

No. J-16020/32/2011/MGNREGA/BKS/Misc  
Government of India  
Ministry of Rural Development  
Department of Rural Development  
MGNREGA Division (BKS Marg)

C-21, Baba Kharak Singh Marg,  
State Emporium Building, New Delhi,  
Dated 14<sup>th</sup> June, 2011.

To

The Chief Secretaries,  
All State Governments/UTs.

**Subject: Order under Section 27 (1) of National Rural Employment Guarantee Act for establishment of the office of Ombudsman for redressal of grievances in a time bound manner**

Sir,

As you are aware, transparency and accountability are the cardinal principles underlying the implementation of the Mahatma Gandhi NREGA. Section 27(1) of the Act enjoins the Central Government to give direction to the State Govt for the effective implementation of the provisions of the Act. In pursuance of the said provisions, this Ministry had issued order No. J-11011/21/2008-NREGA dated 7<sup>th</sup> September, 2009 directing all the State Govts /UTs to set up the office of the Ombudsman in accordance with the instructions enclosed therein within 3 months of the date of the order. It was also stipulated that the expenditure incurred for the purpose will be met out of provision for administrative expenditure under NREGA.

2. As per the above order, each district is required to have one Ombudsman. The Ombudsman has powers to receive complaints from NREGA workers and others on any

matters specified in clause 10 of the aforesaid order, consider such complaints and facilitate their disposal in accordance with law. His duties include sending monthly report highlighting cases where action needs to be taken against erring NREGA functionaries for their failure to redress the grievance, furnishing annual report every year containing a general review of activities of his office to the Chief Secretary, and the Secretary State Nodal department. He is also required to compile a list of awards passed by him during each financial year and report to the Chief Secretary and the text of award is to be put on the NREGA website.

3. This office order of 9<sup>th</sup> September, 2009 envisages following manner for disposal of complaints:-

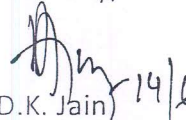
- (i) On receipt of the complaint, Ombudsman may refer the complaint to the appropriate NREGA Authorities for disposal within 7 days. In the event of failure of the NREGA Authority to dispose the complaint, the matter may be taken up by the Ombudsman for disposal.
- (ii) The Ombudsman shall cause a notice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

4. It is noticed that some State Governments have not set up the office of Ombudsman in all their districts. In some cases, it is seen that the incumbent Ombudsmen are not discharging their duties as per the provisions of the Act/guidelines that they are expected to perform. Proper functioning of the office of Ombudsman would ensure that NREGA functionaries deliver to the desired level apart from being responsive to the community they are meant to be serving.

5. Large number of complaints are being received from various quarters regarding non-compliance of the statutory provisions of the Act. Complaint disposal in accordance with the law is the key to the empowerment of the people and the enjoyment of their rights. It is, therefore, necessary that office of the Ombudsman is in place in all the districts of your State and that they discharge their duties as per the instructions contained in this office order dated 7.9.2009.

6. In view of the above, all State Governments/UTs are hereby urged to set up the office of ombudsman wherever not done and ensure that the appointed ombudsmen discharge their duties as per the provisions of this office order dated 7.9.2009.

Yours faithfully,

 14/6

(D.K. Jain)

Joint Secretary (MGNREGA)