

राजस्थान सरकार
ग्रामीण विकास एवं पंचायती राज विभाग
(अनुभाग-3, नरेगा)



क्रमांक एफ पी.एस./आयुक्त/लोकपाल/2009-10

जयपुर दिनांक

17 OCT 2011

विज्ञापित

लोकपाल/उपलोकपाल हेतु आवेदन पत्र आमंत्रण

केन्द्र सरकार ने महात्मा गांधी नरेगा अधिनियम 2005 की धारा 27(1) के तहत राज्यों में लोकपाल नियुक्त करने हेतु अपने आदेश क्रमांक जे11011/21/2008/नरेगा/दिनांक 07.09.2009 द्वारा निर्देश जारी किये हैं। उक्त निर्देशों की पालना में महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम अन्तर्गत योजना क्रियान्वयन के सम्बन्ध में प्राप्त होने वाली विभिन्न शिकायतों एवं अभाव अभियोग के निराकरण आदि की प्रभावी प्रणाली जिलों में स्थापित करने हेतु जिला स्तर पर लोकपाल/उपलोकपाल की नियुक्ति किये जाने हेतु जिला अजमेर, अलवर, बारां, बाडमेर, बीकानेर, चित्तौड़गढ़, चूरू, दौसा, धौलपुर, डूंगरपुर, हनुमानगढ़, जैसलमेर, जालौर, करौली, राजसमन्द, सिरोही एवं उदयपुर के लिए पात्र एवं योग्य अभ्यर्थियों से आवेदन पत्र दिनांक 15.11.2011 तक आमंत्रित किये जाते हैं। लोकपाल/उपलोकपाल हेतु शर्तें निम्न प्रकार से हैं :-

- 1 आवेदनकर्ता प्रतिष्ठित, निष्ठावान, विवाद रहित अखण्ड सत्यनिष्ठा एवं गैर राजनैतिक पृष्ठभूमि का व्यक्ति हो तथा जिसे लोकप्रशासन, विधि, अकादमी, प्रबन्धन एवं सामाजिक कार्य का कम से कम 20 वर्ष का अनुभव हो, शैक्षणिक योग्यता कम से कम स्नातक हो तथा उसकी आयु दिनांक 01.01.2012 को 65 वर्ष से अधिक नहीं हो।
- 2 आवेदनकर्ता शारीरिक रूप से स्वस्थ एवं समर्थ हो ताकि दूरस्थ ग्रामीण क्षेत्रों में निरीक्षण व भ्रमण कर सके।
- 3 नियुक्ति अधिकतम 2 वर्ष के लिए होगी, जो कार्य मूल्यांकन पर 1 वर्ष के लिए बढ़ायी जा सकेगी परन्तु 65 वर्ष की अधिआयु पर नहीं बढ़ायी जायेगी।
- 4 लोकपाल पैनल राज्य स्तरीय समिति द्वारा अनुमोदित किया जावेगा तथा चयनित व्यक्ति को नियमानुसार मानदेय देय होगा।
- 5 लोकपाल पैनल चयन जिलेवार होगा। अतः आवेदनकर्ता अपने आवेदन पत्र निर्धारित प्रारूप में सम्बन्धित जिला कलेक्टर एवं जिला कार्यक्रम समन्वयक के माध्यम से भिजवाएँ।
- 6 आवेदन पत्र का प्रारूप एवं अन्य जानकारी के लिए विभागीय वेबसाइट www.rdprd.gov.in देखें।

आयुक्त एवं शासन सचिव, (ईजीएस)

राजस्थान ग्रामीण रोजगार गारंटी परिषद, जयपुर
Rajasthan Rural Employment Guarantee Parishad, Jaipur
लोकपाल (Ombudsman) के पैनल हेतु आवेदन पत्र
भाग-(अ)

1. नाम (बड़े अक्षरों में)
2. पिता/पति का नाम
3. जन्म तिथि
4. दिनांक 01.01.2012 को आयु वर्ष माह
5. लिंग पुरुष महिला
6. डाक का पता
 अ-वर्तमान पता.....
 ब-स्थायी पता.....
 स-ई-मेल आईडी(जरूरी).....
 द-दूरभाष नंबर(एसटीडी कोड के साथ).....
7. मोबाईल नम्बर(जरूरी).....
8. शैक्षणिक योग्यता:-

क्र.सं.	शैक्षणिक योग्यता/उपाधि	वर्ष	विषय

9. प्रथम नियुक्ति का पद..... एवं दिनांक
10. अनुभव संस्था/ संगठन/विभाग/अवधि.....कार्य की प्रकृति.....
11. सेवा निवृत्त पद एवं दिनांक(यदि प्रार्थी किसी राजकीय/संस्था/बोर्ड में सेवारत रहे हो तो) विवरण लिखें.....
12. वर्तमान व्यवसाय.....
13. नरेगा में लोकपाल में पैनल में सम्मिलित होने हेतु आवेदन का कारण एवं अब तक पूर्व में आप द्वारा उत्कृष्टता पूर्वक की गई सेवाओं का विवरण भी अंकित करे (पृथक से भी संलग्न कर सकते हैं).....

स्थान
दिनांक

हस्ताक्षर

जिला कलेक्टर एवं जिला कार्यक्रम समन्वयक की अनुशंसा
भाग-(ब)

प्रमाणित किया जाता है कि प्रार्थी श्री.....निवासी.....
का प्रार्थना पत्र लोकपाल हेतु निर्धारित योग्यतानुसार है तथा प्रार्थी की सत्यनिष्ठा, प्रतिष्ठा एवं कार्य निष्पादनता संदिग्ध नहीं रही है। यह आवेदन पत्र लोकपाल हेतु जारी विज्ञापन के संदर्भ में प्राप्त हुआ है जो अग्रिम कार्यवाही हेतु प्रेषित है।

हस्ताक्षर

जिला कलेक्टर एवं जिला कार्यक्रम समन्वयक
 महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी योजना
 जिला.....

No. J-11011/21/2008-NREGA
Government of India
Department of Rural Development
Ministry of Rural Development

Krishi Bhavan, New Delhi.
Dated : 7th September, 2009

ORDER

Sub : 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.

Whereas large number of grievances are arising in regard to the implementation of National Rural Employment Guarantee Act and the Scheme made thereunder;

And whereas transparency and accountability are the cardinal principles underlying the implementation of the Act;

And whereas there exists a need for an independent authority to expeditiously redress the grievances in regard to the implementation of NREGA and Scheme made thereunder;

And whereas the existing administrative machinery for the disposal of grievances needs to be strengthened to secure the ends of justice;

And whereas effective grievance redressal is the key to the empowerment of the people and the enjoyment of their rights;

Now, therefore, in exercise of the powers conferred under section 27 of National Rural Employment Guarantee Act, the Central Government hereby directs the State Governments to set up the office of the Ombudsman in accordance with the instructions enclosed with this order within three months of the date of this order. The expenditure incurred for this purpose will be met out of provision for administrative expenditure under NREGA.


(Amita Sharma)
Joint Secretary(NREGA)

Encl: Instructions on Ombudsman

To

Principal Secretary/Secretary
State/UT Department (Dealing with NREGA)
(All States/UTs)

Copy to :

- (1) Order file.
- (2) Grievance Redressal Section
- (3) NIC for placing the Order on the NREGA website.
- (4) IEC Division.
- (5) Director(NIC)

INSTRUCTIONS ON OMBUDSMAN

The Instructions for NREGS Ombudsman have been formulated under Section 27 of NREG Act with the objective of establishing a system for redressal of grievances and disposal of complaints relating to implementation of the NREG Act and the Schemes made under the Act by the States.

Chapter I Preliminary

1. Definitions

In these Instructions unless the context otherwise requires -

- 1.1 **'Authorised representative'** means a person duly authorised by a complainant to act on his behalf and represent him in the proceedings before the Ombudsman.
- 1.2 **'Award'** means an award passed by the Ombudsman.
- 1.3 **'Chief Secretary'** means the Chief Secretary of the State/Union Territory.
- 1.4 **'Complaint'** means a representation in writing containing a grievance alleging deficiency in the implementation of NREG Act or Scheme.
- 1.5 **'Department of Personnel'** means the Department in the State Government dealing with the cadre management of the members of the Indian Administrative Service.
- 1.6 **'Nodal Department'** means the Department of the State Government which deals with the implementation of the NREG Act and Schemes.
- 1.7 **'NREGA functionary or authority'** means any person or persons who have been vested with powers and functions under the NREG Act and NREG Scheme.
- 1.8 **'Ombudsman'** means any person appointed under Clause 3 of the Instructions and includes the Deputy Ombudsman.
- 1.9 **'State'** means any State, and includes the Union Territory, of India.

Chapter II

2. Establishment of the office of NREGS Ombudsman

- 2.1 On the recommendations of the Selection Committee consisting of the following persons:-
 - (a) Chief Secretary of the State Government ---- Chairperson
 - (b) Representative of Union Ministry of Rural Development -- Member
 - (c) Eminent Civil Society Person nominated by Union Ministry of Rural Development.
 - (d) Secretary, State Nodal Department --- Member Convenor.

The State Government may appoint one or more persons, but not more than three persons, as the Ombudsman in a District.

Appointment, Tenure and Removal.

- 2.2.1 The Selection Committee shall prepare a panel of suitable persons for consideration for appointment as Ombudsman. Deputy Ombudsman shall also be appointed from the same panel based on his merit position. Prior to appointment, the panel prepared by the Selection Committee may be published on the official website of the State to invite comments from the public. On expiry of 30 days of publication, the comments may be examined by the Selection Committee. All comments and objections may be settled within 30 days of the date of expiry of the period for inviting comments. Anonymous comments and objections may not be considered.
- 2.2.2 The selection of Ombudsman shall be made from among persons of eminent standing and impeccable integrity with at least twenty years of experience in public administration, law, academics, social work or management.
- 2.2.3 No person who is a member of a political party shall be considered for appointment as Ombudsman.
- 2.2.4 The persons selected as Ombudsman must be physically active and capable of conducting field tours, inspections and visits to remote rural locations in the districts.
- 2.2.5 The Ombudsman shall be appointed for a tenure of 2 years extendable by one year based on performance appraisal or till the incumbent attains the age of 65 years, whichever is earlier. There shall be no reappointment. Performance appraisal shall be made by the Selection Committee. A copy of the performance appraisal report shall be furnished to the State Employment Guarantee Council.
- 2.2.6 On unsatisfactory performance, the Ombudsman may be removed by the State Government on the recommendation of the Selection Committee.

3. Autonomy of Ombudsman

The Ombudsman shall be independent of the jurisdiction of the Central or State Government.

4. Remuneration

Subject to any notification by the State Government, the Ombudsman shall be allowed a compensation of Rs.500/- per sitting.

5. Territorial Jurisdiction

The State Government shall specify the territorial jurisdiction of each Ombudsman in terms of a District.

6. Location of offices

The office of NREGS Ombudsman shall be located at the District Headquarters.

7. **Technical and Administrative Support**

In case of heavy load of cases not more than two Deputy Ombudsman may be provided to assist the Ombudsman in disposal of cases in each district. Technical and administrative support will be provided by the DRDA or any authority specified by the State Government in this behalf in whose premises the Ombudsman shall be located.

Chapter III

8. Powers and Duties

8.1 The Ombudsman shall have the powers to :

- 8.1.1 Receive complaints from NREGA workers and others on any matters specified in clause 10.
- 8.1.2 Consider such complaints and facilitate their disposal in accordance with law.
- 8.1.3 Require the NREGA 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 Ombudsman may, if he deems fit, draw the inference that the information, if provided or copies if furnished, would be unfavourable to the concerned NREGA Authority.
- 8.1.4 Issue direction for conducting spot investigation.
- 8.1.5 Lodge FIRs against the erring parties.
- 8.1.6 Initiate proceedings *suo motu* in the event of any circumstance arising within his jurisdiction that may cause any grievance
- 8.1.7 Engage experts for facilitating the disposal of the complaint.
- 8.1.8 Direct redressal, disciplinary and punitive actions.
- 8.1.9 Report his findings to the Chief Secretary of the State and the Secretary, State Nodal Department for appropriate legal action against erring persons.

8.2 **The Ombudsman shall have the following duties :**

- 8.2.1 To be responsible for the conduct of business in his office.
- 8.2.2 To maintain confidentiality of any information or document coming into his knowledge or possession in the course of discharging his 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 Ombudsman 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.

- 8.2.3 To send a monthly report to the Chief Secretary and Secretary, State Nodal Department recommending appropriate action. The report shall specially highlight cases where action needs to be taken against erring NREGA functionaries for their failure to redress the grievance. The report will be accompanied with primary evidence needed to initiate action against the delinquent persons.
- 8.2.4 To furnish a report every year containing a general review of activities of the office of the Ombudsman during the preceding financial year to the Chief Secretary and the Secretary, State Nodal Department along with such other information as may be considered necessary by him. In the annual report, the Ombudsman, on the basis of grievances handled by him, will review the quality of the working of the NREGA authorities and make recommendations to improve implementation of NREGA. The report shall be put on the NREGA website.
- 8.2.5 To compile a list of 'awards' passed by it between April and March of each financial year in respect of every NREGA Authority complained against and report it to the Chief Secretary of the State and the State Nodal Department. Text of award shall also be put on the NREGA website.

Chapter IV

9. Procedure for redressal of grievances

Grounds on which complaint shall be filed :

- 9.1 A complaint pertaining to any one or more of the following subjects alleging deficiency in the implementation of the NREG Scheme may be filed with the Ombudsman :
 - 9.1.1 Gram Sabha
 - 9.1.2 Registration of households and issue of job cards
 - 9.1.3 Custody of job cards.
 - 9.1.4 Demand for work
 - 9.1.5 Issue of dated acknowledgement receipt against submission of application for work.
 - 9.1.6 Payment of wages.
 - 9.1.7 Payment of unemployment allowance.
 - 9.1.8 Discrimination on the basis of gender.
 - 9.1.9 Worksite facilities.
 - 9.1.10 Measurement of work.
 - 9.1.11 Quality of work

- 9.1.12 Use of machines
- 9.1.13 Engagement of contractors
- 9.1.14 Operation of accounts in the bank or post offices
- 9.1.15 Registration and disposal of complaints.
- 9.1.16 Verification of muster rolls
- 9.1.17 Inspection of documents
- 9.1.18 Use of funds
- 9.1.19 Release of funds
- 9.1.20 Social audit
- 9.1.21 Maintenance of record

9.2 State Nodal Department may include any other ground on which a complaint may be filed with the Ombudsman.

10. Procedure for filing the complaint

- 10.1 Any person, who has a grievance against the NREGA Authority, may, himself or through his authorised representative, make a complaint against the NREGA Authority in writing to the Ombudsman or to any NREGA authority superior to the authority complained against.
- 10.2 The complaint shall be duly signed by the complainant and his authorized representative, if any, and shall state clearly the name and address of the complainant, the name of the office and official of the Nodal Department against whom the complaint is made, the facts giving rise to the complaint supported by documents, if any, relied on by the complainant and the relief sought from the Ombudsman.
- 10.3 A complaint made through electronic means shall also be accepted by the Ombudsman and a print out of such complaint shall be taken on the record of the Ombudsman.
- 10.4 A printout of the complaint made through electronic means shall be signed by the complainant at the earliest possible opportunity before the Ombudsman takes steps for disposal.
- 10.5 The signed printout shall be deemed to be the complaint and it shall relate back to the date on which the complaint was made through electronic means.
- 10.6 No complaint to the Ombudsman shall lie if the complaint is in respect of the same subject matter which was disposed by the Office of the Ombudsman in any previous proceedings whether or not received from the same complainant or along with any one or more complainants or any one or more of the parties concerned with the subject matter.

10.7 No complaint shall be made to the NREGS Ombudsman on an issue which has been or is the subject matter of any proceeding in an appeal, revision, reference or writ before any Tribunal or Court.

11. Proceedings to be summary in nature

The Ombudsman shall not be bound by any legal rules of evidence and may follow such procedure that appears to him to be fair and proper. The proceedings before the Ombudsman shall be summary in nature.

12. Disposal of complaints

12.1 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.

12.2 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.

12.3 When facts of the case are admitted by the parties, the Ombudsman shall dispose the case in accordance with law.

13. Award by the Ombudsman and Appeal

13.1 If the facts are not admitted by the parties in a case, Ombudsman may pass an award after affording the parties reasonable opportunity to present their case. He shall be guided by the evidence placed before him by the parties, the reports of social audits, if any, the provisions of NREG Act and Scheme and practice, directions, and instructions issued by the State Government or the Central Government from time to time and such other factors which in his opinion are necessary in the interest of justice.

13.2 The 'award' passed under sub-clause (13.1) above shall be a speaking order consisting of the following components :

13.2.1 Details of the parties of the case.

13.2.2 Brief facts of the case.

13.2.3 Issues for consideration

13.2.4 Findings against issues along with reasons.

13.2.5 Direction to the concerned NREGA Authority such as performance of its obligations like expediting delayed matters, giving reasons for decisions and issuing apology to complainants, taking of disciplinary and punitive action against erring persons, etc. except imposition of penalties under the NREG Act.

13.2.6 Costs, if any.

13.3 If a complaint is found to be false, malicious or vexatious, the Ombudsman shall, for reasons to be recorded in writing, dismiss the complaint and

make an order that the complainant shall pay to the opposite party cost as deemed appropriate by the Ombudsman.

- 13.4 A copy of the 'award' shall be sent to the complainant and the NREGA Authority complained against.
- 13.5 There shall be no appeal against the 'award' passed by the Ombudsman and the same shall be final and binding on the parties.
- 13.6 A representative of Programme Officer/District Programme Coordinator may appear in cases where the Programme Officer/District Programme Coordinator is a party. Programme Officer/District Programme Coordinator shall appear only when a proceeding is taken up before the Ombudsman, in which case he shall be provided the opportunity of hearing.
- 13.7 All cases not involving complicated questions of fact or law shall be disposed within 15 days. Other cases may be disposed within 45 days.
- 13.8 Representation of parties by the advocates in any proceeding may be made with the prior permission of Ombudsman.
- 13.9 In any proceeding before the Ombudsman, if the facts reveal a case of illegal gratification, bribery or misappropriation and the Ombudsman is satisfied that the case is fit for further investigation by a criminal court, the same shall be referred by him to the authority competent to sanction criminal prosecution of the persons involved in the case. The competent authority on receipt of such a case shall forward the case to appropriate authority for further action in accordance with law.

Chapter V

Miscellaneous

14. Submission of Report to State Employment Guarantee Council and Legislative Assembly

The summary report of cases disposed by Ombudsman will be reported to the State Employment Guarantee Council by the Secretary, State Nodal Development in its meetings and will also form part of the Annual Report and placed in the Legislative Assembly.

15. Amount received to be deposited in the State Employment Guarantee Fund

All sums payable by the parties to the Ombudsman and received by him shall be deposited in the account of the State Employment Guarantee Fund.

Clarification of Issues in Implementation of Ombudsman raised by the States.

S. No.	Provision of Ombudsman	Issues	Clarification
1	Remuneration- The ombudsman shall be allowed a compensation of Rs. 500/- per sitting	Request to increase the remuneration of Ombudsman from Rs. 500 to Rs. 1000 (Chattisgarh, Rajasthan)	Remuneration costs are consciously kept low so as to invite those with public spirit as opposed to monetary inclinations.
2	Lower age - Applicant with at least twenty years of experience.	Lower age limit for Ombudsman applicants (Karnataka)	Twenty years of work experience was sufficient to address the issue and no lower age limit would be set.
3	Upper age - Till the incumbent attains the age of 65 years.	Upper age limit for Ombudsman applicants (Uttarakhand)	Upper age limit could not be relaxed and would remain at 65 years.
4	Budget for Ombudsman office.	Bearing of logistics and functioning costs of Ombudsman (Gujrat)	Office expenditure and other logistic costs shall be borne by States under 6% administrative expenditure permitted under section 22 (1) (C) of Mahatma Gandhi NREGA.
5	Appointments - The selection Committee shall prepare a panel of suitable persons for consideration for appointment as Ombudsman.	Ombudsman selection process suggested names vs. open advertisements. (Gujrat)	Uniformity and transparency should be the hallmark of selection process. Open advertisements was suggested for open and fair selection processes. Names suggested by DPC's should only be taken into consideration, in case, where no responses to advertisements are received.
6	Direct redressal, disciplinary and punitive action.	Disciplinary proceedings regarding Ombudsman (Kerala)	Ombudsman is not a judicial body. Ombudsman should direct the State Government to take disciplinary action against an officer found guilty following the laid down procedure for such disciplinary and punitive action. The findings of Ombudsman will be

			investigated and action will be investigated and action will be taken by the Government if deemed necessary. It was added that if the ombudsman refers a complaint to the Government it will be granted due importance and regard, but the Ombudsman cannot directly hand out punishments.
7	Selection of Ombudsman - Selection Committee shall prepare a panel of suitable persons, invite comments from public on panel and examine the comments.	Selection Committee Members to submit names for Ombudsman posts. (Rajasthan)	Selection Committee members do not have the authority/ permission to submit name for Ombudsman with transparent procedures installed for the selection process.
8	Territorial Jurisdiction - The State Government shall specify the Territorial Jurisdiction of each Ombudsman in term of District	The State Government shall specify the territorial jurisdiction of each Ombudsman in terms of a district.(Haryana)	One Ombudsman can have more than one district as jurisdiction. There can be more than one Ombudsman in one district depending on the volume of complaints. Such deputy Ombudsman are included within the meaning of Ombudsman as per para 1.8 of instruction of Ombudsman.
9	Cost if any - Sub clause 13.2.6	Penalty cap of Rs. 1000 and if it could be exceeded on imposition of costs prescribed by the ombudsman on a Districts Collector. (Rajasthan)	Penalty as under section 25 of Mahatma Gandhi NREGA and costs as per Para 13.2.6 of instruction of Ombudsman is different from each other. The penalty on the convicted person shall not exceed Rs. 1000. Ombudsman Order clause 13.2 states that award passed under sub clause 13.1 shall be a speaking order consisting of a few components including 13.2.6 "Costs, if any" that shall be decided by the Ombudsman.
10	Appointment - The selection committee	Publishing of list of all ombudsman applicants without approval of selection	There must be commitment for publishing a panel of suitable persons for appointment as Ombudsman after

	shall prepare a panel of suitable persons for appointment of Ombudsman	committee. (Nagaland)	approval of selection committee. A final list to be published on the website, inviting comments. The Ombudsman selection committee has to be present on both occasions, during the preliminary review of candidates and during the short listing process post public scrutiny.
11	Selection Committee consists of four persons. On the recommendation of the Selection Committee, Ombudsman shall be appointed	Intimation for convening for meeting of selection committee to approve the panel for appointment as Ombudsman.	Committee members representing Ministry of Rural Development and eminent civil society persons should be intimated at least 15 days in advance to attend the meeting.
12	Selection of Ombudsman - The panel of suitable persons for appointment as Ombudsman, shall be prepared by Selection Committee.	Selection process having written tests and interviews for selection of Ombudsman with similar background (Orissa)	Tests were not permitted and that an internal marking system could be created by the committee in order to create a balance between applications from each category of eligible persons.
13	Autonomy of Ombudsman - The Ombudsman shall be independent of the jurisdiction of the Central or State Government	Independence of Ombudsman from DRDA. (Andhra Pradesh)	Combined synergy of the ombudsman and DRDA would be tried for a period of one year, and if changes were necessary later, appropriate action would be taken for the same.
14	Disposal of Complaints - On receipt of the complaint, Ombudsman	The intimation of complaint made to the Ombudsman be sent by his office to the concerned DPC.	The provision for the already exists in Para 8.13 and Para 12.1 and 12.2 of instruction on Ombudsman.

	may refer the complaint to the appropriate NREGA Authority.		
15	There shall be no appeal against the award "passed by the Ombudsman and the same shall be final and binding on the parties.	The provision under Para 13.5 of the instructions that there shall be no appeal against the 'award' passed by the Ombudsman and the same shall be final and binding on the parties may be considered as the same seems to be against the Principal of judicial review & natural justice.	The purpose of this provision is that there will be no appeal against the award under the functionalities and administrative machinery of MGNREGA, but there can be no exclusion from the judicial review and the aggrieved party has every right to agitate the issue before the Court.
16	The State Government may appoint one or more persons but not more than three persons, as Ombudsman in a District	Appear Para 2.1 of the instruction dated 07.09.2009. The State Government may appoint one or more persons, but not more than three persons, as the Ombudsman in a District'. In Para 7 of above mentioned instructions 'In case of heavy load of cases not more than two Deputy Ombudsman may be provided to assist the Ombudsman in disposal of cases in each district'. Whether in case of appointment of more than one Ombudsman or Deputy Ombudsman there will have separate entity and how the work will be distributed among them.	As per Para 1.8 of the instruction 'Ombudsman means any person appointed under clause 3 of the instructions and includes the Deputy Ombudsman. As the State Government may appoint not more than 3 Ombudsman/Deputy Ombudsman, Deputy Ombudsman so appointed will assist the Ombudsman in disposal of cases in each districts and their territorial jurisdiction under the Ombudsman will be as specified by the State Government under Para 5 of the instruction.
17	Lodge FIR - Against the erring parties.	Para 8.1.5 provides for lodging FIRs against the erring parties. Whether prior permission of the competent authority is necessary before lodging an FIR against the erring officer of the State Government.	The office of Ombudsman has no Legal status and as such the provisions of the relevant service rules framed under the concerned State laws have to be observed.
18	Official vehicle or TA/DA will be admissible for conducting	Whether official vehicle or TA/DA will be admissible for conducting spot investigation.	Yes. The said facilities may be provided as per relevant State rules.

	sport investigation.		
19	Remuneration - The Ombudsman shall be allowed to compensation of Rs. 500/- per sitting.	The Ombudsman shall be allowed a compensation of Rs. 500 per sitting. How many sittings can be held in a month is not mentioned?	The frequency of sittings by Ombudsman would be need based and no capping in absolute terms can be made in this regard.
20	Ground of which shall be filed - Gram Sabha.	Para 9.11 of the instruction provide for of a complaint against the Gram Sabha with the Ombudsman. Whether a group complaint can be lodged against all persons present in the Gram Sabha?	Yes. A joint complaint may be lodged against a group of persons present in the Gram Sabha, the actions of which are the cause of the complaint.
21	Ombudsman empowers - 1. To seek any information or related certified copies of any document relating to the complaint. 2. To lodge FIR against the erring parties. 3. To send a monthly to the State Government recommending appropriate action.	Para 8.1.3 empowers the Ombudsman to seek any information or certified copies of any document relating to the subject matter of the complainant and in case of any failure in this regard, the ombudsman may draw unfavorable inference against the concerned Mahatma Gandhi NREGA authority and in such a case FIR can be lodged against the erring officer. In view of this whether the Ombudsman can recommend any action to be taken against the State level implementing officer.	Para 8.1.3 and Para 8.1.5 are separate and not connected in all cases. Para 8.2.3 clearly mentions the duty of the Ombudsman to send a monthly report to the Chief Secretary and Secretary, State Nodal Department recommending appropriate action. The report shall specifically highlight cases where action needs to be taken against erring Mahatma Gandhi NREGA functionaries for their failure to redress the grievance'. The provision has to be observed irrespective of the status of the erring Mahatma Gandhi NREGA functionary.
22	Appointment - The Selection Committee shall prepare a panel of suitable persons for appointment as Ombudsman.	Whether social service includes Journalists/Media.	As per Para 2.2.2 of the instructions on Ombudsman, 'The selection shall be made from among persons of eminent standing and impeccable integrity with at least twenty years of experience in public administration, law, academics, social work or management'. The basic feature of social service is that it is provided free of cost and should be for

			<p>a social cause and in the ultimate interest of the humanity.</p> <p>Journalists/Media persons being professionals in their respective field do not come under the category 'social work'.</p>
23	<p>The Selection of Ombudsman shall be made for among persons of eminent standing and impeccable integrity with at least twenty years of experience.</p>	<p>Police verification of final selected panel.</p>	<p>The very essence of the selection of Ombudsman is that the candidates should be persons of eminent standing and impeccable in their respective field. As per Para 2.2.1 'Prior to appointment, the panel prepared by the Selection Committee may be published on the official website of the State to invite comments from the public. On expiry of 30 day so publication, the comments may examine by the Selection Committee. All comments and objections may be settled within 30 days of the date of expiry of the period for inviting comments'. In order to have a full proof selection, it is advisable to conduct police verification of final selected panel.</p>
24	<p>No Complaint shall be made to Ombudsman on an issue which has been in an appeal, revision, reference or writ before any tribunal or court.</p>	<p>No concurrent power-first as based on the course set in law, then refer to Ombudsman.</p>	<p>The Ombudsman shall have the powers to receive complaints from Mahatma Gandhi NREGA workers & others and consider such complaints in accordance with law. He can even initiate proceedings suo-motu in the event of any grievance. He can direct redressal, disciplinary and punitive actions. The only bar under Para 10.6 of the instructions is that 'No complaint to the Ombudsman shall lie if the complaint to the Ombudsman shall lie if the complaint is in respect of the same subject matter which was disposed by the Office of the Ombudsman in any previous proceedings whether or not received from the same complainant or along with any one or more complainants or any one or more of the parties concerned with the subject</p>

			matter'. Similarly under Para 10.7' No complaint shall be made to the Mahatma Gandhi NREGA Ombudsman on an issue which has been or is the subject matter of any proceeding in an appeal, revision, reference or writ before any Tribunal or Court.
25	Territorial jurisdiction - The State Government shall specify the territorial jurisdiction of each Ombudsman in term of District.	Whether candidate residing outside the district may be considered.	In the selection, preference may be given to a candidate resident of the concerned district so as to take advantage of his first hand knowledge about the district and to have saving on TA/DA etc.
Annexure to letter No. J-11012/21/2008-MGNREGA (Pt.)dated 24th June, 2010			
26		There are many backward and remote Districts in the state where it is difficult to find qualified Candidates to be appointed as Ombudsman. So whether two or three ombudsman can be appointed by dividing the State in Zones?	An Ombudsman can be appointed for two or more districts depending upon the work load.
27		Whether advertisement has to be issued to invite nominations for preparation of a panel of suitable persons for considerations for appointment as Ombudsman or Collectors of the districts be asked to nominate the suitable persons from their districts without issuing any advertisement?	Uniformity and transparency should be the hallmak or selection process. Open advertisements are suggested for open and fair selection process. Names suggested by DPCs should only be taken into consideration, in case, where no response to advertisement is received.
28		As it is mentioned in para 3 "The ombudsman shall be independent of the jurisdiction of the central or state Government, "It is needed to be clarified that what type of autonomy shall it be and what will be the legal entity of this institution?	The Ombudsman shall have autonomy in respect of its working while performing his duties and responsibilities. His selection and removal will be decided by a Selection Committee, comprising an eminent civil society person as a member, besides State Govt. officers and officers from the Ministry of Rural

			Development. The office of Ombudsman has no formal legal status. However, Para 8.2.3 clearly mentions the duty of the Ombudsman to send a monthly report to the Chief Secretary and Secretary, State Nodal Department recommending appropriate action. The report shall specifically highlight cases where action needs to be taken against erring Mahatma Gandhi NREGA functionaries for their failure to redress the grievance. The provision has to be observed irrespective of the status of the erring Mahatma Gandhi NREGA functionary.
29		According to Para 8.1.4 of the instructions, functionaries up to which class/level shall receive directions for conducting spot investigation?	As per Para 8.1.4, the Ombudsman shall have power to issue direction for conducting spot investigation to any MGNREGA authority, which is defined in Para 1.7 as any person or persons who have been vested with powers and functions under the Mahatma Gandhi NREGA Act and MGNREGA Scheme.
30		If some one does not pay the cost as per order of the Ombudsman what further action may be taken by the Ombudsman (Para 13.3) for such recovery and what will be the procedure?	As per Para 13.3 of the Ombudsman Scheme if a complaint is found to be false, malicious or vesatious, the Ombudsman shall, for reasons to be recorded in writing, dismiss the complaint and make an order that the complainant shall pay to the opposite party cost as deemed appropriate by the Ombudsman. If the complainant does not pay the cost, the Ombudsman has the power to order filing of FIR against him under relevant provision of IPC.
31		There shall be no appeal against the `award`, passed by the Ombudsman and the shall be final and binding on the parties (Para 13.5), then what kind of remedy can be availed by the person who is aggrieved by the `award`?	The aggrieved person can approach a Court of law and seek relevant relief.