

GOVERNMENT OF INDIA
MINISTRY OF RURAL DEVELOPMENT
DEPARTMENT OF RURAL DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 4359
TO BE ANSWERED ON 11.08.2016

STANDARD OF OPERATING PROCEDURES (SOP) UNDER MGNREGS

4359. SHRI SHRIRANG APPA BARNE:
SHRI ANANDRAO ADSUL:
SHRI VINAYAK BHAURAO RAUT:
SHRI DHARMENDRA YADAV:
SHRI ADHALRAO PATIL SHIVAJIRAO:

Will the Minister of **RURAL DEVELOPMENT** be pleased to state:

- (a) whether the Union Government has framed Standard Operating Procedures (SOP) to effectively address the issues relating to the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and if so, the details thereof;
- (b) whether this SOP sets procedures and timelines for managing various types of complaints including financial and procedural irregularities and if so, the details thereof;
- (c) whether the States have been advised to appoint Ombudsmen independent of the jurisdiction of Centre or State Government and if so, the powers given to the Ombudsmen;
- (d) the names of the State Governments which have appointed the Ombudsmen so far and the action taken by the Union Government against the States which have not appointed Ombudsmen so far; and
- (e) the number of erring persons prosecuted by the Ombudsmen so far, State/ UT-wise?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT
(SHRI RAM KRIPAL YADAV)

(a) & (b): The Standard Operating Procedure (SOP) has been framed. The details are at Annexure-I.

(c): Section 30, Schedule-I of the Mahatma Gandhi NREGA mandates that there shall be an ombudsperson for each district for receiving grievances, enquiring into and passing awards as per guidelines. The guidelines on Ombudsmen contains the detail norms and process of appointment, application, tenure, termination, autonomy; remuneration; powers and responsibilities; procedure for redress of grievances etc has been issued by the Ministry on 16-01-2016. The ombudsmen may register su-moto complaints for disposal and passing of awards within 30 days from the date of filing of the complaint as per the norms laid down.

(d): The State wise details are at Annexure-II.

(e): Data related to erring persons prosecuted by the Ombudsmen are maintained at the State level.

Annexure-I referred to in reply to part (a)&(b) of Lok Sabha Unstarred Question No. 4359 dated 11.08.2016

1.1 Standard Operating Procedures on Complaints

Section 27(2) of Mahatma Gandhi NREGA, states that, 'the Central Government may, on receipt of any complaint regarding lack of effective implementation of the provisions of the Act or regarding the improper utilization of funds granted under this Act, order an investigation into the complaint and if necessary, shall order stoppage of release of funds to the scheme if no appropriate remedial measures are instituted for proper implementation within a reasonable period of time as defined by the Central Government.'

A Standard Operating Procedure (SOP) for application of the provisions of Section 27 (2) read with the provisions relating to accountability given in Section 23 of the Act, is enforced in the manner given below:

Mahatma Gandhi NREGA division in the Ministry will look into all complaints received in the Ministry and will segregate it into categories as such: -

- 1.1.1 Petitions- General/ non-specific statements on the implementation of the Scheme and general observations/suggestions on the improvement in the Scheme will come under this category. These would include:
 - a. increasing the number of days of works
 - b. increasing the wage rate
 - c. inclusion of new category of works etc.
- 1.1.2 Grievances/Complaints regarding procedural violation of Guidelines- Irregularities, which are born out of deficiencies like lack of capacity building, shortage of staff, lack of planning etc. will come under this category. These include allegations where no criminal intent is involved, such as delay in completion of works, etc.
- 1.1.3 Complaints relating to ineffective implementation of the Act - In this category, will be included complaints relating to large scale and prolonged deviation from the main provisions of the Act including:
 - a. Non-involvement of Gram Sabha/Ward Sabha in the selection of works
 - b. Not conducting Social Audits
 - c. Delay in payment of wages,
- 1.1.4 Complaints involving financial irregularities-Any allegation relating to possible or actual loss to the exchequer and where criminal intent is involved will come under this category. These include:

- a. Purchase of materials without following applicable financial procedures with the intention of causing wrongful loss to the scheme or wrongful gain to another party
- b. Embezzlement of funds/ misappropriation of funds, fudging of financial records including duplication of muster rolls, bogus entries, etc.

1.1.5 Cases pertaining to category (1) may not be referred to the State Government and the Ministry will take the required action in accordance with the provisions of the Act, Rules and accepted policy of the Government

1.1.6 Cases pertaining to category (2) and category (3) will be referred to the State Government within 15 days of the receipt of the same. The concerned State Government will be asked to submit its detailed Action Taken Report based the result of a spot inquiry within three months of the receipt of reference from the Government of India.

1.1.7 Cases pertaining to category (4) will also be submitted to the State Government within 15 days with the request to submit its Action Taken Report within three months from the date of the receipt of the complaints. However, the Ministry as per the seriousness of the complaints may reduce the period of three months to the time it considers appropriate for submission of Action Taken Report. Alternatively, it may consider the complaint fit to be enquired by a central team, internal audit cell, National Level Monitor or any third party. In all such cases where financial irregularities are established, following measures shall be invariably ensured

1.1.7.1 Recovery of embezzled fund/, mis-appropriated sum etc.

1.1.7.2 FIR against those found guilty,

1.1.7.3 Departmental proceedings against those found guilty.

1.1.7.4 For Elected officials: (i) Proceedings for disqualification/ termination / recovery should have been initiated under the State Panchayati Raj Act or any other relevant State Act and (ii) Recovery should have been ordered by issue of a formal recovery certificate or a written order, if following a due process, recovery is due.

1.1.8 In cases pertaining to category (4) where State Government fails to act on directives of the Government of India, a decision may be taken by the Government of India with the approval of Secretary (RD) for appropriate remedial action including stoppage of funds under Section 27(2) of the Act.

1.1.9 Establishing Complaint Cells in States

1.1.9.1 The State Governments should establish a Complaint Cell for looking into all the complaints related to Mahatma Gandhi NREGA.

1.1.9.2 In the case of use of force, intimidation and other similar action coming to light against complainant's/whistle blowers with regard to the implementation of Mahatma Gandhi NREGA or against officers of Enquiry Teams to prevent the same from discharging of official functions, it shall be the duty of the concerned State Government to ensure that:

- a. Prompt initiation of criminal proceedings against acts of violence, intimidation and coercive action as well as registration of separate criminal cases regarding misappropriation of Government money and other issues of corruption.
- b. That adequate security is provided to the complainant/whistle blower and their family members as well as members of the special audit/social audit team by the District Administration.
- c. That a special social audit is conducted by a team from State Government in the Block/Mandal concerned and based on its findings, appropriate steps are initiated to ensure immediate financial recoveries.

1.1.10 Notwithstanding the detailed procedure listed above, that deals with the procedure for handling complaints received in the Ministry and referred to the States for necessary action, provision of Para 29 of Schedule I of the Act will be applicable to the complaints received directly by the Programme Officer/ District Programme Coordinator or State Government.

Annexure-II referred to in reply to part (d) of Lok Sabha Unstarred Question No. 4359 dated 11.08.2016

Status of Ombudsmen (As on 31st March, 2016)

Sl.No	Name of the States	No. of Districts in which MGNREGS is operational	Ombudsman selected
1	Assam	9	11
2	Bihar	38	18
3	Chhattisgarh	27	15
4	Jharkhand	24	7
5	Maharashtra	33	23
6	Haryana	21	9
7	Meghalaya	11	4
8	Mizoram	8	4 (covering all the Districts)
9	Nagaland	11	11
10	Odisha	30	6
11	Sikkim	4	0
12	Tripura	8	4
13	Uttar Pradesh	75	11
14	West Bengal	20	7
15	J & K	22	0
16	Arunachal Pradesh	16	0
17	Punjab	22	3 (covering 11 districts)
18	Manipur	9	9
19	Gujarat	26	13
20	Tamil Nadu	31	NA
21	Himachal Pradesh	12	10
22	Uttarakhand	13	6
23	A&N Islands	3	3
24	Lakshadweep	1	0
25	Karnataka	30	18
26	Rajasthan	33	14
27	Madhya Pradesh	51	19 (2 vacant)
28	Puducherry	2	0
29	Kerala	17	3 (Matter under sub-judice High Court.)
30	Goa	2	0
31	Andhra Pradesh	4	0
32	Telengana	1	1