

राजस्थान-सरकार
सामाजिक लेखा परीक्षा जवाबदेही एवं पारदर्शिता सोसायटी (SSAAT)

(E mail :DIR.SOCIALAUDIT@RAJASTHAN.GOV.IN, Tel. 2227033)

क्रमांक: एफ 61()SSAAT/लोकपाल चयन/2022-23

जयपुर, दिनांक:

विज्ञप्ति

लोकपाल पद हेतु आवेदन पत्र आमंत्रण

ग्रामीण विकास मंत्रालय, भारत सरकार द्वारा जारी दिशा-निर्देश दिनांक 23.12.2021 के अंतर्गत महात्मा गांधी नरेगा योजना के क्रियान्वयन के संबंध में प्राप्त होने वाली विभिन्न शिकायतों एवं अभाव अभियोग के निराकरण आदि की प्रभावी प्रणाली विकसित करने हेतु निम्नानुसार जिला स्तर पर लोकपाल नियुक्त किये जाने हेतु (1) अजमेर (2) बारां (3) बूंदी (4) चित्तौड़गढ़ (5) चूरु (6) जोधपुर (7) कोटा (8) नागौर (9) पाली (10) प्रतापगढ़ (11) सिरोंही (12) टोंक (13) उदयपुर (14) दौसा (15) धौलपुर (16) झालावाड़ (17) करौली (18) सवाई माधोपुर जिलों के लिये योग्य अभ्यर्थियों से दिनांक 05.05.2022 तक जिला कलेक्टर एवं जिला कार्यक्रम समन्वयक ईजीएस के माध्यम से आवेदन पत्र आमंत्रित किये जाते हैं। प्राप्त आवेदन पत्रों का विज्ञप्ति में उल्लेखित शर्तों के अनुरूप परीक्षण कर पात्र आवेदकों के प्रार्थना पत्र 15.05.2022 तक इस कार्यालय को भिजवाये जावेंगे। जिला कलेक्टर एवं जिला कार्यक्रम समन्वयक ईजीएस के माध्यम से अग्रेषित कर भिजवाये गये आवेदन पत्र ही लोकपाल पद हेतु मान्य होंगे :-

ई-मेल पता:- **dir.socialaudit@rajasthan.gov.in**

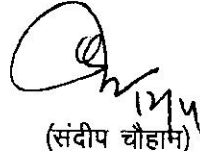
विभागीय पता:- निदेशक, सामाजिक लेखा परीक्षा, जवाबदेही एवं पारदर्शिता सोसायटी (SSAAT), कमरा न. 8232ए उत्तर पश्चिम भवन, शासन सचिवालय, जयपुर।

लोकपाल पद हेतु आवश्यक योग्यता :-

1. आवेदनकर्ता लोक प्रशासन, विधि, शैक्षणिक, सामाजिक कार्य एवं प्रबंधन में कम से कम 10 वर्ष के अनुभव के साथ-साथ प्रतिष्ठित, निष्ठावान, एवं विवाद रहित, अखण्ड सत्यनिष्ठा का होना चाहिए।
2. किसी मान्यता प्राप्त राजनीतिक दल या प्रतिबंधित संगठन का सदस्य नहीं होना चाहिए।
3. आवेदनकर्ता को लोगों या सामुदायिक संगठन के साथ काम करने का अनुभव एक अनिवार्य योग्यता होगी।
4. आवेदनकर्ता की शैक्षणिक योग्यता कम से कम स्नातक हो।
5. आवेदनकर्ता की आयु दिनांक 05.05.2022 को 66 वर्ष से अधिक ना हो।

लोकपाल पद हेतु आवश्यक शर्त :-

1. महात्मा गांधी नरेगा योजनान्तर्गत लोकपाल के पद पर कार्यरत एवं कार्य कर चुके व्यक्ति आवेदन के लिये पात्र नहीं होंगे।
2. आवेदनकर्ता शारीरिक रूप से स्वस्थ एवं समर्थ हो ताकि दूरस्थ ग्रामीण क्षेत्रों में निरीक्षण व भ्रमण कर सके।
3. योग्य आवेदकों के साक्षात्कार उपरांत लोकपाल राज्य स्तरीय चयन समिति द्वारा पैनल तैयार कर नियुक्ति हेतु अनुशंसा की जावेगी तथा नियुक्त व्यक्ति को ग्रामीण विकास मंत्रालय भारत सरकार के दिशा-निर्देश दिनांक 23.12.2021 के पैरा 4.1 के अनुरूप 2250 /- रुपये प्रति सिटिंग अर्थात् 45000 /- रुपये प्रति माह अधिकतम मानदेय देय होगा।
4. लोकपाल पैनल का चयन जिलेवार होगा।
5. लोकपाल चयन के संबंध में अन्तिम निर्णय राज्य स्तरीय चयन समिति का ही मान्य होगा।
6. नियुक्ति अधिकतम 2 वर्ष या 68 वर्ष की आयु जो भी पहले हो तक के लिये होगी।
7. आवेदन पत्र का प्रारूप एवं अन्य जानकारी के लिये विभागीय वेबसाइट **www.nrega.raj.nic.in** एवं **www.rdprd.gov.in** देखे।
8. आवेदनकर्ता किसी राजनैतिक पार्टी का सदस्य न हो।
9. आवेदनकर्ता के विरुद्ध आपराधिक केस में चालान न हो।


(संदीप चौहान)
निदेशक, SSAAT

लोकपाल पद हेतु आवेदन पत्र
(राजस्थान ग्रामीण रोजगार गारंटी योजना के अन्तर्गत)

भाग- (अ) व्यक्तिगत सूचना

1. नाम बड़े अक्षरों में (हिन्दी में):
(अंग्रेजी में):
 2. पिता/पति का नाम:
 3. जन्म तिथि: (प्रमाण-पत्र की प्रति संलग्न करें)
 4. आयु: (दिनांक 05.05.2022 को)
 5. डाक का पता (अ) वर्तमान पता
(ब) स्थायी पता
(स) दूरभाष नम्बर, एसटीडी कोड सहित
(द) मोबाईल नम्बर
(य) ई-मेल आईडी
 6. जिले का नाम जिसके लिये आवेदन किया जा रहा है प्राथमिकता के क्रम में उल्लेखित करें।
(1)
(2)
(3)
 7. क्या आप महात्मा गांधी नरेगा योजना के क्रियान्वयन में किसी भी रूप में जुड़े रहे हैं, यदि हाँ तो विवरण दें-
कब, कहाँ, किस रूप में
.....
 8. प्रार्थना पत्र के साथ दो प्रतिष्ठित व्यक्तियों के अनुशंसा पत्र संलग्न करें
(संदर्भित व्यक्तियों के नाम, पते एवं दूरभाष नम्बर भी अंकित करें)
 9. I. क्या आप मानसिक व शारीरिक रूप से ग्रामीण क्षेत्र में भ्रमण करने हेतु स्वस्थ हैं। (राजकीय चिकित्साधिकारी का प्रमाण पत्र संलग्न करें)
II. क्या आप किसी राजनैतिक पार्टी के सदस्य हैं। (सदस्य नहीं होने का नोटरी पब्लिक से सत्यापित शपथ-पत्र संलग्न करें)
III. क्या आप का कभी किसी आपराधिक केस में चालान हुआ है। (यदि हाँ तो विवरण दें, यदि नहीं तो इस आशय का नोटरी पब्लिक से सत्यापित शपथ-पत्र संलग्न करें)
- {9 (II) & (III) in enclosed format (द)}

भाग-- (ब) शैक्षणिक सूचना

1. शैक्षणिक योग्यता:
(स्व-सत्यापित प्रमाण पत्र की प्रति संलग्न करें)
2. अनुभव वर्षों में:
सेवा संबंधी विवरण :- लोकप्रशासन (आर.ए.एस./आईएएस), विधि, शैक्षणिक, प्रबंधन, अन्य
अनुभव संबंधी विवरण :-.....
(सेवा अवधि के दौरान
किये गये कार्य संबंधी
विवरण) :-.....
3. राजकीय सेवा में प्रथम नियुक्ति का पद एवं तिथि:
(यदि राजकीय सेवक रहे हैं)
सेवानिवृत्त का पद एवं तिथि:
(यदि राजकीय सेवक रहे हैं तो पी.पी.ओ की प्रति संलग्न करें)
4. किसी सामाजिक संगठन/व्यावसायिक संस्था के सदस्य रहे हैं तो संस्था का विवरण दें:

क्र.सं.	सामाजिक संगठन का नाम	धारित पद नाम	कार्य अवधि (कब से कब तक)	संस्थान में किये गये कार्य का विवरण	विशेष विवरण
1					
2					

5. वर्तमान व्यवसाय

भाग-- (स) घोषणा

मैं शपथ पूर्वक घोषणा करता/करती हूँ कि मेरे द्वारा दी गई उपरोक्त सूचनाएँ सत्य हैं। मैंने विज्ञप्ति में वर्णित भारत सरकार द्वारा जारी दिशा-निर्देश दिनांक 23.12.2021 को पढ़ लिया है और मुझे पता है कि लोकपाल का कार्य एक अंशकालीन कार्य है। लोकपाल को महात्मा गांधी नरेगा अधिनियम, नियम व योजना के संबंध में भारत सरकार एवं राज्य सरकार द्वारा समय-समय पर जारी दिशा-निर्देशों के अन्तर्गत कार्य करना है।

स्थान

आवेदक के हस्ताक्षर

दिनांक

आवेदक का नाम

शपथ-पत्र

मैं पुत्र/पुत्री/पत्नी श्री
 निवासी..... यह शपथ पूर्वक बयान
 करता/करती हूँ कि :-

- मैं शपथ पूर्वक बयान करता/करती हूँ कि मेरे द्वारा राजस्थान रोजगार गारंटी योजना अन्तर्गत लोकपाल पद हेतु आवेदन किया जा रहा है।
- मैं शपथ पूर्वक बयान करता/करती हूँ कि मैं वर्तमान में किसी भी राजनैतिक पार्टी का सदस्य नहीं हूँ।
- मैं शपथ पूर्वक बयान करता/करती हूँ कि मेरे विरुद्ध किसी अपराधिक केस में चालान नहीं हुआ है।
- मैं शपथ पूर्वक बयान करता/करती हूँ कि मैं मानसिक एवं शारीरिक रूप से ग्रामीण क्षेत्र में भ्रमण करने हेतु पूर्ण रूप से स्वस्थ हूँ।

हस्ताक्षर शपथकर्ता

तसदीक

मैं शपथ पूर्वक बयान करता/करती हूँ कि उक्त शपथ पत्र में वर्णित समस्त तथ्य मेरी जानकारी में सही एवं सत्य है।

दिनांक:-

हस्ताक्षर शपथकर्ता

भाग- (य)

कार्यालय जिला कलक्टर जिला कार्यक्रम समन्वयक महात्मा गांधी नरेगा जिला

क्रमांक

दिनांक

प्रमाणित किया जाता है कि प्रार्थी श्री/श्रीमति/सुश्री
निवासी का आवेदन पत्र लोकपाल पद हेतु
निर्धारित योग्यतानुसार है तथा मेरी जानकारी अनुसार प्रार्थी की सत्यनिष्ठा एवं प्रतिष्ठा अच्छी है।

हस्ताक्षर

नाम

जिला कलक्टर एवं जिला कार्यक्रम समन्वयक
महात्मा गांधी नरेगा, जिला

F. No J11060 /54/2020-RE III (373836)
Government of India
Ministry of Rural Development
(Mahatma Gandhi NREGA Division)

Krishna Bhawan New Delhi
Dated: 23rd December, 2020

To,
Principal Secretary/ Secretary/ Commissioner
Department of Rural Development/Panchayat Raj
All States/UTs

Subject: Revised Guidelines for appointment of Ombudspersons reg

Madam/ Sir,

I am directed to convey that with the approval of competent authority, the para 4.1 of existing guidelines on Ombudsperson (last amended on 21 st January 2021) on remuneration has been revised and revised para is as under :

4.1 Subject to any notification by the State Government , the ombudsman shall be allowed compensation , in the form of a fee , of Rs.2,250/-(Two thousand two hundred fifty) per sitting with maximum upper limit of Rs. 45,000/- (Forty five thousand) per month.

3. The rest of the content will remain unchanged . A copy of the revised guidelines is enclosed

4. This change is effective from the date of issue of this order .

State /UTs are requested to take action accordingly .

Yours faithfully

Encl: a.a.

Director (Mahatma Gandhi NREGA Division)

Copy to

1. PPS to SRD
2. PPS to JS(RE)
3. All officers of the Division
4. STD-NIC -DRD to upload this order on nrega.nic.in.

INSTRUCTIONS ON OMBUDSMAN

The context:

The English term "Ombudsman" derives from the Swedish word ombudsman which in turn is based on the Old Norse "umboosmaor" meaning representative. An Ombudsman is one who advocates for fairness, equity and administrative efficiency.

The Instructions for MGNREGS Ombudsman have been formulated under Section 27 of MGNREG Act with the objective of establishing a system for redressal of grievances and disposal of complaints relating to implementation of the MGNREG Act and the Schemes made under the Act by the States.

Chapter I

Preliminary

Definitions

In these Instructions unless the context otherwise requires:

- 1.1 'Authorised representative' means a person duly authorised by a complainant to act on his behalf and represent him in the proceedings before the Ombudsman.
- 1.2 'Award' means written and signed award of the Ombudsman.
- 1.3 'Chief Secretary' means the Chief Secretary of the State/Union Territory.
- 1.4 'Complaint' means a representation in writing containing a grievance alleging deficiency in the implementation of MGNREG Act or Scheme framed there under.
- 1.5 'Nodal Department' means the Department of the State Government which deals with the implementation of the MGNREG Act and Scheme framed there under.
- 1.6 'MGNREGA functionary or authority' means any person or persons who have been vested with powers and functions under the MGNREG Act and MGNREG Scheme framed there under.
- 1.7 'Ombudsman' means any person appointed under Clause 2 of the Instructions.
- 1.8 'State' means any State, and includes the Union Territory of India.

Chapter II

2.0 Establishment of the office of MGNREGS Ombudsman

- 2.1 A selection Committee shall be constituted to recommend appointment of Ombudsman.

2.1.1 The State Government will appoint one member as the representative of the District of the State from the following categories of persons:-

- (a) Additional Chief Secretary of the State Government - Member for the purpose -- Chairperson
- (b) Representative of Union Ministry of Rural Development -- Member
- (c) Eminent Civil Society Person nominated by Union Ministry of Rural Development -- Member
- (d) Principal Secretary/ Secretary of the State Nodal Department -- Member Convenor

2.1.2 Quorum for the meeting of the Selection Committee shall be considered fulfilled only if either the representative of the Ministry of Rural Development or the representative of Civil Society Organisation is present in the meeting.

2.1.3 The Selection Committee shall also have power to recommend termination of Ombudsman from his/her post in case of unsatisfactory performance after giving the Ombudsman opportunity of being heard.

2.2 Appointment, Tenure, Termination and Relinquishment

2.2.1 Application shall be invited through open advertisement. Application for the post shall be invited on proforma prescribed by the State Government (model format at annex-1). Based on the applications received, the Selection Committee shall prepare a district-wise panel of suitable persons for consideration for appointment as Ombudsman and rank them in order of preference. No written test or examination shall be conducted while an interview and an internal marking system should be evolved by the Selection Committee to rank persons in order of preference.

Prior to appointment, the panel prepared by the Selection Committee may be published on the official website of the State and the official website of the nodal department to invite comments from the public. On expiry of 30 (thirty) days of publication, the comments received may be examined by the Selection Committee. Comments and objections may be settled within 30 (thirty) days of the expiry of the period for inviting comments. Anonymous and pseudonymous comments and objections shall not be considered unless they contain allegations that can be easily verified from the official records without further inquiry.

2.2.2 Smaller Districts having low expenditure under MGNREGS may be clubbed together to have a common Ombudsman. In all such cases the clubbing should be specifically mentioned in the advertisement.

- 2.2.3 Selection of suitable persons for inclusion in the panel shall be based on consideration of eminent standing and impeccable integrity with at least Ten years of experience in public administration, law, academics, social work or management as per documents furnished along with the application. Experience in working with people or community organization shall be a mandatory qualification.
- 2.2.4 In the selection of Ombudsman, preference may be given to a person resident of the same or neighbouring district so as to take advantage of his/her firsthand knowledge of the district.
- 2.2.5 Selection Committee members representing Ministry of Rural Development and eminent civil society persons should be intimated at least 15 (fifteen) days in advance to attend the meeting of the Selection Committee.
- 2.2.6 Approved district wise panel of eligible persons shall be valid for 2 (two) years extendable not more than twice by one year each. In case there is any vacancy due to resignation, removal, death etc., the person next in the approved panel shall be offered the appointment as Ombudsman without calling for a fresh meeting of the Selection Committee.
- 2.2.7 The persons selected from the panel for appointment against a vacancy shall be issued a letter appointing them Ombudsman for the district specified and shall mention the term and conditions of such appointment (model letter of appointment is at annex-II). It is clarified that the work of the Ombudsman is in the nature of *pro bono* public service and no posts are created in the State for the purpose.
- 2.2.8 No person who is a member of a recognised political party or a member of an organisation shall be considered for appointment as Ombudsman. Such person shall be required to file a declaration to this effect along with the application.
- 2.2.9 The persons selected as Ombudsman must be physically active and capable of conducting field tours, inspections and visits to remote rural locations in the districts.
- 2.2.10 The Ombudsman shall be appointed for tenure of 2 (two) years extendable not more than twice by one year each based on a performance appraisal process or till the incumbent attains the age of 68 (sixty eight) years, whichever is earlier. There shall be no reappointment.
- 2.2.11 Performance appraisal shall be made by the Selection Committee based on information provided by the State Government (model format for the purpose is at annex-III). Details of the annual appraisal findings in respect of all Ombudsmen shall be furnished to the State Employment Guarantee Council.

2.2.12 State Government shall organize orientation training for the benefit of the Ombudsmen to acquaint them with the rights and entitlements enshrined in the MGNREG Act and the Operational Guidelines as well as related precedences. Such orientation must be held within a month from their date of appointment.

2.2.13 The Ombudsman may be terminated by the State Government on the recommendation of the Selection Committee. The Selection Committee shall state the reasons for its recommendation. Such recommendation shall be made to the Chief Secretary of the State Government who shall pass appropriate orders thereon. An Ombudsman, may by serving one month notice of his/her intention, relinquish the work of Ombudsman.

2.2.14 Performance of an Ombudsman shall be judged in terms of efficiency and effectiveness shown in discharge of duties and exercising of powers as per the powers prescribed in the "Instructions on Ombudsman". Output of an Ombudsman shall be quantified as (i) percentage of disposal of complaints; (ii) number of cases, proceedings and quality of work; (iii) Regularity of annual reporting to the Chief Secretary and Secretary of the State Nodal Department recommending appropriate action; (iv) Timely and regular submission of Annual Report to the Chief Secretary and Secretary Nodal Department, containing a general review of activities of the office of the Ombudsman and (v) Timely and regular submission of annual compilation of awards of the Ombudsman between April and March of each financial year to the Chief Secretary and Secretary Nodal Department. Quality of work shall be assessed on the basis of clarity, analysis of facts, coverage of all issues/grievances raised in the case and process followed.

2.2.15 Written and signed complaint against Ombudsman may be made to the Chief Secretary of the State Government by any aggrieved party, including MGNREGS authorities or MGNREGS beneficiaries, duly supported by facts and documentary evidence. Anonymous, pseudonymous and frivolous complaints should not be entertained unless prima facie they contain allegation that can be verified from official documentary record without further inquiry.

3. Autonomy of Ombudsman

3.1 Except as provided in the MGNREG Act and these instructions, officials of Central or State Government shall not have authority to issue any direction or instruction to any Ombudsman with regard to the discharge of his duties.

4. Remuneration

- 4.1 Subject to any notification by the State Government, the Ombudsman shall be allowed compensation, in the form of a fee, of Rs. 2,250/- (Two thousand and two hundred and fifty rupees) per sitting with maximum upper limit of Rs.45,000/- (Forty five thousand rupees) per month.
- 4.2 Sitting means per day functioning, irrespective of number of cases handled, and duration in terms of working hours. A sitting could be for a part of the day. All sittings should be properly documented and should be justified by the Ombudsman. The frequency of sitting by Ombudsman in the district shall be fixed. The place of sitting may be decided by the Ombudsman in the consideration the convenience of MGNREGS workers/employees.
- 4.3 State Government may pay an additional amount to Ombudsman over and above the sitting fee prescribed by the Ministry from its own financial resources, either with regard to the sitting fee or the maximum upper limit.
- 4.4 Sitting fee and allowances shall be paid timely by the State Government.
- 4.5 Wherever Ombudsman wants to visit any part of the district for the purpose of conducting field enquiry, the DPC shall provide suitable transport facility.

5. Territorial Jurisdiction

- 5.1 In case an Ombudsman is unavailable for any reason, his deputy or another Ombudsman on leave or in absence, an Ombudsman of an adjoining district may be assigned to carry out the work of the district as may be specified.
- 5.2 In case of termination or relinquishment, Ombudsman of the adjoining district may be given charge of the district till new appointment is made which shall not be more than three months from the date of vacancy.

6. Location of Office and Administrative Support

- 6.1 The Office of MGNREGA Ombudsman shall be located at the District Headquarters.
- 6.2 Technical and administrative support will be provided by the IDRI or any other body specified by the State Government in this behalf. All necessary support to the Ombudsman to carry out the assigned functions, including staff, office equipments, complaint box, and telephone line etc. shall be provided.

Ombudsman by the district authority specified by the State Government. The State Government shall provide necessary legal support to cases in Courts relating to actions taken in official capacity by the Ombudsman.

7. TA/DA and Transport

- 7.1 TA/DA at rates admissible to class-I officers of the State Government may be allowed. In case no such uniform rates are available, the State Government may fix rates for the purpose. State Government may provide a vehicle from its local pool to an Ombudsman for official purpose as per need. However, no new vehicle can be purchased for the use of Ombudsman from MGNREGA fund. In case of travelling by Ombudsman in his/her own or hired vehicle for official purpose, district concerned may reimburse the cost of travel, at the rates fixed by the State Government.
- 7.2 Office expenditure, sitting fee and TA/DA etc, incurred on the office of Ombudsman shall be borne by States from 6% administrative expenditure permitted under section 22 (1) (C) of the MGNREGA.

Chapter III

8. Powers and Responsibilities

- 8.1 The Ombudsman shall have power to:-
- (i) receive complaints from MGNREGA workers and others on any matters specified in Clause 9 either at office or in the field during a field inspection
 - (ii) consider such complaints and pass awards within 30 days from the date of receipt of complaint. For this purpose, he may require the MGNREGA Authority complained against to provide any information or furnish certified copies of any document relating to the subject matter of the complaint which is or is alleged to be in his possession; provided that in the event of failure of such authority to comply with the requisition without any sufficient cause, the Ombudsman may, if he deems fit, draw the inference that the information, if provided or copies if furnished, would be unfavourable to the concerned MGNREGA Authority.
 - (iii) issue direction for conducting spot investigation.
 - (iv) initiate proceedings *suo motu* in the event of any circumstances arising within his jurisdiction that may cause any grievance including on issues relating to payment of wages or non-payment of unemployment allowance as recorded in the

- (v) engage experts for facilitating the disposal of the complaint. State Government may formulate suitable guidelines in this regard.
 - (vi) direct redressal, disciplinary and corrective actions.
 - (vii) report his/her awards to the District Programme Coordinator, District Programme, Chief Secretary, State Nodal Department. Wherever found necessary, he/she may mark a copy to the Chief Secretary. The report shall also highlight cases where action needs to be taken against erring MGNREGA functionaries for their failure to redress the grievance. The report will be accompanied with primary evidence needed to initiate action against the delinquent persons.
- 8.2 The Ombudsman shall be responsible for:
- 8.2.1 Ensuring proper processing of complaints and grievances made or reported to him/her.
 - 8.2.2 Maintaining confidentiality of any information or document coming into his/her knowledge or possession in the course of discharging his/her duties and not disclose such information or document to any person except with the consent of the person furnishing such information or document; provided that nothing in this clause shall prevent the Ombudsman from disclosing information or documents furnished by a party in a complaint to the other party or parties, to the extent so called for by a court reasonably required to comply with the principles of natural justice and fair play in proceedings.
 - 8.2.3 Sending a quarterly report to the Chief Secretary and Secretary, State Nodal Department recommending appropriate action. The report shall specially highlight cases where action needs to be taken against erring MGNREGA functionaries for their failure to redress grievances. The report will be accompanied by primary evidence needed to initiate action against the delinquent persons.
 - 8.2.4 Furnishing a report every year containing a general review of activities of the office of the Ombudsman during the preceding financial year to the Chief Secretary and the Secretary, State Nodal Department along with such other information as may be considered necessary by him/her. In the annual report, the Ombudsman, on the basis of grievances handled by him/her will review the quality of work done by MGNREGA authorities and make recommendations for improvement of MGNREGA. The report shall be displayed on the MGNREGA website.
 - 8.2.5 Compiling a list of 'awards' of Ombudsman between April and March of each financial year in respect of every MGNREGA Authority complained against and report it to the Chief Secretary of the State and the State Nodal Department. Text of awards shall also be displayed on the MGNREGA website by the State Nodal Department.

Chapter IV
Procedure for Redressal of Grievances

9. **Grounds on which complaint shall be filed:**
- 9.1 **A complaint pertaining to any one or more of the following subjects alleging deficiency in the implementation of the MGNREG Scheme may be filed with the Ombudsman:**
 - 9.1.1 Gram Sabha meetings and their record keeping
 - 9.1.2 Registration of households and issue of job cards
 - 9.1.3 Custody of job cards
 - 9.1.4 Demand for work
 - 9.1.5 Issue of dated acknowledgement receipt against application for employment
 - 9.1.6 Payment of wages
 - 9.1.7 Payment of unemployment allowance
 - 9.1.8 Payment of compensation for delayed wage payments
 - 9.1.9 Discrimination on the basis of gender
 - 9.1.10 Worksite facilities
 - 9.1.11 Measurement of work
 - 9.1.12 Quality of work
 - 9.1.13 Use of labour displacing machines
 - 9.1.14 Engagement of contractors
 - 9.1.15 Operation of accounts in the bank or post offices
 - 9.1.16 Registration and disposal of complaints
 - 9.1.17 Verification of muster rolls
 - 9.1.18 Inspection of documents
 - 9.1.19 Use of funds
 - 9.1.20 Release of funds
 - 9.1.21 Any fraudulent activity brought out by Social audit
 - 9.1.22 Maintenance of record
 - 9.1.23 Deprivation of any entitlement assured in the Act/Schedules.
- 9.2 **State Nodal Department may include any other ground on which a complaint may be filed with the Ombudsman.**
10. **Procedure for filing the complaint:**
- 10.1 **Any person(s), who has a grievance against the MGNREGS Act, may, himself or through his authorised representative, make an application to the Ombudsman.**

MGNREGA authority superior to the authority complained against. Complaints addressed to Ombudsman but received by MGNREGA authority shall be forwarded by the Ombudsman concerned.

- 10.2 The complaint shall be duly signed by the complainant or his authorised representative, if any, and shall state clearly the name and address of the complainant, the name of the office and official of the Nodal Department against whom the complaint is made, the facts giving rise to the complaint supported by documents, if any, relied on by the complainant and the relief sought from the Ombudsman.
- 10.3 A complaint made through electronic means shall also be accepted by the Ombudsman and a print out of such complaint shall be taken on the record of the Ombudsman.
- 10.4 A printout of the complaint made through electronic means shall be signed by the complainant at the earliest possible opportunity before the Ombudsman.
- 10.5 No complaint to the Ombudsman shall lie if the complaint has already been disposed of by the Office of the Ombudsman in any previous proceedings whenever it is received from the same complainant or along with any one or more complainants or any one or more of the parties concerned with the subject matter.
- 10.6 No complaint made to the MGNREGS Ombudsman on an issue which has been or is the subject matter of any proceeding in an appeal, revision, reference or writ before any Tribunal or Court shall be taken cognisance.
- 10.7 A dated receipt shall be issued to every complainant as soon as the complaint is received.

11. Proceedings to be summary in nature

- 11.1 The Ombudsman shall not be bound by any legal rules of evidence and may follow such procedure that appears to him/her to be fair and proper in accordance with the principles of natural justice. The proceedings before the Ombudsman shall be summary in nature.

12. Disposal of complaints

- 12.1 On receipt of the complaint, Ombudsman may refer the complaint to the appropriate MGNREGA authority for disposal within seven (07) days. In the event of failure of MGNREGA authority to dispose the complaint, the matter may be taken up by Ombudsman for disposal.

- 12.2 The Ombudsman shall cause a notice of the receipt of the complaint along with a copy of the complaint to be sent to the MGNREGA authority complained against.
- 12.3 When facts of the case are admitted by the parties, the Ombudsman shall dispose the case in accordance with the requirements of the MGNREG Act, Rules and Guidelines.
- 12.4 If the facts are not admitted by the parties in a case, Ombudsman may proceed to award after affording the parties reasonable opportunity to present their case. Ombudsman shall be guided by the evidence placed before him/her by the parties, reports of social audits, if any, the provisions of MGNREG Act, and of Supreme Court directions, and instructions issued by the State Government or the Central Government from time to time and such other factors which in his/her opinion are necessary in the interest of justice.
- 12.5 The Ombudsman may conduct a spot investigation in case he/she is not satisfied with the matter to be disposed of satisfactorily; or ask for a report from a MGNREGA functionary based on a spot visit. In case the state government issues guidelines for the purpose, he may also call for a report from an expert. Normally a spot investigation should be done with advance notice to all parties and to the local Gram Panchayat, and presence of parties recorded on a separate 'spot investigation summary' to be prepared by the Ombudsman on the spot and signed by any of the parties who wish to do so. However, if the Ombudsman is of the view that a surprise inspection is essential to elicit the correct position, he may do so after informing the Gram Panchayat of the general location of the spot inspection. In all such cases, he shall in his 'spot investigation summary' record the details of persons actually present, and shall invariably take photographs of the site and of the persons present and attach a print copy with the spot investigation summary. In case a spot investigation was done, copy of the spot investigation summary shall also be attached to the report of the Ombudsman.
- 12.6 Ombudsman shall attend the public hearing of social audit as far as practicable and shall suo moto take on file all cases where due entitlements are not provided for disposal as per these guidelines.
13. Awards by the Ombudsman and Appeal
- 13.1 The awards 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 in favour or against issues along with reasons.

- (b) direction to the concerned MGNREGA authority regarding performance of its obligations under the MGNREGA Act and recommendation regarding award of delayed matters, taking into discretion and merits and demerits, etc., except imposition of penalties under the MGNREGA Act;
- (c) costs, if any.
- 13.3 If a complaint is found to be false, malicious or vexatious, the reasons to be recorded in writing, dismiss the complaint and award costs against the complainant.
- 13.4 A copy of the award shall be sent to the complainant, the MGNREGA authority complained against and the DPC.
- 13.5 State Government shall set up a three member Appellate Authority consisting of an academician, a retired civil servant and a civil society representative. The representation by any party aggrieved by the awards of the Gramudaktari, the representation shall be disposed of within a period of two months by the Appellate Authority. Office of the appellate authority shall be located in the district department of the State Government implementing MGNREGA. The salaries of the appellate authority shall be borne by States from the grant of MGNREGA permitted under section 22(1)(c) of the MGNREGA.
- 13.6 Following are essential qualifications to be a Member of Appellate Authority:
- Minimum 30 years of experience in academic stream or in government or civil society organisation;
 - Person with eminent standing and impeccable integrity;
 - Not a member of any recognised political party or currently banned organisation;
 - Physically active, capable of and willing to conduct field visits to remote rural areas in the State;
 - Below 66 years of age at the time of appointment.
- 13.7 Those who have completed 30 years of service in government shall be given preference.
- 13.8 Members of Appellate Authority will be appointed for a term of not more than twice by one year each based on a performance appraisal or till the incumbent attains the age of 68 (sixty eight) years, whichever is earlier. There will be no reappointment.
- 13.9 Senior most of three Members of the Appellate Authority will be the Chairperson. The Chairperson will allocate works (appeals) among Members and refer him/herself for consideration and report to the Authority.

13.4.5 Work of Chairperson and Members of Appellate Authority is in the nature of *pro-bono* public service and no post is to be created.

13.4.6 Chairperson and Members of Appellate Authority will be entitled to get Rs.1500/- as sitting fee with an upper limit of Rs. 30,000/- in a month. Sitting means per day functioning, irrespective of number of cases handled and duration in terms of working hours. State Government may pay more than this amount, over and above the sitting fee prescribed by the Ministry, from its own financial resources. A sitting could be for a full day or part.

13.4.7 For office work, the Appellate Authority shall operate from the premises of the State nodal Department implementing MGNREGA and necessary logistics and administrative support will be provided by the office of Secretary/Commissioner MGNREGA. TA/DA at rates admissible to Class-I officers of the State Government may be allowed. State Government may provide vehicle/taxi from its local pool to the Appellate Authority for official purpose as per need. However, no new vehicle can be purchased for the use of Appellate Authority from MGNREGA fund. In case of travel by a Chairperson or Member of Appellate Authority in his/her own or hired vehicle for official purpose, State Government concerned may reimburse the cost of travel, including waiting charges. State Government may fix rates for the purpose.

13.4.8 Parties aggrieved by the awards of Ombudsman must make a signed written appeal to the Appellate Authority within 30 days of the date of receipt of award finding with a copy of awards and recommendations by Ombudsman. Appellate Authority shall dispose an appeal within 2 months from the date of receipt of appeal. Decisions of the Appellate Authority on appeals against the awards of Ombudsman shall be taken by all three Members together. In case of lack of consensus, all decisions will be made by majority of the three, including the Chairperson. Decision of the Appellate Authority shall be final and binding on the original parties of the case and on the Ombudsman concerned. It will be the responsibility of Principal Secretary/ Secretary, Nodal Department to enforce the decision of the Appellate Authority.

13.5 A representative of Programme Officer/ District Programme Coordinator may appear in cases where the Programme Officer/ District Programme Coordinator is concerned, unless there is clear personal failure.

13.6 All cases not involving complicated questions of fact or law shall be disposed off by Ombudsman within 15 (fifteen) days from the date of receipt of complaint. Other cases may be disposed of within 60 (sixty) days.

- 13.7 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 an appropriate court of law, the same shall be referred by the Ombudsman to the authority competent to sanction criminal prosecution of the persons involved in the case who shall take action in accordance with prescribed procedures.
- 13.8 Representation of parties by Advocates is not permissible.
- 13.9 The awards of Ombudsman would be strictly within the purview and confines of the MGNREG Act, the rules and the Schemes formulated there under and the operational guidelines issued by the Government of India from time to time.
14. Action on Reports of Ombudsman
- 14.1 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 an Award, which has become final, disciplinary action shall be taken against the person concerned.
- 14.2 Copy of the action taken report (ATR) shall be sent to the Ombudsman immediately after action is taken and in no case more than 2 (two) months from the date of awards reported by the Ombudsman.
- 14.3 The summary report of cases disposed by Ombudsman and action taken on the awards shall be reported to the State Employment Guarantee Council by the Secretary, State Nodal Development in its meetings and will also form part of the Annual Report of the nodal department.
- 14.4 The summary report of cases disposed by Ombudsman and action taken on the awards shall also be reported to the Ministry of Rural Development, Govt. of India by placing before the Central Employment Guarantee Council, by the Secretary, State Nodal Department.

Chapter V Miscellaneous

15. Coverage of the Ombudsman under Right to Information Act, 2005
- 15.1 Ombudsman shall be covered under the Right to Information Act, 2005. Nodal department of the State Government shall notify Public Information Officer and Appellate Authority for this purpose.
16. Periodic review of the functioning of Office of Ombudsman in the State