NO.F.3 (43)-RD/2009/Part-III/843
GOVERNMENT OF TRIPURA
STATE MGNREGA CELL
RURAL DEVELOPMENT DEPARTMENT
Dated, Agartala, the 29th April, 2017.

ADVERTISEMENT

Ref: - Advertisement No. NO.F.3 (43)-RD/2009/Part-III/842 dated 29th April 2017

Applications are invited from eligible candidates for appointment of Ombudsman's under MGNREGA for 02 (Two) Districts (North Tripura, & Unakoti) of Tripura.

Name of Post: - Ombudsman.

No. of Post: - 02(Two)

Eligibility / Criteria:-

1. **The candidate should be a person of eminent standing with twenty years of experience in public administration, law, academics, social work or management.**
2. **Age limit: - Vide "Instruction on Ombudsman" enclosed.**
3. **No person who is a member of a political party shall be considered for appointment as Ombudsman.**
4. **The person selected as Ombudsman must be physically active and capable of conducting field tours, inspection and visits to remote locations in the districts.**
5. **The person should be ordinarily resident of the concern district.**
6. **The person who has already served as Ombudsman shall not be eligible.**

Salient Terms and Condition:-

2.2.15 Performance of an Ombudsman shall be judged in terms of efficiency and efficacy shown in discharge of duties and exercising of powers as per the procedure prescribed in the "Instructions on Ombudsman". Output of an Ombudsman may be quantified as (i) percentage of disposal of complaints; (ii) diligence in conducting 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.

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. 1000/- (one thousand)

per sitting with maximum upper limit of Rs.20,000/- (twenty thousand) per month.

6.1. The Office of MGNREGA Ombudsman shall be located at the District Headquarters.

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.

8. **Powers and Responsibilities:**

8.1 The Ombudsman shall have power to:-

(ii) Consider such complaints and pass awards within 30 days from the date of receipt of complaint.

(iv) Initiate proceedings *suo motu* in the event of any circumstance arising with in his jurisdiction that may cause any grievance including on issues related to delayed payment of wages or non-payment of unemployment allowance as recorded in the MIS.

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 the working of the MGNREGA authorities and make recommendations to improve implementation of MGNREGA. The report shall be displayed on the MGNREGA website.

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 the MGNREGA authority to dispose the complaint, the matter may be taken up by the Ombudsman for disposal.

12.5 The Ombudsman may conduct a spot investigation in case it is required, to enable 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.

12.6 Ombudsman shall attend the public hearing of social audit as far as practice able and 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.

(v) direction to the concerned MGNREGA authority regarding performance of its obligations under the MGNREG Act and recommendation regarding expediting delayed matters, taking of disciplinary and punitive action against erring persons, etc. except imposition of penalties under the MGNREG Act.

A copy of detailed "Instructions on Ombudsman" is enclosed herewith for further reference.

Interested candidate may inspect the advertisement including enclosure and may apply with full bio-data as per prescribed application format enclosed to the Joint Secretary (MGNREGA), Rural Development Department, Government of Tripura, Capital Complex, New Secretariat Building, Agartala within **20th May, 2017**

Enclo : As Stated

29-04

(T K Debnath, IAS)
Joint Secretary to the
Government of Tripura.

Application format

1. Personal Information

1.1 Name:

1.2 Age (as on.....) (attach date of birth certificate):

1.3 Address for correspondence:

1.4 Permanent address (attach proof of residence):

1.5 Are you medically (physically & mentally) fit to conduct field visits? (attach a medical fitness certificate):

1.6 Whether member of a political party? (attach a personal affidavit certified by a notary public):

1.7 Whether convicted/ charge sheeted in a criminal case? (attach a personal declaration certified by a notary public):

1.8 Do you have responsibility of implementing MGNREGA in any capacity?

2. Professional Information

2.1 Highest educational qualification (attached copy of certificates attested by a gazette officer):

2.2 Total no. of years of work experience (attached copy of certificates attested by a gazette officer):

2.3 Field of experience:

2.4 Last post/position held, if any:

2.5 Member of any society/ professional body, if any (give details):

3. Declaration:

It is certified that above information furnished by me are correct. I have gone through the advertisement and the "Instructions on Ombudsman" issued by the Govt, of India and understand that this is a part time work and all functions are to be carried out within the purview and confines of the MGNREG Act, Rules and Schemes framed there under and operational guidelines issued by Govt, of India from time to time.

Place: Signature of the applicant:

Date: Name of the applicant:

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INSTRUCTIONS ON OMBUDSMAN

(As revised on 16.01.2014)

The context:

The English term "Ombudsman" derives from the Swedish word umbudsman 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

1. 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.

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2. 1.1 The State Government may appoint one or more persons, but not more than two persons, as the Ombudsman in a District on the recommendations of the Selection Committee consisting of the following persons :-

(a) Additional Chief Secretary of the State Government nominated 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-I). 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.

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. All comments and objections may be settled within 30 (thirty) days of the date of 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.

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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 twenty 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 No written tests/examination or interview shall be conducted and an internal marking system should be evolved by the Selection Committee to rank persons in order of preference.

2.2.5 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 first hand knowledge about the district.

2.2.6 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.

2.2.7 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.

2.2.8 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.

2.2.9 No person who is a member of a recognised political party **or a banned organisation** shall be considered for appointment as Ombudsman. Each person shall be required to file a declaration to this effect along with the application.

2.2.10 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.

2.2.11 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.

2.2.12 Performance appraisal shall be made by the Selection Committee based on information provided by the State Govt (model format for the purpose is at annex-III). Details of the annual appraisal findings in respect of all Ombudsmen made by the Selection Committee shall be furnished to the State Employment Guarantee Council.

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2.2.13 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 procedures. Such an orientation must be held within a month from their date of appointment.

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

2.2.15 Performance of an Ombudsman shall be judged in terms of efficiency and efficacy shown in discharge of duties and exercising of powers as per the procedure prescribed in the "Instructions on Ombudsman". Output of an Ombudsman may be quantified as (i) percentage of disposal of complaints; (ii) diligence in conducting 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.

2.2.16 Written and signed complaint against Ombudsman may be made to the Chief Secretary of the State Government by any aggrieved party, including MGNREGA authorities or MGNREGA 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 an Ombudsman with regard to the discharge of his duties.

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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. 1000/- (one thousand) per sitting with maximum upper limit of Rs.20,000/- (twenty thousand) per month.

4.2 Sitting means per day functioning, irrespective of number of cases handled and its duration in terms of working hours. A sitting could be for a part of a day also. All sittings should be properly documented and should be justified by the work discharged. The frequency of sitting by Ombudsman shall be need based and cannot be fixed. **The place of sitting may be decided by the Ombudsman taking into consideration the convenience of MGNREGS workers concerned.**

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 The State Government shall specify the territorial jurisdiction of each Ombudsman in terms of Blocks in case of more than one Ombudsman in a district.

5.2 One Ombudsman may have jurisdiction in more than one district in case the number of MGNREGS works is likely to be low.

5.3 In case an Ombudsman is unavailable for any reason in a district, including simple leave of absence, an Ombudsman of an adjoining district may be given all or any of the work of the district as may be specified.

5.4 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 be not later 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 DRDA or any other body specified by the State Government in this behalf. All necessary support to enable the Ombudsman to carry out the assigned functions, including support staff, office equipments, complaint box, and telephone helpline etc. shall be provided to the

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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 travel 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 circumstance arising within his jurisdiction that may cause any grievance **including on issues related to delayed payment of wages or non-payment of unemployment allowance as recorded in the MIS.**

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(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 (DPC) of the District and the Secretary, State Nodal Department. **Wherever Ombudsman feels the need to do so he/she may mark a copy to the Chief Secretary.** The report shall specially 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 considered by him to be reasonably required to comply with the principles of natural justice and fair play in the 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 the working of the MGNREGA authorities and make recommendations to improve implementation 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.

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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 MGNREGA Authority or beneficiary, may, himself or through his authorised representative, make a complaint against a

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MGNREGA Authority or beneficiary in writing to the Ombudsman or to any MGNREGA authority superior to the authority complained against. Complaints addressed to Ombudsman but received by MGNREGA authority shall be forwarded to 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 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.

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 the MGNREGA authority to dispose the complaint, the matter may be taken up by the Ombudsman for disposal.

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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 pass an 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, 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/her opinion are necessary in the interest of justice.

12.5 The Ombudsman may conduct a spot investigation in case it is required, to enable 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 Programme Officer 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 out 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 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.

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(v) direction to the concerned MGNREGA authority regarding performance of its obligations under the MGNREG Act and recommendation regarding expediting delayed matters, taking of disciplinary and punitive action against erring persons, etc. except imposition of penalties under the MGNREG Act.

(vi) costs, if any.

13.2 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 recommend action against the complainant.

13.3 A copy of the award shall be sent to the complainant, the MGNREGA authority complained against and the DPC.

13.4 State Government shall set up a three member Appellate Authority, consisting of an academician, a retired civil servant and a civil society representative, to consider representation by any party aggrieved by the awards of the Ombudsman. Such a 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 office of the nodal department of the State Government implementing MGNREGA. Expenses of such an appellate authority shall be borne by States from the 6% administrative expenditure permitted under section 22(1)(c) of the MGNREGA.

13.4.1 Following are essential qualifications to be a Member of Appellate Authority:

i. Minimum 30 years of experience in academics (teaching) or civil service or civil society organisation;

ii. Person with eminent standing and impeccable integrity;

iii. Not a member of any recognised political party or currently banned organisation;

iv. Physically active, capable of and willing to conduct filed visits to remote rural areas in the State;

v. Below 66 years of age at the time of appointment

13.4.2 Those who have completed at least 1 year as MGNREGA Ombudsman will be given preference.

13.4.3 Members of Appellate Authority will have a tenure of 02 (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 will be no reappointment.

13.4.4 Senior most of three Members of the Appellate Authority will be the Chairperson. The Chairperson will allocate works (appeals) among Members, including him/herself for consideration and report to the Authority.

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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 its duration in terms of working hours. State Government may pay an additional 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(s) 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 Chairperson or Members 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 15 days of the submission of such finding with a copy of awards and recommendations by Ombudsman. The Appellate Authority shall dispose an appeal within 2 months from the date of receipt. All decisions of the Appellate Authority on appeals against the awards of Ombudsman will 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 a party unless there is clear personal failure.

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

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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 the Award, which has become final, disciplinary action shall be taken against the officers concerned.**

14.2 Copy of the action taken report (ATR) shall be sent to the Ombudsman concerned 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 for 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

16.1 Yearly review of the functioning of Ombudsman shall be made at the level of the Chief Secretary of the State Government including review of action-taken on the awards of Ombudsman and institutional mechanisms to strengthen grievance redressal under MGNREGA in the State. Minutes of the review meeting shall be placed before the State Employment Guarantee Council.

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Annexure-I

Model application format

1. Personal Information

1.1 Name:

1.2 Age (as on.....) (attach date of birth certificate):

1.3 Address for correspondence:

1.4 Permanent address (attach proof of residence):

1.5 Are you medically (physically & mentally) fit to conduct field visits? (attach a medical fitness certificate):

1.6 Whether member of a political party? (attach a personal affidavit certified by a notary public):

1.7 Whether convicted/ chargesheeted in a criminal case? (attach a personal declaration certified by a notary public):

1.8 Do you have responsibility of implementing MGNREGA in any capacity?

2. Professional Information

2.1 Highest educational qualification (attached copy of certificates attested by a gazetted officer):

2.2 Total no. of years of work experience (attached copy of certificates attested by a gazetted officer):

2.3 Field of experience:

2.4 Last post/position held, if any:

2.5 Member of any society/ professional body, if any (give details):

3. declaration:

It is certified that above information furnished by me are correct. I have gone through the advertisement and the "Instructions on Ombudsman" issued by the Govt. of India and understand that this is a part time work and all functions are to be carried out within the purview and confines of the MGNREG Act, Rules and Schemes framed there under and operational guidelines issued by Govt. of India from time to time.

Place: Signature of the applicant:

Date: Name of the applicant:

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Annexure-II

Model appointment letter

From

To

Dear Sir/Madam

On the recommendation of the Ombudsman Selection Committee and approval of the Chief Secretary, you are hereby appointed as Ombudsman of .....district/districts. You are required to commence your work from .....(day/month/year) and send your work commencement report to the undersigned.

As Ombudsman you are expected to carry out functions and responsibilities given in the chapter 3 of the "Instructions on Ombudsman" issued by the Government of India (Annex-). Tenure and other terms and conditions of your work would be strictly as per relevant clauses of the "Instructions on Ombudsman" issued by the Government of India.

(Principal Secretary/ Secretary, Govt. of.....)

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Annexure-III

Model format for providing information for performance appraisal of Ombudsman

Sl. No.	Name of the Ombudsman	District /Block	Date of appointment	Age {as on - - - - }	No. of complaints received and resolved	No. and quality of awards passed	Regularity of submission and quality of quarterly and annual report