

KARNATAKA LOKAYUKTA

No.Compt/Uplok/BD-2141/2017/DRE-1 Multi Storied Buildings,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date : 24/1/2020

Report under section 12(1) of Karnataka Lokayukta Act

Sub: Complaint filed by Sri.K.R.Rajkumar, Talwar Keri,
Shikaripura Taluk and Post, Shimoga District.

1. On the basis of the complaint filed by Sri.K.R.Rajkumar, Talwar Keri, Shikaripura Taluk and Post, Shimoga District, (hereinafter referred to as 'Complainant'), against (1) Sri.Shivappa Olekar, Executive Officer, Taluk Panchayath, Honnali Taluk, Davangere District, (2) Sri.B.Shekar Naika, the then Panchayath Development Officer, Benakanahalli Gram Panchayath, presently Secretary, Rampura Gram Panchayath, Honnali Taluk, Davangere District, (3) Sri.B.Jagadeesh, Technical Coordinator, Taluk Panchayath, Honnali Taluk, Davangere, and (4) Sri.M.R.Shivashankar, the then Technical Assistant, Taluk Panchayath, Honnali Taluk, Davangere District (hereinafter referred to as 'Respondents 1 to 4' respectively) an investigation under Section 9 of the Karnataka Lokayukta Act, 1984 was taken up.
2. The brief averments of the complaint are that during 2015-16 at the estimate cost of Rs.0.68 lakhs the work 'ಡಿ.ಜಿ.ಶೇಖರಪ್ಪ ರವರ ಜಮೀನಿನ ಹತ್ತಿರ ಬೋರ್‌ವೆಲ್ ಮರು ಪೂರಣ ಘಟಕ ನಿರ್ಮಾಣ' under NAREGA Scheme was undertaken, but from comparison of the measurements as shown in the bill and as entered in measurement book it is noticed that they are totally different and therefore there has been misuse of funds.

3. The complainant has produced the copies of estimate, and measurement books pertaining to the above works along with photographs.
4. The respondent No.1 in his comments has stated that the responsibility of crediting the wage amount to E-NMR and other technical matters rest with the Technical Assistants and the Executive Officer only affixes his signature as ಪೇಟು ರಜು (counter signature).
5. The respondent No.2 in his comments has denied the complaint allegations and has produced the documents.
6. The respondent No.3 has also denied the complaint allegations and has further contended that since the work was executed 3 years back, the stone slabs used for pitching might have been lost in the rainy water or the public might have taken away, but the work has been executed by using materials as shown in the material bill. It is further contended that M.B. has been written for 63 mandays, but in Muster Roll due to inadvertence of officer while taking attendance, excess of 7 days has been shown. He has also submitted comments with respect to the other 2 similar works executed near the land of Benakanna and Thimmanahalli Basavanagowda.
7. The respondent No.4 in his comments has denied the complaint allegations and has further stated that, the work has been executed as per estimate without making any modification and accordingly entries have been made in the measurement book. He has further stated that he was relieved from the said post about 1½ year back, i.e., he has left the said job.
8. S.P, KLA, Davangere was directed to investigate and to submit report. Accordingly he submitted the report with documents not only pertaining to the complained work near the land of

D.G.Shekarappa, but also other 2 similar works executed near the land of Benakanna and Thimmanahalli Basavegowda. Perused the documents.

9. From the perusal of the documents, following discrepancies are noticed in the work "ಡಿ.ಜಿ.ಶೇಖರಪ್ಪ ರವರ ಜಮೀನಿನ ಹತ್ತಿರ ಬೋರ್ಲೆ ಮರು ಪೂರಣ ಘಟಕ ನಿರ್ಮಾಣ":-

- (a) Work order is dt.13/1/2016. The estimated cost is shown as 0.68 lakhs. The cost of unskilled labour and cost of materials are over written as 35292 and 32708 respectively. Total number of mandays, the total number of workers and the maximum number of work days are changed as 173, 11 and 16 respectively. The stipulated date of completion has been left blank.
- (b) In the second document, the date of commencement and the date of completion are shown as 12/4/16 and 18/4/16. The total wage amount is shown as Rs.14,112/-. The total cost of materials is written as Rs.32,156/-. The total mandays are shown as 63. In the completion report, the total bill amount is written as Rs.46,268/-. The date of handing over has been left blank. A request letter signed by the Secretary and the President of Gram Panchayath, Benakanahalli, has been produced. From the above difference of wage amount and number of mandays it can be observed that the Muster Rolls and other documents have not been maintained as per point No.15 of Schedule-I of NAREGA Act 2005.
- (c) Notice for supply of materials dt.25/12/15, the supply order dt.30/12/2015, and a cash/credit bill dt.29/12/16 have been produced. Cash bill is for a sum of Rs.33,656/-. Quotation of Zabiulla dt.28/12/2015 for Rs.32,156/- has been produced, wherein the date of publication is shown as 28/12/2016. Other 2 quotations dt.28/12/15 have been

produced. From the above dates of various documents it can be noticed that in the quotation itself the amount quoted is Rs.32,156/-, but the cash bill is for Rs.33,656/- which is more than the rate quoted in the quotation. Further as per point No.23 of Schedule-I of NAREGA Act 2005, all material required from the work shall be procured by the Gram Panchayath or implementing agency using a transparent tender process as specified by the Government. But from the above irregularities there arises doubt regarding the transparency in procuring materials.

- (d) 3 Forms No.8 and Form No.9 showing totally the names of 13 workers have been produced. In Muster Roll the names of 13 workers have been mentioned. The LTM found at Sl.No.6 has not been identified. The total number of mandays would be 70. Rs.224/- per day is shown as the wage amount. Therefore, according to the NMR the total amount of wage paid would be Rs.15,680/-, but in all the documents including M.B, and completion certificate, the total wage amount has been shown as Rs.14,112/-. It is pertinent to note that there are no signatures of the officer who has taken the attendance and who has verified the same. The total wage amount has also not been mentioned. Even in Mustroll details the total wage amount has not been shown. From comparison of NMR with Mustroll details, it can be noticed that in NMR at Sl.No.8, an amount of Rs.1,244/- is shown as against the name of Smt.Roopa B.N. Similarly with respect to Sl.No.9 to 13 in NMR the total number of working days is shown as 6 and the total wage amount is shown as Rs.1,344/- each. But in Mustroll details the total number of working days is shown as 5 and the total wage amount as Rs.1,130/-. Even in Mustroll details the signatures of the officers who have taken the attendance and verified the same

are not found. Therefore from the above discrepancies there arises doubt as regards the actual number of mandays and the actual wage amount paid to each of the worker.

(e) From the comparison of the items of work and the measurement as specified in the estimate and as shown in M.B., discrepancies are noticed as below:

| Sl. No. | Item of work as specified in estimate | Quantity as specified in estimate | Item of work as recorded in M.B. | Quantity of work as recorded in M.B. |
|---------|---|--|--|--|
| 1 | <p>Earthwork excavation for foundation of building, culverts, water supply sanitary lines & electrical conduits either in pits or in trenches 1.5m & above in width, in ordinary soil not exceeding 1.5m depth including dressing and bottom & sides of pits & trenches, stacking the excavated soil clear from edges of excavation with lead upto 50m after breaking clods.</p> <p>Pit for Rain water Protection wall allround (0.90+0.60)/2V type lead drain (0.90+0.60)/2 Slite trap</p> | <p>1x3.00x3.00x3.00=27.00 1x12.00x0.45x0.60=3.240 1x30.00x0.75x0.60=13.50 1x0.90x0.75x0.60=0.810 44.55</p> | <p>Earthwork roads rainfill dams desiling of tanks for construction of contour/-----</p> <p>Around the B.D Protection wall</p> | <p>1x1.80x2.0x2.0=11.76 2x3.4x0.5x0.6=2.09 2x2.4x0.5x0.6=1.49 15.24m³</p> |
| 2 | <p>Providing and laying in position plain cement concrete of mix M10 with OPC cement @ 220kgs with 40mm and down size graded granite metal coarse aggregates @0.892cum and fine aggregates @ 0.465cum machine mixed, concrete laid in layers not exceeding 15cms, thick well compacted, in foundation and plinth including cost of all materials labour HOM of machinery curing complete as per specification.</p> <p>For casing bottom concrete bed Protection wall allround</p> | <p>1x1.00x1.00x1.10=0.10 1x12.00x0.45x0.10=0.54 0.64</p> | <p>Providing and laying in position P.CC of mix M7.5 with OPC cement @ 180kgs with 40mm down graded size granite metal coarse aggregate @ 0.85 cum and fine aggregate @ 0.57 cum machine mixed concrete laid in layer not exceeding 15cms thick well compacted foundation and plinth including cost of all materials labourHOM of machinery curing complete as per specification</p> | <p>1x1.0x1.0x0.1=0.1m³</p> <p>Protection wall</p> <p>2x3.4x0.5x0.1=0.34 m³ 2x2.4x0.5x0.1=0.24 m³ 0.68 m³</p> |

| | | | | |
|---|---|---|--|--|
| 3 | <p>Providing and laying in position reinforced cement concrete of design mix M20 with OPC cement @ 320kgs with 20mm and down size graded granite metal coarse aggregates @0.69cum and fine aggregates @0.46cum with super plastisiser @3lts confirming to IC 9103-1999 Reaffirmed-2008, machine mixed concrete laid in layers not exceeding 15cms thick vibrated for RCC beams columns of all sizes in foundation plinth and superstructure ground floor level for roof slabs, staircase, lintels, columns including cost of all material labour, HOM of machinery coring complete as per specifications For casing bed concrete bed Coping protection wall all round</p> | $1 \times 1.00 \times 1.00 \times 0.150 = 0.150$ $1 \times 12.00 \times 0.45 \times 0.080 = 0.405$ <u>0.555</u> | <p>Providing and construction granite/trap/basalt/size stone masonry in foundation CM1:6 stone - -- dressed in coarse not less than 20cm highbond stones at the - --in each coarse including cost of materials/labour during complete as per specification No.KBS PWD 8R 2014-15</p> | $2 \times 3.4 \times 0.4 \times 0.3 = 0.816$ $2 \times 2.4 \times 0.4 \times 0.3 = 0.516$ <u>0.132m³</u> |
| 4 | <p>Providing and construction granite/trap/basalt rubble stone masonry in foundation with cement mortar 1:6 (uncoursed) bond stones at two m.apart in each course including cost of materials, labour curing complete as per specifications. BGL protection wall allround</p> | $1 \times 12.00 \times 0.45 \times 0.30 = 1.620$ | <p>Providing and construction granite/trap/basalt size stone masonry in foundation CM 1:6 stone hammered dressed in coarse not less than 15cm high bond stones at turn each coarse including cost of materials labour, curing complete as per specification</p> | $2 \times 3.4 \times 0.4 \times 0.3 = 0.81 \text{ m}^3$ $2 \times 2.4 \times 0.4 \times 0.3 = 0.57 \text{ m}^3$ <u>1.38m³</u> Deduction $01 \times 0.6 \times 0.4 \times 0.3 = 0.072$ $01 \times 0.3 \times 0.4 \times 0.2 = 0.029$ <u>0.096m³</u> |
| 5 | <p>Providing & construction granite/trap/basalt size stone masonry in basement with cement mortar 1:6 edges of stones chistle dressed in courses not less than 15cms high bond stones at two m.apart in each course including cost of materials, labour curing complete as per specifications AGL protection wall allround</p> | $1 \times 12.00 \times 0.45 \times 0.45 = 2.430$ $2 \times 0.60 \times 0.60 \times 0.45 = 0.324$ | <p>Providing and laying in position PCC of mix 10 with OPC cement @ 240kgs, with 10mm and down size graded granite metal coarse aggregates @0.84cum and fine aggregates @ 0.56cum</p> | |

| | | | | |
|---|---|--|---|--|
| | Deduction of inflow and outflow went | 2.106 | machine mixed, concrete laid in layers not exceeding 15 cms thick, well compacted, in foundation and plinth, including cost of all materials, labour, HOM of machinery, curing complete as per specification. Around B.D Loping to P.T.wall | $1 \times 1 \times 1 \times 0.1 = 0.1$ $2 \times 3.4 \times 0.4 \times 0.1 = 0.27 \text{ m}^3$ $2 \times 2.40 \times 0.4 \times 0.1 = 0.19 \text{ m}^3$ 0.46 m ³ |
| 6 | Providing ruled pointing to coursed stone masonry with cement mortar 1:3, 20mm after raking joints to depth of 20mm nicely lining including cost of materials labour, curing complete as per specification (P.No.-123 LT 15.3) Deduction of inflow and outflow went | $2 \times 12.00 \times 0.45 = 10.80$ $4 \times 0.60 \times 0.45 = \underline{0.540}$ 10.260 | Providing ruled pointing to coursed stone masonry with cement mortar 1:4, 20mm after raking joints to depth of 20mm nicely lining including cost of materials labour, curing complete as per specification | $1 \times 4 \times 3.4 \times 0.3 = 4.08 \text{ m}^3$ $1 \times 4 \times 2.4 \times 0.3 = \underline{2.88 \text{ m}^3}$ 6.96 m ³ |
| 7 | Providing and laying pitching on slopes laid over prepared filter media including boulders apron laid dry in front of tone on embankment complete including cost of materials labour complete as per specification including quarrying, breaking, collecting and conveying by head load etc complete No.250 (PWD 09-10, P.No.209 I.No.305) (0.60+0.78+0.78)Lead drain Silt Trap Boulders 40mm 20mm | $1 \times 28.20 \times 2.160 \times 0.150 = 9.140$ $2 \times 0.90 \times 2.160 \times 0.20 = 0.780$ $1 \times 3.0 \times 3.0 \times 1.50 = 13.50$ $1 \times 3.0 \times 3.0 \times 0.30 = 2.70$ $1 \times 3.0 \times 3.0 \times 0.30 = \underline{2.70}$ 28.82 | Providing and laying pitching on slopes laid over prepared filter media as per specification | $2 \times 5.0 \times 0.6 \times 0.9 = 5.4 \text{ m}^3$ For BW $2 \times 5.0 \times 0.5 \times 0.3 = \underline{1.5 \text{ m}^3}$ 6.9 m ³ |

(f) In M.B. there is no mention of date of commencement and date of completion. However, date of recording is written as 19/4/16. Hence it can be observed that after the completion

of entire work, the measurements have been recorded at a stretch. As pointed out by the complainant, in his complaint and rejoinder, there are variations as regards the description of work and also the quantity inbetween the estimate and measurement book. The above discrepancies substantiate the allegation of the complainant that the work has not been executed in accordance with estimate and measurements have been recorded as per the whims and fancy of the concerned Technical Assistant.

10. The enquiry officer has also produced the documents pertaining to the work “ಬೆನಕನಹಳ್ಳಿ ಗ್ರಾಮದ ತಿಮ್ಮೇನಹಳ್ಳಿ ಬಸವನಗೌಡಪ್ಪನ ಜಮೀನಿನ ಹತ್ತಿರ ಬೋರ್‌ವೆಲ್ ಮರು ಪೂರಣ ಘಟಕ ನಿರ್ಮಾಣ”. From the scrutiny of said documents following irregularities can be observed:

- (a) As per the above documents estimated cost is Rs.0.68 lakhs, with the same quantity and items of work as specified in the above work. Work order is dt.13/1/2016. The estimated cost is shown as 0.68 lakhs. The cost of unskilled labour and cost of materials are over written as 35292 and 32708 respectively. Total number of mandays, the total number of workers and the maximum number of work days are changed as 173, 11 and 16 respectively. The stipulated date of completion has been left blank.
- (b) 6 Forms No.8 and Form No.9 showing totally the names of 12 workers have been produced. In Muster Roll the names of 8 workers have been mentioned. The LTM found at Sl.No.7 has not been identified. The total number of mandays would be 53. Rs.224/- per day is shown as the wage amount. Therefore, according to the NMR the total amount of wage paid would be Rs.11,872/-, but in all the documents including M.B, and completion certificate the total wage amount has been shown as Rs.17,248/-. Even in Mustroll

details the total wage amount is shown as Rs.17248/-. In Mustroll details, the total number of workers is shown as 12. The total number of mandays would be 77 as per Mustroll details.

- (c) Notice for supply of materials dt.20/12/16, the supply order dt.29/12/2015, and a cash/credit bill dt.1/1/16 have been produced. Cash bill is for a sum of Rs.21,671/-. Quotation of Zabiulla dt.21/12/2015 has been produced, wherein the date of publication is shown as 20/12/2016. Other 2 quotations dt.24/12/15 and 26/12/2015 have been produced. *Therefore there is non-compliance of Proviso 23 of MGNREGS Act, 2005 (Schedule I)*
- (d) In M.B. there is no mention of date of commencement and date of completion. However, date of recording is written as 19/4/16. From comparison of estimate with measurement book, it can be noticed that as regards the items of work and also the quantity there are variations in between the said two documents.

11. The Enquiry Officer has also produced the documents pertaining to execution of work “ಬೆನಕನಹಳ್ಳಿ ಗ್ರಾಮದ ಬೆನಕಣ್ಣಿನ ಜಮೀನಿನ ಹತ್ತಿರ ಕುಡಿಯುವ ನೀರಿನ ಬೋರ್‌ವೆಲ್ ಮರು ಸೂರಣ ಘಟಕ ನಿರ್ಮಾಣ”:-

- (a) As per the above documents, estimated cost is Rs.0.68 lakhs, with the same quantity and items of work as specified in the above work. Work order is dt.13/1/2016. The estimated cost is shown as 0.68 lakhs. The cost of unskilled labour and cost of materials are over written as 35292 and 32708 respectively. Total number of mandays, the total number of workers and the maximum number of work days are changed as 173, 11 and 16 respectively. The stipulated date of completion has been left blank.
- (b) 6 Forms No.8 shows totally the names of 12 workers. In Muster Roll the names of 12 workers have been mentioned.

There is no LTM found at Sl.No.8 which has not been identified. The total number of mandays would be 84. Rs.224/- per day is shown as the wage amount. Therefore, according to the NMR the total amount of wage paid would be Rs.18,816/-, but in all the documents including M.B, and completion certificate, the total wage amount has been shown as Rs.12,768/-. Even in Mustroll details the total wage amount is shown as Rs.12,768/-. In Mustroll details the total number of workers is shown as 12. The total number of mandays would be 57 days as per Mustroll details. Therefore from the above discrepancies first of all it has to be observed that Muster Rolls have not been maintained as per point No.15 of Schedule-I of NAREGA Act 2005. Secondly since there are variations between the wage amount and number of mandays in between the documents as discussed above, there arises doubt regarding the genuineness of entries in the documents with respect to the total amount expended for the above work. Therefore what is the total wage amount paid and how many workers were given employment and paid wages would not be clear. As per point No.15 of Schedule-I of the Act, Muster Roll shall be periodically checked by the officials in the manner prescribed in the scheme. It also provides that Muster Roll shall be maintained at the work site by marking attendance daily by a person authorized under the scheme. These mandatory provisions have not been followed while executing the above work. Therefore there arises doubt regarding very execution of the work as per the guidelines stipulated under which said Act.

- (c) Notice for supply of materials dt.20/12/16, the supply order dt.13/1/16, and a cash/credit bill dt.13/1/16 have been produced. Cash/credit bill is for a sum of Rs.31,136/-. Quotation of Zabiulla dt.12/1/16 has been produced,

wherein the date of publication is shown as 10/1/2016. Other 2 quotations dt.12/1/16 have been produced. There is no mention of the name of the supplier to whom the said order has been issued. From the above dates of various documents it can be noticed that again within three days of publication supply order has been issued even without mentioning the name of the supplier. In the quotation of Jabiulla total amount quoted has not been mentioned. Date of office publication is shown as 11/4/2016. But the date of quotation is shown as 12/1/2016. In request letter showing the details of work the quantity of materials etc., neither the date of supply nor the date of inspection have been mentioned. Further as per point No.23 of Schedule-I of NAREGA Act 2005, all material required from the work shall be procured by the Gram Panchayath or implementing agency using a transparent tender process as specified by the Government. But from the above irregularities there arises doubt regarding the transparency in procuring materials.

(d) In M.B., there is no mention of date of commencement, date of completion, and date of recording. From comparison of estimate with measurement book, it can be noticed that as regards items of work and also the quantity there are variations in between the said two documents.

12. Therefore from the above discussion, it can be opined that there are sufficient materials to substantiate the allegation of the complainant. The documents produced by the enquiry officer with regard to the two works other than the complained work, further corroborate the contention of the complainant that the works have not been executed as per estimate which has resulted in misutilization of funds.

13. The respondent No.4 is not in service and has left the said employment as per his comments.
14. Hence, recommendation is made u/s 12(1) Karnataka Lokayukta Act to take appropriate action against respondent No.4 Sri.M.R.Shivashankar, ^{He is} Technical Assistant, under the provisions of Mahatma Gandhi National Rural Employment Guarantee Act 2005 and Rules framed thereunder.
15. The Competent Authority shall intimate or cause to be intimated to this Authority about the action taken on the report within one month thereafter as stipulated under Section 12(2) of Karnataka Lokayukta Act, 1984.

Connected records are enclosed herewith.

B.S. Patil 24-1-20
(Justice B.S.Patil)
Upalokayukta-2

State of Karnataka, Bengaluru

B.S.
24/1/2020