

D R A F T

NREGA: Transparency and Public Accountability Rules

Part 1: Transparency Rules

Part 2: Grievance Redressal

Part 3: Social Audit Rules

Part I: Transparency Rules

Preamble

Commitment to transparency and accountability runs throughout the National Rural Employment Guarantee Act (NREGA). This commitment also flows from the Right to Information Act 2005, which will be followed as a minimum standard in all matters relating to NREGA. In keeping with the spirit of the RTI Act 2005 and the special transparency needs of the NREGA, the Rules prescribed below will seek to create an effective, appropriate and citizen-friendly transparency regime for the NREGA 2005.

Definitions

For all terms in these Rules, unless otherwise specified, the definitions outlined in the NREGA 2005 and RTI Act 2005 applies. The access to information will be as open as possible, and records will be defined as in RTI Act 2005:

“Record” includes (i) any document, manuscript or file; (ii) any microfiche and facsimile copy of a document; any reproduction of image or images embodied in such microfilm (whether enlarged or not); and any other material produced by a computer or any other device. Apart from these, the NREGA specific records (fax, copy of a document; (iii) any reproduction of image or images such as photographs, maps, sketches etc; (iv) any other material produced by a computer or any other device).

I. General Transparency of NREGA-related Information

1. All NREGA-related information is in the public domain.
2. The pro-active disclosure will be by providing copies of records at no more than cost of making copies, and mandate the providing of copies applied for as soon as possible, but ordinarily in any case within 15 days
3. The pro-active disclosure will include (a) display in summary form (including boards and notice boards), (b) reading out aloud (c) displaying on the website. All records in the “Minimum List of Documents for Pro-active Disclosure” given in Annexure 1 will be available for verifications under the permissible norms of RTI.
4. Pro-active disclosure will include the processing of records in a manner that a lay person can understand the information in a consolidated and summarized form. The process will ordinarily include the following modes of pro-active disclosure:
 - 1) The reading out aloud of essential information as per the prescribed formats of these Rules. (Annexure 2).

- 2) The establishment of painted boards at prescribed locations and in the prescribed formats (Annexure 2).
 - 3) The publishing of information through newspaper advertisements, press releases, or the printing of leaflets and reports ordinarily or as permissible under the RTI.
 - 4) By making announcements through the audio-visual media, such as community radio, radio, and television.
 - 5) Through hanging information on notice boards at the Gram Panchayat, Block, and District levels.
 - 6) Key records should also be made available on the Internet. There shall be free and open access to the website of the NREGA where as much of the information as prescribed in these Rules, including summaries and consolidated information, will be uploaded regularly. Every State Government and the Central Government shall work towards maintaining an online status of information, related to expenditures and disbursements.
5. Updated data on registration, number of job cards issued, demand for work received, list of people who have demanded work and the number of days of employment provided, details of funds received and spent, details of payments made, accounts, list of works sanctioned and their order of priority within the Gram Panchayat, works started, cost of works and details of expenditure on it, duration of work, person-days generated, reports of local vigilance committees, and consolidation of muster rolls and bills of each work completed, should be made public in the prescribed format of all offices and agencies involved in implementing NREGA.

II. Copies

6. Requests for copies of NREGA related documents made under the NREGA Transparency Rules must be complied within 15 working days. No request should be refused under any circumstances. Copies of NREGA related documents should generally be sought “at source”, e.g. from the Gram Panchayat in the case of GP level documents such as muster rolls. The Gram Rozgar Diwas should be chosen to collect the “demand applications” for the copies of the documents.
7. The State Government will establish all necessary infrastructures, at the Gram Panchayat, required for expediting the issuance of copies as per demand.
8. People should know who to apply to for information and for gaining access to records. The names and positions of key persons responsible should be made known to the public and painted on display boards outside every office.
9. Applications for information should be made exclusively in person or by post, enclosed with verifiable details of the applicant. Fees chargeable in advance for copies of

NREGA related documents should be reasonable and in any case not exceed the costs of photocopying. It will also include the costs of commuting to the nearest station/ place where the facility is available.

10. In case this request is not complied within prescribed time limit, it shall be a deemed refusal. If the applicant fails to receive the information within the prescribed days, he/she can file a complaint under Section 23(6) of the NREGA, with the Programme Officer. In addition to taking necessary under Section 23(6), the Programme Officer shall procure the copies applied for, from the Gram Panchayat and provide it to the applicant on payment of due fees within seven days of receiving the complaint.

Annexure 1:
Minimum List of Documents for Pro-active Disclosure

Pro-active disclosure of key NREGA-related documents is an important aspect of the NREGA's commitment to transparency and the right to information. An initial list of such key documents is given below. The list is not exhaustive and should be interpreted as an essential minimum.

The pro-active disclosure in the context of NREGA are: (1) notice boards; (2) publication; (3) display or presentation at the Social Audit Forums of the Gram Sabha; (4) display or presentation on "employment guarantee day" at the Gram Panchayat level; and (5) posting on the Internet. The appropriate means of pro-active disclosure will have to be specified for each type of document.

(1) Pro-active Disclosure at the Gram Panchayat Level

- Summary of the Registration Applications
- Summary of the Job Card Register
- Summary of the Employment Register
- Abstracts of the Muster rolls due for payment
- Unemployment Allowance lists
- List of Assets
- List of works of all Implementing Agencies
- Summary of Work orders
- Summary of Weekly reports
- District Schedule of Rates
- List of members of the Vigilance and Monitoring Committee
- Measurement Book summaries
- Work allocation lists
- Current roster of work applications
- Summary sheet of individual measurements

(2) Pro-active Disclosure at Other Levels

1. Abstract of the Labour Budget prepared by the District Programme Co-ordinator
2. Abstracts of the Shelf of Projects with technical and administrative estimates
3. Abstract of Annual Plan
4. Perspective Plans on NREGA Website
5. Employment Guarantee Fund account statement
6. Abstract of the Annual Work Plan and Budget Proposal (AWPB)
7. Abstract of Financial Audit Reports (and Action Taken Reports)
8. Abstract of the Social Audit Report (and Action Taken Reports)
9. Utilization Certificate
10. Completion Certificate
11. Summary of the Monthly accounts
12. List of Technical Estimates
13. Summary of the Grievance Redressal Register
14. Summaries of Bills and Material
15. List of Enquiries Conducted
16. Tenders and all documents related to purchasing
17. Summary of the Evaluation reports
18. Summary of the Inspection reports

Part II. Grievance Redressal

10. **Complaint:** Any matter referred directly or indirectly, written, signed and enclosed with complete identity, to the Programme Officer suggesting a shortcoming in the implementation of the NREGA, including any grievance communicated to him/her through writing, Complaint Register, Helpline, Social Audit or other modes, will be deemed a “complaint” under Section 23(6) of the Act. Any reported contravention of the Transparency and Accountability Rules shall also be deemed to be a complaint under Section 23(6).
11. **Complaint register:** All complaints shall be immediately entered in the Complaints Register and dated and numbered receipts issued for intimation to the complainant.
12. **Complaint disposal:** Complaints that fall within the jurisdiction of the Programme Officer (PO), including any complaints concerning the implementation of the Act by a Gram Panchayat, shall be disposed off by the PO within 30 days, as prescribed under Section 23(6) of the Act. In case a complaint relates to a matter to be resolved by any other authority, the Programme Officer shall conduct a preliminary enquiry and refer the matter to such authority within 7 days under intimation to the complainant. (This needs an amendment in the Act)
13. **Failure to dispose:** Failure to dispose of a complaint within the prescribed time will be considered a contravention of the Act by the Programme Officer, punishable under Section 25. Complaints against such failure will be lodged with the Appellate Authority.
14. **Action on corruption:** If a complaint concerns corruption, defalcation or forgery, the Programme Officer shall be responsible for having a preliminary enquiry completed within 7 working days, and if there is prima facie evidence of such irregularities, he or she shall initiate proceedings for recoveries and the filing of a First Information Report (FIR).
15. **Criminal offences:** If a complaint concerns other violations of the IPC (such as any form of intimidation, violence or discrimination), the Programme Officer shall be responsible for having a preliminary enquiry completed within 7 working days, helping the complainant to file an FIR and ensuring that the matter is promptly dealt with by the appropriate authorities.
16. **Appeals:** Appeals by the complainants against the orders of the Programme Officer will lie with the District Project Coordinator, the Divisional Commissioner-NREGA or the State Commissioner-NREGA.
17. **Disposal of appeals:** The Appellate Authority shall be responsible for disposing of appeals made by a complainant and “references” made by the Programme Officers. Based on an appeal or “reference”, the Appellate Authority shall issue a charge sheet and give an opportunity for a hearing to the person concerned. All appeals and references shall be disposed off within one month.
18. **Due process:** While disposing off an appeal or reference the Appellate Authority shall

follow due process, including, giving an opportunity to be heard to both the complainant the person against whom the complaint is being made.

19. **Fines:** While disposing off any 'reference' or appeal, if the Appellate Authority finds any person guilty of contravention under section 25 of the Act, it shall impose a fine which may extend to Rs. 1,000. If the person concerned is a government official, the fine shall be deducted from the official's salary.
20. **Additional grievance redressal mechanisms:** Within the normal chain of command of the NREGA, any complaint related to the Gram Panchayat can be made to the Programme Officer, any complaint related the Block can be made to the District Programme Coordinator and any complaint related to the District can be made to the Commissioner NREGA. In addition, the administrative machinery (SDMs, ADMs, etc.) will have a duty to act on any complaint received by them and dispose of the complaints within 15 days. It will be the responsibility of the District Programme Coordinator to put in place a "Dedicated Transparency Cell", within the District such as help-lines, facilitation centers, legal aid, web-based complaint systems, special grievance redressal drives or "grievance redressal days", Rozgar Melas, to ensure that there are quick and effective internal grievance redressal mechanisms.
21. The "Dedicated Transparency Cell" will have 1 Officer and 1 Assistant. These officers will not be drawn from those who are responsible for the implementation of NREGA. The expenses of the "Dedicated Transparency Cell" will be met out from the administrative expenses.

Annexure 1:

Specific Contraventions of NREGA under Section 25

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

- Refusal to accept an application for registration.
- Refusal to providing a job card to an eligible household.
- Refusal to providing a receipt for a work application.
- Refusal to providing work on time
- Refusal to payment of the wages on time (within a fortnight of the date on which work was done).
- Refusal to the payment of unemployment allowance as per provisions of the Act.
- Refusal to making requisite Job Card entries at the time of wage payment.
- Refusal to adhering to the Transparency and Accountability Rules.
- Refusal to providing mandatory worksite facilities as per Schedule II of the Act.
- Refusal to conducting statutory social audit.
- Refusal to adhering to the Gram Sabha's list of priorities in the selection of works.
- Refusal to registering a complaint.
- Refusal to adhering to any Rules made under the Act.

The State Government shall fix responsibility for each of these duties. Any complaint made by any worker that establishes any of these contraventions shall be referred by the Programme Officer or any other enquiring authority to the Appellate Authority, as per the Grievance Redressal Rules.

Part III: Social Audit Rules for Gram Sabha

Preamble

Section 17 of the NREGA, 2005 provides for regular 'Social Audits' so as to ensure transparency and accountability in the Scheme. In this regard, Sub-section (2e) of Section 31 of the NREGA 2005 mandates that the Central Government can make rules of "any other matter which is to be, or may be, prescribed, (wherein "prescribed" means prescribed by rules made under this Act) or in respect of which provision is to be made by the Central Government by rules".

Where it is intended that Social Audits be conducted in an impartial and objective manner and that the findings of the same be presented without any dilution and action would be taken to address the gap there of with an aim to strengthen the scheme.

It is the responsibility of the State Government to conduct the Social Audit. The State Government will conduct the Social Audit according to the pre designed "Schedule of Social Audit".

The State Government will ensure that the agencies for conducting Social Audits are trained.

1. Steps for conducting the Social Audit

i. Preparation for Social Audit

- a. The Program Officer has to ensure that regular Social Audits of all works within the jurisdiction of the Gram Panchayat are carried out by the Gram Sabha and that prompt action is taken on the objections raised in the Social Audit
- b. The Program Officer shall design a "Social Audit Calendar". A date for the Social Audit Forum (Gram Sabha) will be set at the beginning of the Social Audit exercise jointly by the administration and the social audit teams.
- c. The Program Officer shall notify in writing all the Public Representatives and also concerned staff implementing the NREGA well in advance to ensure that they are kept informed about the process and are present at the Social Audit Forum.
- d. The labourers and village community shall be informed about the Social Audit Forum by the Social Audit teams as well as the administration to ensure full participation.
- e. The Programm Officer has to ensure that the Social Audit is convened on the given date.
- f. However, if the Program Officer is unable to do so within the prescribed time, the Village Vigilance Committee will take charge.

ii. Social Audit process in the village:

Social Audit shall be conducted on all works done by the Gram Panchyats and payments made in the period specified by interaction directly with the labourers. It will include,

- a. Door to Door verification of Muster Rolls and payments made in the time period specified for Social Audit.
- b. Work site verification.
- c. Focussed group discussions and holding of Ward Sabhas/ habitation meetings with the primary stake holders including special meetings in the SC/ST localities on the various aspects of the implementation of the NREGA, 2005.
- d. Recording the written statements of the labourers on any issue as well as filling of the Social Audit formats will be done (Format in Social Audit Manual).
- e. Holding the Social Audit Forum, presided by a worker and not an implementer, in the Gram Panchayat to elicit information as well as read the findings of the Social Audit.
- f. Corrective action shall be taken to the extent possible.

Creating awareness amongst the labourers about their rights and entitlements under the Act will be an important part of the Social audit.

iii. Social Audit Forum

The Social Audit Forum in NREGA refers to periodic assemblies convened by the Gram Sabha as part of the process of Social Audit.

- a. Social Audit reports will be read out in the Social Audit Forum in presence of the labourers, political representatives, the official functionaries of the NREGA and the media.

Where ever required the public will be encouraged to testify and the official functionaries shall be required to be present and respond.

- b. Senior officials such as the DPC as well as the Program officer shall on each finding of the social audit exercise in cases of gaps, lapses or deviations fix responsibility and take immediate corrective action. In case of doubt or dispute on any issue, the matter shall be referred to the Programme Officer, who shall treat it as a complaint under Section 23(6), and dispose off the matter within 7 days. In case of a Social Audit finding of a violation of workers' entitlements, such finding shall be disposed off as per Grievance Redressal Rules.

5. Frequency of the Social Audit to be conducted

(i) Social Audits shall be conducted every 6 months.

(ii) Action taken report shall be filed by the Program Officer within a month of the Social Audit Forum being held and the same shall be communicated to the Gram Sabha.

8. Role of Administration in the Social Audit Process

Complete cooperation shall be extended to the persons conducting Social Audits for trainings, publicity, ensuring attendance of officers, ensuring no disruption and production of action taken reports for disclosure.

(i) Information

- a. When applications are filed for information of works and other documents pertaining to works undertaken as part of the NREGA, 2005 photocopies of the same shall be provided ordinarily within 7 working days of filing the application by the Programme Officer.
- b. Information regarding the Social Audit process and date of the Social Audit Forum shall be communicated in writing by the PO as detailed in Sub Section vi (a) of Section (4).
- c. The last audit report of the local fund audit/audit department of the Gram Panchayat shall be placed before the Social Audit Forum before the Social Audit. Audit objections shall be read out aloud, along with compliance.

(ii) Action on the Social Audit findings

Representatives of the implementing agency shall mandatorily be present in the Social Audit Forum and shall ensure that corrective action is taken on the findings and shall implement the decisions taken at the Social Audit Forum without fail and with utmost sincerity.

Any Social Audit findings or any item in the Social Audit report that indicates a contravention of the Act or a shortcoming in the implementation of NREGA should automatically be interpreted as a "complaint" under the Grievance Redressal Rules.

Where there is a dispute in the findings of the Social Audit the administration shall cause enquiry and shall decide on the issue at the earliest and not later than one month; the dispute shall also be treated as a complaint under the Grievance Redressal Rules.

Wherever, in the course of a Social Audit findings in the Social Audit reports and the evidence, through written and oral testimonies are established against those who have deviated money in a Gram Sabha or a public assembly, the official or functionary shall initiate action for recovery. This action for recovery shall be without prejudice to action to be taken against the person under the relevant laws; provided that wherever it is established that these irregularities / extractions have had a direct relation to wage payments under NREGA, the amount shall be paid back to workers within a period of a week.

The responsibility of various levels of functionaries is detailed in the Social Audit Manual.

9. Financial Audit taking cognizance of Social Audit

While certifying accounts of the NREGS the Government Auditor shall take cognizance of any complaint raised through a Social Audit Forum before certifying the accounts.

10. Budget for the Social Audit Process:

In addition to the items of cost to be met by the Central Government as listed in Section 22, the Central Government shall meet the costs of establishing and running a Social Audit cell at the State level as well as the activities undertaken for supporting/conducting social audit in the field.