audit are summarised below:

| Criteria | Findings |
|---|---|
| Painting/pasting of work details on walls | 45 <i>per cent</i> stated that such painting took place; 54 <i>per cent</i> responded in the negative; 1 <i>per cent</i> did not respond. 100 <i>per cent</i> negative responses were received from Ranga Reddy, Visakhapatnam and Vizianagaram (Kurupam mandal). |
| Work sites visited by officials | 93 <i>per cent</i> indicated that work sites were visited by officials and 7 <i>per cent</i> responded in the negative/did not respond. However, responses for Kurnool (Krishnagiri and Chagalamarri) and Vizianagaram (Gantyada and Kurupam) were poor. |
| Harassment | All beneficiaries stated that there was no harassment at the worksite. |
| Social audit | Only 48 <i>per cent</i> beneficiaries stated that social audits were conducted in their village, 46 <i>per cent</i> beneficiaries stated that they knew what is social audit, and 35 <i>per cent</i> stated that social audit reports were discussed in the Gram Sabha. In particular, awareness was very poor in Ranga Reddy (Yalal and Yacharam mandals) and Visakhapatnam (Butchayapeta and Sabbavaram mandals), with 99 <i>per cent</i> beneficiaries stating that they did not know what social audit is. |
| Grievances | 11 <i>per cent</i> beneficiaries stated that MGNREGA was not implemented properly in their villages, while 4 <i>per cent</i> (69 beneficiaries) had specific grievances (number allotted but job card not issued, delay in payment of wages, non-provision of work implements, poor planning and work allotment which may necessitate migration). Of these, only 9 beneficiaries had lodged complaints, of which 2 (relating to provision of implements) were redressed in 7 days. |

State Government replied (August 2012) that remedial measures like updation of details of works, cumulative number of days and wages paid for painting on the walls by Village Social Auditor and web reports, creation of awareness among the beneficiaries were undertaken.