



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973 Postal Regn. No. NE-313(MZ) 2006-2008 Re. 1/- per page
VOL - XLIII Aizawl, Thursday 10.4.2014 Chaitra 20, S.E. 1936, Issue No. 143

NOTIFICATION

No.C.13019/2/12-RD(MGNREGS), the 10th March, 2014. In exercise of the power conferred by section 19 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005), the Governor of Mizoram is pleased to make the following Rules for dealing with any complaints by any person in respect of implementation of the Mizoram Mahatma Gandhi Rural Employment Guarantee Schemes and lay down the procedure for disposal of such complaints.

1. Short title, extent and commencement:

- i) These rules shall be called the Mizoram Mahatma Gandhi Grievance Redressal Rules, 2014.
- ii) They shall extend to the rural areas of Mizoram.
- iii) They shall come into force from the date of notification in the Mizoram Gazette.

2. Definition:

In these rules, unless the context otherwise requires:

- i) 'Act' means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005);
- ii) 'Block' means Rural Development Block under Rural Development Department, Government of Mizoram;
- iii) 'Complaint' means any matter reported or referred orally or in writing submitted to the official functionaries under MGNREGA, relating to the shortcoming in the implementation of the Schemes or in contravention of the Act.
- iv) 'District Programme Coordinator' means an Officer of the State Government designated as such under Sub-Section (1) of Section 14 of the Act;
- v) 'Forms' means the prescribed proforma appended to these rules;
- vi) 'Programme Officer' means an Officer appointed under section (I) of section 15 of the MGNREGA 2005;
- vii) 'Scheme' means the Mizoram Mahatma Gandhi Rural Employment Guarantee Schemes 2014
- viii) 'State Employment Guarantee Commissioner' means Secretary to the Government of Mizoram, Rural Development Department.
- ix) "Village Council" means the Village Council elected from time to time under the relevant Acts and Rules of the State Government and the three Autonomous District Council of Mara, Lai and Chakma.
- x) 'VCP' means President of a Village Council;

Words and expressions used but not defined in these rules shall have the meaning as assigned to them in the Act.

3. Institutional Arrangement:

A. Village Level Grievance Redressal Committee:

- i) There shall be a Village Level Grievance Redressal Committee established under the Chairmanship of President, Village Council in each village in Mizoram where traditional Village Council exists in place of Gram Panchayat.
- ii) Composition of Village Level Grievance Redressal Committee:
 - a) Chairman : President of the Village Council concerned.
 - b) Secretary : Secretary of the Village Council.
 - c) Member :
 1. All members of the Village Council
 2. Representatives of NGOs (YMA / MTP / YLA / YCA / MHIP / MCHP / LWA / ZUP / MUP)
 3. Representatives of all existing political parties in the Village Council area.

B. Block Level Grievance Redressal Committee:

- i) Block Level Grievance Redressal Cell shall be established in the Office of the Programme Officer for receiving complaints on the implementation of the MGNREGS within the Block and also receiving appeals from the aggrieved persons who are not satisfied with the decision of the Village Level Grievance Redressal Committee or the case referred to the Block Level Grievance Redressal Committee by the Village Level Grievance Redressal Committee for its disposal and the concerned Programme Officer shall act as Grievance Redressal Officer.
- ii) The Block Level Grievance Redressal Committee shall consist of the Programme Officer, Technical Assistants under MGNREGA and representatives of all NGOs of the Block or Sub Headquarters levels. The senior most staff of the Programme Officer shall act as Secretary of the Block Level Grievance Redressal Committee.

C. District Grievance Redressal Cell:

- i) There shall be District Grievance Redressal Cell in the Office of the District Programme Coordinator to receive complaints on the implementation of the MGNREGS within the district.
- ii) The District Programme Coordinator will function as District Grievance Redressal Officer within his jurisdiction and will also function as Appellate Officer or Authority to receive appeals against the decision of the Grievance Redressal Officer or Block Level Grievance Redressal Committee.

D. State Level Grievance Redressal Officer and Appellate Authority:

- i) The State Employment Guarantee Commissioner will function as the State Level Grievance Redressal Officer who will receive complaints on the implementation of the MGNREGS anywhere in Mizoram.
- ii) He shall also act as the Appellate Authority at the State level against the decision of the District Grievance Redressal Officer.

4. Lodging of Complaints

- i) Complaint can be filed at Village Council/Block Level Office/District level Office/State Cell Office or to any authorized Officer.
- ii) Complaint Box shall be placed at the office of the Programme Officer, Addl District Programme Coordinator or District Programme Coordinator and at the State level wherein any aggrieved person can post his complaints in writings. No anonymous complaint shall be entertained. Complaint Box shall be checked daily for processing.
- iii) Complaints can also be submitted in writing, phone, internet and orally. Complaints shall be filed in the prescribed format (Format 4) as far as possible. If complaint is submitted by phone

or orally, the receiver shall fill in the form and Acknowledgement Receipt shall be issued by the receiver (below Format 4)

5. Disposal of Complaints:

- i) The Chairman of Village Level Grievance Redressal Committee, Block Level Grievance Redressal Committee and District Level Grievance Redressal Committee shall receive all complaints on implementation of the Scheme within their jurisdictions.
- ii) The receipt and disposal of complaints or appeals shall be recorded in the Register (Annexure 22 of the Operation Guidelines 2013, 4th Edition) where a complaint is made whether to the Village Council or Programme Officer or District Programme Coordinator or at the State level.
- iii) Any complaint received shall be disposed off within 7 working days by all concerned authorities at all levels.
- iv) If the nature of the complaint necessitates enquiry or spot verification, it shall be completed within 7 working days by concerned authorities and necessary action thereon to address the grievances shall be taken within 15 days.
- v) In case a complaint relates to a matter to be resolved by any other authority, concerned Grievance Redressal authority shall conduct preliminary enquiry and refer the matter to such authority within 7 working days under intimation to the complainant.
- vi) Chairman of the Village Level Grievance Redressal Committee is authorized to dispose of the complaints in his own capacity which shall be placed before the next meeting of the Village Level Grievance Redressal Committee for their approval.
- vii) The complainants must also be informed of the action taken in writing through registered post with Acknowledgement Card.

6. Appeals:

- i) All appeals shall be made within 45 days from the date of the issuance of the order.
- ii) Appeals against the orders of the Village Council shall be made to the Programme Officer; those against the orders of the Programme Officer shall be made to the District Programme Coordinator; those against the District Programme Coordinator shall be made to the State Employment Guarantee Commissioner.
- iii) All Appeals shall be disposed off within one month.
- iv) The decisions thereon shall be communicated to the appellants in writing through registered post with Acknowledgement Card.
- v) The decision of the State Level Appellate Authority shall be final in respect of the complaints or appeals on the implementation of MGNREGS in Mizoram

7. Contravention and Penalty

- i) Failure to dispose of a complaint within 7 working days will be treated as contravention of the Act punishable under Section 25 of the Act. Complaints against such failure will be lodged with the next higher Grievance Redressal Authority
- ii) In case of prima facie evidence regarding financial irregularities are noticed after preliminary enquiry of the complaint or of findings in the social audit report, the District Programme Coordinator shall file a First Information Report after obtaining legal advice from the concerned authority.
- iii) In case of violation of Indian Penal Code like violence, intimidation, the complainant shall file First Information Report. The Grievance Redressal Officer or District Grievance Redressal Officer or State Level Grievance Redressal officer shall facilitate the filing of the First Information Report.
- iv) Wherever contravention of the provisions of the Act has been proved after due enquiry by the State Government or the District Programme Coordinator or the Programme Officer or the

Ombudsman or any other authority authorized by the State Government, action in accordance with the provisions of Section 25 of the Act shall be taken.

- vi) The guilty persons shall be penalized to pay a fine upto Rs. 1000 under Section 25 of the MGNREGA 2005.

8. Report

A monthly report on complaints received and dispose off shall be sent from Village Employment Council to Programme Officer and from Programme Officer to District Programme Coordinator and from District Coordinator to the State Government and from State Government to the Government of India (**Annexure III**).

9. Publicity:

There shall be a wide publicity for grievance redressal at Village Employment Council, Programme Officer, District Programme Coordinator and State Government level.

10. Transparency and Accountability:

President of the Village Council or Chairman of the Village Level Grievance Redressal Committee shall be accountable for compliance and strict enforcement of the MGNREGA and its relevant rules and schemes whether Central or State at the village level including registration of the workers; issuing of Job Card; preparation of Muster Rolls etc.

Programme Officer will be accountable for compliance and strict enforcement of the MGNREGA and Rules at the Block level including timely payment of wages, timely payment of unemployment allowances etc.

The District Programme Coordinator will be accountable for compliance and strict enforcement at the District level. The State Employment Guarantee Commissioner will be accountable for overall compliance and strict enforcement within the State.

The transparency of implementing the provisions of the Act is to be ensured by proper dissemination of information in the field, by taking the photographs of the worksite before the commencement, during the course of execution and after completion of the work; providing on-line monitoring system of key performance indicators, audit reports by Internal Audit Teams/Chartered Accountant (as appointed by the State Government), put up on-line. The information would be made available to all who seek the information under Right to Information Act, 2005 (Central Act, No. 22 of 2005).

11. Ombudsman:

The State Government shall appoint Ombudsman for each district for receiving grievances, enquiring into and passing awards as per guidelines. The State Government shall also constitute an Appellate Authority to consider representation by any party aggrieved by the awards of the Ombudsman consisting of the retired civil servant, academician and a representative of a civil society.

12. Helpline:

A helpline shall be arranged at the offices of the District Programme Coordinator in every District and the State Employment Guarantee Commissioner, MGNREGA, Aizawl. This helpline shall work with a toll-free telephone and the number and time of operation or service shall be published widely.

13. Power to amend Rules:

The State Government may add to, delete from or alter or amend the rules. Such alteration or amendment of the rules shall be notified in the Mizoram Gazette.

14. Repeal and Savings:

- i) With effect from the date of commencement of these Rules, the Mizoram Rural Employment Guarantee Rules, 2007, the Mizoram Rural Employment Guarantee Scheme, 2009 and the Mizoram Grievance Redressal Rule, 2009 and their subsequent amendments shall stand repealed.
- ii) Notwithstanding such repeal, all orders issued and all actions taken or purported to be issued or taken under the said Rules and Schemes shall be deemed to have been issued or taken, or purported to be issued or taken, under these Rules.

R. Lalvena,
Secretary to the Govt. of Mizoram,
Rural Development Department.

Annexure I
Records available for Scrutiny

List of Documents/ Information	Place of Availability	Copies	Proactive disclosure	Minimum Requirements
Annual Plan Register	Gram Panchayat (GP/VC) Office	From GP and Block Office		
Muster Rolls	1. Worksite 2. Gram Panchayat (GP/VC) Office 3. Block Office 4. Website	From GP and Block Office	* On worksite. * During payment at GP/VC Office * Consolidated form during the social audit, and * Consolidated Form on the website	1. Unique number 2. have space for final measurements as linked to official measurement sheet 3. Have space or measurement recorded by Junior Engineer 4. Have signatures of officials who were present during payments
Job Card	With the labourers at all time	Through GP/VC Office	To be signed by appropriate authority when entries are made	1. Space for photographs of members of the household including additions of people who have migrated and come back. 2. Time period for work sought from when to when. 3. Time period of work. 4. No. of days work given. 5. Date of making payments. 6. Amount paid. 7. Muster No. on which worked. 8. Name of Family Members.

Transparency Process	Formats			
	As per prescribed format	Employment Register	GP/VC Office	Of extracts from GP/VC Office
Mandatory: To be signed by worker at the time of payment. Recommended apart from the MR being available on the Worksite, The MR shall be designed so that the worker signs for his/her attendance on the MR every day. This would ensure daily transparency, and much greater safeguards against fudging of the MR	As per prescribed format	Registration Application Register	GP/VC Office	
1. Entries must be up to date & any delay in making entries should be considered a violation of the act by the concerned authority. 2. Basic entitlements of the labour under MGNREGA should be printed on one page of the job card. 3. Telephone Numbers of PO, DPC & GP along with Block of district help line should be printed on the job card.	As per prescribed format.	Asset register	GP/VC Office.	Of extracts From GP Office
		Measurement Book & MB Summary	GP/VC Office. Worksite MB copy & summary should be in work file	Of extract from GP/VC or Block Office
		Work Orders		
		District Schedule of rates		

	Who worked. Signature of officer authorized to make entry		
List of number of days of employment provided at the end of the year to each household.	Should have 1) Information about when work was sought 2) when it was provided 3) at which worksite 4) amount paid	1) The register should be open for inspection at the Panchayat Office during working hours. 2) The annual summary of total number of days of work provided and, total payment made to each household should be prepared and put up on the notice board, be made available on the website, and shared with community and read out during social audits	As per prescribed format Annual summary per household
			As per prescribed format
1. List of assets should be put up on the notice board. 2. Asset map on a wall on the website.	Location. Amount spent, Executing agency, year status	To be shared social audit meeting. To put up on the on Notice board. To be updated on website at least once a year.	As per prescribed format

Annexure II

Specific contraventions of NREGA under section 25

The following irregularities shall automatically be treated as contraventions of the Act under section 25:

1. Failure to accept an application for registration.
2. Failure to provide a job card to all eligible household.
3. Failure to provide a receipt for a work application.
4. Failure to provide work on time (i.e. within 15 days of application).
5. Failure to pay wages on time (i.e. within a fortnight of the date on which work was done).
6. Failure to pay unemployment allowance as per provisions of the Act.
7. Failure to make requisite Job Card entries at the time of wage payment.
8. Failure to adhere to the Transparency and Accountability Rules.
9. Failure to provide mandatory worksite facilities as per Schedule II of the Act.
10. Failure to conduct statutory social audit.
11. Failure to adhere to the Gram Sabha's list of priorities in the selection of works.
12. Failure to register a complaint.
13. Failure to adhere to any Rules made under the Act.

Any complaint made by any worker that establishes any of these conventions shall be referred by the Programme Officer or any other enquiring authority as per the Grievance Redressal Rules.

Annexure III Monthly Report of the Complaints and Disposal under MGNREGA

Name of Village/Block/District:

Name of Complainant & address	Nature of Complaint	Action Taken Report	Whether disposed or sent to next higher authority

Signature of VCP/PO/DPC

Name of Village/Block/District:

Format 4

NREGA logo
Format IV

COMPLAINT FORM

1. Name :
2. Date :
3. Address:
4. Contact Number:
5. Job Card Number (in case NREGA worker):
6. Citizen Proof (Voter Card/Passport number/Ration Card number, if not an NREGS worker):
.....
7. Complaint registered with:
8. Complaint registered against:
9. Nature of Complaint (" the box) :
 - i. Non-compliance with the NREG Act
 - ii. Noncompliance with the Guidelines
 - iii. Denial of Rights under NREG Act (✓)
 - Registration of Household
 - Distribution of Job Card
 - Custody of Job Card
 - Oral demand for work
 - Receipt of work application
 - Charging fee for photograph etc.
 - Wages within 15 days of completion of work
 - Payment of unemployment allowances
 - Giving work to women
 - Work site facilities
 - Work measurement system
 - Account in Bank/Post Office
 - Registration of complaint
 - Participation in Social Audit
 - Access to Muster Roll
 - Inspection of documents
 - iv. Misappropriations of funds
 - v. Irregularities committed by Implementing Agency
 - vi. Any other, specify:
10. Details of Complaint (can attach a separate sheet)
11. Documents enclosed in support of the Complaint (like bills)
 - i.
 - ii.
 - iii.
12. Whether the complaint was lodged earlier also? Yes No

13. If yes, what was the action taken? Give details (date, complaint registration number, to whom the complaint was registered, against whom the complaint was registered)

I hereby declare that all the information stated in the complaint is true to the best of my knowledge.

Date

Signature of the Complainant

.....

.....

NREGA logo

RECEIPT

Number :

Date :

Received complaint from :

Complaint received by :

i. Name of the Officer :

ii. Designation :

Office Seal

Signature of the Officer