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#### NOTIFICATION

**No.B.11018/96/08-RD(NREGS), the 8<sup>th</sup> June, 2009 :** In exercise of the power conferred by section 19 of the 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 Rural Employment Guarantee Scheme and lay down the procedure for disposal of such complaints.

1. **Short title, extent and commencement -**

- (i) These rules may be called the "Mizoram Grievance Redressal Rules, 2009".
- (ii) They shall extend to the whole 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 -**

- (a) 'Act' means the National Rural Employment Guarantee Act, 2005 (42 of 2005);
- (b) 'Scheme' means the Mizoram State Rural Employment Guarantee Scheme;
- (c) 'Block' means Rural Development Block under Rural Development Department, Government of Mizoram;
- (d) 'Complaint' means any matter reported or referred orally or in writing submitted to the Programme Officer, relating to the shortcoming in the implementation of the Scheme or in contravention of the Act, under Section 23 (6);
- (e) 'District Programme Coordinator' means an Officer of the State Government designated as such under Sub-Section (1) of Section 14 of the Act;
- (f) 'Form' means the prescribed proforma (format -IV) appended to these rules;
- (g) 'Programme Officer' means an Officer appointed under section (1) of section 15 of the Act;
- (h) 'Schemes' means the Mizoram State Rural Employment Guarantee Scheme, 2007;
- (i) 'Village Council' means the Village Council elected under the Lushai Hills District (Village Council) Act, 1953 as amended from time to time;
- (j) '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. Village Level Grievance Redressal Committee -**

- (a) There shall be a Village Level Grievance Redressal Committee established under each Village Council in Mizoram where the traditional Village Councils exist in place of Gram Panchayat. The VCP in his capacity as Chairman of Village Level Grievance Committee shall receive any complaints orally or in writing on implementation of the Scheme within the Village Council jurisdiction. The Chairman of the Village Level Grievance Committee shall record all complaints, orally or in writing. He shall convene monthly meeting of the Village Level Grievance Redressal Committee to resolve the issues and dispose of the complaints/grievances. The Chairman shall send the monthly statement of disposal of complaints/grievances including the cases referred to the Block Level Grievance Cell/Committee where the Programme Officer (NREGS) shall function as the Grievance Redressal Officer.
- (b) **Composition of Village Level Grievance Redressal Committee-**
- 1) Chairman : President of the Village Council concerned.
  - 2) Secretary : Secretary of the Village Council.
  - 3) Member :
    - a) All members of the Village Council
    - b) Representatives of NGOs viz. YMA/YLA/YCA/MTP/MHIP/MUP.
    - c) Representatives of all existing political parties in the Village Council area.

**4. (a) Block-Level Grievance Redressal Committee -**

Block Level Grievance Redressal Cell shall be established in the Office of the concerned Programme Officer for 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 BLGR Committee by the VLGR Committee for its disposal. The case of complaints which cannot be disposed of by the Programme Officer shall be placed before the BLGR Committee for final disposal/decision.

**(b) Composition of BLGR Committee -**

- 1) Chairman : Programme Officer.
- 2) Secretary : Head Assistant/UDC etc. designated by the PO.
- 3) Member :
  - a) Sub-Dy. Magistrate/ADC of the area.
  - b) Representatives each from YMA/YLA/YCA/MTP/MHIP/MUP (Block Hqrs/Sub-Division Hqrs)
  - c) Technical Assistants of concerned area/Village(s).

**(c) Condition for disposal of Complaints -**

- 1) Register shall be maintained by the Programme Officer for recording the name and address of the appellant and the nature of complaint. Receipt of complaint shall be entered in the register which may be uploaded on the internet on weekly basis.
- 2) The Programme Officer in his capacity as Grievance Redressal Officer shall examine the nature of complaints and dispose of such complaints on weekly basis. The complaints which cannot be immediately disposed of by the Grievance Redressal Officer, will be placed before the BLGR Committee.
- 3) The Programme Officer shall convene meeting of BLGR Committee as required and record the minutes of disposal of the complaint and also communicate the decision/disposal of the complaint to the appellant, which may be made available in the website.

The appellant feeling aggrieved over the decision of the PO/BLGR Committee can make an appeal to District Programme Coordinator who will function as District Grievance Redressal Officer.

**5. District Grievance Redressal Cell -**

- a) There shall be District Grievance Redressal Cell in the Office of the District Programme Coordinator. The DPC will function as Appellate Officer/Authority to receive and dispose of appeal(s) against the decision of the Grievance Redressal Office/Programme Officer.
- b) The DPC will be assisted by APO who will maintain the register for receipt of appeal and disposal of such appeal.
- c) The DPC/District Grievance Redressal Officer shall examine the appeals received by him and dispose of the appeal and communicate the decision to the appellant(s), which may also be made available in the website.

The appellant feeling aggrieved over the decision of the District Grievance Redressal Officer/Appellate Authority may appeal to the State Grievance Redressal Officer/State Employment Guarantee Commissioner, Mizoram.

**6. State Level Grievance Redressal Officer/Appellate Authority -**

The State Employment Guarantee Commissioner will function as Appellate Authority at the State level. Any appeal(s) received by him within a month. The receipt and disposal of appeals shall be recorded in the Register which may be made available in the website.

The decision of the State Level Appellate Authority shall be final in respect of complaints/appeals on the implementation of NREGS within Mizoram.

**7. Lodging and Disposal of Complaints -**

- (1) Complaint shall be filed at Village Council/Block Office/District Office/State Cell Office to any authorized Officer.
- (2) Complaint Box shall be placed at the Offices of the Programme Officer, Deputy District Programme Coordinator, and District Programme Coordinator wherein any aggrieved person can post his/her complaint in writing stating his/her grievances and furnishing his/her name and address in full. No anonymous complaint shall be entertained. Complaint Box shall be cleared at the first and last working hour daily for formal processing.
- (3) Complaints shall be filed in the prescribed format (Format-IV) with specific details and contact information of the complainant.
- (4) The Programme Officer shall enter every complaint in a register and dated and numbered acknowledgment (Format-IV) shall be issued.
- (5) Enquiry through spot verification, inspection and disposal shall be completed within one month.
- (6) Complaints that fall within the jurisdiction of the Programme Officer (PO), including any complaints concerning the implementation of the Acts by a Village Council shall be disposed of by the Programme Officers within one month. In case a complaint relates to a matter to be resolved by any other authority, the Programme Officer shall conduct preliminary enquiry and refer the matter to such authority within one month under intimation to the complainant.
- (7) Failure to dispose of a complaint in one month will be treated as contravention of the Act by the Programme Officer, punishable under Section 25 of the Act. Complaints against such failure will be lodged with the District Programme Coordinator.

- (8) In case of a prima facie evidence regarding financial irregularities the Grievance Redressal Officer shall file a First Information Report.
- (9) In case of violation of Indian Penal Code, like violence, intimidation, the complainant shall file First Information Report. The Grievance Redressal Officer shall facilitate the filing of First Information Report.
- (10) Where the Programme Officer finds that one or more of the specific violations of the act listed in Annexure II (Contraventions of the Act) has taken place, he/she shall take immediate steps to redress a grievance make a reference to the District Programme Coordinator.
- (11) State Government/District Programme Coordinator/ Programme Officer or any other official authorized by the State Government may inquire into any complaint and any person found guilty will be penalized under Section 25 of the Act.

#### **8. Appeals -**

- (1) 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.
- (2) All Appeals shall be made within 45 days of the order issued.
- (3) All Appeals shall be disposed off within one month.
- (4) The guilty shall be penalized to pay a fine up to Rs. 1000 under Section 25.

#### **9. Accountability -**

Programme Officer will be accountable for compliance and strict enforcement of the NREGA and Rules at the Block Level. The District Programme Coordinator will be accountable for compliance and strict enforcement at District Level. The State Employment Guarantee Commissioner will be accountable for overall compliance and strict enforcement within the State.

#### **10. 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.

Vanengmawia  
Secretary to the Govt. of Mizoram  
Rural Development Department

Annexure II

**Specific contraventions of NREGA under section 25**

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

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

**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 (✓ in the box) :
  - i. Non-compliance with the NREG Act
  - ii. Non-compliance 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

**Annexure I**  
**Records available for Scrutiny**

List of Documents/ Information	Place of Availability	Copies	Proactive disclosure	Minimum Requirements
Annual Plan Register	1. Gram Panchayat (GP) Office	From GP and Block Office		
Muster rolls	2. Worksite 3. Gram Panchayat (GP) Office 4. Block Office 5. Website	From GP and Block Office	* On worksite, * During payment, at GP Office * Consolidated form during 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 for measurement recorded by Junior Engineer 4) Have signatures of officials who were present during payments
Job Card	With the labourers at all times	Through GP Office	To be signed by appropriate authority when entries are made	1. Space for photograph including additions of people who have migrated. 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 Member.

Transparency Process	Formats			
	As per prescribed format	Employment Register	GP Office	Of extracts from GP Office
<b>Mandatory :</b> To be signed by worker at the time of payment <b>Recommended :</b> apart from the MR being available on the worksite, the MR can 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 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 NREGA 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 Office	Of extracts from GP Office
		Measurement Book & MB Summary	GP Office, worksite MB copy & summary should be in work file	Of extract from GP or Block Office
		Work Orders		
		District Scheduled of rates		
		Meeting minutes register		

	Who worked .9. 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 be shared with the 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 be put up on Notice board, to be updated on website at least once a year <sup>6</sup> .	As per prescribed format