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PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

The 11th October, 2010

No.30261-II-NREGS-17/2010—The following draft of certain rules which the State Government propose to make in exercise of the powers conferred by clause (d) of sub-section (2) of Section 32 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Act 42 of 2005), is hereby published as required by sub-section (1) of the said Section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of fifteen days from the date of publication of this notification in the *Orissa Gazette*.

Any objection or suggestion, which may be received from any person in respect of the said draft before the expiry of the period so specified above will be considered by the State Government.

Draft

1. Short Title and Commencement :

(1) These rules may be called the Mahatma Gandhi National Rural Employment Guarantee (Grievance Redressal Mechanism) Rules, 2010.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. Definitions:

(1) In these rules unless the context otherwise requires

(a) "Act" means the Mahatma Gandhi National Rural Employment Guarantee Act-2005.

(b) 'Authorised representative' means a person duly authorised by a complainant to act on his behalf and represent him in the proceedings before Programme Officer (PO)/District Programme Coordinator

(DPC)/State Rural Employment Guarantee Commissioner (SREGC) appointed to that end under the Act / Rules or Ombudsman.

- (c) 'Complaint' Any grievance in Form No.-4 lodged with PO/DPC/SREGC either directly or through helpline, social audit or any other mode in respect of any deficiency / short-coming in implementation of the scheme.
- (d) 'Line Department Agencies' means executing agencies of other Departments (other than Panchayati Raj Department) such as Water Resources, Rural Development, Forest & Environment etc. with whom MGNREGS funds have been placed to facilitate execution as per provisions of the Act / Rule / Scheme.
- (e) 'Nodal Department' means Panchayati Raj Department of the State Government dealing with the scheme and implementation of the Act / Rules.
- (f) 'MGNREGA Functionary / Authority' means person or persons vested with powers and functions under the Act / Scheme / Rules.
- (g) 'Programme Officer / District Programme Coordinator / State Rural Employment Guarantee Commissioner' means the officials notified as such by Government to discharge the duties and functions of the said post under the Act / Scheme / Rules.

(2) All other words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Manner of Lodging Complaints:

(1) Any person or institution can lodge complaints in Form-**A** with Programme Officer (PO) / District Programme Coordinator (DPC) / State Rural Employment Guarantee Commissioner (SREGC) / in respect of any deficiency / short-coming / corruption or mismanagement showing conspicuously any violation of the scheme at different stages of implementation. As soon as complaints are received, it shall be entered into Complaint Register in Form-**B** and a dated, numbered receipt shall be issued to the complainant or his authorised representative forthwith. Complaints received by post, e_mail, or by any other mode will also be acknowledged and a dated numbered receipt be issued to the addressee as early as possible.

(2) Complaints received by other authorities (Except PO), will be acknowledged by a dated, numbered receipt shall be entered into the Complaint Register in Form-**B**. If the said complaint needs disposal at their level it will be enquired into and disposed of within

seven days from the date of receipt. If the complaint needs redressal at PO or any other level, it will be immediately forwarded to them for disposal as per law under intimation to the complainant.

4. Manner of Disposal of Complaint:

(1) The Programme Officer after receipt of complaint will examine relating to any deficiencies / violation of the Scheme / Act / Rules / Instructions as regards implementation by any Gram Panchayat under its jurisdiction and proceed ahead for enquiry and dispose of the same within seven days as stipulated in the Act. If the complaints relate to any irregularity / deficiency in implementation of the Block Administration or Line Department Agencies then it will be forwarded to the District Programme Coordinator for enquiry and disposal.

(2) If the complaint relates to any corruption, defalcation, forgery or financial irregularity in implementation through Gram Panchayats, then Programme Officer will conduct an enquiry within seven days of its receipt and if, any *prima facie* evidence is found, he will initiate steps for recovery of the amount and lodge an FIR with the police for taking appropriate criminal action.

(3) If the complaint concerns to other violations of Indian Penal Code (such as violation, intimidation, discrimination) the Programme Officer will cause an enquiry within seven days to ascertain the truth and if, any *prima facie* evidence is found, then help the complainant to file FIR with the police.

(4) If the Programme Officer does not dispose the complaints within seven days of lodging of the complaints but not later than fifteen days, it would attract the relevant provisions of the Act for imposition of fine.

(5) If the complaints relate to any irregularity, deficiency, corruption or financial misappropriation in implementation of the scheme by the Block Administration or Line Department Agencies, then District Programme Coordinator shall cause an enquiry within a month and if allegation is proved, take steps for recovery of the amount from person concerned and lodge FIR with police for initiating criminal action.

(6) In case the complaint relates to violation of IPC like intimidation, discrimination, an enquiry may be caused within a month and in case any *prima facie* evidence is found, the complainant would be told to lodge FIR with the police and the matter be pursued with appropriate authorities for further action as per law.

5. Monitoring the Disposal of Complaints:

(1) There will be a committee at the District Level for monitoring the disposal of complaints. This committee would review the progress of disposal of complaints at least once in a month. The Member Secretary shall place any report on the failure at any level in disposing of the complaints before the committee. The committee after following the procedure, would recommend to appropriate authorities District Programme Coordinator/Programme Officer as the case may be to impose fines under section 25 of the Act.

(2) The constitution of the committee shall be as follows:—

- | | | | |
|-------|--|-----|------------------|
| (i) | The District Magistrate & DPC of the District | ... | Chairperson |
| (ii) | The Member Secretary District Legal Services Authority. | ... | Member |
| (iii) | One Sub Collector and one BDO of the district (nominated by the Chairperson)– | ... | Member |
| (iv) | One member of the any voluntary organization involved with NREGA. (To be nominated by the Chairperson) | ... | Member |
| (v) | The Project Director, DRDA | ... | Member Secretary |

6. Appeals:

(1) The Complainant or any other stake-holder being aggrieved by the order of the Programme Officer (PO) may prefer appeal with District Programme Coordinator (DPC) within a month of the receipt of order from PO. The appeal petition shall contain all the details in Form-C. The DPC will dispose of the appeal within thirty days of its filing. All parties affected will be given reasonable opportunity of hearing while the appeal is disposed of. Orders on the appeal will be communicated to the parties within seven days of its order by registered post / personal delivery / by any other mode as found proper.

(2) Any person aggrieved by the orders of District Programme Coordinator (DPC) for complaints filed against programme Officer / Line Department Agencies as per rule – 4(B)(1) which have been disposed of by him, may prefer appeal with the State Rural Employment Guarantee Commissioner within thirty days of receipt of the order from DPC. The State Rural Employment Guarantee Commissioner will resort to summary procedure and will dispose of the appeal within thirty days of its filing by giving all concerned an opportunity of hearing. The final orders of the appeal will be communicated to the parties within a week of its order by registered post or any other mode as found proper.

(3) Revision against the orders of appellate authority i.e. DPC (Appeal preferred with DPC against orders of Programme Officer) may be filed with State Rural Employment Guarantee Commissioner (SREGC) within the thirty days of such order provided there is grave violation of legal procedure / grave miscarriage of justice or defalcation, corruption, misappropriation of huge amount at the GP level amounting to Rupees One Lakh and more.

(4) The powers of State Rural Employment Guarantee Commissioner (SREGC) may be exercised by Revenue Divisional Commissioners and other Senior Officers of the Government duly notified by Government. Likewise the powers of Programme Officer / District Programme Coordinator may be exercised by other officers by notification to that end by the Nodal Department.

7. Imposition of Penalties:

(1) While disposing of the complaints / appeals by the DPC / SREGC, if any person is found guilty of contravention of the provisions of the Act, the DPC / SREGC may impose a fine which may extend up to Rs.1000/- for such violation.

(2) The Programme Officer while disposing of the complaints relating Gram Panchayats can also impose fine up to Rs.1000/- against any official / non-official, if any deficiency / short-coming / irregularity is established. The fine imposed by him will be referred to DPC for confirmation within fifteen days of such order. If the DPC does not furnish his confirmation order or contrary opinion within fifteen days of such reference, it will be treated as automatically confirmed.

8. Follow up Action:

(1) Action taken on the complaints by Programme Officer / DPC / SREGC will be intimated to the complainants and other affected parties within seven days of such order and the same will also be placed before the next Gram Sabha / Gram Panchayat / Zilla Parishad meeting for appraisal and confirmation.

(2) A Grievance Redressal Cell will be set up at the District / State Level with a dedicated help line / website for lodging complaints as and when required.

(3) **Monthly Reports-** The monthly reports in Form-D may be sent from Gram Panchayat to the Programme Officer and Programme Officer to District Programme Co-ordinator and from District Programme Co-ordinator to State Government on monthly basis latest by 5th of the succeeding month.

ORDER- Ordered that the notification be published in the next Extraordinary issue of the *Orissa Gazette* and copies thereof be supplied to all Departments of Government/ all H.O.Ds/ all R.D.Cs/all Collectors/all Project Director, DRDAs/all Programme Officer-*cum*-B.D.Os/Director, SIRD.

By order of the Governor

S.N. TRIPATHI

Principal Secretary to Government

**Form-A
(Under rule-3)**

Pro forma for Lodging Complaints/grievances under MGNREGS, Orissa

To,

The _____ (Designated Officer's name)

_____ (Designation)

_____ (Address)

Sir/Madam,

With respect to implementation of MGNREGS-Orissa in _____ GP under _____ Block in _____ District, I want to bring to your notice the grievances/deficiencies on the following work/ works for redressal at appropriate level.

**Complainant's Signature
Date:**

(a) Detailed Address of the complainant –

Village: _____ GP: _____

Block : _____ PS: _____

District: _____

(b) Nature of Complaint – (Details):- _____

(c)

(i) Name of the MGNREGS work-

Situated: _____

Village: _____

GP: _____

Block: _____

(ii) If the work is beneficiary oriented name of the individual/group beneficiary._

Plot No: _____, Khata No: _____

Counter foil

Receipt for complaints / grievances under MGNREGS

Date: _____

Received from Sri /Smt. _____
Complainant of Village _____ GP- _____ Block _____
a grievance / complaint relating to
_____ implementation under
MGNREGS for redressal.

Seal of Office
Date:

Signature of designated Official
Designation:
Seal:
Date:

Form-B
(Under rule-3)

Complaint/Grievance Register to be maintained at Block/District level.

Sl. No.	Date	Name and address of the complainant	Nature of complaint with details.	Name of the work with detailed location (Village / GP / Plot No. / Khata No.)	Action taken	Date of disposal	Remarks
1	2	3	4	5	6	7	8

Signature of the Authorised Officer

**Form-C
(Under rule-5)**

**Format for Appeal /2nd appeal to be preferred with DPC at District level / State Rural
Employment Guarantee Commissioner at State Level against orders of lower authorities.**

To,

The _____ (Designated Officer)

_____ (Address)

Sir/Madam,

Being aggrieved by the orders of lower authority _____ I beg to prefer an
appeal / 2nd appeal with you for redressal of the Grievances / Complaints as enumerated below.

**Signature of the Complainant
Preferring appeal
Date. _____**

(A) Name and Addresses of the complainants :-

Village : _____ GP: _____

Post: _____ Via: _____

Block: _____ District: _____

(B) Designation and details of the Orders of lower authorities against which appeal has been preferred.

(C) Date of appeal _____.

(D) Whether necessary documents/records/evidences have been filed along with the appeal petition.

(It is pertinent of mention that copy of orders of lower authorities shall to be furnished along with other documents).

Certified that the information furnished as above by me are true to the best of my knowledge and belief.

**Signature of the appellent
Date:-**

Counter foil

Receipt for preferring appeal /2nd appeal with DPC / SREGC against orders of lower authorities.

Date:

Received the appeal petition form Sri/Smt. _____
addresses _____

_____ against the orders of _____ (lower authority) relating to MGNREGS work located at _____ Vill- _____, GP. _____, Block. _____ for appropriate redressal.

Seal of Office
Date:

Signature of designated authority
with Designation:
Addresses:
Date:

Form-D
(Under rule-8)

Status of Disposal of grievances / complaints at Block /DPC level /
For _____ month _____ year.

Sl. No.	Complaints / Grievances at the beginning of the month.	Complaints/ Grievances received during the month.	Total Complaints / Grievances Received	Complaints / Grievances disposed of during the month.	Balance of Grievances/ Complaints	Status of pendency				Remarks
						Allotted to Officers	Pending for inquiry with Officers.	Pending for Orders	Any other reason.	
1	2	3	4	5	6	7	8	9	10	11

Signature of Authorised Officer