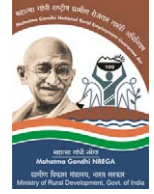




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# **MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005 (MAHATMA GANDHI NREGA)**

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**OPERATIONAL GUIDELINES  
2013**

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**4<sup>th</sup> Edition**

**Ministry of Rural Development  
Department of Rural Development  
Government of India  
New Delhi**

# 13 Transparency and Accountability

## Social Audit, Vigilance and Grievance Redressal

### 13.1 SOCIAL AUDIT: INTRODUCTION

**13.1.1** An innovative feature of the Mahatma Gandhi NREGA is that it has institutionalized 'Social Audit' as a means of continuous public vigilance (Mahatma Gandhi NREGA, Section 17). Social Audit has the following dimensions:

- i) As a continuous and ongoing process, involving public vigilance and verification of quantity and quality of works at different stages of implementation; and
- ii) A process is to be conducted in every Gram Panchayat (GP) at least once in six months, involving a mandatory review of all aspects.

**13.1.2** The basic objective of social audit is to ensure public accountability in the implementation of projects, laws and policies.

**13.1.3** Social Audit is an effective means for ensuring transparency, participation, consultation and accountability under MGNREGA. The process of Social Audit combines people's participation and monitoring with the requirements of the audit discipline.

**13.1.4** Since the agency implementing the Scheme cannot itself audit the Scheme, therefore, it is necessary to promote people's participation in the audit along with support provided by an independent social audit organisation that facilitates the process.

**13.1.5** The Social Audit process is not a fault finding, but a fact finding process. The work of the Auditor is only to 'investigate' by cross-verifying facts and details in the records from the labourers and cross-verifying works at site. The "Auditors" must not view themselves as "Prosecutors".

### 13.2 SOCIAL AUDIT FACILITATION

**13.2.1** Rule 4 of Audit of Schemes Rules, 2011 stipulates that each State Government shall identify or establish an independent organization, "Social Audit Unit" (SAU) to facilitate conduct of the Social Audit of MGNREGS works. This Social Audit Unit may be either a Society or a Directorate, independent of the implementing departments/agencies. The Director/chief executive officer of the society/directorate shall be a person who has worked in the social sector for the rights of the people for at least 15 years. The work may also be outsourced to an outside agency preferably an NGO which is not involved in the planning and implementation of the Scheme but possesses adequate experience of having worked in rights and entitlement based programmes. A suggested structure for a fully functional directorate is given in **Annexure-31**.

**13.2.2** Social Audit Unit shall identify appropriate number of State Resource Persons (SRP), District Resource Persons (DRP), Block Resource Persons (BRP) and Village Resource Persons (VRP), to facilitate the Gram Sabha in conducting social audit.

**13.2.3** The Social Audit Unit shall have Quality Monitors to facilitate evaluation of asset quality during the social audit. This will ensure durability of assets and their intended usefulness.

### 13.3 SOCIAL AUDIT PROCESS

**13.3.1** The Social Audit Unit shall at the beginning of the year, frame an annual calendar to conduct at least one social audit, in each Gram Panchayat, every six months and a copy of the calendar shall be sent to all the District Programme Coordinators for making necessary arrangements. The social audit will be carried out in a staggered manner all over the State.

- 13.3.2** The labourers and the village community shall be informed about the Gram Sabha conducting social audit by the resource persons as well as the Programme Officer to ensure full participation.
- 13.3.3** The Social Audit Unit shall be provided by the Programme Officer (PO), at least 15 days before the date of Social Audit Gram Sabha meeting, all the required information and records of all implementing agencies such as Job Card register, employment register, work register, GS resolution, copies of the sanctions (administrative or technical or financial), work estimates, work commencement order, muster roll issue and receipt register, muster rolls, wage payment acquaintance, materials – bills and vouchers (for each work), measurement books (for each work), asset register, action taken report on previous social audits, grievance or complaints register, any other documents to conduct the social audit properly.
- 13.3.4** For facilitating conduct of social audit by Gram Sabha, the resource persons deployed by Social Audit Unit, along with primary stakeholders shall verify the following:
- i) The Muster Rolls, entry and payments made in the specified time period, by contacting the wage seekers whose names are entered in such muster rolls.
  - ii) The work site and assessing the quantity with reference to records.
  - iii) Physical status of the assets, asset quality and customer satisfaction in usefulness of assets (including works taken up on individual beneficiary lands)
  - iv) The cash book, bank statements and other financial records to verify the correctness and reliability of financial reporting.
  - v) The invoices, bills, vouchers or other related records used for procurement of materials to testify such procurement was as per the estimate, and was as per procedure laid down.
  - vi) Any other payment made by the implementing agency from the funds of the scheme.
  - vii) That the wall painting showing details of money paid to all job card holders have been done using the prescribed format and the details contained therein are a true reflection of the records as they obtain in [www.nrega.nic.in](http://www.nrega.nic.in) and at the block and panchayat office.
- 13.3.5** To conduct the social audit process, a Gram Sabha shall be convened to discuss the findings of the verification exercise and also to review the compliance on transparency and accountability, fulfillment of the rights and entitlements of labourers and proper utilisation of funds. The Gram Sabha shall be convened in a neutral public space and in any case not in the hamlet/village of the head of the panchayat. The meeting shall be chaired by an elderly villager who is not a part of Panchayat or any implementing agency. Decisions and resolutions will be put to voting. However, dissenting opinion must be recorded in the minutes. Action Taken Reports on the previous Social Audit must be read out at the beginning of the meeting. All the officials responsible for implementation must be present in the meeting to answer queries from the members of the Gram Sabha.
- 13.3.6** The District Programme Coordinator or his authorized representative shall supervise the Gram Sabha meeting for its smooth conduct.
- 13.3.7** All elected members of Panchayats and staff involved in implementing the schemes under the Act (including the staff of the Civil Society Organisations, the SHGs, and disbursing agencies) shall be present at the Gram Sabha and respond to queries.
- 13.3.8** The action taken report relating to the previous social audit shall be read out at the beginning of the meeting of each social audit Gram Sabha.
- 13.3.9** The Gram Sabha shall provide a platform to all villagers to seek and obtain further information and responses from all involved in the implementation of the scheme. It will also provide a platform to any person who has any contribution to make and relevant information to present.

- 13.3.10** During the Social Audit all issues must be recorded in writing and evidence should be gathered for all issues raised.
- 13.3.11** The entire proceeding of the Social Audit Gram sabha shall be video recorded, compressed using latest compression techniques (to reduce space occupied by it) and uploaded on website, www.nrega.nic.in without editing. The video recording will also be stored in the custody of District Programme Coordinator.
- 13.3.12** The social audit reports shall be prepared in local language by the Social Audit Unit. The Social Audit Reports must be counter-signed by the chairperson of that particular social audit Gram Sabha. A copy of the report must be displayed on the notice board of the Gram Panchayat for at least seven days.
- 13.3.13** All social audit reports will contain a list of grievances that require redressal and a separate list of social audit findings that require criminal investigation. While the criminal cases should go to the requisite authority for filing of FIRs, all grievances should be registered with the designated authority at the District level and Block level for disposal and action.
- 13.3.14** The Action Taken Report on the issues raised in the Gram Sabha shall be given to the Social Audit Unit and to the individual whose grievance has been recorded in the report.
- 13.3.15** The State shall provide a platform at Intermediate Panchayat level for Pradhan/Sarpanch and members of Gram Panchayat to discuss issues related to implementation of MGNREGA. Similar, platform shall be provided at the District level for Pramukh and members of Block Panchayat. To ensure that such meetings are held at regular interval the State Government shall lay down the periodicity of such meeting. Such meetings at the Block and District level shall be moderated by official designated by DPC. Report of the meeting shall be submitted by designated official to State Employment Guarantee Council (SEGC).

## **13.4 ROLES AND RESPONSIBILITIES OF FUNCTIONARIES IN CONDUCT OF SOCIAL AUDIT**

- 13.4.1** Programme Officer (PO): The Programme Officer shall ensure that all the required information and records of all implementing agencies such as Job Card register, employment register, work register, Gram Sabha minutes, copies of the sanctions (administrative or technical or financial), work estimates, work commencement order, muster roll issue and receipt register, muster rolls, wage payment acquaintance, materials – bills and vouchers (for each work), measurement books (for each work), asset register, action taken report on previous social audits, grievance or complaints register, any other documents that the Social Audit Unit requires to conduct the social audit are properly collated in the requisite formats; and provided along with photocopies to the Social Audit Unit for facilitating conduct of social audit at least fifteen days in advance of the scheduled date of meeting of the GS.
- 13.4.2** District Programme Coordinator (DPC): Every District Programme Coordinator or any official on his behalf, shall:
- i) Ensure that all records for conduct of social audit are furnished to the Social Audit Unit by implementing agencies through the Programme Officer.
  - ii) Ensure that time bound corrective action is taken on the social audit report.
  - iii) Take steps to recover the amount embezzled or improperly utilized and issue receipts or acknowledgements for amount so recovered.
  - iv) Pay wages found to be misappropriated, within seven days of the recovery of such amount, to the wage seekers.

- v) Maintain a separate bank account for amounts recovered during the social audit process.
- vi) Ensure that the appropriate action (including initiating criminal and civil proceedings or termination of services) is initiated against individual or class of individuals or persons who misutilized or embezzled the amount meant for the schemes under the Act.

### 13.4.3 Social Audit Unit (SAU)

- i) The Social Audit Unit shall be responsible for building capacities of Gram Sabha for conducting social audit by identifying, training and deploying suitable resource persons at village, block, district and State level drawing from primary stakeholders and other civil society organisations having knowledge and experience of working for the rights of the people. The Social Audit Unit will create awareness amongst the labourers about their rights and entitlements under the Act, and facilitate verification of records with primary stakeholders and work sites.
- ii) Trained resource persons should be identified to facilitate the process of Social Audit. These trained resource persons in turn train the village community in carrying out the verification process. The resource persons can be drawn from primary stakeholders, civil society organizations, Bharat Nirman Volunteers (BNV), who have knowledge and experience of working for the rights of the people.
- iii) Bharat Nirman Volunteers ,who are literate youths selected from villages and look after a cluster of habitations in ensuring the entitlements, could be used as village resource persons in conducting social audit.
- iv) The trained resource persons deployed for facilitating social audit in a Panchayat shall not be residents of the same Panchayats.
- v) The Social Audit Unit shall be responsible to prepare social audit reporting formats, resource material, guidelines and manuals for the social audit process.
- vi) The Social Audit teams shall conduct door-to-door visits to meet beneficiaries of the MGNREGS under Audit and share relevant information with them. These teams shall also visit project sites and physically verify whether completed projects match information contained in the records of implementing agencies.
- vii) The Social Audit Unit shall be responsible to host the social audit reports including action taken reports in the public domain.
- viii) The Social Audit Unit shall facilitate smooth conduct of social audit by Gram Sabhas for reading out and finalising decisions after due discussions.
- ix) The implementing agency shall at no time interfere with the conduct of social audit.
- x) The implementing agency of the scheme shall provide requisite information to the Programme Officer for making it available to Social Audit Unit at least fifteen days prior to the date of commencement of the social audit.

**13.4.4 State Government:** The State Government shall be responsible to take follow up action on the findings of the social audit.

**13.4.5 State Employment Guarantee Council (SEGC):** State Employment Guarantee Council shall monitor the action taken by the State Government and incorporate the Action taken Report in the annual report to be laid before the State Legislature by the State Government.

**13.4.6 Central Government:** The costs of establishing the Social Audit Unit and conducting social audit shall be met from the grants given by Central Government towards administrative expenses for implementation of schemes.

**13.4.7 Central Employment Guarantee Council (CEGC):** Central Employment Guarantee Council shall monitor implementation of MGNREG Audit of Scheme Rules, 2011 and action taken on social audit reports and report the same in the Annual Report to be laid before the Parliament.

## 13.5 AUDIT OF ACCOUNTS

- 13.5.1** The audit of the accounts of a scheme under the Act for each district as well as of the State Employment Guarantee Fund shall, for each year be carried by the Director, Local Fund Audit or equivalent authority or by Chartered Accountants.
- 13.5.2** The Director, Local Fund Audit, or equivalent authority, or the Chartered Accountant, as the case may be, shall submit accounts of the scheme together with the audit report thereon to the State Government.
- 13.5.3** The accounts of the schemes of every State Government as certified together with the audit report thereon shall be forwarded to the Comptroller and Auditor General of India and the Central Government by the State Government. The Audited Accounts/ Statement of expenditure are to be laid by the State Government before the State Legislature. Once the audited accounts are laid by the State Government before the State Legislature, the same should also be made available as public document on MGNREGA website.
- 13.5.4** The Comptroller and Auditor General (CAG) of India, or any person appointed by him in this behalf, shall have the right to conduct audit of the accounts of schemes at such intervals as he may deem fit.
- 13.5.5** The Comptroller and Auditor General (CAG) of India shall use social audit's findings as an input.
- 13.5.6** The Chief Controller of Accounts (CCA), Ministry of Rural Development, Government of India shall have the right to conduct internal audit of MGNREGA account.

## 13.6 VIGILANCE

- 13.6.1** All States shall make an arrangement for a three-tier vigilance mechanism to proactively detect irregularities in the implementation of the Act and to follow up detected irregularities and malfeasance, including those identified during social audit, and ensure that the guilty are punished and recoveries of misspent funds duly made.

### 13.6.2 State Level Vigilance Cell

At the State level, a Vigilance Cell consisting of a Chief Vigilance Officer (CVO) will be set up. The CVO may be a senior government officer or a retired officer supported by at least two senior officials (serving or retired), one Civil Engineer and an Auditor.

#### i) Functions of State Vigilance Cell

- a. Receive complaints about the implementation of MGNREGS in writing or orally or through mobile, telephone or the internet and get it verified either directly or through the District level Vigilance Cell depending on the seriousness of the complaint.
- b. Conduct regular field visits to detect irregularities.
- c. Take suo-moto action on reports appearing in the media.
- d. Review the inspection system, transparency arrangements and functioning of the field and district level vigilance system.
- e. Initiate recoveries of amounts through the Public Accountants Act in the case of officials and Revenue Recovery Act in the case of others.
- f. Recommend initiation of disciplinary action against the officials found guilty and frame charges if the reply to the initial memo is unsatisfactory.
- g. Recommend to the District Vigilance Cell to file an FIR before the police in cases where criminal action needs to be initiated.
- h. Develop a plan of action for the functioning of the vigilance mechanisms in respect of MGNREGS.

- i. Send an annual report to State Employment Guarantee Council with suggestions on controlling irregularities and malfeasance.
- ii) **In order to enable the vigilance system to function effectively, the State Government may take the following actions:**
  - a. Empower the Vigilance Cell to initiate disciplinary action, frame charges and then transfer to the disciplinary authority concerned.
  - b. Empower the Vigilance Cell to monitor follow up action in respect of recoveries, disciplinary action; criminal proceedings for which the authorities concerned have to be formally directed to send periodical status reports to the Vigilance Cell concerned.
  - c. Undertake such types of cases for which mandatorily criminal proceedings have to be initiated.
  - d. Empower the Vigilance Cell to effectively recover dues

### 13.6.3 District Vigilance Cell

- i) At the district level, a Vigilance Cell will be set up. The cell will be headed by a district level officer and supported by an Engineer and an Auditor (of appropriate seniority). Engineer and Auditor may also be hired/appointed on contract.
- ii) Functions of District Vigilance Cell:
  - a. The District Vigilance Cell will carry out the directions of the State Vigilance Cell.
  - b. Perform inspections on its own and take follow up actions for recovery, disciplinary action and filing of criminal cases in respect of non-officials and officials whose disciplinary authority is at the district level.
  - c. Oversee the inspection schedule of officials, the observance of transparency provisions at the district level and below and the functioning of Vigilance and Monitoring Committees at the local level.
  - d. Where action has to be taken by the State Vigilance Cell, the District Vigilance Cell would send proper reports to it. It will also send an annual report to the State Vigilance Cell.

### 13.6.4 Local level: Vigilance and Monitoring Committee (VMC)

- i) At the local level, Vigilance and Monitoring Committee should be assigned a definite and reasonable service area. Ideally, it should consist of about ten members half of whom shall be women with representation for Scheduled Castes and Scheduled Tribes in proportion to their population. Members of the Vigilance and Monitoring Committee may be identified from among local school teachers, anganwadi workers, Self-Help Group members, Social Audit volunteers, members of various Community Based Organisations, user groups, youth clubs etc.
- ii) The Vigilance and Monitoring Committee team should be appointed/nominated/elected by the Gram Sabha for a period of 6 months but not exceeding one year. The State Government may consider providing an honorarium to the members of the Vigilance and Monitoring Committee for the period of time that they are required to give every month.
- iii) The Vigilance and Monitoring Committee should act as a forum for concurrent social audit.
- iv) The Vigilance and Monitoring Committee's report should be placed at the next meeting of the Gram Sabha in the Panchayat where work has been executed.
- v) The Vigilance and Monitoring Committee will make its report public and have it uploaded on the website through the Information and Facilitation Centers.
- vi) The Vigilance and Monitoring Committee should be provided an Action Taken Report from the Programme Officer and a copy of the order from the designated grievance redressal authority at the Block and District level, on its complaints.

- vii) Functions of Vigilance and Monitoring Committee:
- Visit work sites and interact with workers.
  - Verify records and onsite facilities.
  - Assess quality of materials and cost.
  - Provide end-of-work report on its satisfactory completion including a qualitative assessment of the nature of the work and its usefulness.

## 13.7 TRANSPARENCY AND PROACTIVE DISCLOSURE

### 13.7.1 To ensure transparency in the implementation of a rights-based programme like Mahatma Gandhi NREGS, following shall be the procedure:

- Dissemination of information on different aspects in the implementation of MGNREGS shall be proactively carried out with special focus on realization of workers' rights, expenditures on different items and on the assets created. This will be a regular item in the meeting agenda of Gram Sabhas.
- The information about works shall be displayed in the local language proforma given in **Annexure -1** at the worksite and in the proforma given in **Annexure -2** at a public place in the Gram Panchayat.
- One volunteer may be identified each from Self-Help Groups, formed under National Rural Livelihood Mission and from Community Based Organisation, for different programmes for training to disseminate information on the implementation of MGNREGS in his/her respective group and among disadvantaged groups like the Scheduled Castes and the Scheduled Tribes.
- Bharat Nirman Volunteers (BNV) may also be engaged in the dissemination of information related to implementation of MGNREGA.
- All educational institutions in rural areas of the level of high schools and above may also be provided with relevant information on different aspects of MGNREGS including its implementation.
- Proactive disclosures may also be made to youth clubs, mahila groups and local Civil Society Organisations.
- All village libraries and reading rooms may be given the requisite information on a regular basis.
- At Gram Panchayat level Secretary and Employment Guarantee Assistant (Rojgar Sahayak), at Intermediate Panchayat level Programme Officer and at District Panchayat level District Programme Coordinator shall be responsible for ensuring transparency in implementation of MGNREGA including full compliance to the provisions of the Right to Information Act, 2005.

## 13.8 THE RIGHT TO INFORMATION ACT

**13.8.1** The Right to Information Act shall be followed both in letter and in spirit in all matters relating to Mahatma Gandhi NREGA. Section 4 of the Act, which concerns proactive disclosure of information, must be strictly complied with at all levels.

The information as available in the Management Information System (MIS) i.e. NREGASoft shall be painted on the walls of buildings in the Gram Panchayat. The information painted will include number of days of work provided and payments made to every Job Card holder in a year, list of works sanctioned, expenditure on labour and material component, quantity of various material items and rates at which these were procured. This system (Janata Information System) will ensure access of MIS information to villagers who cannot access the internet.

**13.8.2** Requests for copies of Mahatma Gandhi NREGS-related documents submitted under Mahatma Gandhi NREGA shall be complied with within three days. No information shall be withheld by invoking Clause 8 of the RTI Act. All Mahatma Gandhi NREGA-related information is in the public domain.



- 13.8.3** Key documents related to Mahatma Gandhi NREGA should be proactively placed in public domain, without waiting for anyone to 'apply' for them. A list of such key documents(number of days of work provided and payments made to every Job Card holder in a year, list of works sanctioned, expenditure on labour and material component, quantity of various material items and rates at which these were procured. ) should be prepared by the State Employment Guarantee Council, and updated from time to time.
- 13.8.4** Public access to key records and key information should be ensured at all levels. Updated data on demand received, registration, number of job cards issued, list of people who have demanded and been given/not given employment, funds received and spent, payments made, works sanctioned and works started, cost of works and details of expenditure on it, duration of work, person-days generated, reports of local committees, and copies of Muster Rolls should be made public in a pre-designated format outside all offices of all agencies involved in implementing Mahatma Gandhi NREGS, and should also be placed by the Gram Panchayat before the GS once in every quarter.
- 13.8.5** People should know who to apply to for seeking information and for gaining access to records. There should be broad time limits for giving such information. The names and contact addresses of such key persons should be made known to the public. Fees charged for copies of Mahatma Gandhi NREGA-related documents should not exceed photocopying costs.
- 13.8.6** Whenever feasible, key documents should be made available on the Internet.
- 13.8.7** Mahatma Gandhi NREGS-related accounts of each Gram Panchayat shall be proactively displayed and updated twice a year. Summary accounts should be displayed through various means, including painting on walls at the Panchayat Bhawan, postings on notice boards and publication in Annual Reports available at cost price.
- 13.8.8** Report Cards on local works, employment and funds shall be pasted by the Gram Panchayat on its premises or other prominent public places like schools, community centres, and by the Programme Officer at the Intermediate Panchayat/Programme Officer's office, and for the whole District by the District Programme Coordinator at the District Programme Coordinator /District Panchayat office.

## **13.9 TRANSPARENCY AT THE WORKSITES**

### **13.9.1 At the worksite proactive disclosure shall be through following**

- i) Display of information through citizen information boards.
- ii) Reading out of muster rolls information regarding attendance, work done and wages paid in the presence of workers at the end of the day by the person authorized.
- iii) The measurements in the Measurement Book will also be read out before the workers during the measurement of works.

**13.9.2** Work site file shall be maintained for each work with following details and shall be accessible to all residents of the Gram Panchayat, members of Vigilance and Monitoring Committee, visiting officials and elected representatives etc.:

- i) Details about the work
- ii) Details of administrative and technical sanction
- iii) Period of work and generation of man-days expected
- iv) Details of workers and wages paid
- v) Initiation meetings
- vi) Labour amenities provided
- vii) Materials used item-wise indicating source, unit cost, total cost etc.

- viii) Grievances raised by workers
- ix) Entries by Inspecting Officers, Report of the Vigilance and Monitoring Committee
- x) The work site file should be attested by at least five workers.

**13.9.3** The photographs of worksite (at least three stages-before, during and after completion of work) shall be uploaded on the Ministry's website ([www.nrega.nic.in](http://www.nrega.nic.in)). As far as possible these photographs shall be georeferenced.

## **13.10 PROACTIVE DISCLOSURE BY GRAM SABHA**

**13.10.1** To ensure due compliance with the statutory requirements of transparency, accountability and proactive disclosure of key documents, while implementing Mahatma Gandhi NREGS, the following information should invariably and proactively be placed in the domain of the Gram Sabha. The Gram Sabhas should regularly be convened for the effective and efficient implementation of the schemes:

- i) Names of work both completed and ongoing with wages paid and material component.
- ii) Names of persons, preferably with Job Card No. who have worked, days worked and wages paid to each of them.
- iii) Quantity and price of materials purchased for each project along with the name of agency which supplied the material.

## **13.11 ANNUAL REPORTS**

**13.11.1** The Central Employment Guarantee Council shall prepare an Annual Report on the implementation of the Act. This Report will be laid before Parliament by the Central Government.

**13.11.2** Every State Employment Guarantee Council shall prepare an Annual Report for the State Legislature.

**13.11.3** The Annual Reports should be placed before the State Legislatures by 31st December of the succeeding year.

**13.11.4** The District Programme Coordinator, the Programme Officer and the Gram Panchayat implementing the Scheme shall prepare annually a report containing the facts and figures, achievements relating to the implementation of the Scheme within his jurisdiction and a copy of the same shall be made available to the public on demand and on payment of such fee as may be specified.

## **13.12 CITIZENS' CHARTER**

**13.12.1** Citizens' Charter shall cover all aspects of the duties of Panchayats and officials under the Act. It should describe the specific steps involved in implementing the provisions of the Act, and lay down the minimum service levels mandated by these provisions on the Panchayats and the officers concerned.

## **13.13 GRIEVANCE REDRESSAL**

**13.13.1** In compliance with Section 19 of MGNREGA, the State Governments shall, by rules, determine appropriate grievance redressal mechanisms at the Block level and the district level for dealing with any complaint by any person in respect of implementation of the Scheme and lay down the procedure for disposal of such complaints. A legislation dealing with delivery of public services, processes within MGNREGA should be mandatorily covered in the ambit of such legislation. The time lines for redressal of grievances should be consistent with the provisions of "Public Service Delivery Act" of the State, if any. If such an act does not exist, the timelines should be incorporated in the Grievance Redressal Rules. In formulating Grievance Redressal Rules, the following measures may be incorporated and in case Rules have been formulated, these measures may be included:

- i) Multiple modes to be provided to the complainant for registering a complaint with the Programme Officer, and will include written complaints and complaints made through telephone help lines. All such complaints must be duly acknowledged with a dated receipt.
- ii) Complaint boxes at conspicuous places in the offices of the Programme Officers and District Programme Coordinators must be installed to facilitate submission of complaints. The complaint boxes shall be opened on a fixed date every week in front of an official (not related directly with programme implementation) designated by District Programme Coordinator, who will record and publish a list of all complaints received. This date will be considered the date of receipt of complaints for purpose of this Act and the list can serve as a receipt, a copy of which should be given at minimal charge for this purpose
- iii) Complaints shall be entered in the complaint register and disposed within the statutory time limit.
- iv) The complainants must also be informed of the action taken in writing through registered post with acknowledgement card. It shall contain a feed back form for complainant to record his satisfaction or dissatisfaction. Information regarding appeal facility available and the procedure for same should also be enclosed. If no communication is received within a month of receipt of Action Taken Report the file may be closed.
- v) Monitoring of disposal of the complaint must be done at the next higher level every month.
- vi) A system of appeal must be considered.
- vii) Appeal against the Gram Panchayat will be made to the Programme Officer. Appeal against the Programme Officer will be made to the District Programme Coordinator.
- viii) Appeal against the District Programme Coordinator may be with an appropriate authority designated by the State Government.
- ix) A State level Officer must be designated to monitor the disposal of complaints.
- x) State wide publicity must be made for grievance redressal at all levels.
- xi) Monthly Reports on complaints received and disposed must be sent from Gram Panchayat to Programme Officer to District Programme Coordinator to State to Government of India. This should be placed on the website.

**13.13.2** A Help Line may be set up for grievance redressal.

**13.13.3** The Programme Officer will be the Grievance Redressal Officer at the Block level, and the District Programme Coordinator at the District level. Each affected party will have the right to approach the Programme Officer (PO).

**13.13.4** Action taken on the complaints received by the Programme Officer and the DPC shall be placed before the meetings of the Intermediate Panchayats and the District Panchayats respectively.

**13.13.5** Name and address of the petitioner, and nature and date of the petition, are to be entered in a register, which will be uploaded on to the Internet on a weekly basis.

**13.13.6** The person registering the grievance is to be given a receipt with number and date so that he/she can follow up the status of disposal of his/her grievance from a counter in the office of the Programme Officer and over the Internet using the receipt number.

**13.13.7** Once a grievance has been disposed of, the date and nature of disposal should be communicated to the petitioner. These details are to be made available over the website.

**13.13.8** Data generated by classifying petitions are to be analysed each month for reason and type so that it becomes a tool for identifying areas that require attention of the senior management.

**13.13.9** As specified in section 23(6) the Programme Officer shall dispose of all such complaints within a period of seven days including the redressal of the grievance and the delivery of the entitlement.

**13.13.10** Failure to dispose of a complaint in 7 days will be considered a contravention of the Act by the Programme Officer, punishable under Section 25. Whoever contravenes the provisions of this Act shall on conviction be liable to a fine which may extend to Rs.1000.

### **SOP in respect of complaints received in the Ministry and transmitted to the State Govt. for action**

## **13.14 OMBUDSMAN**

**13.14.1** In keeping with the principles of transparency and accountability, the State Government will establish the office of Ombudsman in all districts for expeditious redressal of grievances regarding implementation of MGNREG Scheme. Depending on requirement, the States may initially appoint one Ombudsman for two districts and watch the workload.

### **Salient features of Ombudsman System**

- i) Appointment by the State Government on recommendation of Selection Committee comprising Chief Secretary of the State (Chairperson), Representative of Union Ministry of Rural Development, eminent Civil Society Person nominated by Union Ministry of Rural Development and Secretary of Department dealing with Mahatma Gandhi NREGA (Member Convener).
  - The Selection Committee shall prepare a panel of suitable persons who shall be considered for appointment as Ombudsman. The panel of names suggested will be put up in the public domain and comments/suggestions will be invited.
  - No person who is a member of a political party shall be considered for appointment as Ombudsman.
- ii) **Qualification-** Persons of eminent standing and impeccable integrity up to 65 years of age with at least twenty years of experience in public administration, law, academics, social work or management will be eligible.
- iii. **Tenure-** Two years extendable by one year on satisfactory performance or upto 65 years of age, whichever is earlier. There shall be no reappointment.
- iv) **Autonomy-** Ombudsman will be independent of State and Central Government.
- v) **Location of Office -** At District Headquarters, there will be not more than three Ombudsman in every District. Technical and administrative support will be provided by the District Rural Development Agency or any other body specified by the State Government, in this behalf in whose premises the office of ombudsman shall be located.

### **13.14.2 Powers**

- i) Receive complaints from Mahatma Gandhi NREGA workers and others on specified matters, consider such complaints and facilitate their disposal in accordance with law.
- ii) Require the Mahatma Gandhi NREGA authority complained against to provide any information or furnish certified copies of any document relating to the complaint.
- iii) Issue direction for conducting spot investigation, lodge FIRs against the erring parties, initiate proceedings suo moto.
- iv) Engage experts for inquiring into the technical aspects relating to complaint.
- v) Direct redressal, disciplinary and punitive actions.
- vi) Report findings to the Chief Secretary of the State and the Secretary, of the Department dealing with Mahatma Gandhi NREGA for appropriate legal action against erring persons.

### 13.14.3 Duties

- i) Ombudsman will be responsible for the conduct of business in his office.
- ii) Ombudsman will be responsible to make all Mahatma Gandhi NREGA related documents public and ensure that they are easily accessible. The Ombudsman shall apply the norms relating to third parties as specified in the RTI Act 2005. Before placing the information in the public domain, the concerned party should be given an opportunity to be heard.
- iii) Ombudsman will send monthly and annual report and list of awards passed to Chief Secretary (CS) and Secretary in charge of Mahatma Gandhi NREGA. In the reports, Ombudsman will highlight action to be taken against erring Mahatma Gandhi NREGA functionaries.
- iv) Summary report of cases disposed by Ombudsman will be reported to the State Employment Guarantee Council by the State Secretary dealing with Mahatma Gandhi NREGA in the meetings and will also form part of the Annual Report which will be placed in the Legislative Assembly.
- v) Ombudsman will compile a list of all orders passed in a financial year in respect of every MGNREGA Authority complained against and report it to the Chief Secretary of the State and the Secretary incharge of Mahatma Gandhi NREGA. Text of Orders shall also be put on the MGNREGA website.

### 13.14.4 Complaint pertaining to any one or more of the following issues alleging irregularities in the implementation of the MGNREGA Scheme may be filed with the Ombudsman

- i) Gram sabha(procedural and substantive issues)
- ii) Registration of households and issue of job cards
- iii) Custody of job cards.
- iv) Demand for work
- v) Issue of dated acknowledgement receipt against submission of application for work.
- vi) Payment of wages.
- vii) Payment of unemployment allowance.
- viii) Discrimination on the basis of gender/caste/religion.
- ix) Worksite facilities.
- x) Measurement of work.
- xi) Quality of work
- xii) Use of labour displacing machines
- xiii) Engagement of contractors
- xiv. Operation of accounts in the bank or post offices
- xv) Registration and disposal of complaints.
- xvi) Verification of muster rolls
- xvii) Inspection of documents
- xviii) Use of funds
- xix) Release of funds
- xx) Social audit
- xxi) Maintenance of record
- xxii) State Department dealing with Mahatma Gandhi NREGA may include any other ground on which a complaint may be filed with the Ombudsman.

#### **13.14.4 Proceedings to be summary in nature**

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. The proceedings before the Ombudsman shall be summary in nature.

#### **13.14.5 Disposal of Complaints**

On receipt of complaint, Ombudsman will issue notice to Mahatma Gandhi NREGA Authority for appearance and making submissions. Where facts are admitted, case will be disposed by passing appropriate direction and if not admitted, Ombudsman will pass an award. The 'award' passed shall be a speaking order consisting of the following components:

- i) Details of the parties of the case.
- ii) Brief facts of the case.
- iii) Issues for consideration.
- iv) Findings against issues along with reasons.
- v) Direction to the concerned MGNREGA Authority such as performance of its obligations
  - like expediting delayed matters, giving reasons for decisions and issuing apology to complainants, taking of disciplinary and punitive action against erring persons, etc.
  - except imposition of penalties under the MGNREG Act.
  - a. Costs, if any.
  - b. Costs may be imposed in case of false, malicious and vexatious complaints.
  - c. In cases of corruption, Ombudsman will forward the matter to competent authority to sanction criminal prosecution of the persons involved in the case.