



सत्यमेव जयते

Government of Jammu and Kashmir
Department of Rural Development and Panchayati Raj
Civil Secretariat, J&K, Jammu/Srinagar

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Subject:- Engagement of Ombuds-person under the Mahatma Gandhi National Rural Employment Guarantee Act-2005 (MGNREGA)

Government Order No: 265-RD & PR of 2022

Dated: 26.09.2022

As recommended by the Selection Committee constituted vide Government Order No:699-JK-GAD of 2020 dated 14.07.2020 and in pursuance to provisions of Section 27(1) of Mahatma Gandhi NREGA, sanction is hereby accorded to the engagement of below-mentioned candidate as Ombudsman under the Mahatma Gandhi National Rural Employment Guarantee Act-2005 (MGNREGA), in the district indicated against.

S.No.	Name and address	District allotted
1.	Bashir Ahmad Shah R/o H. No. 15/2 Hyderpora Janipur, Jammu	Ramban

The candidate shall report to the Director Rural Development Jammu within a period of 07 days from the date of issuance of this order. In case of failure to join within the stipulated period of time, his engagement shall be deemed to have been cancelled without any further notice. However, the engagement of the said candidate shall be purely as per guidelines of the Mahatma Gandhi National Rural Employment Guarantee Act -2005, instructions on Ombudsperson (as revised on 16.01.2014), the important aspects of which are reproduced below:

(1) Powers and responsibilities:-

(1.1) The Ombudsman shall have power to:-

- receive complaints of Chapter IV (Procedure for re-dressal of grievances) from MGNREGA workers and others on any matters specified in clause 9 either at office or in the field during a field inspection.
- 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 Ombudsperson may, if he deems fit, draw the inference that the information, if provided or copies if furnished, would be unfavorable to the concerned MGNREGA Authority.
- issue direction for conducting spot investigation.
- initiate proceedings suo-motu in the event of any circumstances 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.

- e) use the services of experts for facilitating the disposal of the complaint.
- f) direct re-dressal and corrective actions.
- g) report his/her awards to the District Programme Coordination (DPC) of the District and the Secretary, State / UT Nodal Department. Wherever Ombudsperson 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.
- h) in any proceeding before the Ombudsperson, if the facts reveal the 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 Ombudsperson to the authority competent to sanction criminal prosecution of the persons involved in the case who shall take action in accordance with prescribed procedures.
- i) the awards of Ombudsperson would be strictly within the purview and confines of the MGNREGA act, the rules and the Schemes formulated there under and the operational guidelines issued by the Government of India from time to time.

(2) Coverage of the Ombudsperson under Right to Information Act, 2005:-

Ombudsperson shall be covered under the Right to Information Act, 2005. Nodal department of the State / UT Government shall notify Public Information Officer and Appellate Authority for this purpose.

(3) The Ombudsperson shall be responsible for:-

- a. ensuring proper processing of complaints and grievances made or reported to him/her.
- b. 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 Ombudsperson 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.
- c. sending a quarterly report to the Chief Secretary and Secretary, State / UT 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.
- d. furnishing a report every year containing a general review of activities of the office of the Ombudsperson during the preceding financial year to the Chief Secretary and the Secretary, State / UT Nodal Department along with such other information as may be considered necessary by him/her. In the annual report, the Ombudsperson, 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.
- e. compiling a list of 'awards' of Ombudsperson 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 / UT and the State / UT Nodal Department. Text of awards shall also be displayed on the MGNREGA website by the State / UT Nodal Department.



(4) Remuneration:-

- a. subject of any notification by the State / UT Government, the Ombudsman shall be allowed compensation, in the form of the fee, of Rs. 1000/- (one thousand) per sitting with maximum upper limit of Rs. 20,000/- (twenty thousand) per month.
- b. 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 sitting should be properly documented and should be justified by the work discharged. The frequency of sitting by Ombudsperson shall be need based and cannot be fixed. The place of sitting may be decided by the Ombudsperson taking into consideration the convenience of MGNREGS workers concerned.
- c. wherever Ombudsperson wants to visit any part of the district for the purpose of conducting field enquiry, the Additional District Programme Coordinator shall provide suitable transport facility.

(5) Location of office and Administrative Support:

- a. The Office of MGNREGA Ombudsperson shall be located at the District Headquarters.
- b. Technical and administrative support will be provided by the Additional District Programme Coordinator in this behalf. All necessary support to enable the Ombudsperson to carry out the assigned functions, including support staff, office equipment, complaint box, and telephone helpline etc, shall be provided to the Ombudsperson by the Additional District Programme Coordinator. The State / UT Government shall provide necessary legal support to cases in Courts relating to actions taken in official capacity by the Ombudsperson.

(6) Tenure:-

The tenure of Ombudsperson shall be 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 shall be no reappointment.

By order of the Government of Jammu and Kashmir.



-Sd/-
(Mandeep Kaur) IAS
Commissioner/Secretary to the Government

No. RDD-NRGA/19/2020

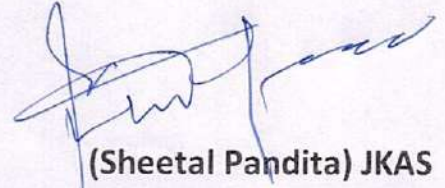
Dated: 26.09.2022

Copy for information to the:

1. Joint Secretary, Ministry of Home Affairs, Government of India for favour of information.
2. Joint Secretary, Ministry of Rural Development, GoI, Krishi Bhawan, New Delhi.
3. Divisional Commissioner, Jammu.
4. Deputy Commissioner(s) All Jammu Division.
5. Director, Rural Development Department, Jammu.



6. Director Finance, Department of Rural Development and PR for forwarding all the grievances/complaints to the Ombudsperson..
7. Assistant Commissioner Development, Ramban for forwarding all the grievances/complaints to the Ombudsperson.
8. Private Secretary to Commissioner/Secretary to the Government, Department of Rural Development and PR for information of the Commissioner/ Secretary.
9. Mr. Bashir Ahmad Shah, for compliance.
10. I/c Website.
11. Government order file (w.2.s.c).



(Sheetal Pandita) JKAS
Deputy Secretary to the Government

