

Meghalaya Community Participation and Public Services Social Audit Act, 2017

MEGHALAYA

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Act 7 of 2017

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Meghalaya Community Participation and Public Services Social Audit Act, 2017(Meghalaya Act No. 7 of 2017)Last Updated 15th February, 2020[Dated 04.04.2017]An Act to review delivery of public services and implementation of government schemes and programmes through a participatory social audit by government and the stakeholders; by ensuring timely review and concurrent course-correction in the delivery of schemes and programmes, to achieve realization of desired development outcomes.Be it enacted by the Legislature of the State of Meghalaya on the Sixty-eight Year of the Republic of India as follows:-

1. Short title extent and commencement.

(1)This Act may be called the Meghalaya Community Participation and Public Services Social Audit Act, 2017.(2)It extends to the whole of Meghalaya.(3)It shall come into force on such date as the State Government may, by notification in the official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires,(a)"Act" means The Meghalaya Community Participation and Public Services Social Audit Act, 2017.(b)"applicant" means any household or any of its other members who has applied for benefits under any programme;(c)"Block" means a community development area within a district comprising a group of villages;(d)"citizen" means a citizen of India who resides within the country;(e)"District Social Audit Coordinator" means an officer of the State Government designated as such under Sub Section 1 of Section 8 for implementation of the Act in a district;(f)"household" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;(g)"implementing agency" includes any Government Department,

Agency or Organisation implementing different development programmes, schemes and projects of the Government.(h)"notification" means a notification published in the Official Gazette;(i)"prescribed" means prescribed by rules made under this Act;(j)"Project" means any work taken up under a Scheme for the purpose intended;(k)"RTI Act" means the Right to Information Act 2005 as notified by the Central Government;(l)"rural" means an area designated as Rural in the Population Census published by Government of India;(m)"State Council" means the State Social Audit Transparency and Accountability Council constituted for the purpose under Section 5 of this Act;(n)"State Government" means the Government of Meghalaya;(o)"Social Audit Nodal Officer" means an officer appointed by a Department as the Nodal Officer under Section 10 of this Act;(p)"Scheme" or "Development Programmes" means a Scheme or Programme notified by the State Government under Schedule I of this Act; and(q)"urban" means any area in a State covered by any urban local body except covered by Cantonment Board established or constituted under any law for the time being in force;

3. Objective.

- The objectives of the Meghalaya Community Participation and Public Services Social Audit Act, 2017 are:(a)To facilitate 'Concurrent Audit' of development programmes and public services as specified under Schedule I of this Act.(b)To monitor the effectiveness and efficiency of the implementation of the development programmes and public services in a time-bound manner and to initiate course-correction measures wherever necessary.(c)To monitor and encourage transparency in the delivery mechanisms and institutions engaged in the implementation of the developmental programmes and public services.(d)To ensure that the Social Audit process would educate the citizens, make aware of their rights and entitlements in order to build their confidence and secure their participation.(e)To enhance citizen's ownership in the development initiatives taken up by the Government in the true spirit of Participatory Democracy.(f)The Social Audit shall be used for the purpose of finding the facts at the filed level in the implementation of the programmes and to improve upon them.(g)To seek suggestions from the people on ways and means of improving the implementation of the development programmes and public services.(h)To provide a platform for airing of public grievances and ensure a time-bound redress of the same.

4. Programmes to be Audited.

- The list of such programmes, schemes and projects implemented by different Government departments, agencies or organizations as per Schedule 1 appended to this Act, shall be subjected to social audit as provided under this Act.Provided that the State Government through a notification to be issued in the Official Gazette in this behalf, may revise or amend the list of such programmes, schemes and projects from time to time as may be required.

5. Implementing and Monitoring Authorities.

- With effect from such date as the State Government may, by notification specify, there shall be constituted a Council to be called the State Social Audit Council to discharge the functions, and perform the duties, assigned to it by or under this Act.

6. State Social Audit Council.

(1)The headquarters of the State Council shall be at Shillong.(2)The State Council shall consist of the following members to be appointed by the State Government, namely:(a)a Chairperson - The Government will identify an eminent person with rich experience in the development sector;(b)not more than such number of representatives of the State departments including the Planning Department not below the rank of Commissioner & Secretary to the Government of Meghalaya as may be determined by the State Government;(c)not more than such number of representatives of the Districts as may be determined by the State Government;(d)not more than ten non-official members representing Village Institutions, organizations of workers and disadvantaged groups;(e)Member-Secretary not below the rank of Commissioner & Secretary to the Government of Meghalaya of the Nodal Department.(f)The terms and conditions subject to which the Chairperson and members of the State Council may be appointed and the time, place and procedure of the meetings (including the quorum at such meetings) of the State Council shall be such as may be prescribed by the State Government.

7. Functions and duties of State Council.

- The State Council through Meghalaya Society for Social Audit and Transparency shall perform and discharge the following functions and duties, namely;(a)establish a systematic concurrent audit system by involving the trained Civil Society Organizations;(b)use proven statistical methods of randomization to cover representative sample of works being audited under different programmes.(c)advise the State Government on all matters concerning the implementation of this Act;(d)review the monitoring and grievance redressal mechanism from time to time and recommend improvements required;(e)promote the widest possible dissemination of information about the Schemes made under this Act;(f)monitoring the implementation of this Act;(g)commission research studies and surveys to suggest effective strategies of implementation to the Govt.(h)preparation of annual reports to be laid before the Assembly by the State Government on the status of the implementation of the programmes and schemes as notified in Schedule I; and(i)any other duty or function as may be assigned to it by the State Government.

8. Effective delivery and institutional mechanism.

- In order to ensure effective delivery mechanism and institutional arrangements the State Government shall;(a)notify Programme Implementation Department as Nodal Department responsible for the implementation of this Act;(b)Meghalaya Society for Social Audit and Transparency (MSSAT) shall provide secretarial assistance for the State Social Audit Council.

9. District level implementation agency.

(1)The Deputy Commissioner shall be the principal authority at the District level as the District Social Audit Coordinator. He/she shall be responsible for the social audit of the schemes identified under the Act.(2)The District Social Audit Coordinator shall be assisted by the District Planning Cell

for the implementation.(3)The functions of the district level Unit shall be:(i)to finalise and approve Block-wise Social Audit Calendar and Public Hearings to fulfill mandatory social audit of programmes and schemes;(ii)to select and em-panel reputed and experienced Non-Governmental Organisations and Self Help Groups for conduct of the Social Audit;(iii)to review, coordinate, supervise and monitor the social audits to be taken up at the Block level;(iv)to coordinate with the concerned Social Audit Nodal Officers and ensure effective participation of the departments implementing the Schemes/ programmes in Schedule I;(v)to conduct the Public Hearings of social audit at the Block level.(vi)to ensure time bound redress of the grievances raised during the Social Audit and Public Hearings;(vii)to submit the reports and findings of social audit to the State Council;(viii)to carry out such other functions as may be assigned by the State Council, from time to time.

10. Line Department.

(1)The departments, responsible for the implementation of the developmental programmes and public services as listed in Schedule I of this Act, shall identify an officer not below the rank of Director as the State Nodal Officer for the purposes of this Act at the State level.(2)The departments will identify an officer not below the rank of the District District Level Implementation Agency Line Departments Effective delivery and Institutional mechanism head as the District Nodal Officer for implementation of this Act at the District level.(3)The departments will identify an officer not below the rank of the Block level Officer as the Nodal Officer for implementation of this Act at the Block level.

11. Village /locality level implementation Agency.

(1)The general body of the Village Employment Council and the Locality Committee, as the case may be, shall identify the Village or Locality level Social Audit Committees through a process of consensus. Thereafter the District Social Audit Coordinator or his representative shall notify these committees by signing a social agreement with their respective Village Employment Councils or Locality level committees.(2)The Social Agreement shall enshrine the roles, responsibilities, objectives, powers, term of office and management of the Village and Locality Social Audit Committees. It shall be renewed every three years.(3)The Village and Locality Social Audit Committee shall consist of the following members:(i)Chairperson(ii)Secretary(iii)five members who may include representatives of Self Help Groups, Farmer Groups and Youth;(iv)at least two members shall be women;(v)the members shall be selected or nominated through a special general meeting of the male and female heads of households in the village or locality;(vi)the term of the committee shall be three years.

12. Village /locality social audit committee.

- The Village/Locality Social Audit Committee shall assist the Social Audit Facilitators in the following activities, namely,-(a)ensure participation of the village/locality level programme implementing agencies/ committees in the Social Audit;(b)to ensure proper awareness on the conduct of the Social Audit;(c)to provide wide publicity on the conduct of the Public Hearing;(d)to

submit status report on the action taken based on the findings and grievances raised during the Public Hearing;(e)any other responsibility as may be entrusted by the District Social Audit Coordinator.

13. Social Audit Facilitators.

(1)At the Village and locality level, the Social Audit will be facilitated by reputed Non-Governmental Organisations (NGOs) and Self Help Groups (SHGs) and they will be termed as Social Audit Facilitators (SAF).(2)The SAF shall have adequate human resources for smooth conduct of the Social Audit and their capacities shall be regularly strengthened by the District and State level authorities.(3)The Nodal Department in consultation with the District and State level authorities shall prepare social audit reporting formats, resource material, guidelines and entitlements for various schemes and programmes covered within the scope of Schedule 1 of this Act to facilitate work of SAFs.

14. Periodicity.

(1)The Social Audit shall be conducted in at least 50% of the Villages and localities during a financial year.(2)The District Social Audit Coordinator shall ensure that every Village and locality is covered through Social Audit at least once in every two financial years.(3)The District Social Audit Coordinator shall ensure audit of a representative sample of all the programmes and schemes mentioned in the Schedule 1 at least once a year to give feedback to the respective Line Departments for taking necessary corrective measures.(4)The District Social Audit Coordinator can conduct a Concurrent Audit based on representations received from any citizen/s, if he/she feels that there is a need to do so.

15. Implementation.

- For the effective conduct of the Social Audit the following mechanisms shall be adhered to:(a)The State Implementing Agency shall be responsible for the preparation of the guidelines in the conduct of the Social Audit and the Public Hearings which shall be adhered by the implementing agencies and stakeholders;(b)The Nodal Officers shall ensure that relevant records are made available to the Social Audit Facilitators for smooth conduct of the Social Audit. The records should be provided at least 15 (fifteen) working days prior to the conduct of the Social Audit;(c)To facilitate social Audit, the nodal Department shall undertake the following:i. Wide dissemination of information through websites and IEC activities regarding government programmes, scheme guidelines and public services as listed under Schedule I;ii. Creating 'process maps' regarding the planning, proposal, sanction and implementation cycles of the above schemes;iii. Ensure availability of the 'process maps' and documentation of the above mentioned processes through publication and hosting in the public domain including English and in local languages.(d)The Social Audit Facilitators shall conduct the Social Audit with an objective to address the delays, improve the processes in selection of beneficiaries, generate awareness amongst the people, strengthen the record maintenance, assess the quality of work and any other responsibility as entrusted to them.(e)The Social Audit Facilitators shall interact with the beneficiaries, participants and stakeholders for garnering information

pertaining to the implementation of the schemes and programmes.(f)The Social Audit Facilitators shall ensure that the findings, feed backs and suggestions received during the Social Audit process are placed before the Public Hearings for public dissemination and discussion.(g)The Social Audit Facilitator shall prepare a separate list of Social Audit findings that require further inquiry. Such cases should go to the Administrative Heads of the respective Departments or Agencies.(h)The Social Audit report will also contain a list of grievances that are required to be redressed. All such grievances should be registered with the designated authority at the District level and Block level for disposal and action.(i)It shall be mandatory for the Nodal Officers or their representatives to be present during the Public Hearings.

16. Concurrent Social Audit.

- The District Social Audit Coordinator shall ensure that the Social Audit Facilitators conduct Concurrent Social Audit for various activities on a random sampling basis undertaken through the programmes listed in Schedule 1. A few of the activities that can be concurrently audited are:-(a)quality and quantity of food items, books, seeds, saplings, medicines or any material/s supplied or purchased under the programmes.(b)verification of the beneficiaries that have received any kind of assistance either in cash or kind under the programmes.(c)physical verification of the quality and quantity of the works against the proposals, work orders, plans, estimates, drawings and other relevant records as may be maintained under the programme.(d)the findings of the concurrent Social Audit shall be separately recorded and placed before the Public Hearing; and(e)the Social Audit Facilitators shall conduct project impact assessment on the benefits and outcomes of the programmes.

17. Transparency & Accountability.

(1)The State Government shall have the overall responsibility to take follow up action on the findings of the social audit.(2)The Nodal Department shall monitor the action taken by State Government through its departments at various levels and incorporate the Action Taken Report in the annual report laid before the State Legislature by the State Government.(3)It shall be the duty of the State Government through its various departments and implementing agencies and every public authority to take steps in accordance with Section 4 of the Right to Information Act, 2005 for providing relevant information to the public, including details of government programmes and schemes, procedures and 'process maps', as described in S. 15 (iii) (C) of this Act, to enable them to enjoy the benefits conferred through the objectives of this Act.(4)The State Social Audit Council through MSSAT shall maintain a web portal for displaying the Social Audit Calendar and the minutes of the Public Hearing.(5)The District Social Audit Coordinator shall ensure that the proceedings of the Public Hearings are properly recorded and documented.(6)The District Social Audit Coordinator shall ensure that the relevant records shall be placed in Public view prior to the conduct of the Social Audit at the Village level.(7)Wide publicity of the Social Audit Calendar and Public Hearings shall be ensured, including the social audit reports, and action taken reports being placed in the public domain.

18. Corrective Actions and Grievance Redress.

(1)The Public Hearing shall decide the timelines and responsibility is entrusted to the concerned department or officer or stakeholder for effective redress of the grievances raised therein and for initiating time bound corrective measures on the findings.(2)The timeline for resolution of the grievances and for initiating actions on the findings can vary from 5 (five) working days up to 30 (thirty) working days.(3)Any delay in taking corrective measures shall be subject to explanation by the respective implementing agency or officer concerned. Departmental proceedings shall be initiated against willful defaulters.

19. Power to make Rules.

- In furtherance of the objectives of this Act, the State Government is empowered to issue rules and regulations from time to time and when required.

20. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by order, do anything which appears to it be necessary or expedient to remove difficulty.(2)Every order made under this Section shall, as soon as after it is made, be laid before the Meghalaya Legislative Assembly.

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As per powers conferred in Sections 7(h), 9(3)(iv), 13(3) and 16 of the Meghalaya Community Participation and Public Services Social Audit Act 2017, the following programmes and Public Services under different sectors shall be subjected to Social Audit as per the rules and guidelines issued by the State Government:

A. Education.(a)Sarva Shiksha Abhiyan.(b)Midday Meal.B. Health.(a)Health services including immunization.(b)Services rendered by the nearest Sub Centre/PHC/CHC.C. Forest & Environment.(a)Programmes implemented in the area by the Joint Forest Management Committee.(b)Climate Change activities.D. Power.(a)Services provided by the MEECL.(b)Functioning of Village Power Committees.E. Water & Sanitation.(a)Quality & quantity of water supply.(b)Services provided by the PHE Department.(c)Total Sanitation programmes including Swaach Bharat Mission.F. Employment & Skilling.(a)Number of unemployed youths.(b)Awareness on Skilling needs and opportunities.G. Roads and Transport.(a)Roads constructed by the PWD Department.(b)PMGSY roads.H. Agriculture & allied activities.(a)Schemes implemented by the Agriculture and allied departments.L. Community and Rural Development.(a)MGNREGS.(b)IAY/PMAY (G).(c)National Social Assistance Programme (NSAP).J. Security.(a)Services rendered by the local Police services.(b)Law & order including maintenance of Social harmony.(c)Functioning of Village Defence Parties.K. Others.(a)Programmes / Schemes implemented by the Planning Department.(b)Border Area Development Programmes.(c)Integrated Children Development Scheme (ICDS).(d)National Food Security Act and programmes implemented by Food & Civil Supplies.