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**MGNREGA Ombudsman
a Forlorn Scarecrow:
Issues and Ways Forward
in Karnataka**

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MGNREGA OMBUDSMAN A FORLORN SCARECROW: ISSUES AND WAYS FORWARD IN KARNATAKA

Sanjiv Kumar¹ and S Madheswaran²

Abstract

Ombudsman is potentially a low-cost, time effective accountability institution and can substantially improve the quality of MGNREGA implementation by plugging leakages and suggesting improvements. It is definitely a low-hanging fruit and the government could easily inject life in this institution. From perusing the records and a cursory review of the literature, the authors have not so far come across any published academic research or systematic evaluation of the functioning of the MGNREGA ombudsman in Karnataka or anywhere in India; hence, this rapid study tries to assess the practice of ombudsman in Karnataka to explore its effectiveness in grievance redressal and reduction of corruption and enhancing the transparency and accountability in MGNREGA implementation. The policy implications and suggestions are highlighted for improving the efficacy of the programme.

Introduction

Mahatma Gandhi National Rural Employment Generation Act (MGNREGA) is one of the largest right-based workfare programmes, reaching out to 50 million households and spending almost half a per cent of GDP, and has been studied from different perspectives and many researches and observers have flagged awareness and enforcement of rights as its weaker links.

A rights-based programme like MGNREGA should essentially have a credible mechanism and contrivances to enforce workers' right. MGNREGA has an internal grievance redressal system and a vigilance mechanism along with social audit and ombudsman etc. Mere enactment and statutory conferment of rights may not be sufficient to ensure realisation of those rights and their enjoyment. It may require not only awareness of the rights but also awareness of how to enforce them. Establishment of an ombudsman is one of the key institutions facilitating enforcement of the right of guaranteed employment.

Section 27(2) of the MGNREG Act, 2005 envisages, 'without prejudice to the provision of sub-section (1), on receipt of any complaint of improper utilisation of funds granted under this Act in respect of any scheme, if the central government was, prima-facie satisfied that there was a case, it may cause an investigation into the complaint made, by any agency designated by it and if necessary, order stoppage of release of funds to the scheme and institute appropriate remedial measures for its proper implementation within a reasonable period of time.' And under this provision, the central government has issued its instruction on ombudsman. Accordingly in Karnataka at the district level, an ombudsman has been appointed and a multi-member ombudsman appellate authority at the state level has been established. Instructions on ombudsman define 'ombudsman' to mean any person appointed under clause 3 of the instructions and includes the deputy ombudsman. A committee chaired by the Chief Secretary selects and recommends and the state government may appoint one or more persons, but

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not more than three persons, as the ombudsman in a district. It provides norms for the appointment, tenure, removal and remuneration of the ombudsman. It declares that the ombudsman shall be independent of the jurisdiction of the Central or State Government. It provides for technical and administrative support, powers and duties etc. of ombudsman. It prescribes procedures for redressal of grievances and illustrates grounds on which complaints shall be filed.

It states proceedings of the ombudsman shall be summary in nature and he shall not be bound by any legal rules of evidence and may follow such procedure that appears to him to be fair and proper. In any proceeding before the ombudsman, if the facts reveal a case of illegal gratification, bribery or misappropriation and the ombudsman is satisfied that the case is fit for further investigation by a criminal court, the same is referred to the authority competent to sanction criminal prosecution.

It further requires that the summary report of cases disposed of by the ombudsman will be reported to the State Employment Guarantee Council and will also form part of the annual report and will be placed in the Legislative Assembly. From the record and cursory literature review, the authors have not so far come across any published academic research or systematic evaluation of the functioning of the MGNREGA ombudsman in Karnataka or anywhere in India; hence this rapid study tries to assess the practice of ombudsman in Karnataka to explore its effectiveness in grievance redressal and reduction of corruption and enhancing transparency and accountability in MGNREGA implementation.

A Brief Review of Literature on MGNREGA Ombudsman

MGNREGA is far from perfect, but a lot more effective than any other existing scheme in benefitting the poor (Mookherjee, D, 2014). Corruption and leakages in MGNREGA are a serious concern. One of the key tools for eliminating corruption and addressing the grievances of the poor beneficiaries of MGNREGA is the institutionalisation of ombudsman at the district level and a multi-member MGNREGA Ombudsman Appellate Authority at the state level.

I have tried to do a brief review of the literature on MGNREGA ombudsman and find that there is hardly any academic research and scholarly papers published on the subject.

Sarojini Sharan (1971) examined the concept of ombudsman in India and concluded that the institution of ombudsman has been successful only in geographically small countries where the ombudsman is able to establish personal rapport with the citizens. She further avers that in India, with all-pervasive rampant corruption and maladministration and a consequent spate of grievances, the time taken by the ombudsman will be similar to the prolonged court proceedings, and red-tapism may grip even the ombudsman's office. To buttress this, she quotes Gellhorn Welter of the Norwegian expert commission on Administrative Procedure, who said that the system of ombudsman is a safeguard against the possibility of excess but not a weapon against abuses believed to be widespread.

Subhashini, Sumit and Waghmare (2015) examine the legislative and judicial outlook of the institution of ombudsman in India and conclude that in India, the ombudsman emerged to tackle the problem of maladministration, inefficiency and corruption, but with passage of time, the corruption grew to such an extent that now the institution of ombudsman is considered largely ineffective for addressing corruption.

Sukhtankar and Vaishnav (2014-15) emphasise that corruption is endemic and increasingly becoming a salient issue in India spawning enormous interest in media and academia. They find that there is very little evidence to support the idea that greater transparency, information, and community-based efforts may reduce corruption on their own.

Steven and Steven (2008) in their study suggest that in Belgium, the ombudsman functions as a 'change agent' and provides early warning of problems in public administration. They further find that the profile of complainants before the ombudsman is skewed; and that the socially disadvantaged are less likely to use the institution.

Ellen Ehmke (2016) assessed the quality of access and adequacy of benefits in MGNREGA public works and observed that there was an additional mechanism to redress grievances through a special MGNREGA ombudsman in every district, who can be called upon by individuals as well as groups of workers, who can file complaints on all aspects of the scheme.

Bhalla (2012) developed a 'Corruption Index' for MGNREGA and tried to analyse why it was higher in some states than others and concluded that the index so developed indicates leakage and corruption in MGNREGA. Ravallion (2012) does not agree with his view and asserts that Bhalla is confusing mis targeting with corruption.

Salian and Leelavathi (2014) studied MGNREGA in Karnataka and assessed the grievance redressal mechanism and concluded that due to lack of adequate publicity, particularly among the wage-seekers and the poor, these mechanisms are not accessed.

From the foregoing brief review of literature on the MGNREGA ombudsman, it is clear that although this issue has attracted high pitch advocacy and public discussion and debate, there are hardly any scholarly studies available on the subject in India. Hence my brief literature review reaffirms the urgent need for initiating research on the ombudsman.

Methodology, Database and Tools for the Study

This study is relying on both quantitative as well as qualitative data at micro and macro levels. At macro level, secondary data is collected from the State Government department and MGNREGA website. The micro level data is collected through primary survey of beneficiaries and non-beneficiaries. A representative sample of implementing stakeholders and others are interviewed with structured questionnaire and focussed group discussions.

Table 1: Districts, Taluks and Gram Panchayats Chosen for the Primary Survey

Sl. No.	Division	Districts	Taluk	Gram Panchayat	
1	Bengaluru	Ramanagara	Kanakapura	Shivanahalli	Uyamballi
			Magadi	Kalya	Kalari Kaval
2	Mysuru	Mysuru	HD Kote	Padukote Kaval	Hampapura
			Nanjanagud	Kempasidhanahalli	Sindhuhalli
3	Kalaburagi	Raichur	Devadurga	Hosura Siddapura	Mundargi
			Manvi	Vatagal	Gorkal
4	Belagavi	Belagavi	Khanapura	Manturga	Itagi
			Chikkodi	Ingali	Shamanevadi

Source: Author's purposive selection based on secondary data from MGNREGA website

Sampling design

In order to understand the worker's perspective on ombudsman in Karnataka, the study followed a multistage sampling procedure. Districts were chosen so as to represent all the four administrative divisions in Karnataka. The choice of the districts was based on the past performance in MGNREGA. Second stage of sampling involved the choice of taluks and two taluks were chosen from each district based on the past performance – one good and one not so good performing taluk. The third stage was the choice of Gram Panchayats and Two GPs were chosen randomly from each taluk. The final stage involved the selection of households. A stratified random procedure was applied to choose 20 beneficiaries and 10 non-beneficiaries from each GP. Women and SC/ST were given due representation.

From the selected four districts, further details were collected from the ombudsman's office and case studies were developed. Ombudsmen at district and state level were interviewed with structured questionnaires. Focussed group discussions of other stakeholders were done. Annual reports of RDPR, proceedings of the state council, meeting notes and proceedings of the Chief Secretary Committee, and relevant Acts, rules, guidelines, instructions and committee reports were perused.

MGNREGA Ombudsman in Karnataka

Institutional Arrangement

Government of India has laid down detailed instructions on ombudsman and since 2009 when the first instructions were issued, they have improved upon the same based on experiences and feedback from various states. Karnataka was among the few states who appointed some district ombudsmen in 2012-13 and state ombudsman in 2014-15 for the first time. Although on the appointment, removal, compensation and functioning of ombudsman the instructions of the Government of India are very elaborate, there is no guideline on how strong their offices should be in terms of staff strength etc. In the district generally, an office room is given to them for their hearing. There is an office board reading 'District Ombudsman Office' but there is no separate landline connection. So it may not be easy for the general public to contact them. In practice in Karnataka, in each district, there is a post of one ombudsman, with one data entry operator to help him. In a few districts with less workload in terms of cases filed, they may be having joint ombudsmen for more than one district. Often the data entry operator supporting the ombudsman is given additional work pertaining to MGNREGA. From experience, it is seen that it is difficult to get people of impeccable integrity and stature at the district level to be ombudsmen. In the last five years, two to thirteen vacancies have remained unfilled (See Table 2). From the quality of their knowledge of ombudsman process and orders, it is evident that their training has not been very effective. Maintenance of records in the ombudsman office is far from satisfactory and in some districts like Mysuru, it is missing since a few years.

Table 2: MGNREGA - Payment to Ombudsmen 2014-15 to 2018-19 (Amount in Rs)

Sl. No.	Year	Ombudsmen Working (No. of Districts)	Ombudsmen In charge Arrangements (No. of Districts)	Honorarium Under State Funds	Sitting Fee Under 6% Administrative Expenditure	Total
1	2014-15	22	5	4,50,000	44,12,600	48,62,600
2	2015-16	25	2	23,66,129	49,55,000	73,21,129
3	2016-17	14	13	15,54,333	26,07,000	41,61,333
4	2017-18	23	4	20,79,664	33,61,000	54,40,664
5	2018-19	20	7	30,63,838	50,37,000	81,00,838
Total				95,13,964	2,03,72,600	2,98,86,564

Source: Constructed by the Author from Karnataka RDPR archives

At the state level, the Ombudsman Appellate Authority is a three-member body with one retired chief manager of a bank, one IAS officer (retired) and one other retired officer. State ombudsmen do not have a designated office. They are given a room the day they hold their sitting twice a week. There is no separate name board or landline telephone for their office. So it is very difficult to find their office and approach them. The numbers of cases reaching the state ombudsmen are very few (see Table 3). It is a matter of concern that in most of the cases, the Ombudsman Appellate Authority is setting aside the orders of the district authority (See Table 4). Seventy one per cent of amounts ordered for recovery by the district ombudsmen have been reversed by the state ombudsmen.

Table 3: MGNREGA – Ombudsman Appellate Authority Progress of the Appealed Cases

Sl. No.	Details	2014-15	2015-16	2016-17	2017-18	2018-19	Total
1	Opened Files (appealed cases)	144	120	106	89	83	542
2	Cases for which orders have been issued after completion of enquiry	144	120	106	88	44	502
3	Cases under enquiry	0	0	0	1	39	40

Source: Constructed by the Author from Karnataka RDPR archives

Finance for Ombudsman

As per the GOI instructions, a district ombudsman gets Rs.1000 per sitting and in a month she can have a maximum of 20 sittings. This way, an ombudsman can earn a maximum of Rs.20,000 per month which is paid from 6% administrative expenses provided by the central government. They are in addition given an honorarium of Rs.10,000 per month from the state fund and hence in a month they may earn maximum up to Rs.30,000. In case of incharge arrangement for more than a district, they may work a few days more. The honorarium is not good enough to attract the right kind of talent for these exalted positions. They are supported by outsourced data entry operators who get Rs.16,000 per month. It is seen that there is persistent delay in their payments and none of them are satisfied with

their quantum of compensation. It is not very easy for them to get a pooled vehicle from the Zilla Panchayat to go for spot inspection. Their TA bills are not being cleared in any district. Where charges of more districts are held by them, they do not get any travel allowance to go from one district to another. Their salaries are directly credited from the state office, but are generally delayed. In Mysuru district in 2012-13 and 2013-14, it was delayed so much that the ombudsman had to approach the court of law to get his salary released. It is reliably learnt that due to inordinate delay in the release of his salary, the ombudsman took away all the office records and till today there is no record available for those years. No contingency fund is made available to the ombudsman's office and they have to depend on the MGNREGA district officer for office requirements. Table 1 clearly shows that very little financial resources are deployed towards strengthening this promising institution. No resources are made available to ombudsmen for outreach activities. The state ombudsman gets Rs.25,000 per month as honorarium from the state funds and Rs.2,500 sitting fee per day (Rs.1,000 from the state fund and Rs.1,500 from the 6% administrative cost). He can work for 20 days and claim upto Rs.50,000 per month as sitting fee.

Personnel and Capacity Building

All the ombudsmen are retired government officials. Their selection is as per the laid-down procedure by the GOI through a committee chaired by the Additional Chief Secretary. A three-days induction training is prescribed, but there is no well-defined training manual or handbook or prescribed curriculum for their training. The State Institute of Rural Development is the nodal agency to organise their training. It is said that since 2012-13, they have organised four rounds of training but as ombudsmen are not appointed together, it is difficult to provide induction training to all ombudsmen as and when they join. The training mostly acquaints them about the MGNREGA programme guidelines and the quasi-judicial summary inquiry process. But still, there are no case study and case law related training materials developed.

Case Study 1: Court Rulings on MGNREGA Ombudsmen

1. In Khoob Singh Lodhi Vs The State of Madhya Pradesh (2018), the High Court of Madhya Pradesh was examining a bunch of petitions against the MGNREGA Lokpal (ombudsman). Court observed that although the ombudsman considered the case in hand objectively, the opportunity of hearing was missing in the cases. So setting aside the order, the High Court directed the ombudsman to give an opportunity of hearing to the parties and then pass the order.
2. In one of the cases, the Kerala High Court ruled that the ombudsman for local self-government institutions has no authority under the MGNREGA or under the instructions issued under the said Act to penalise a land owner who illegally utilised the service of workers available under the scheme. The High Court held that there was no provision which empowered the ombudsman to direct recovery of cost from the farmer or even from a worker.
3. W. P. No. 44788 of 2012 (LB) and W. P. No. 47961 of 2012 (LB) Dated: 14.06.2013 (Order by Justice H N Nagmohan Das)

The High Court of Karnataka partly allowed the petitions of GP Secretary and TP member, and set aside the impugned orders of ombudsmen in so far as it related to levying penalty and to recover the same from the petitioners. But they upheld all other remaining aspects of the impugned order.

The above order was based on the GOI clarification issued on 14.01.2010 that, 'Ombudsman is not a judicial body. Ombudsman should direct the state government to take disciplinary action against an officer found guilty following the laid down procedure for such disciplinary and proactive action. The findings of ombudsman will be investigated and action will be taken by the government if deemed necessary. It was added that if the ombudsman refers a complaint to the government, it will be granted due importance and regard, but the ombudsman cannot directly hand out punishment.'

Source: Various High Court Rulings

Table 4: MGNREGA – Ombudsman Appellate Authority Recoveries Ordered and Amount Cancelled by the Ombudsman Appellate Authority as on 29.06.2019

(Amount in Rs.)

Districts	No. of Orders	Total Amount to be Recovered as per Ombudsman Orders	Total Amount Cancelled by the Ombudsman Appellate Authority	Balance to be Recovered	Percentage of Cancelled Recovery Amount
All 30 districts	503	157769236	112497964	45271272	71.31

Source: Constructed by the Author from the Karnataka RDPR archives

Compliance Mechanism and Action Taken Report

There is a clear timeline prescribed for the follow-up action to be taken up on the orders of the ombudsman, but there is no prescribed monitoring mechanism for the same. In the absence of regular monitoring of compliance with ombudsmen's orders, often those orders are not complied with. There is no way one can tell how many of the ombudsmen's directions were complied with, or how many of them triggered disciplinary, recovery or criminal action. There is clearly an institutional gap on who should supervise, control and monitor the activities of ombudsmen at the district or state level. Theoretically as per the instructions, they are independent of state and central government. It appears there is some hesitation in monitoring compliance with the orders of the ombudsmen partly due to an impression that it will amount to monitoring ombudsmen who are supposed to be autonomous and partly due to authorities considering them as insignificant. It is prescribed in the instruction that every ombudsman should give a periodic report and their consolidated annual report should be placed before the State Employment Guarantee Council. It is seen that till 2016, eight meetings of the council were held and in the agenda notes, the details of ombudsman performance and achievements were included, but as too many subjects were taken up in the meetings, the council could not discuss the activities of ombudsmen and review compliance with the same. It was merely recorded while expressing concern as in case study 7. It is glaringly conspicuous that the department has not placed any details of disciplinary and criminal actions before the council.

Para 14.1 of the 'Instruction on ombudsman' (Instruction) dated 28.08.2013 reads, 'State government shall set up a system within the nodal department to monitor the action taken on the awards of ombudsman. Wherever action is not taken on the award, which has become final, disciplinary

action shall be taken against the officers concerned.' Pursuant to this, no clear mechanism is set up in Karnataka.

Support from government and Panchayat Raj institutions

Support from government and PRIs are very crucial for the functioning and efficacy of the ombudsman. Unless they provide records and ensure the field MGNREGA functionaries and elected representatives against whom case is filed are present and take the initiative to bring all details of the case before the ombudsman, the latter cannot pass any meaningful order. Judicial courts are dependent on parties and their advocate to place their evidence, witnesses and arguments but ombudsmen have to themselves collect evidence from record, spot inspection and officials and pass orders. The court may dismiss a case for default but in case of ombudsman, he has to be empathetic to the needs of the poor petitioner and has to investigate and build the case himself.

Case Study 2: Are Governments Reluctant to Appoint ombudsmen?

1. Ruhi Tewari (2011) reported that till then, only 15 of the nation's 28 states had appointed the ombudsmen, contrary to the direction to all the state governments to establish an independent ombudsman within three months from September 2009 based on the recommendations of the expert group on redressal of grievances. (Source: Livemint, 30.08.2011)
2. Suhas Munshi (2017) reported that the country's most successful employment scheme-MGNREGA-is perhaps its least supervised scheme. He reports that according to data obtained by RTI, nearly 11 years after MGNREGA was operationalised, and almost eight years after orders to appoint independent ombudsmen were issued, not a single ombudsman had been appointed in 10 states and union territories, including Tamil Nadu, Telangana, Jammu & Kashmir, Arunachal Pradesh, Sikkim, Kerala, Goa, Andhra Pradesh and Lakshadweep. (Source: catchnews.com, 03.01.2017)
3. Daily Excelsior (2013) reported for the state of Jammu & Kashmir that the state was not demonstrating seriousness in implementing the centrally sponsored MGNREGA scheme and appointing ombudsmen, where as it was mandatory to do that. After a lapse of four years, the state was giving unsatisfactory reasons like special status to state, administrative practice etc. to avoid appointing ombudsmen. (Source: Daily Excelsior, 06.12.2013)
4. Prabhjote Gill (2019) reported the appointment of Pinaki Chandra Ghose, former judge at the Supreme Court of India as the country's first anti-corruption ombudsman or chairman of the Lokpal, after a lapse of six years since the Lokpal Act was first passed in 2013. (Source: businessinsider.in, 20.03.2019)
5. Decisions of the district MGNREGA ombudsman can be appealed before the state level ombudsman which is a multimember collegium. In Karnataka, the state government constituted a three-member Appellate Authority, headed by the former Additional Chief Secretary, to hear grievances against ombudsmen to monitor the work under the MGNREGA Scheme (The Hindu, October 4, 2013). It was stated that more than two dozen complaints had been received against the ombudsmen of Davangere and Yadgir districts. (Source: The Hindu, 04.10.2013)

Source: Various newspaper reports etc.

For the purpose of spot inspection, ombudsmen require a vehicle which is often not given in time. They require the cutting edge PRI officials to show them the asset in dispute. To assess the quality of work and its cost, they depend on technical staff. As is evident from the group discussion, it is not easy for them to get the help of technical staff and quality controllers.

Outreach Activities and Empowerment of Beneficiaries

From the small number of cases being filed before ombudsmen, lack of awareness is evident. ombudsmen themselves can best publicise their activities. This role of theirs is neither fully understood by the ombudsmen nor inculcated in them through their induction training.

Case Study 3: People's Ombudsman of Dakshina Kannada

1. Naina (2013) reported in Deccan Herald that the ombudsman for Dakshina Kannada district MGNREGA had received 115 complaints from 57 Gram Panchayats, since August 2010. A total of 114 cases had been settled in which a sum of Rs.21,11,304 had been recovered and had been deposited in the state treasury. It is reported that in Dakshina Kannada, the ombudsman was dealing with the complaint in an innovative manner. Instead of just slapping a fine on the offenders, the ombudsman team used to inquire amongst the villagers on the spot to resolve cases, and this novel approach created awareness about the institution of ombudsman as well as the key features of MGNREG Act.

(Source: Deccan Herald, 21.07.2013)

2. Good Practices of Ombudsmen

Karnataka State Lokayukta is an ombudsman to examine cases of maladministration and public corruption. Some of their good practices include immediate briefing to the press to inform the public at large about their every activity, including raids and seizures and their awards and orders. Such press briefings serve multiple purposes including having a wide demonstration effect to all defaulters and the corrupt, create awareness about the Lokayukta's powers and reach and encourage the public to give complaints to the Lokayukta. This also ensures government and influential stakeholders do not scuttle the inquiries and cases of Lokayukta. Some of the Lokayuktas had been themselves going for spot inspections of health and welfare institutions and often took the media along with them, who recorded their activities and gave wide publicity to their visits which educated the people, and encouraged them to petition the Lokayukta. The visits brought out cases of maladministration and corruption. They also had a cautioning impact on other similarly placed institutions, which disciplined and discouraged all fence-sitters.

Karnataka Lokayukta is a retired Supreme Court Judge or a retired High Court Chief Justice and has an equivalent stature and comparable remuneration which gives them an aura and authority to cut red-tape, neutralise political interference and invigorate the ombudsman process with potency and efficacy.

Source: Author's construction based on the reputation of the Karnataka Lokayukta

Case Study 4: Grameen Coolie Karmikara Sangathan (Grakoos) on Ombudsman

Grakoos is a registered trade union and organising rural agricultural workers in Karnataka since 2009-10. They started in Raichur, Ballari, Belagavi and Bagalkot and are organising MGNREGA workers to ensure they get 100 days work in addition to getting benefits from other government programmes. They ensured workers get job cards, bank account and timely acknowledgement on work demand and within prescribed time MGNREGA work and payments. They help implementing partners to argue their capacity to plan, execute and monitor schemes.

Now they are in 20 districts of Karnataka with more than one lakh members. Last year, they ensured that 40,000 of their member families got on an average 120 days of work earning Rs.32,000 per family, cumulatively totalling to Rs.125 crore.

Whenever they encounter problems and issues from the implementing authorities, they use collective bargaining, agitation and dharna before the office to get resolved their issues instead of appealing before ombudsmen. They consider the ombudsman process of grievance redressal extremely slow, costly, time consuming and ineffective.

Source: Author's interaction with Sri Abhay and others from Grakoos in June 2019

Planning, Monitoring, Reporting and MIS

MGNREGA has a very elaborate MIS and for social audit a huge information base is available on the portal, but not for ombudsmen. Till 2016, there was a practice of collecting quarterly information on ombudsman performance, but it was discontinued later and such information up to 2016 was not in public domain. It is very difficult to obtain any information on ombudsman performance as no data is properly maintained.

There is no prescribed monitoring mechanism on ombudsman or on action taken by the authorities on the ombudsman's orders. No feedback is provided to the ombudsmen by the district authorities on action taken on their orders.

The annual report of the RDPR department placed before the legislature in the budget session contains one line information on the ombudsmen, limited to how many of them have been working during the last financial year.

Appraisal, Vigilance and Grievance Redressal

GOI instructions on ombudsman says that the Additional Chief Secretary Committee should periodically do appraisal of the work of ombudsmen's achievement and work and based on their satisfactory performance, give them further extension.

Case Study 5: Removal of a Proactive Ombudsman

MGNREGS ombudsman, Chitradurga, as per ZP CEO letter dated: 24.06.2015, on a general complaint had summoned all PDOs (39 no.) of Challakere taluk to appear before him on 15.06.2015, bringing the entire 39-member GP administration to halt.

Similarly, MGNREGS ombudsman, Chitradurga, on another general complaint regarding payment of Unemployment Allowance, had summoned all six TPs, EOs, of the district to appear before him on 18.06.2015, virtually stalling the entire Rural Development Administration in the backward district of Chitradurga, which is improper.

These and other actions of ombudsmen have led to demoralising the implementation machinery of Chitradurga district MGNREGS; as is evident from the fact that during 2015-16, till date Chitradurga, though one of the most backward districts having all its six taluks under the IPPE Labour Budget, could only achieve 7.05% of its LB, despite proactive efforts by the present ZP CEO.

As per para 2.1.3 of Instruction on Ombudsman dated: 16.01.2014 issued by MoRD "the Selection Committee has power to recommend termination of ombudsman from his/her post in case of unsatisfactory performance after giving the ombudsman opportunity of being heard".

Hence, the matter is submitted before the committee for taking suitable decision on the matter.

Source: Submitted before Selection Committee chaired by Addl. Chief Secretary Meeting of ombudsmen convened on 27.08.2015

Case Study 6: Traces of Review of Work of MGNREGA Ombudsmen

Review of Performance Appraisal of Ombudsmen of All Districts

The committee reviewed the performance of the ombudsman of all the districts and decided to advise the ombudsman of the following districts for improving their performance

- a. Kolar, Kalaburagi and Bidar ombudsman for disposal of fewer complaints,
- b. Dharwad, Ballari, Raichur, Mysuru and Bengaluru (Urban and Rural) ombudsmen for fewer spot inspections,
- c. Tumakuru, Mandya, Hassan, Ballari and Chitradurga ombudsmen for less amount ordered for recovery.

Source: Proceeding of the Ombudsman Selection Committee Meeting Chaired by Addl. Chief Secretary on 18.02.2015.

Pursuant to para 16.1 of the Instruction - yearly review of ombudsman including compliances shall be made by the Chief Secretary and minutes of such meetings shall be placed before the State Council. Such a committee has never met. Instead, the Additional Chief Secretary looks after the selection, appointment, extension, termination and removal of ombudsman, while the selection and extension process reviewed their work. (See Case Study6)

Case Study 7: Meeting Notes for the State Employment Guarantee Council Showing Quality and Sincerity of Compliance

Observation

As on 30.09.2014, 2071 cases have been registered and ombudsmen have disposed of 1690 cases. An amount of Rs.689.87 lakh recovery has been ordered in 766 proved cases. An amount of Rs.73.35 lakh has been recovered in 12 districts and Rs.616.51 lakh is due for recovery.

It is stated that the CEOs of ZP have to take personal interest in the implementation of the orders of the ombudsman. Seven districts have more than Rs.10 lakh unrecovered amount. The committee expressed its deep concern and instructed the Chief Executive Officers of respective districts to take appropriate actions and report the same.

Compliance

Under MGNREGA since inception till 31.05.2016 cumulatively,ombudsmen of all the districts together registered 4690 complaints out of which 3729 complaints were disposed of, out of which 1109 cases were proved and Rs.15,83,17,212 were ordered for recovery out of which till today Rs.1,64,08,331 is recovered and balance Rs.14,19,08,881 is yet to be recovered. Letters have been written to the concerned CEOs to recover the balance amount and send compliance.

Analysis of Compliance Progress in Two Successive State Employment Guarantee Council Meetings

Sl. No.	Subject		
1.a	Meeting	30.10.2014 (7 th Meeting)	23.07.2016 (8 th Meeting)
1.b	Effective Date for Statement	Upto (30.09.2014)	Upto (31.05.2016)
2.	Total cases filed before ombudsmen of all districts	2071	4690
3.	Cumulative disposal	1690	3729
4.	Proved cases	766	1109
5.	Amount ordered for recovery	Rs.689.87 Lakh	Rs.1583.17 Lakh
6.	Recovered	Rs.73.35 Lakh	Rs.164.08 Lakh
7.	Balance	Rs.616.51 Lakh	Rs.1419.08 Lakh
8.	% Recovered	10.63%	10.36%
9.	% of disposal to cases filed	81.89%	79.50%
10	% Proved cases to cumulative disposal	45.16%	29.73%

One thing glaringly conspicuous is that neither the department has placed any details before the two meetings as to what action is taken in terms of disciplinary action or criminal action in pursuance of the proved cases, nor has any committee member raised it, merely amounts recovered and not recovered are mentioned.

Source: Compliance to the proceedings of the State Employment Guarantee Council dated: 30.10.2014 as in the meeting notes attached for the State Employment Guarantee Council dated: 16.06.2016.

In the last few years, MoRD is issuing every year an Annual Master Circular and the last one is issued for 2019-20. There are 22 chapters and 143 pages in this manual and 'ombudsman' finds a small paragraph at 10.2 (page 84). Does this show the relative importance of the institution of ombudsman in

the expansive panoply of MGNREGA governance? In all the key meetings, one can feel the fatigue of the information load experienced by authorities by the time they reach the subject of ombudsman activities.

Data Analysis and Appraisal of MGNREGA Ombudsman in Karnataka

Secondary Data Analysis

We could not get anything on ombudsmen in the portal of MORD and RDPR (Karnataka) except the instructions on ombudsmen. Performance details of district and state ombudsmen in Karnataka are not available in the department's annual report except a line mentioning how many ombudsmen worked during the year. In the meeting notes and proceedings of the State Employment Guarantee Council and ACS Committee, some information was available upto the year 2016. We received in 2016 certain critical information from the RDPR department which is placed here in Annexure 1 to 5 on the performance of ombudsmen in Karnataka for the year 2015-16 and for the year ending 15.06.2016.

We requested the RDPR department to provide us updated information in those five proforma for the subsequent years, but they could not provide it as they had discontinued collecting such information. Contacting district ombudsmen and CEO ZPs directly did not help. It shows a retrogression and systemic decay in terms of safe upkeep and updation of MIS. The department was trying hard to collect the information but it failed to do so in the short run due to lack of systems and processes. Hence we proceeded to understand the functioning of ombudsmen from the available data upto 15.06.2016 as in Annexure 1 to 5.

Annexure 1 shows for the year 2015-16 in 29 districts at the beginning of the year 505 cases were pending and 705 new cases were received and out of 1210 total cases about 706 were disposed of. Hence on an average, a district received annually about 24.31 applications (monthly it was a mere 2.02 per district) and average annual disposal per district was 24.34 cases (average per month per district disposal was just 2.02). But there are large variations from district to district with Kolar receiving 143 and Haveri only two cases in the whole year and Kolar disposing of 147 and Dakshina Kannada merely three cases in a year. Out of disposed cases, 272 are proved cases which is 38.58% of the filed cases and in 132 cases recovery is ordered which is 18.72% of the filed cases. Average recovery per case is Rs.1.86 lakh but there are variations between districts with Kolar having Rs.41.67 lakh ordered for recovery and Bagalkot, Chikkaballapur, Chitradurga, Dakshina Kannada, Hassan, Uttar Kannada and Udupi having nil recovery orders. A total of 155 DEs against officials and 35 against elected representatives were initiated. A total of 38 criminal cases against officials and 17 against the elected representatives were instituted. Various ombudsmen gave 124 suggestions and 152 cautions for various acts of omission and commission. The largest number of DEs and criminal cases were initiated against the Gram Panchayat employees followed by the line department, then elected representatives, Taluk Panchayat and Zilla Panchayat employees.

Annexure 2 gives details of cumulative performance of ombudsmen till 15.06.2016. Till then, four years had passed since the ombudsmen were put in place in Karnataka. Till then, about 4447 cases were filed averaging 1111 cases every year showing that initially more cases were being filed when compared to 2015-16 when only 705 cases were filed (see Annexure1). Cumulatively, 3706 (83.33%)

cases were disposed of, averaging 926.5 cases every year. A total of 1228 (27.61%) cases were proved, averaging annual disposal of 307 proved cases. A total of Rs.17.18 crore was ordered for recovery averaging Rs.4.29 crore recovery ordered annually, again indicating a declining trend as in 2015-16, the recovery ordered was a mere Rs.2.46 crore (see Annexure1). Till 15.06.2016, about Rs.1.75 crore was recovered and an amount of Rs.2.77 crore was appealed against before the appellate authority.

Annexure 3 shows (for 24 districts) types of complaint and their respective disposals. Three most common types of complaints pertain to maintenance of records (18.35%), quality of work (10.19%) and payment of wages (9.68%) and number of orders issued and proved cases also follow more or less the same trend. The highest recovery ordered (Rs.74.47 lakh) was in cases pertaining to the maintenance of records and the largest amount recovered was from quality of work cases. A total of 419 actions were recommended against officials and only in 6 (1.43%) cases action were taken against them.

Annexure 4 shows (for 20 districts) cumulatively in four years 1019 applications were received regarding workers' entitlement with the largest (362) (35.52%) pertaining to wages not paid and 834 applications pertaining to works with the largest (353) (42.32%) regarding work quality.

Annexure 5 shows for 20 districts out of 2365 complaints disposed of, about 61.05% were done in more than 60 days, 13.86% in 30 to 60 days, 18.05% in 15 to 30 days and the remaining 7% within 15 days. It further shows that 76.13% of the cases required more than three sittings for disposal and 23.86% cases required about three sittings each. About 63.38% orders were general in nature and 36.61% orders were specific in nature. By then, 48 orders were quashed by the appellate authority and 28 orders were upheld and 412 orders were complied with and in 33 cases, criminal cases were filed pursuant to the order of ombudsman. Performance across districts were variable, but one thing was common that there was not enough workload for ombudsmen in any district and there was lack of enthusiasm in the stakeholders in filing cases before ombudsmen and there was a clear declining trend over the years in the number of cases being filed before the ombudsman and there was decline in compliance in terms of recovery or initiation of disciplinary or criminal action over the years.

Data Analysis from the Four Sample Districts

Table 5 gives the cumulative comparative performance (2012 to 2019) of the four sample districts in Karnataka. These districts show variations both qualitatively and quantitatively. Disposal to total receipts is best for Belagavi at 65.22% followed by Ramnagaram (50.21%), Mysuru (38.54%) and Raichur (22.44%). Total petition filed per ten thousand card holders also show variation with Ramnagaram leading with (28.58), closely followed by Raichur (24.02), Belagavi (19.42) and Mysuru (13.09).

Table 5: Cumulative Comparative Performance of Ombudsmen in 4 Sample Districts in Karnataka

Sl. No.	Description of details	District			
		Raichur	Belagavi	Ramnagaram	Mysuru
1	Vacancies or record non availability/Incharge arrangement	2012-13 2013-14 Vacant	Nil	2012-13 2014-15 Incharge with Mandya	2012-13 2013-14 Incharge with Chamarajnagar 2012-13 2013-14 Records missing
2	OB Petition	309	408	198	163
3	New Receipt Petition	141	633	262	125
4	Total Petition	450	1041	460	288
5	Disposal	101	679	231	111
6	Disposal / New Receipt %	71.63%	107.26%	88.16%	88.80%
7	Disposal to Total Petition	22.44%	65.22%	50.21%	38.54%
8	Total Petition filed per ten thousand card holder	24.02	19.42	28.58	13.09
9	Sittings held	980	1830	1191	1129
10	Spot Inspection Conducted	336	1272	99	197
11.a	Proved Disposal	34	259	78	39
11.b	Not Proved Disposal	67	420	153	72
11.c	Total Disposal	101	679	231	111
12.a	Recovery Cases ordered by Ombudsman	23	97	87	39
12.b	Recovery Amount	43,55,567	4,11,08,384	1,09,12,963	27,64,043
13.a	Orders passed by Ombudsman Appellated Authority	8	67	45	39
13.b	Total Amount set aside	3,50,209	2,43,86,772	37,81,196	52,58,100
13.c	Percentage set aside to appealed amount	13.41%	87.08%	68.66%	89.82%
13.d	Percentage set aside to total Recovery amount ordered by Ombudsman	8.04%	59.32%	34.64%	>100%
14	Number of Card Holders as on 31.03.2018	1,87,302	5,36,065	1,60,980	2,20,014
15	Ratio of sitting to disposal	9.7	2.69	5.15	10.17
16	Ratio of Spot inspection to disposal	3.32	1.87	0.42	1.77

Source: Constructed by Author from information collected from districtombudsman, State Ombudsman and Karnataka RDPR Archives

Ratio of sitting to disposal also show variation with Mysuru leading with (10.17) followed by Raichur (9.7), Ramnagaram (5.15) and Belagavi (2.69). It is a matter of concern that in Mysuru and Raichur districts too, many hearings are happening but disposals are limited in number. If a worker has to attend all such hearings, one can imagine how costly it would be for the poor worker who is hand-to-mouth and depends on his daily work for his family's survival. Ratio of spot inspection to disposal also shows variations with Raichur leading with (3.32) followed by Belagavi (1.87), Mysuru (1.77) and Ramnagaram (0.42).

Variation in the orders passed by the Ombudsman Appellate authority is very unusual. It shows that in the last few years since the appellate authority was constituted in Mysuru, 89.82% of the appealed amount is set aside by the appellate authority and it is followed by Belagavi (8.08%),

Ramanagaram (68.66%) and Raichur (13.41%). If percentage to total recovery amount ordered by ombudsman is taken, it is 59.32% for Belagavi followed by 34.64% for Ramanagaram and 8.04% for Raichur. For Mysuru, the figure is not reliable as details are not available for that district's ombudsmen for the years 2012-14.

Overall, if we analyse all these ratios and figures, we may conclude that quality of disposal in Raichur is the best as percentage to appeal amount set aside and percentage to recovery amount set aside are the lowest and their ratio to spot inspection to disposal are the best. Ombudsmen in Raichur are travelling and visiting spots and after due inquiry are disposing of all cases.

Analysis of Primary Survey Data

Though in all the four districts where survey was conducted ombudsmen were present, a majority of the beneficiaries and others were not aware of the existence of ombudsmen. During our field visit, while discussing with the respondents, we found that even those who were aware of ombudsmen did not know about their responsibilities and powers. Awareness seems to be more among the North Karnataka districts (see table 6). Very low percentage of respondents (4%) belonging to deprived social groups i.e., SC and ST had knowledge about the existence and role of ombudsmen.

Table 6: % of Respondents who have heard about Ombudsmen

Districts	Percent	Social Groups	Percent
Ramanagara	8.8	SC	4.1
Mysuru	1.9	ST	6.3
Raichur	13.0	OBC	14.5
Belagavi	14.6	Others	11.0
Total	9.9	Total	9.9

Source: Author's calculations based on primary survey data

Table 7 presents the percentage of respondents who reported that they approached ombudsmen to resolve NREG issues. As expected, this percentage is also very low. Only 8.1% of the respondents approached the ombudsman. Most of these respondents who have approached ombudsmen came from Belagavi and Raichur districts. Similarly from among the social groups, OBCs had the highest number of respondents who had approached ombudsmen to solve their issues compared to other social groups (see Table 8).

Table 7: % of Respondents Who Reported that they Approached Ombudsmen to Resolve NREG Issues

Districts	Percent	Social Groups	Percent
Ramanagara	0.0	SC	4.1
Mysuru	1.9	ST	6.3
Raichur	10.6	OBC	10.4
Belagavi	13.4	Others	9.9
Total	8.1	Total	8.1

Source: Author's calculations based on primary survey data

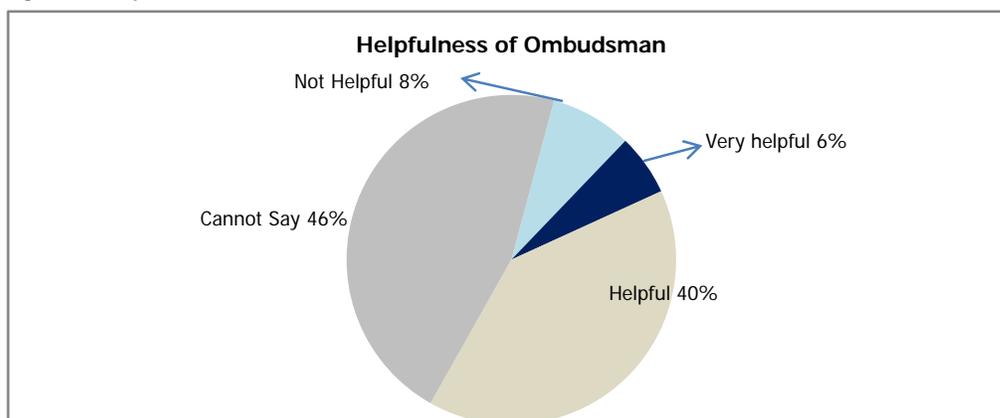
From among those who have approached ombudsman to solve their issues, we see that nearly 3/4th have been helped by the ombudsman system (Table 8). Here again we see the dominance with respect to Raichur and Belagavi districts and among the social groups OBC and Others.

Table 8: Among those Who Approached % of Respondents being Helped by Ombudsman System

Districts	Percent	Social Groups	Percent
Ramanagara	0.0	SC	50.0
Mysuru	0.0	ST	60.0
Raichur	69.2	OBC	76.5
Belagavi	84.2	Others	87.5
Total	73.5	Total	73.5

Source: Author's calculations based on primary survey data

Figure 1: Helpfulness of Ombudsman



Source: Author's calculations based on primary survey data

Though with respect to the system, a majority felt that the system per se is helpful, at least there is a place where they can present their grievances, only 46% said that ombudsman was helpful (figure 8).

A brief knowledge, attitude and practice (KAP), survey through a structured questionnaire was done for the ombudsmen. Strangely, most of the ombudsmen have not responded to any of the questions which may assess their familiarity with the right-based scheme, technical aspects of MGNREGA and cases before them. It is a matter of concern that for certain questions which deal with corruption, leakages, and adequacy of support of authorities to them for their work and enforcement of their awards, they respond differently in writing and in group discussion and personal interview.

Discussions and Conclusions

In the light of foregoing discussions, it is evident that although Karnataka has appointed ombudsmen at the district (since 2012-13) and state (since 2014-15) levels, the institution has still not fully stabilised. All the ombudsmen are retired government servants but most of them had limited quasi-judicial experience. The quality of their responses in group discussions as well as to the structured

questionnaire substantiate that they may not be classified as competent and worthy ombudsmen. The same assessment is buttressed by the substantial reversal of their orders at the stage of appeals before the state ombudsman appellate authority. They have very limited idea about the right-based MGNREGA and its nature of universal workfare programme. They are neither consciously aware of their outreach role to create awareness about the institution of ombudsman nor are they involving themselves to enlist more petitions or initiate suomotu proceedings based on social audit reports. Unfortunately, none of them have involved themselves in the social audit gram sabhas as envisaged in the instructions. Their capacity is greatly limited by their own knowledge, administrative experience, initiative and understanding of their own institutional context and positioning. Although the 'instructions on ombudsman' envisages them to be independent of the state and the central government, none of them have any doubt that in the districts, their position and stature is limited and diminutive when compared to the District Programme Officer of MGNREGA, that is the Chief Executive Officer of the Zilla Panchayat in Karnataka. Most of them have retired as district level officers and have limited exposure to obtain full understanding of the autonomy and exalted status of ombudsman and hence are not able to live upto the expectations of the people to confidently and authoritatively redress their grievances under MGNREGA.

Instructions on ombudsman have been issued as an administrative order instead of as a rule under the MGNREGA. This makes the institution of MGNREGA ombudsman powerless and inconsequential. A statutorily established ombudsman will any day be stronger and autonomous and will fearlessly exercise their authority independent of the executive. Instructions are economical in providing details regarding strength of his office and under what provision of law and how their order can be executed.

It is clear from the record and evidence that authorities have not invested adequately in the institution of ombudsman. Inadequate staffing pattern without technical support staff and lack of a vehicle in time does not provide them the autonomy, mobility and agility required for their outreach activities including spot verification and inquiry. The institution runs at the district level with one ombudsman and a data entry operator. Data entry operator is often entrusted other works by the ZP. They have a room and a signboard for their office but no separate telephone, so it is not easy for petitioners to contact them. The Expert Group on the establishment of a Grievance Redressal Mechanism under NREG Act (chaired by Prof. Mool Chand Sharma) had endorsed the report of the Centre for Good Governance, Hyderabad which interalia other ideas had recommended a strong district office with one ombudsman, 2 deputy ombudsmen, one legal officer, one chief information officer and 42 other support staff. In the absence of minimum critical support from legal, technical and other staff, the work responsibility of the ombudsmen becomes disproportionate to their possible capabilities and with both qualitative and quantitative consequences. It is evident from the group discussion that it is not easy for ombudsmen to get the help of technical staff and quality controller to evaluate the quality, cost or even geo coordinates of the work to identify them correctly.

Not providing separate financial resources for running their office and ensuring mobility etc. dents their autonomy and independence. Inordinate delays in payment of their salaries and non-payment of their travelling allowance have substantially demoralised them. In experience, it is seen that

it is difficult to get people of impeccable integrity and stature to be ombudsmen. In the last few years, a large number of vacancies have remained unfilled (see table 2). Maintenance of records in the ombudsman office is far from satisfactory and in some districts like Mysuru, it is missing for a few years. Even at the state level, the three-member bench of Ombudsman Appellate Authority have no separate room and office and in the absence of an office name board and telephone line, it is difficult for petitioners to contact them. Vehicle availability, office contingency, delay in salary and non-payment of their travelling allowance bills are current problem for the state ombudsmen as well.

The state has never fully utilised their 6% administrative expenses under MGNREGA. Hence paucity of resources does not appear to be a limiting factor for investing so little in the institution of ombudsman in the state.

As far as the capacity of the ombudsmen is concerned, the compensation and facilities prescribed and the stature and dignity bestowed on them are all limiting factors in some way or the other. It is evident from the quality of their orders and a very large number of reversals of their orders by the Ombudsman Appellate Authority and various orders of High Courts that their quasi-judicial capacities are limited. MORD prescribed a 3-day induction training, but no training manual or case studies are prepared for such training. Instructions on ombudsmen mentioned that the ombudsman shall not be bound by any legal rules of evidence and may follow such procedure that appears to him to be fair and proper but various rulings of high courts (see case study 1) have clearly mentioned that rules of natural justice and basic tenets governing a quasi-judicial process have to be strictly adhered to by the ombudsmen. Since inception (2012-13) only four rounds of 3-day training of ombudsmen have happened, but they were far from satisfactory and ombudsmen themselves were not satisfied with such training.

It is evident from the interviews and group discussions that ombudsmen are not provided with an adequate support mechanism like availability of records, presence of officials and spot inspection facility etc. for satisfactory discharge of their duties. Most of the ombudsmen stated that the delay in disposal of cases in their offices was largely due to non-appearance of officials or non-submission of records or non-provisioning of vehicles for essential spot inspection. Often officials would have got transferred by the time cases reach ombudsman and that created problem in ensuring the presence of officials and making available records before them. Case study 5 is unusual as it shows the attitude and approach of district officials towards a proactive ombudsman who summoned many officials so a case was made out for his removal, stating that he was virtually stalling the entire rural development administration in a backward district. It is clear from this particular instance that the priority of the MGNREGA authorities is merely quantitative achievement of financial and physical targets and not qualitative improvement in the programme and reaching justice to the hapless cardholders and reducing corruption and leakage.

From the responses of the MGNREGA workers in interviews, it is evident that most of them are not aware of the ombudsman. (See table 7,8,9,10). Awareness among SC (4.2%) was the least followed by ST (6.3%). This corroborates the findings of Steven and Steven (2008) that the profile of complainants before ombudsmen is skewed, and socially (and economically) disadvantaged are less likely to use the institution.

One of the key activities for ombudsmen the world over is creating awareness about their own institution. For this, they approach mass media and through them apprise all the stake holders about their work and potential. In particular, ombudsmen hold briefings on the failure of authorities on instances where responses and compliance are inadequate to their orders. In Karnataka at present, ombudsmen neither have such stature nor have a conducive environment where they can venture to expose government's inaction without being brow-beaten, chastised or completely ostracised. No resource is earmarked and provided to the ombudsmen to create awareness. So unlike in Belgium (Steven and Steven, 2008), MGNREGA ombudsmen are unable to function as change agents and lack the capacity to analyse and provide early warning of problems in public administration.

Most of the cases before ombudsmen indict the Panchayat Raj officials and the elected representatives and hence Panchayat Raj institutions in general and Gram Panchayats in particular are hostile to the institution of ombudsman. Other authorities also see them as a nuisance, mostly responsible for restraining expenditure under the programme. Hence clearly, their activities are not supported wholeheartedly by the PRIs and MGNREGA authorities. The declining trend of number of cases filed, disposals, recovery, disciplinary or criminal action ordered conclusively establishes that there was an initial euphoria about the potential of ombudsmen which has subsided with time due to encountered disappointments with their orders and their lackadaisical enforcement by the authorities.

The monitoring and oversight mechanism for the ombudsmen related activities are extremely weak and ineffective. Management information systems which were in place earlier have overtime regressed and there is no credible reporting, documenting, and monitoring system in place. Earlier, the performance of ombudsmen was reviewed by the committee chaired by the Additional Chief Secretary for the purpose of extension (see case study 6) or removal but no mechanism is laid down as per para 14 of the Instruction to review and monitor the compliance with such orders as envisaged in the 'Instruction'. Till 2016 at least, the performance of ombudsmen was placed before the State Employment Guarantee Council although they were hardly discussed (see case study 7), but even placing them had a salutary effect; but unfortunately, after 2016, no meeting of the State Council was held.

In the 2009 Instructions, there was a provision to lay down a report on ombudsmen functioning before the legislature, but it was withdrawn in the subsequent Instruction in 2013-14. In the annual report of RDPR department, there is only a one-line mention of how many ombudsmen worked during the year. From the statistics made available, it is conclusively established that the available oversight mechanism does not ensure adequate response on the recovery, disciplinary and criminal actions recommended by the ombudsman. From the lacklustre action taken, it appears that there is little willingness to punish the corrupt officials and elected representatives and to check leakages in the programme. One cannot find evidence of any quality improvement of MGNREGA due to the involvement of ombudsmen. MGNREGA Guidelines under which 90% of the budget comes from the central government make it very attractive for the states to merely focus on quantitative utilisation of resources without paying attention to quality, thus showing complete indifference to all accountability institutions including ombudsmen.

The ombudsman institution has not taken any initiative to empower beneficiaries. In Raichur, workers consider the ombudsman process of grievance redressal extremely slow, costly, time consuming and ineffective. In their opinion, trade union activities bring much more visibility and exert salutary pressure on authorities to resolve their issues expeditiously. Hence they prefer agitation, sit-down protests and slogan shouting over approaching ombudsmen. Trade union agitations have a wider demonstration effect on other implementing partners. (See case study 4).

Ombudsmen are not geared to catering to the needs of the poor beneficiaries in realising their right to employment guarantee. In group discussion, some of the district ombudsmen opined that the large-scale reversal of their orders at the appellate authority was largely due to professional RTI activists filing cases and added that often after obtaining their pound of flesh, they turn hostile at the appellate stage. On an average, any case before an ombudsman takes three or more hearings and no poor beneficiary can afford forgoing wage employment for so long. There is clear evidence that economically better off persons are approaching these institutions and accessing its benefits. In group discussion, ombudsmen were unanimous that a large number of cases are filed by defeated PRI members. Invariably, most of the works related cases arise out of contract-related rivalry of the petty politicians. Conclusively, the ombudsmen have failed to act as change agents and have not been prompt and cost effective in the redressal of grievances of the socially disadvantaged. Awareness among SC/STs is least and they rarely approach this potentially helpful institution. Ombudsmen have not shown any signs of inclination to empower and organise beneficiaries for their enhanced participation and better outcomes including transparency and accountability.

Even the MGNREGA state ombudsman collegiums together do not have the required stature and ability of creating awareness about executive authorities' inaction on their recommendations. They are not the creation and appointees of legislature as an ideal ombudsman should be, nor are they established under any statute. And now under the new instructions, their reports are not required to be placed before the legislature; hence, they do not derive any legitimacy and strength from such institutions. State and Central Employment Guarantee Councils have too many subjects to discuss and are not able to focus on the compliance to ombudsman's awards, hence they are not effective in supporting and strengthening these institutions to cope with the challenges from the executive. The state ombudsmen also show signs of subordination and dependence to the executive authorities and the latter's short-term objective of maximising quantitative achievements under the programme.

Ombudsmen have not reached a stage where they are confident of their capability to initiate cases *suomotu*. They have been giving suggestions (see Annexure1) but they are to local authorities regarding individual cases. Expectations that ombudsmen would identify generic deviations and defaults and give advice for policy and process change may be disproportionate to their capabilities and stature.

There is hardly any convergence between social audit and ombudsmen as envisaged in the Instruction. Neither authorities nor ombudsmen have taken any initiative to involve the latter in the Social Audit Gram Sabha or to further investigate the cases detected by the social audit to take them to their logical conclusion. Social auditors do not report relevant cases to the ombudsman as given in the MGNREG Instructions. Both social auditors and ombudsmen see each other as competing organisations occupying similar space in the MGNREGA realm.

As the institution of ombudsman has not inspired confidence in people about their remedial abilities, there have been very few cases coming before them. And the cases which finally come before them are largely arising out of local politics and rivalry as opined by many ombudsmen. The district ombudsmen orders are appealed against in large numbers and a substantial number of appealed cases are reversed. The cases which are not reversed also have not progressed in terms of recovery or punitive actions in terms of initiating disciplinary inquiry or criminal case; hence the efficacy, respect and trust for the institution has declined over the years. They have not lived up to the expectations and have hardly contributed to check and reduce corruption in MGNREGA and have failed to provide cost and time effective justice as expected.

Ombudsmen themselves are quite inaccessible and their processes are equally prolonged and non-transparent. There have been complaints against some of the ombudsmen and in the past the state committee has not extended the services of many of them for this reason. The information about cases and case files are not kept systematically and nothing is available in the public domain as there is no website where any information on such matters can be accessed. As the ombudsman office consists of an ombudsman supported by one data entry operator, their office suffers the non-transparency of one-man proprietary offices.

There is strong evidence (see case study 2) to conclude that governments in India are reluctant to appoint and strengthen ombudsmen. There is a general distrust in making a strong independent watchdog and governments like and prefer an internal vigilance mechanism which may suffer from conflict of interest. In India, there had been a mythological figure 'Bhasmasur' and the 'Bhasmasur Syndrome' afflicts all Indians. The 'Bhasmasur Syndrome' basically means that those omnipotently empowered destroy their benefactors who enabled them to acquire power. It is a story of a demon who committed penances and pleased Lord Shiva and obtained a divine boon that he should be invincible and get the ability to destroy any one on whose head he kept his palm, and turn them into ashes. After obtaining the boon, the demon intended to destroy Shiva himself to marry his consort.

Ombudsman is supposed to be a low-cost, time-effective grievance redressal and corruption elimination mechanism. An effective ombudsman is an intimidating scarecrow for the corrupt and devious. Every award of an ombudsman which is properly acted upon in terms of recovery of defalcated amount, initiating disciplinary or criminal actions or policy change has great demonstration effects. A scarecrow works on the similar principle of visual demonstration scaring away the defaulting pests. But in practice, the MGNREGA ombudsmen are created as a weak institution; devoid of legal force, adequate finances, support staff, mobility, office amenities and training. They are unable to get full support from the authorities for timely hearing, spot inspection, records and witness etc. Their stature by design does not facilitate their exalted role as an effective watchdog and policy advisor. They largely remain isolated, aloof, least contacted and as a forlorn scarecrow.

Policy Implications, Suggestions and Ways Forward

Ombudsman is potentially a low-cost, time-effective accountability institution and can substantially improve the quality of MGNREG implementation by plugging leakages and suggesting improvements. It

is definitely a low hanging fruit and government could easily inject life in this institution. Following are some of the key policy suggestions which could easily be introduced:

GOI May Itself Lay Down and Closely Monitor and Incentivise Important Guidelines

Pursuant to para 14.1 of the 'Instruction on Ombudsman' dated: 28.08.2013, the central government itself may lay down guidelines for setting up a system within the state nodal department to monitor the action taken on the awards of ombudsman, and whenever action is not taken on the award 'which has become final' disciplinary action shall be taken against the officers concerned.

Central government should monitor this parameter every month and rate the states on a performance scale and keep their information in public domain and give wide publicity to the same, so that pressure is built upon states from above as well as in terms of public opinion to show better performance.

A certain portion of grant releases should be linked to the establishment and performance of ombudsmen and other accountability institutions and compliance to their awards.

Establish Ombudsman under the Law and not by Mere Instructions

Independence of ombudsman is essential to empower them and independence cannot be achieved merely by mentioning it in the 'Instructions'. Ombudsmen should be established by law and empowered by rules notified under the Act. They should be provided enough financial, human and other resources to discharge their duties with confidence and without fear or favour.

Stature and Remuneration of Ombudsman should Attract Talent

Their compensation, office environment, and other facilities should attract persons of stature to become ombudsmen. Sub-optimal investment in such critical institutions may cause more damage than benefits as in the case of sub-optimal administration of antibiotics causing drug resistance in microbes.

Requirement of Mandatory Meeting of State Employment Guarantee Council for Review of Compliance to all the Accountability Institutions

There shall be a provision for a special mandatory meeting of the State Employment Guarantee Council to discuss the performance of ombudsmen and compliance with their awards. These meetings should not have any other agenda. Accountability institutions like ombudsmen may deal with fewer number of cases but each of them can be critical to instil accountability, transparency, integrity, quality, and responsiveness in the system. The master circular issued annually by the MORD may devote only a paragraph out of 143 pages on ombudsman, but they have to be recognised as an institution of exceptional importance and higher level monitoring should mandatorily be enhanced for ombudsman compliance.

Ombudsman Staffing Pattern Linked to Number of NREGA Card

The ombudsman staffing pattern should be prescribed by the MORD based on the number of NREGA cards in a district and proportionate funds should be made available. The recommendation of Prof. Moolchand Sharma committee on this should be implemented. A three-member district ombudsman will be a good idea with a retired secretary to government and above level of officer as chairperson, another judicial and a technical member (retired chief engineer). They should have at least one each legal, technical and public relations consultant assisting them. Linking the funding of ombudsman to administrative expenditure which is 6 per cent of the total expenditure under the MGNREGA is not in favour of poorer and weaker states who are unable to accelerate their fund utilisation due to administrative constraints.

Legislature Committee for Compliance Monitoring to Awards of Ombudsmen and Other Accountability Organisations

It shall be made compulsory to discuss the performance of ombudsmen and compliance with their awards in the meeting of the legislature committee specially constituted for the purpose on a regular basis. As MGNREGA is the most promising and by far the largest right-based, potentially empowering poverty elimination programme, a legislature committee separately needs to be constituted for MGNREGA.

Enabling Ombudsmen to Publicise their Awards and Compliance

At district and state level, the ombudsmen are to be empowered to touch base with mass media to publicise the responses of the government, particularly failure to take adequate action on their awards to build pressure on the authorities to implement them.

Credible Monitoring Mechanism at State and National Level

Similar monitoring and oversight mechanism should be institutionalised at the central government level. A clear responsibility matrix with a reliable monitoring and evaluation system with a time frame for each activity may be put in place to ensure timely action by all stakeholders to ombudsmen awards and their compliance.

Enhanced Awareness Raising

More awareness has to be created about the institution of ombudsman among the beneficiaries and other stakeholders. There should be clearly earmarked resources. Some resources has to be made available to ombudsman to create awareness about their own institution and their activities and its outcomes.

Improved Capacity Building and Capacity to Take Up Suomotu Cases

Capacity building of ombudsmen has to be improved. There is a need to develop training manuals and handbooks with case studies of past rulings by various authorities and giving them first-hand practical exposure on handling quasi-judicial cases, collecting evidence and writing orders that need to be given.

Their capacities have to be augmented to take up suomotu cases and to participate in Social Audit Gram Sabhas to identify more cases to reach justice to the workers door steps.

Capacities of the ombudsman have to be developed to make them proficient in identifying generic trends and process gaps which enables them to give policy advice to the authorities for improving systems.

Empowerment through Networking

A multipartite forum should be created at the district and state levels including civil society organisations, reputed intellectuals, senior judicial officers and judges to disseminate critical information, particularly inactions and defaults and to create a conducive environment to cushion the relationship between the ombudsman and the executive.

Empowering Weaker Sections, Women etc. to Access Ombudsman Services

Special mechanism has to be internalised for the participation of women and marginalised groups (SC, ST, persons with disabilities, elderly and the poor) and consequent capacity building programmes, data needs and monitoring parameters have to be put in place.

Time-bound Expeditious Process

Ombudsmen have to be sensitised to expedite their process and PRIs, government and others should fully support them with records, witnesses and spot inspection facilities and technical assistance to make the ombudsman's process cost and time effective and credible monitoring and benchmarking parameters may be evolved for the same.

Annual Reports in Public Domain

Every year a detailed report should be prepared on the activities of the ombudsman including their awards and details of compliance to such awards and those should be available in public domain on the website of MGNREGA.

All statistics and details of cases, disposals, pendencies and gist of cases should be available in public domain on the website.

Need of Further Research

There is need for examining critically why so many orders of ombudsmen are reversed at the appellate stage to retrain them to ensure they pass better orders which are mostly upheld.

As there has been negligible published work on MGNREGA ombudsman in India, there was an urgent need to commission a pan-Indian study on the subject to learn lessons from both failures and

success across states. Based on the findings of such study, the institutional mechanism of ombudsman can be improved.

Today, there are many poverty elimination programmes run by different agencies. Each programme has complex guidelines and a multiplicity of institutions like their own grievance redressal mechanism, and accountability institutions like ombudsmen, social audit, quality control mechanism etc. It was a good idea to merge such functions and to develop common external agencies like the controller and auditor general, lokayukta or Information Commission etc. to deal with any contingency so that adequate resources, prestige and power could be invested in them and their roles are better understood and utilised by the needy stakeholders. A common external agency will be stronger, more visible and professionally better equipped to discharge the functions of an able ombudsman. 'Should every right-based programme create its own institution of ombudsman?'....needs to be further evaluated and researched.

All the foregoing suggestions are not difficult to implement. Hence the MORD may bring reforms in these institutions early. Till we are not serious about these reforms, the institution of MGNREGA ombudsman will remain an ornamental tool and a forlorn scarecrow, which may not deter the defaulting stakeholders from indulging in leakages and malpractices.

References

- Bhalla, Surjit (2012). No Proof Required: Corruption by Any Other Name. *Financial Express*, February 4.
- Daily Excelsior (2013). MGNREGA Ombudsmen. Link: <http://www.dailyexcelsior.com/mgnrega-ombudsmen/>
- Dutta, Puja, Rinku Murugai, Martin Ravallion and Dominique Van de walle (2012). *Does India's Employment Guarantee Scheme Guarantee Employment?* World Bank.
- Ehmke, Ellen (2016). India's Mahatma Gandhi National Rural Employment Act: Assessing the quality of access and adequacy of benefits in MGNREGS public works. *International Social Security Review*, 69 (2).
- Imbert, Clement and John Papp (2011). Estimating Leakages in India's Employment Guarantee. In Reetika Khera (ed), *The Battle for Employment Guarantee*. New Delhi: Oxford University Press.
- Kangla Online.com (2017). *Eliminating Corruption or Helping it Thrive? MGNREGA Ombudsmen of Six Districts Given One Year Extension*. Imphal, May 25, 2017. Link: <http://kanglaonline.com/2017/05/eliminating-corruption-or-helping-it-thrive-mgnrega-ombudsman-of-six-districts-given-one-year-extension/>
- (2017). From Imphal Commented that One Year Extension of Ombudsmen of Six Districts in Manipur may be Helping Thrive than Eliminate Corruption in MGNREGA.
- Madhya Pradesh High Court (2018). Khoob Singh Lodhi V/s The State of Madhya Pradesh. *Working Paper No. 5217/2015 and others*.
- Ministry of Law & Justice (2005). The National Rural Employment Guarantee Act, 2005, No. 42 of 2005. *The Gazette of India*.

- Mookherjee, D (2014). MGNREGA: Populist Leaky Bucket or Successful Anti-poverty Programme? (http://ideasforindia.in/topics/poverty_inequality/mnrega-populist_leaky_bucket_or_successful_anti_poverty_programme.html Last downloaded on 09.05.2019)
- MORD (2009). Instructions on Ombudsman, Government of India, dated: 07.09.2009.
- (2014). *Instructions on Ombudsman*. Government of India. As revised on January 16, 2014.
- (2011-12). *Report of the Committee for Revision of MGNREGA Operational Guideline*. Government of India.
- (2017). *Revised Guidelines for Appointment of Ombudspersons*. Government of India. August 28, 2017.
- (2008). *Report of Expert Group on Establishment of Grievance Redressal Mechanism under NREG Act*. Government of India.
- (2013). *Revised Instructions on Ombudsman*. Letter No. J-11011/21/2008-NREGA (Part III), Government of India, 24.05.2013.
- Naina, J A (2013). MGNREGA Ombudsman Gets 115 Complaints in 3 years. Rs. 21.11 Lakh recovered, Rs. 77,000 collected from officials as fine, *Deccan Herald*, July 21, 2013. <https://www.deccanherald.com/content/346201/mgnrega-ombudsman-gets-115-complaints.html>
- Pani, N and C Iyer (2011). *Evaluation of the Impact of Processes in the Mahatma Gandhi National Rural Employment Guarantee Scheme in Karnataka*. Bengaluru: National Institute of Advanced Studies (NIAS).
- Prabhjote, Gill (2019). *India Gets Its First Anti-corruption Ombudsman*. March 20, 2019, Link: <http://www.businessinsider.in/what-is-lokpal-chaired-by-pinaki>.
- Ravallion, Martin (2012). Corruption in the MGNREGS assessing an Index. *Economic & Political Weekly*, XLVII (8), February 2012.
- (2009). How Relevant is Targeting to the Success of the Anti Poverty Programme? *World Bank Research Observer*, 24 (3): 205-31.
- Salian, P V and D S Leelavathi (2014). Implementation of MGNREGA in Karnataka: Issues and Challenges. *Journal of Rural Development*, 33 (3): 261-79.
- Sandip, Sukhtankar and Milan Vaishnav (2014-15). Bridging Research Evidence and Policy Options. *India Policy Forum*, II (2014-15).
- Sarojini, Sharan (1971). Ombudsman in India. *The Indian Journal of Political Science*, 32 (2): 158-174 (April-June, 1971) (2015).
- Steven, Van Roosbroek and Steven Van de walle (2008). The Relationship between Ombudsman, Government, and Citizens: A survey Analysis. *Negotiation Journal*, July 2008.
- Subhashini, Sumit and Oshoneesh Waghmare (2015). *Institution of Ombudsman – A legislative and Judicial Outlook*. NALSAR University of Law, Hyderabad. October 2015.
- Suhas, Munshi (2017). No NREGA Ombudsmen in 10 States and Union Territories Even After 11 Years. January 3, 2017. Link: <http://www.catchnews.com/india-news/no-nrega-ombudsmen-in-10-states-and-union-territories-even-after-11-years-1483456274.html>
- The Hindu (2013). Appellate Authority Set up to Hear Complaint Against NREGS Ombudsmen, Bengaluru. October 4, 2013, Link: <http://www.thehindu.com/new/>

national/Karnataka/appellate-authority.set-up-to-hear-complaint-against-nregs-ombudsmen/article5197402.ece.

————— (2019). *Ombudsman Has No Power to Penalise Farmers*: HC. Link: <http://www.thehindu.com/news/national/Kerala/ombudsman-has-no-power-to-penalise-farmers-hc/article26194814.ece>

Tewari, Ruhi (2011). *Only 15 of 28 States Have Named Rural Jobs Scheme Ombudsman*. <http://livemint.com/politics/bSfy15SasGzw6Y43gAMTyO/only-15-of-28-states-have-named-rural-jobs-schemes-ombudsman.html>, 30 Aug 2011.

Annexure 1: Annual Progress Report of Ombudsman (2015-16)

Sl. No.	District Name	Name of Ombudsman	No. of complaints in the beginning of the year	Complaints received during the year	Total complaints received (4+5)	Disposal of complaints	Pending Complaints	Total Complaints		Details of Ombudsman Orders												Suggestions	Cautions
								Proved Complaints	Not Proved Complaints	Recovery		Disceplinary Action					Criminal Cases						
										No. Of Complaints	Amount (Rs.)	Gram Panchayath	Taluk Panchayath	Zilla Panchayath	Elected Representatives	Estd. Departments	Gram Panchayath	Taluk Panchayath	Zilla Panchayath	Elected Representatives	Estd. Departments		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1	Bengaluru (R)/(U)	Sayed Jamal	1	9	10	7	3	3	4	1	1,004,407	1	1	0	0	0	0	0	1	0	0	0	0
2	Bagalkot	Subhash Krishnappa Huchareddy	24	7	31	6	22	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	1
3	Bidar	Sambaji S Tile (I)	37	21	58	38	20	6	28	2	319,423	1	0	0	0	0	0	0	0	0	0	7	25
4	Belagavi	A J Dumale	23	77	100	39	61	25	12	14	1,875,250	11	14	0	0	0	0	0	0	0	0	0	0
5	Bellari	P Chowdappa (I)	24	13	37	34	3	4	30	4	1,196,092	0	0	0	0	0	0	0	0	0	0	0	0
6	Chikkamagalur	K L Subramanya	4	9	13	5	8	5	0	3	504,250	0	0	0	0	0	0	0	0	0	0	0	0
7	Chikkaballapur	M R Balakrishna	34	8	42	7	35	1	0	0	0	1	0	0	1	0	0	0	0	0	0	1	0
8	Chitradurga	P Chowdappa	29	8	37	24	13	14	4	0	0	1	0	0	0	0	0	0	0	0	0	2	2
9	Chamarajanagar	C Lingaraju	39	40	79	34	45	20	14	4	524,602	2	1	1	2	4	1	1	1	0	1	0	0
10	Dharwad	A J Dumale	14	6	20	7	13	3	5	2	294,536	2	2	0	2	1	0	0	0	0	0	0	0
11	Davangere	Mohan Kowjalagi	2	18	20	17	3	1	2	1	4,594	0	0	0	0	0	0	0	0	0	0	0	11
12	Dakshina Kannada	Narasimha Mogera Mathyadi	0	4	4	3	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
13	Gadag	Mohan Kowjalagi (I)	5	5	10	10	0	4	6	4	1,989,260	0	0	0	0	0	0	0	0	0	0	1	1
14	Haveri	Kumsi Basavakumara (I)	10	2	12	9	3	3	6	3	78,000	0	0	0	0	0	0	0	0	0	0	0	2
15	Hassan	Subraya Kamath	3	26	29	22	7	6	16	0	0	0	0	0	0	0	0	0	0	0	0	10	0
16	Kalaburagi	Sambaji S Tile (I)	43	57	100	34	66	1	31	6	1,470,738	0	0	0	0	0	1	0	0	1	1	10	19
17	Kolar	Govindappa	50	143	193	147	46	39	108	28	4,167,313	3	1	0	0	6	2	0	0	2	2	51	38
18	Kodagu	Subraya Kamath	5	3	8	5	3	5	0	3	3,319,472	0	1	0	0	0	2	0	0	2	2	0	0
19	Koppal	B Y Madinura	10	23	33	20	13	7	0	4	711,900	2	0	0	1	1	1	1	0	1	0	7	1

20	Mandya	T Ramegowda	13	14	27	14	13	4	2	3	239,628	1	0	0	0	0	0	0	0	0	0	1	5
21	Mysore	Ratna Naik	18	17	35	20	15	14	6	11	1,317,562	10	1	0	8	6	7	1	0	9	2	0	0
22	Raichur	B Y Madinura (I)	36	7	43	6	37	4	1	3	466,920	2	0	0	1	2	0	0	0	0	0	1	4
23	Ramanagara	T Ramegowda (I)	34	22	56	26	30	7	8	7	2,342,717	2	0	0	0	0	0	0	0	0	0	6	7
24	Shivamogga	Kumsi Basavakumara	7	50	57	45	12	39	6	6	178,190	0	0	0	0	0	0	0	0	0	0	0	1
25	Tumkur	Ramachandra	20	53	73	69	4	32	37	16	1,976,890	15	7	0	15	17	3	1	0	2	3	17	11
26	Vijayapura	Bandu Vittal Bhosle	9	14	23	9	14	7	2	5	549,545	7	1	0	2	8	0	0	0	0	0	2	6
27	Uttar Kannada	Madhukara Kadakara	1	10	11	11	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
28	Udupi	Narasimha Mogera Mathyadi	1	22	23	19	4	12	7	0	0	0	0	0	0	0	0	0	0	0	0	2	0
29	Yadgir	Sambaji Tile	9	17	26	19	7	2	9	2	104,239	9	1	0	3	9	2	0	0	0	2	6	15
Total			505	705	1210	706	501	272	347	132	24635528	70	30	1	35	54	19	4	2	17	13	124	152

Annexure 2: Mahatma Gandhi National Rural Employment Guarantee Act - Ombudsman

Cumulative Action Taken on Orders - Status Report as on 15.06.2016									
Sl. No.	District	No. of cases recorded	No. of Cases disposal	Proved Cases	Orders for recovery	Recovery Amount	Amount included in Appellate Authority/ Courts	Present Amount for Balance Recovery	Remarks
1	2	3	4	5	6	7	8	9	10
1	Bagalkot	31	18	2	56,74,096	1,16,730	39,06,000	16,51,366	
2	Bengaluru Urban	0	0	0	0	0	0	0	
3	Bengaluru Rural	36	33	5	21,32,068	1,26,114	15,68,315	4,37,639	
4	Belagavi	444	385	34	108,30,407	35,379	0	107,95,028	
5	Bellary	49	34	9	32,44,246	9,06,003	0	23,38,243	
6	Bidar	197	169	36	25,10,517	6,57,569	3,48,819	15,04,129	
7	Chamarajanagara	226	185	57	41,94,676	0	0	41,94,676	
8	Chikkaballapura	115	110	43	7,21,000	2,75,000	0	4,46,000	
9	Chikkamagaluru	305	206	100	63,00,750	19,94,000	0	43,06,750	
10	Chitradurga	182	178	99	188,17,949	1,00,565	0	187,17,384	
11	Dakshina Kannada	149	140	128	36,56,906	11,52,275	16,88,408	8,16,223	
12	Davangere	169	156	11	15,75,817	1,96,086	13,61,337	18,394	
13	Dharwad	44	33	11	45,44,450	66,896	17,05,925	27,71,629	
14	Gadag	63	60	6	22,34,075	0	0	22,34,075	
15	Kalaburagi	243	181	26	62,45,165	3,45,453	26,95,805	32,03,907	
16	Hassan	153	70	35	28,69,492	8,38,747	16,43,509	3,87,236	
17	Haveri	150	149	34	41,70,756	15,28,762	20,53,749	5,88,245	
18	Kodagu	38	27	19	61,29,903	23,87,149	0	37,42,754	
19	Kolar	300	275	193	110,91,103	4,68,026	0	106,23,077	
20	Koppal	67	57	31	41,55,820	6,53,266	10,38,981	24,63,573	
21	Mandya	79	65	15	11,60,899	43,007	0	11,17,892	
22	Mysore	129	109	43	41,01,847	2,74,630	32,84,074	5,43,143	
23	Raichur	81	43	14	23,32,183	33,600	0	22,98,583	
24	Ramanagara	110	75	25	40,33,661	1,44,828	25,59,868	13,28,965	
25	Shivamogga	377	371	59	24,74,368	12,53,960	5,87,428	6,32,980	
26	Tumkur	197	189	106	51,13,644	46,345	0	50,67,299	
27	Udupi	67	64	19	40,000	40,000	0	0	
28	Uttar Kannada	47	46	7	39,97,028	3,07,136	33,14,367	3,75,525	
29	Vijayapura	301	186	31	338,10,201	9,79,020	0	328,31,181	
30	Yadgir	98	92	30	136,58,194	25,79,832	0	110,78,362	
Total		4447	3706	1228	1718,21,221	175,50,378	277,56,585	1265,14,258	

Annexure 3: MGNREGA: Details of Complaints Filed with All Ombudsman (category wise)

Sl. No.	Kind of Complaints	No. of Complaints filed	No. of Orders Issued	No. of Complaints Proved	Amount Ordered for recovery (Rs.)	Amount recovered (Rs.)	Action recommended against officials	Action taken against staff	Remarks
1	2	3	4	5	6	7	8	9	10
1	Gram Sabha meeting and their record keeping	89	86	5	5,58,889	0	12	0	0
2	Registration of households and issue of job cards	115	81	22	34,16,360	0	3	0	0
3	Custody of job cards	16	13	2	0	0	3	0	0
4	Demand for work	111	95	37	22,36,404	0	0	0	0
5	Issue of dated acknowledgement receipt against application for employment	16	16	1	0	0	0	0	0
6	Payment of wages	362	316	189	18,72,725	1,49,080	70	0	0
7	Payment of unemployment allowance	103	77	25	16,88,434	77,577	13	0	0
8	Payment of compensation for delayed wage payments	19	19	1	0	0	4	0	0
9	Discrimination on the basis of gender	1	1	0	0	0	0	0	0
10	Worksite facilities	52	52	52	0	0	6	0	0
11	Measurement of work	159	134	68	19,78,888	1,60,000	18	0	0
12	Quality of work	381	328	100	18,85,790	23,31,633	64	6	0
13	Use of labour displacing machines	174	141	35	16,59,524	2,04,994	22	0	0
14	Engagement of contractors	47	17	6	71,360	0	6	0	0
15	Operating of accounts in the bank or post office	68	67	1	0	0	2	0	0
16	Registration and disposal of complaints	194	168	19	13,24,976	0	0	0	0
17	Verification of muster rolls	104	95	10	2,170	2,170	10	0	0
18	Inspection of documents	165	154	12	1,66,634	67,493	14	0	0
19	Use of funds	129	113	63	12,86,096	30,000	53	0	0
20	Release of funds	26	20	5	46,67,929	5,000	5	0	0
21	Any fraudulent activity brought out by social audit	34	20	3	0	0	0	0	0
22	Maintenance of record	686	617	110	74,47,805	1,04,663	84	0	0
23	Deprivation of any entitlement assured in the act/schedules	31	31	29	0	0	0	0	0
24	Any other	655	404	80	57,23,199	1,50,906	30	0	0
Total		3737	3065	875	3,59,87,183	32,83,516	419	6	0

Annexure 4: MGNREGA: Details of Complaints filed with all Ombudsman (Worker entitlement)

Sl. No.	Districts	Workers entitlement						Work regarding			
		Job Card not given	Work not given	Wages not paid	Bogus job card	Bogus worker (NMR)	Ineligible beneficiary	Fictitious Bogus work	Less works	Work quality	Procedure regarding
1	2	3	4	5	6	7	8	9	10	11	12
1	Bengaluru (R)/(U)	0	0	0	3	0	0	2	0	0	1
2	Belagavi	32	86	25	49	29	57	9	75	48	0
3	Bidar	0	4	12	0	0	0	0	0	27	0
4	Bagalkot	0	0	13	1	0	0	1	1	1	0
5	Chamarajanagara	0	2	35	0	25	2	10	10	50	47
6	Chitradurga	0	15	30	40	10	8	15	125	2	0
7	Dakshina Kannada	0	19	66	0	0	0	0	0	0	12
8	Gadag	0	0	0	2	2	1	0	0	0	0
9	Hassan	0	1	3	4	2	3	12	1	34	0
10	Kolar	36	37	43	29	35	0	23	29	37	26
11	Koppal	0	13	7	3	2	0	2	6	2	3
12	Kalaburagi	0	6	29	2	4	0	1	0	18	0
13	Mandya	3	3	12	0	0	0	0	0	3	0
14	Ramanagara	1	4	4	0	3	1	0	3	6	0
15	Shivamogga	0	1	3	0	3	2	5	0	6	10
16	Tumkur	0	4	40	4	4	2	2	13	25	0
17	Uttar Kannada	0	0	0	1	1	0	0	0	5	2
18	Udupi	0	7	15	0	0	1	0	1	0	19
19	Vijayapur	2	16	25	2	10	5	5	10	7	0
20	Yadgir	2	11	0	0	0	0	0	0	82	0
Total		76	229	362	140	130	82	87	274	353	120

Annexure 5: MGNREGA: Details of Complaints Filed with all Ombudsman (Time taken for disposal)

Sl. No.	Districts	Time taken for complaint disposal				No. of sittings taken to dispose the complaint		Nature of orders		Quality of orders			
		Within 15days	Within 30 days	Within 60 days	More than 60 days	3 Sittings	More than 3 sittings	Specific order	General order	No. of Orders quashed by Appellate Authority	No. of Orders upheld by Appellate Authority	No. of orders complied	No. of criminal case filed pursuant to the orders
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Bengaluru Rural	0	0	0	9	7	0	0	0	0	0	0	0
2	Belagavi	18	12	9	371	20	390	14	396	6	1	389	14
3	Bidar	0	18	35	116	18	151	27	142	0	0	0	0
4	Bagalkot	2	4	0	33	4	33	8	31	0	0	0	0
5	Chamarajanagara	0	0	0	0	0	0	0	0	0	0	0	0
6	Davangere	0	0	0	172	0	172	18	154	0	0	0	0
7	Dakshina Kannada	37	104	0	0	0	166	147	0	0	0	0	0
8	Gadag	0	0	0	139	0	138	7	131	0	0	0	0
9	Hassan	55	21	26	18	116	3	119	0	7	0	0	3
10	Kolar	15	56	89	135	109	186	56	86	0	0	12	0
11	Koppal	8	15	13	3	30	9	11	28	2	0	0	0
12	Kalaburagi	0	8	38	154	12	188	36	164	5	2	0	3
13	Mandya	0	4	7	50	0	61	0	14	4	0	0	0
14	Ramanagara	0	0	0	59	0	59	1	23	3	0	3	0
15	Shivamogga	0	4	6	9	19	0	4	10	0	0	3	0
16	Tumkur	16	92	53	13	164	10	170	4	14	4	0	0
17	Uttar Kannada	4	6	9	23	2	40	36	6	4	0	0	0
18	Udupi	11	18	11	3	9	34	33	0	1	0	0	0
19	Vijayapur	0	0	0	137	0	137	61	69	2	20	5	8
20	Yadgir	0	65	32	0	59	38	22	75	0	1	0	5
Total		166	427	328	1444	569	1815	770	1333	48	28	412	33

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