

**Regarding appointment of
Ombudsman under MGNREGS**

Government of Gujarat
Panchayat ,Rural Housing and Rural Development Department
Sachivalaya ,Gandhinagar

Date : 2 /12/2010

No. MGNREGA/ 102010/SFS/43/ KH-2 | 18 378 - 478

REFERENCES:

1. Ministry of Rural Development , Government of India letter No J-11011/21/2008-NREGA ,dated 7/9/2009
2. Ministry of Rural Development, Government of India No. J-11011/21/2008-MGNREGA(Pt), dated 15/3/2010
3. Minutes of the State Selection Committee dated 7/10/2010, No.GVK/NREGA/SPO/15047/125/10
4. Approval of Ho'nble Chairperson, State Selection Committee on file dated 27/11/2010.

ORDER

As a large number of grievances are arising with regard to the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme, the Ministry of Rural Development , Government of India considering the need for an independent authority to expeditiously redress the grievances pertaining to implementation and in exercise of the powers conferred under Section 27 of MGNREG Act had vide reference (1) directed State Government to appoint Ombudsman in all Districts of the State with the intention to strengthen the existing administrative machinery for the disposal of grievances and to secure the ends of justice.

Pursuant to the directions of the Ministry of Rural Development, Government of India applications were invited from qualified and willing individuals. Applications received were scrutinized by the State Selection Committee and Ombudsman were selected in 19 out of 26 Districts of the State. Some of the selected candidates are retired IAS and State Government Officers who have been selected to be appointed subject to no inquiry clearance from the Department from which they retired. The list of provisionally selected persons was published on the website of the Department of Rural Development, Government of Gujarat in accordance with the provisions and instructions issued by MoRD under reference (1) for inviting the objections and suggestions from persons likely to be affected by their appointment.

AND WHEREAS no objections or suggestions have been received by the Commissioner and Secretary, Rural Development, Gujarat State, Gandhinagar from any person in respect of any provisionally selected candidates. Therefore, on expiry of the said period, the selected candidates are hereby appointed as Ombudsmen for MGNREGS for a maximum period of two years for the Districts indicated against their names overleaf.

Sr.	Name of the candidate	District
1	Shri Bhikubhai Harsinghbhai Chaudhry	Mehsana
2	Shri R.R.Solanki , Retired IAS	Vadodara
3	Shri S.R.Pandor Retired IAS	Kutch
4	Shri E.I.Kalaswa Retired IAS	Sabarkantha
5	Smt Mandakini Ben Gunvantrai Purohit	Amreli
6	Shri Devjibhai Bhawanbhai Jethwa	Anand
7	Dr. Nalin N Pandit	Bhavnagar
8	Shri B.S.Dave Retd Director DRDA ,GAS	Surat
9	Shri Parbatbhai Mohanbhai Wagashiya	Junagadh
10	Shri Vikram Ratilal Gandhi	Ahmadabad
11	Shri Mukeshchandra Krishna Prasad Trivedi	Kheda
12	Shri Dave Ramesh Mashanker	Jamnagar
13	Smt Prafulla Shivprasad Shukla	Surendranagar
14	Shri J.R.Patel	Gandhinagar
15	Shri Maganbhai Keshvlal Darjee (For one year)	Narmada
16	Shri Babubhai Samjibhai Patel	Navsari
17	Shri Dungarsinh R. Vasava	Bharuch
18	Shri Dip Chaudhary	Valsad
19	Shri Narendrakumar Jamnadas Desai , Retired GAS	Porbandar

TERMS AND CONDITIONS:

1. The tenure of appointment shall not be extended.
2. The Ombudsman will be paid Rs 500/- per sitting with a ceiling of maximum 20 sittings in a month.
3. Except the charges mentioned above no TA/DA /other charges will be paid to the Ombudsman. However ,DRDA will provide vehicle facility as is permissible to the class I Officer of the State Government for local visit . If the Ombudsman uses his own vehicle he/she shall be paid as per the permissible rate of the State Government in case of petrol /diesel vehicle .
4. The sitting arrangements for Ombudsman shall be provided in the Office of the District Rural Development Agency.
5. **Responsibilities of the Ombudsman:**
 - A. Ombudsman shall be responsible for the conduct of business in his office.
 - B. Ombudsman shall maintain confidentiality of any information or document coming to his knowledge or possession in the course of discharging his 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 to the other party or parties, to the extent considered by him to be reasonably required to comply with the principles of natural justice and fair play in the proceedings.
 - C. Ombudsman shall send a monthly report to the Chief Secretary and Principal Secretary, Rural Development Department recommending appropriate action in respect of complaints received and his findings thereon . The report shall specifically 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.

- D. Ombudsman shall furnish 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 Principal Secretary, Rural Development Department along with such other information as may be considered necessary by him. In the annual report, the Ombudsman, on the basis of grievances handled by him, will review the quality of the working of the MGNREGA authorities and make recommendations to improve implementation of MGNREGA. The report shall be put on the MGNREGA website.
- E. Ombudsman shall compile a list of 'awards' passed by him/her 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 Rural Development Department . Text of award shall also be put on the MGNREGA website.

6. Subjects in the purview of Ombudsman for MGNREGS :

- A. Gram Sabha
- B. Registration of households and issue of job cards
- C. Custody of job cards.
- D. Demand for work
- E. Issue of dated acknowledgement receipt against submission of application for work.
- F. Payment of wages.
- G. Payment of unemployment allowance.
- H. Discrimination on the basis of gender.
- I. Worksite facilities.
- J. Measurement of work.
- K. Quality of work
- L. Use of machines
- M. Engagement of contractors
- N. Operation of accounts in the bank or post offices
- O. Registration and disposal of complaints.
- P. Verification of muster rolls
- Q. Inspection of documents
- R. Use of funds
- S. Release of funds
- T. Social audit
- U. Maintenance of record

7. Procedure to be followed by Ombudsman on complaints:

- A. Any person, who has a grievance against the MGNREGA Authority, may, himself or through his authorized representative, make a complaint against the MGNREGA Authority in writing to the Ombudsman .
- B. The complaint shall be duly signed by the complainant and shall state clearly the name and address of the complainant, the name of the office and official of the Implementing 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.

- C. 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.
- D. A printout of the complaint made through electronic means shall be signed by the complainant at the earliest possible opportunity before the Ombudsman takes steps for disposal.
- E. The signed printout shall be deemed to be the complaint and it shall relate back to the date on which the complaint was made through electronic means.
- F. No complaint to the Ombudsman shall lie if the complaint is in respect of the same subject matter which was disposed by the Office of the Ombudsman in any previous proceedings whether or not 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.
- G. No complaint shall be made to the 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.

8. Proceedings to be summary in nature:

- A. 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.

9. Disposal of complaints:

- A. On receipt of the complaint, Ombudsman may refer the complaint to the appropriate MGNREGA Authorities for disposal within 7 days. In the event of failure of the MGNREGA Authority to dispose the complaint, the matter may be taken up by the Ombudsman for disposal.
- B. The Ombudsman shall cause a notice of the receipt of any complaint along with a copy of the complaint to be sent to the MGNREGA Authority complained against.
- C. When facts of the case are admitted by the parties, the Ombudsman shall dispose the case in accordance with law.

10. Award by the Ombudsman and Appeal:

- A. If the facts are not accepted by the parties in a case, Ombudsman may pass an award after providing the parties reasonable opportunity to present their case. He shall be guided by the evidence placed before him by the parties, the reports of social audits, if any, the provisions of MGNREG Act and Scheme and practice, directions and instructions issued by the State Government or the Central Government from time to time and such other factors which in his opinion are necessary in the interest of justice.
- B. The 'award' passed under sub-clause above shall be a speaking order consisting of the following components :
 - Details of the parties of the case.
 - Brief facts of the case.
 - Issues for consideration
 - Findings against issues along with reasons.
 - 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.

➤ Costs, if any.

- C. If a complaint is found to be false, malicious or vexatious, the Ombudsman shall, for reasons to be recorded in writing, dismiss the complaint and make an order that the complainant shall pay to the opposite party the cost as deemed appropriate by the Ombudsman.
- D. A copy of the 'award' shall be sent to the complainant and the MGNREGA Authority complained against.
- E. If any of the party is aggrieved by the Award of the Ombudsman then he is authorized to file an appeal to Additional Commissioner, MGNREGS and the decision of the Additional Commissioner shall be final and binding on the parties and no appeal shall be made against such orders .
- F. A representative of Programme Officer/District Programme Coordinator may appear in cases where the Programme Officer/District Programme Coordinator is a party.
- G. All cases not involving complicated questions of fact or law shall be disposed within 15 days. Other cases may be disposed within 45 days.
- H. Ombudsman may ascertain that the representation by the aggrieved party is made by him in person & not through his representative.
- I. In any proceeding before the Ombudsman, if the facts reveal a case of illegal gratification, bribery or misappropriation and the Ombudsman is satisfied that the case is fit for further investigation by a criminal court, the same shall be referred by him to the authority competent to sanction criminal prosecution of the persons involved in the case. The competent authority on receipt of such a case shall forward the case to appropriate authority for further action in accordance with law.

11. Submission of Report to State Employment Guarantee Council and Legislative Assembly:

The summary report of the cases disposed by Ombudsman will be reported to the State Employment Guarantee Council by the Principal Secretary, Rural Development Department in its meetings and will also form part of the Annual Report to be placed in the Legislative Assembly.

12. Amount received to be deposited in the State Employment Guarantee Fund:

All sums payable by the parties to the Ombudsman and received by him shall be deposited in the account of the State Employment Guarantee Fund.

13. Review of performance and removal:

The review of the Performance of each Ombudsman shall be made by the Selection Committee. A copy of the performance appraisal report shall be furnished to the State Employment Guarantee Council. On unsatisfactory performance, the Ombudsman may be removed by the State Government on the recommendation of the Selection Committee.

14. Fees for complaint :

The requisite fee , as decided by the State Government shall be payable by the complainant to the Ombudsman.

By order and in the name of the Governor of Gujarat


Deputy Secretary

Rural Development Department

COPY FWCS TO:

- Deputy Secretary to Chief Secretary, Government of Gujarat.
- Additional Chief Secretary ,General Administration Department , Government of Gujarat
- Additional Chief Secretary, Panchyat ,Rural Housing and Rural Development Department , Government of Gujarat
- Principal . Secretary to Ho'nble Chief Minister, ,Government of Gujarat.
- Commissioner & Principal Secretary, Rural Development.Department
- Joint Secretary MGNREGA, Ministry of Rural Development , Krishi Bhavan , New Delhi
- PS to Ho'nble Minister for Rural Development ,Government of Gujarat
- PS to Ho'nble Minister for Rural Development (State) ,Government of Gujarat
- Collector and District Magistrate, All Districts
- DPC MGNREGS & DDO ,All Districts
- ADPC, MGNREGS & Director DRDA, All Districts.
- Selected candidates with a request to submit the terms and conditions duly accepted on a stamp paper of Rs 50 along with a copy of the N.O.C. of the Department from which they have retired (Obtained at the time of retirement) to the undersigned within a week of receipt of this letter as a token of acceptance of the appointment.