

महत्वपूर्ण
भारत सरकार प्रकरण

प्रेषक

आयुक्त
ग्राम्य विकास
उत्तर प्रदेश।

सेवा में

जिला कार्यक्रम समन्वयक/जिला अधिकारी
सीतापुर।

पत्रांक— १५१ /एनआरईजीएस सेल/एन.एल.एम./10

दिनांक : ५ -2-2011

महोदय,

महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारण्टी योजनान्तर्गत श्री मशोदा लाल, अनु सचिव, ग्रामीण विकास मंत्रालय, भारत सरकार, नई दिल्ली के पत्र संख्या-जे-11017/1/एमजीएनआरई जीए, दिनांक 21.1.2011 के साथ संलग्न ले० कर्नल श्री आर.एस. जमवाल, नेशनल लेवल मानीटर द्वारा जनपद सीतापुर में की गयी विशेष अनुश्रवण आख्या (छायाप्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करें।

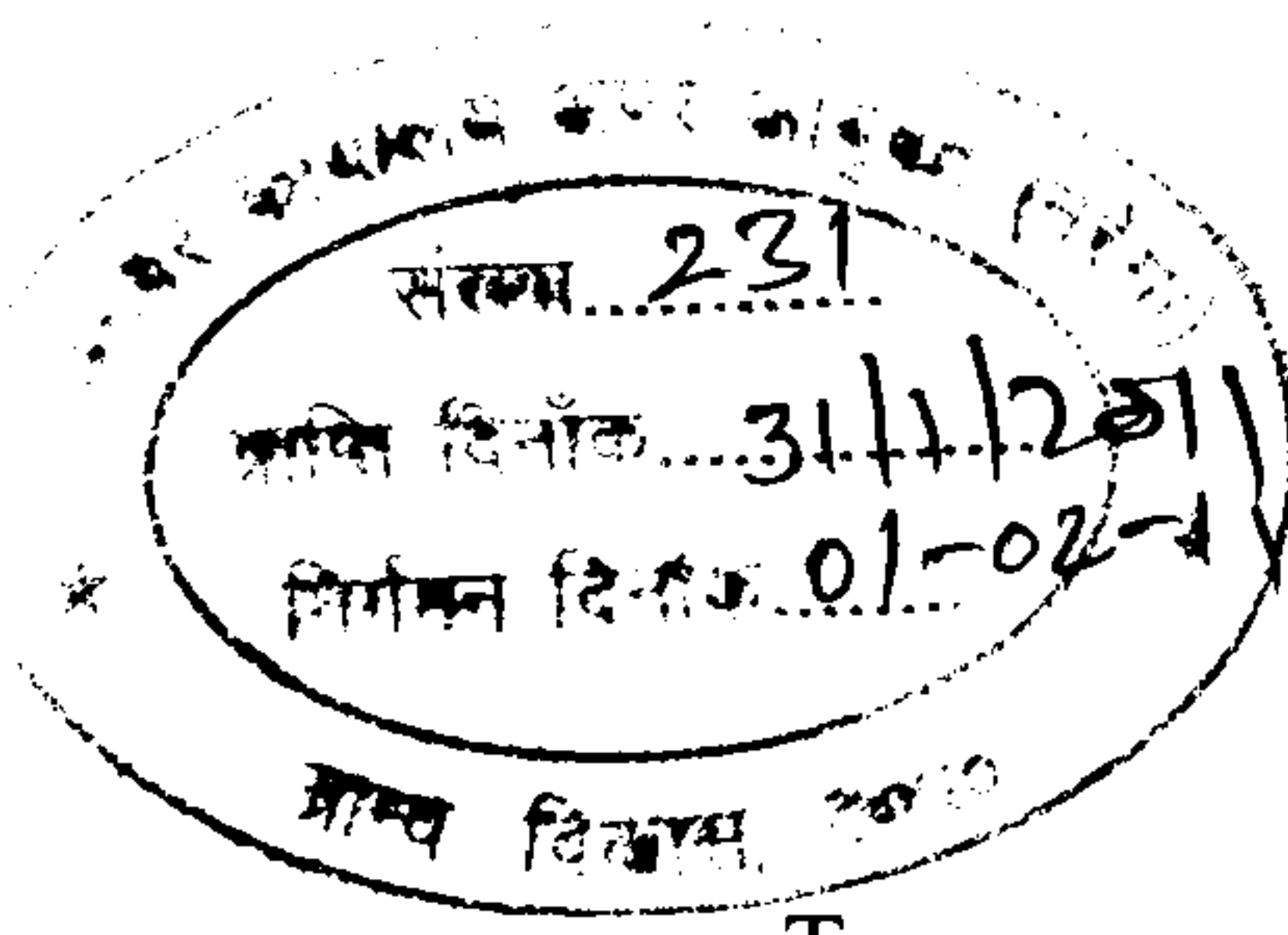
प्रश्नगत अनुश्रवण आख्या में उल्लिखित तथ्यों पर आवश्यक कार्यवाही सुनिश्चित करते हुए कृत कार्यवाही की आख्या 15 दिन के अन्दर उपलब्ध कराने का कष्ट करें।

भवदीय

(अनुराग यादव)

अपर आयुक्त(एनआरईजीएस)
ग्राम्य विकास, उत्तर प्रदेश।

कार्यालय एम०जी०एन०आर०ई०जी०ए० सेल
उपायुक्त
प्राप्त दिनांक.....
संख्या..... 103
निर्गत तिथि..... 02 Feb 2011



To

No.-J-11017/1/2010-MGNREGA(278)
Government of India
Ministry of Rural Development
Department of Rural Development
MGNREGA Division (BKS Marg)

C-21, Baba Kharag Singh Marg
State Emporium Building, New Delhi,
Dated: 21st January, 2011

25

Shri Anurag Yadav
Additional Commissioner
Rural development Department
Government of Uttar Pradesh
Lucknow

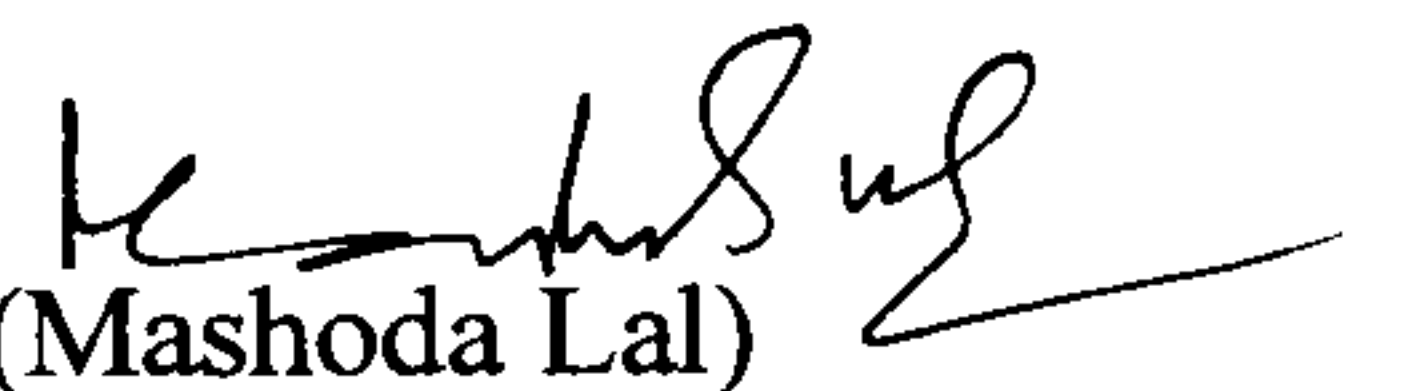
Subject: Letter dated 24th June, 2010 Shri Jitin Prasad, MOS forwarding a letter of Shri Rammurti of village- Bohra, District – Sitapur regarding irregularities and corruption in construction of roads under MGNREGS.

Sir,

I am directed to forward herewith a copy of a letter dated 24th June, 2010 Shri Jitin Prasad, MOS forwarding a letter of Shri Rammurti of village- Bohra, District – Sitapur regarding irregularities and corruption in construction of roads under MGNREGS. An NLM was deputed in the matter. Lt. Col. R.S. Jamwal, NLM conducted an enquiry into the complaint and as per findings the allegations have been found partly true. A copy of findings is sent herewith.

State Government is therefore, requested to look into the matter and a detailed action taken report may be sent to this Ministry urgently.

Yours faithfully,


(Mashoda Lal)

Under Secretary (Mahatma Gandhi NREGA)

संख्या 103

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31/1/2011

(अनुराग यादव)
उपायुक्त (एम०जी०एन०आर०ई०जी०ए०)
ग्राम्य विकास, उ० प्र०

INVESTIGATION & ASSESSMENT REPORT

ON

The COMPLAINT OF SH RAMMURTHY

OF

GRAM PANCHAYAT BOHRA

OF

SAKRAN BLOCK DISTRICT SITAPUR

BY

Lt. Col R.S. JAMWAL

NLM

C-301 HIMACHAL APARTMENTS

5/21 DWARKA ND-75

Contact No 9811638889

9654330628

TABLE OF COTENTS

| <u>CHAPTERS</u> | <u>Pages</u> |
|-----------------|-----------------------------------------------------------------------------------------------------------|
| 1. INTRODUCTION | General Information background of the Complainant. Terms of Reference and list of appendices. |
| 2. CHAPTER-I | Cause of Action |
| 3. CHAPTER-II | Parties |
| 4. CHAPTER-III | Pleadings |
| 5. CHAPTER-IV | Examination of Evidences |
| 6. CHAPTER-V | Inspections |
| 7. CHAPTER-VI | Hearing of Parties and witnesses |
| 8. CHAPTER-VII | Findings |
| 9. CHAPTER-VIII | Summary table of investigation |
| 10. CHAPTER-IX | Conclusion |
| 11. CHAPTER-X | Overall assessment of performance Recommendations for action to the taken by- (A) |
| 12. CHAPTER-XI | State/District Administration (B) MORD |

INVESTIGATION AND ASSESSMENT REPORT

ON

IRREGULARITIES IN IMPLEMENTATION

OF

MAHATMA GANDHI NREGA

IN

VILLAGE BOHRA OF SAKRN BLOCK OF

SITAPUR DISTRICT

1. **General information of the District:-** District Sitapur has 6 Tehsil 19 blocks 1329 panchayats with a total population of 36,19,661 of which 4,29,616 are job card holders. The District has a budget of 7630270 for the year 10/11 of which 5725.620 have been utilised as on date.
2. The investigation on the complaint of Sh Rammurthy of village Bohra, regarding irregularities in implementation of MGNREGA in this block as a whole and in his own village in particular was carried out from 10 sep to 13 sep 10.
3. **Background of the Complainaut SH Ramamurthy** Sh Ramamurthy is the RO village Bohra of Sakarn Block. His wife smt **Rajkali** is the member of block development council. Both are illiterates but Mr Rammurthy is more active. The individual has a political leanings towards BSP . Mr Ramamurthy being the husband of one of the members of the block development council is being explited by vested interests.
4. **Bases of Investigation** The investigation cum assessment report is based on the following
 - a. **Interaction with -**
 - CDO (Hriday Shankar Tiwari)
 - PD (Dharam Chandra Tripathi)
 - BDO Sakaran (Mr Anil Kumar)

- Mr Kanhaya lal J.E. Who investigated the complaint initially based on the letter from MLA Nirmal verma
- Mr Maurya J.E. Irrigation who investigated the complaint and submitted the report
- Mr Ramamurthy Complainant
- Anil kumar Mishra and Mr Kulbir Singh who sought information under RTI
- Village Pradhan and no of Job card holders of village Bohra
- Other related panchayat functionaries

b. Perusal of MGNREGA records of Panchayat and Block level

CHAPTER-I
CAUSE OF ACTION

1. A Complaint was received by the minister of Rural Development through Mr Jatin Prasad, Minister of State for petroleum and Natural gas, alleged to have been written by Sh Ramamurthy s/o Sh lalji of Gram Panchayat Bohra of Sakran Block of Sitapur District (U.P.) The Complainant Sh Rama murthy in his undated Complaint has raised the following issues.

(a) That the work under MGNREGA was undertaken on 3-4-10 from Bohra Nala to Bazar purva, where in the labour was employed from out side the panchayat promising Rs 80/= perday as cash payment by the JE -Mr Kanhaya Lal and Husband of Block President mohley. Mr Rammurthy along with others complained to the concerned district authorities ie BDO and the DM along with MLA sh Nirmal Verma. The MLA vide his letter Dated 13-3-10 asked the relevant report of the work under taken. The news papers simultaneously statrted high lighting the irregularities and hence the work was stopped on 13-4-10 and subsequently declared as a SHRAMDAN done voluntarily by the villagers. The villagers asked for the payment but were told to take the payment from the person who ordered for execution of this work.

(b) Following three similar works were undertaken in the gram panchayat earlier under MGNREGA where in out side labour as well as machinery was engaged

- a. Guheyan purva to Gulri pura
- b. Salauli natha purva se kajipur
- c. Sanda bahra marg se dibiya nala tak mitti ka karya

2. Sh rammurthy has complanied basically on two issue ie Labour being employed from out side and machinery being used. The complaint involves the following

- (a) JE, Mr Kanhaya Lal
- (b) Sh Mohlay husband of smt Kamla DeviPramukh Block development council.
- (c) BDO
- (d) DM

CHAPTER-II

PARTIES

1. **Complainant** Sh Ramamurthy, r/o Bohra belongs, to SC community. His wife Mrs Rajkali is the member of Block Development counsel the individual has an affiliation with BSP. The wife is totally illiterate and the husband Ramamurthy manages the whole work of his wife. She is only a show window and does not know the ABC of the post she is holding.
2. **Defendants**
 - a. Sh Mohley is the R/o-Bohra His wife is the Block pammukh of BDC . The wife is illiterate and the husband is acts on behalf of his wife
 - b. JE- Sh kanhaya lal is the JE in Sakran Block for the last 8 years and the only JE available to superwise eubre MGNREGA works in the Block. The individual made preliminary investigation as the letter of local MLA Mr Nirmal Kumar
 - c. BDO-sh Anil Kumar has spent about 10 months in the Block
 - d. DM Since complaint was addressed to DM and he ordered its investigation through the BDO.

CHAPTER-III

PLEADINGS

1. Complainant. The complainant sh Ramamurthy has categorically denied having sent the complaint to the Minister of state for petroleum and natural gas The Complaint does not bear his signatures and the telephone no given on the complaint is also not known to him.
2. Not well standing the denial by the complainant about the complaint, the following issues have been raised in the complained.
 - a) That in Gram panchayat bohra, work was under taken from Bohra Nala to Bazar Purva on 3/4/10, by employing out side labour on cash payment of Rs 80/= PD. ou repeated complaints about the irregularities, the MLA of the Area as also the DM enquired about the complained but nothing substantial was found. The said works was subsequently declared as being done voluntarily and chapter closed.
 - b) similar three works earlies undertaken also had lots of irregularities the details of these works are
 - Guheyan purva to Gulri pura
 - Salauli natha purva se kajipur
 - Sanda bahra marg se dibiya nala tak mitti ka karya
 - c) The information under RTI was sought by Sh Anil kumar misra of Bobra and Kulbirsingh of kalpurva on 20-4-10 has also not been made available by the BDO.
3. Defendents All the defendents have denied all these allegation stating that these are levelled due to their different political leaning and the allegations have been investigated and found to be false.

CHAPTER-IV

EXAMINATION OF EVIDENCE

1. **Complainant.** The Complainant Mr Rama murthy has denied that he ever sent any compalint to the Minister of State For Petroleum and natural gas shri Jatin Prasad. He has also slated that signature in the complaint are not his as also the telephone no given in the complaint is not his.
2. He however has admitted that he had in the past sent a complaint with similar allegations to the DM on which he had put his thumb impressions along with other job card holders and also enclosed affidavits of all the other co-complainants.
3. The complainant was shown his complaint as well as his affidavit by the BDO, which he acknowledged having sent. on the veracity of the complaint and the contents, Mr Ramamurthy categorically stated that he is an illiterate and can neither read nor aware of all the contents. He was asked to sign the complaint and he put his thumb impression, on persistent query as to who prepared the complaint on his behalf, Mr Ramamurthy skirted the issue and did not divulge the name of the persons who prepared and submitted the complaint on his behalf
4. Mr Ramamurthy stated that he asked for executions of MGNREGA work from Bohra Nala to Bazar Purva and employed labour from his village, but the work was immediately stopped. There after Mr mohley whos wife is the block parmukh of sakran block, commenced the work by employing labour from out side the jurisdiction of the panchayat. Since he Mr Ramamurthy was denied execution of the said work, he along with others submitted a complaint to the DM as also complained to the local MLA Niramal verma. The execution of the said work was stopped by the administration saying the work has not been sanctioned under MGNREGA.
5. Mr Ramamurthy has given two affidavits, one attached with the complaint and the second one attached with the inquiry report. Both are contrary to each other. First affidavit gives the allegation and the second one says he has no grievances and withdraws all allegation leveled in the complaint The statement of Mr Ramammurthy staling that he has no grievances against any one now and the case be closed is enclosed as **Appx A**

6. Co-Complainant Mr Anil kumar Misra. Mr Anil kumar and kulbir singh in the complaint of sh ramammurthy had made an allegation that they sought some information under RTI from the BDO, which was not given to him.
7. On inquiry from the individual they stated that the information sought by them from the BDO under RTI has been provided to them and they are satisfied with it and have no grievances whatsoever. The statement of Sh Anil mishra is enclosed as **appx B**. Similar statement has been given by kulbir is enclosed as **appx C**
8. The Other persons named in the complaint were not made available by the administration and hence could not be interacted with.
9. **Defendants** Following persons were interacted with and their statements obtained pertaining to the complaint. These are given in the succeeding para-
10. Sh Anil Kumar is the BDO, Sakran for the last about 10 months. The Complaint of Ramamurthy addressed to DM was sent to the BDO for investigation by the DM. Simultaneously by the local MLA Nirmal Verma sent a letter to the BDO asking details of the work under taken from Bohra Nala to Bazar Purva.
 - The BDO was asked about the action taken on MLA's letter and complaint of Sh Ramamurthy. The BDO produced the following documents.
 - a) Letter of the BDO addressed to the NLM highlighting the actions taken on the complaint and para wise reply on the issues raised by the complainant copy of the letter is enclosed as **Appx D**.
 - b) Letter addressed to DM enclosing a copy of the investigation report on the complaint of Mr ramamurthy by Sh Mansha Ram Maurya, JE/Irrigation copy of letter enclosed as **Appx E (E-1 to E-6)**
 - c) Copy of the complaint addressed to DM along with affidavits enclosed as **Appx F(F1 to f6)**
 - d) Copy of the letter written by MLA Sh Nirmal Verma and the remarks endorsed by JE kanhya Lal stating that no work has been sanctioned under MGNREGA. **Copy enclosed as G-1.**
 - e) Copy of the letter written by gram Pradhan of Bohra Panchayat stating that the work from Bohra nala to bazar purwa was neither approved nor executed by the gram panchayat. Copy enclosed as **app H**

f) Copy of the approved works under MGNREGA of Bohra Panchayat for FY 2008/09, FY 2009/10 and FY 2010/11 high lighting that the said work from Bohra nala to Bazar purva was not approved at all. Statement was found to be true.

g) Copies of the approved works are enclosed as under

⇒ Fy 2008/09 - Appx J

⇒ Fy 2009/10 - Appx K

⇒ Fy 2010/11 - Appx L

10. The BDO, sakran, who get the investigation done has highlighted the following points:-

- (a) That no work on Bohra nala to bazar purva was under taken from block panchayat or gram panchayat from 3-4-10 till date and there was no question of making any payment
- (b) Since no work has been undertaken the complaint is irrelevant
- (c) The information sought by MLA was provided to him saying no work has been sanctioned/undertaken.
- (d) Since no work was undertaken hence no shram Daan ever declared.
- (e) No one ever came to block to claim wages against the said work.
- (f) the complaint was investigated by JE irrigation and was found to be base less
- (g) the complaint is irrelevant.
- (h) Since work was not sanctioned hence no estimates were prepared, no muster rolls were issued and no works site engineer detailed.
- (i) Other two works were executed by gram panchayat
- (j) The information under RTI asked by Sh Anil kumar and kulbir singh has been provided on 16-6-10.
- (k) Two years the villagers on kevani nadi to improve the Bandh and prevent the water cutering the village did earlier Shram dan.

CHAPTER-V

INSPECTION

1. **Worksite Visit.** The worksite mentioned in the complaint i.e. Bohra Nala to Bazar Purva could not be reached due to heavy flooding in the area and hence no comments.
2. **Visit to Bohra Village.** The undersigned visited Bohra and interacted with Pradhan and about 30 villagers. The interaction revealed the following:-
 - a) Pradhan stated that the said work was not sanctioned under MGNREGA.
 - b) Villagers never saw any work being undertaken on Bohra Nala to Bazar Purva.
 - c) The Pradhan and Mr. Ramamurthy belong to two different political parties and hence do not have cordial relations.
 - d) The payments in MGNREGA works are generally done within 15 to 20 days of execution of work.
 - e) The villagers however had their reservation on the quantum of works available. The Pradhan stated that works are executed as and when the funds are available.
 - f) The villagers highlighted that the complaint in question is due to personal differences of Mr. Ramamurthy and Mr. Mohley.
 - g) The villagers did not complain of any irregularities in MGNREGA works in their gram panchayat.
3. **Visit to Skern Block HQ.** The visit to the Block HQ, interaction with officials and perusal of records revealed the following.
 - a) Political interference. The local MLA Sh. Nirmal Kumar, had written a letter to the BDO for stopping the work at Bohra Nala to the Bazar Purva and asked for detail of the work.

b) Mr. Kanhaiya Lal, JE of the block made an endorsement on the MLA's letter that no such work has been sanctioned under MGNREGA.

c) The complaint of Sh. Ramamurthy submitted to the DM was enquired by JE irrigation. The JE when asked as to how was the inquiry conducted revealed that he visited the area twice, on his first visit he could not meet anyone and on his second visit he met Ramamurthy and one more person and told them to give their statements on affidavits which the villagers made and submitted in his office subsequently. He did not record any of the statement himself. All affidavits have the same language and hence, some one from the administration dictating the contents of the affidavit can not be ruled out.

CHAPTER-VI

HEARINGS OF PARTIES AND WITNESSES

The Hearing of parties and witnesses and their statements have been given in chapter IV. Examination of evidence.

CHAPTER-VII

FINDINGS

1. The complainant Mr. Ramamurthy has denied having sent any complaint to Sh. Jitin Prasad, Minister of State for Petroleum and Natural Gas. Not with standing he accepted that he has sent a complaint with almost similar allegations to the DM.
2. The findings are based on the following:
 - a) Interaction with District/Block/Panchayat level functionaries.
 - b) Interaction with villagers/Job card holders of village Bohra.
 - c) Perusal of records of MGNREGA implementing agencies down to panchayat level.
 - d) Interaction with the complainants.
3. **Allegations and findings.** The allegation wise findings are given in the succeeding paras.
 - a) **Allegation-I.** The MGNREGA work from Bohra Nala Bazar Purva was done by employing out side labour and machinery.

Findings on allegation-I

- Mr. Ramamurthy along with few labours started execution of work on 14 April by employing local labour on his own, claiming that the work is being executed under MGNREGA.
- The work was stopped on the intervention of local MLA Sh. Nirmal Kumar by the administration vide his letter (copy enclosed).
- Mr. Mohley, there after alleged to have commenced the same work by employing labour from out side. The work was again stopped when Mr. Ramamurthy complained.
- The said work has not been listed in the approval of works for FY 09/10 and 10/11 as such technical and financial sanction

has not been accorded by the administration as per the records available.

- No payment have been made from MGNREGA funds.
- Interpersonal rivalry is the main cause of the complaint.
- The allegation I has been found to the false.

b) Allegation-2. Sh. Kanhiya Lal, JE of the block had gone to the houses of job card holders threatening them of sending them to jails on false charges.

- The allegation was not substantiated by any of the complainant/ general public interacted with and hence no comments can be offered.
- Mr. Kanhaiya Lal JE, had been in the block for over 8 years and is the only JE available to over see all MGNREGA works. The high headedness of the official can not be totally ruled out. Though can not be proved.

c) Allegation No.-3

Irregularities in other MGNREGA works executed earlier.

- No supporting documents were made available by the complainant and he stated that he just made the allegations without any proof. All that Mr. Ramamurthy wanted was a work to be executed under his guidance so that he can consolidate his vote bank in the area. The allegation could not be substantiated with any proof and hence false.

d) Allegation No. 4. The information under RTI was asked by Sh. Anil Kumar Mishra and Kulbir Singh was not made available to them.

Findings. Mr. Anil Kumar Mishra has categorically stated that the information asked for by him under RTI has been made available to him after the complaint. there had been a delay in providing the information. The allegation is true as the information was provided late.

e) **Allegation-5.** BDO Sh. Anil Kumar was posted out but the posting was cancelled. The statement was found to be true.

f) **Misc observations**

- The execution of MGNREGA works at Block and district level is done by allocation of works to members of BDC/District Panchayat members.
 - In Skern Block there are 71 BDC members, who keep fighting for grabbing the MGREGA works in their own areas for generating the vote Bank. The members of ruling alliance get preference over others. No proof but true.
 - The implementation process of MGNREGA works has yet to stabilize in the block even after 5 years of its implementation.
 - The works are not demand based as the people are less educated on their rights of demand of work and employment allowance.
 - By and large the Job Card holders are reconciled that as and when Pradhan opens work, they will work.
 - There hardly appear to be any efforts on IEC.
 - The method adopted by Sh. Maurya JE irrigation for enquiry of the complaint of Sh. Ramamurthy by obtaining affidavits from the complainants does not appear to be fair for following reasons.
-
- The official went to the village for inquiry on two occasions.
 - On his first visit he could not meet any one.
 - On his second visit he met Mr. Ramamurthy and one more person whose name he does not remember.
 - He did not record any of the statement.
 - The affidavits were received in his office of four persons with similar language which appears to have been dictated by the official, though he

denied having pressurized the complainants for reversal of their statements. Prima facie, it appears that the officials influenced the complainants to withdraw their allegations.

- Since no irregularities are involved this can be ignored.

CHAPTER-VIII

SUMMARY TABLE OF INVESTIGATIONS

| S. No. | Brief statement of allegations | Evidence produced | Not produced | Findings True/False/Partially True/False |
|--------|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------|------------------------------------------|
| 1. | Allegation-1 External labour and machinery was used in Bohra Nala to Bazar Purva | No Evidence was produced as the work was not a sanctions work under NGNREGA | | False |
| 2. | Allegation-2. Similar other four works were under taken in the area where out side labour and machinery was used. | No Evidence was produced and no documentary evidence was found to substantials the allegation. | | False |
| 3. | Allegation-3 Sh. Kanhiya Lal Pressurized the complainant to change their statements | No Evidence was produced the complainants have back tracked from the allegations | | Partially true |
| 4. | Allegation-4 BDO was transferred but the transfer was cancelled with in the 24 hours | Yes verified | | True |

CHAPTER-IX

CONCLUSION

1. The complainant Sh. Rammurthy has totally denied having sent any complaint to Sh. Jitin Prasad, Minister of State for Petroleum and Natural Gas. His signatures and telephone no. do not match. However, the complainant alongwith same persons did submit a complaints to the DM alongwith affidavits. The allegations in the complaint were almost similar in nature.
2. The complaint was inquired by JE irrigation. All the complainants back tracked from their earlier allegation and submitted an affidavit stating that they were misguided into writing the complaint. Since the MGNREGA works have commenced in the area, they have no grievances against anyone and have since asked the complaint be closed.
3. The BDO has recommended to the DM that the allegations were motivated and no irregularities were found and hence the case be closed.
4. The investigation and interaction with the complainant revealed that, Mr. Ramamurthy, husband of BDC member wanted a MGNREGA work to be executed through him employing his own supporters. Since he was not allowed to undertake the unauthorized work from Bohra Nala to Bazar Purva, as such a complaint against the husband of BDC Pramukh Mr. Mohley, accusing him of using outside labour and machinery on the same work. The complaint was lodged to get a work to be executed through him.
5. He has now stated that he was misguided for writing a complaint and has no grievances at all against anyone. The matter stands resolved.
6. The investigation did not reveal any irregularities. The work in question has neither been approved nor executed under MGNREGA.

Panchayat. The allocation of works is done mostly under the political influence of the local MLA's/leaders. A Phenomena which is difficult to check.

5. The interaction revealed that no concerted efforts are made on IEC. Job Card holders are not aware of the admissibility of unemployment allowance.
6. The works are not demand based. In fact the concept of demand based work is just not known to job card holders. As and when the money is made available to the Panchayats, the works are undertaken, otherwise no works are executed.
7. Implementation process is rather slow. The job card holders do not have the choice of demand based work.
8. Considerable delay in banking system has also been highlighted in some cases even much beyond 30 days delayed payments are made.
9. The planning and execution of MGNREGA works and banking system of payments needs stream lining.
10. Concerted and dedicated efforts are needed at all levels to ensure the objectives of the scheme in terms of demand based work and timely payment of wages are achieved.

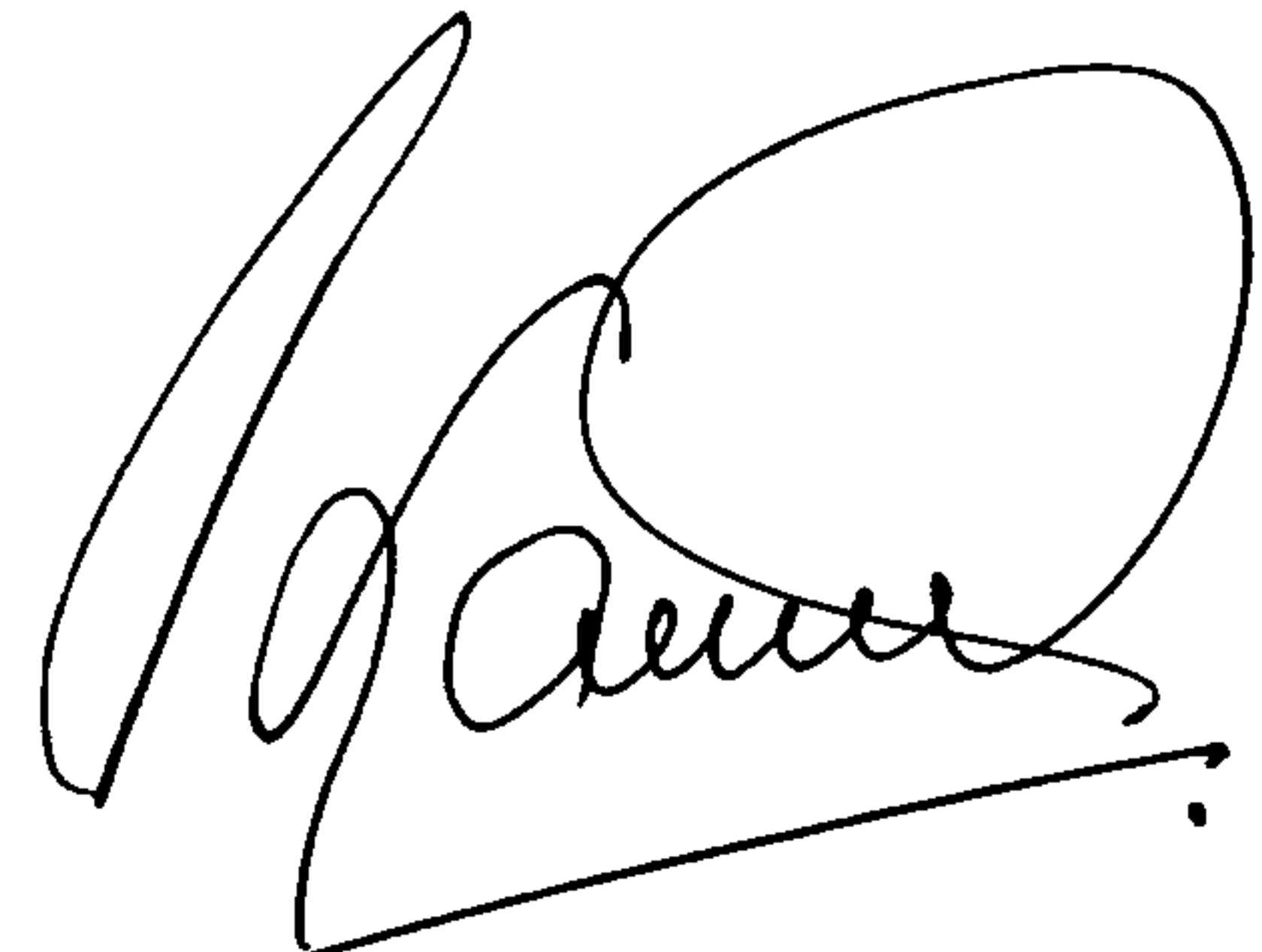
CHAPTER-XI

RECOMMENDATION FOR ACTION

1. **State/District Level.** The Complaint had no verifiable allegations, it was basically to grab the MGNREGA works and a fight between Mr. Ramamurthy and Mr. Mohley, both belonging to two different political affiliations. The work has neither been sanctioned nor executed under MGNREGA and hence allegations appear to be false.

2. **Ministry of Rural Development**

Nil



Sheel R S Jannwal
NCM.