

Mahatma Gandhi National Rural Employment Guarantee Scheme-Chhattisgarh, Social Audit Rules, 2015

CHHATTISGARH

India

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Rule

MAHATMA-GANDHI-NATIONAL-RURAL-EMPLOYMENT-GUARANTEE- of 2015

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Mahatma Gandhi National Rural Employment Guarantee Scheme-Chhattisgarh, Social Audit Rules, 2015Published vide Notification No. F 1-91/22-1/2015, dated 10th November, 2015Last Updated 18th October, 2019Notification No. F 1-91/22-1/2015 dated the 10th November, 2015. - Mahatma Gandhi National Rural Employment Guarantee Scheme-Chhattisgarh, Social Audit Rules, 2015, which the State Government in exercise of the powers conferred by clause (h) of sub-section (2) of Section 32 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (No. 42 of 2005), is hereby, published the said Act, in the Official Gazette.

1. Short title, extent and commencement.

(1)These rules may be called the Mahatma Gandhi National Rural Employment Guarantee Scheme-Chhattisgarh, Social Audit Rules, 2015.(2)These rules shall extend to the whole State of Chhattisgarh.(3)These rules shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires,-(1)"Act" means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (No. 42 of 2005);(2)"Block/Janpad Panchayat" means a Community Development and Tribal Development area within a District comprising a

group of Gram Panchayats;(3)"CEO Janpad Panchayat" means the Chief Executive Officer of Janpad Panchayat at Block level;(4)"Civil Society" means any village communities, non-official public spirited groups or individuals including MGNREGS workers who expressed in writing showing their interest or chosen to participate in the public vigilance process in general and Social Audit process in particular;(5)"Cluster" means a group of Gram Panchayats in a Block constituted on the basis of geographical proximity;(6)"Commissioner" means the Commissioner, MGNREGS, Chhattisgarh;(7)"District Programme Coordinator" means the District Collector;(8)"Division" means cluster of adjoining districts as defined by the Government of Chhattisgarh from time to time;(9)"Exit Conference" means meeting conducted by the District Programme Coordinator (hereinafter referred to as the DPC) with the social audit team and implementing staff, to hear the Gram Panchayat wise social audit findings and concerned officials shall respond on which decision shall be taken by the DPC;(10)"Government" means the Government of Chhattisgarh;(11)"Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at village level as defined in the Constitution (Seventy Third Amendment) Act, 1993 and Chhattisgarh Panchayat Raj Adhiniyam, 1993 and rules made thereunder. However, for the purpose of Social Audit, Gram Sabha means, meeting in one ward/village/para/habitation constituting residents of that Panchayat;(12)"Implementing Agency" means any Department of the Central Government or State Government or any local authority or Non-Governmental Organisation authorized by Central Government or the State Government to undertake the implementation of any work taken up under MGNREGS;(13)"Independent Observer" means the officer identified and deputed by District Programme Coordinator to Social Audit Gram Sabha;(14)"Primary Stakeholders" means workers who have worked under MGNREGS including their family members and residents of Panchayats where the MGNREGS works are carried out;(15)"Programme Officer" means the Officer appointed for Mahatma Gandhi NREGA Programme at Janpad level;(16)"Social Audit Facilitators" means the persons who shall carry out the training and capacity building activities and support the Village Social Auditors at village level;(17)"Social Audit Gram Sabha" is a special Gram Sabha which shall be held at least once in every six months to discuss the Social Audit findings. Gram Sabha procedures regarding announcement, quorum, chairperson-ship, etc., shall also be applicable to the Social Audit Gram Sabha;(18)"Social Audit of a Scheme" means auditing of a scheme with the active participation of the primary stakeholders of the Scheme. Audit includes the verification of implementation process to ensure the entitlement of workers, verification of works, facts on the ground vis-a-vis official records and taking into account the written or oral evidences which is aided and facilitated by the Government;(19)"Society" means the Chhattisgarh State Social Audit Unit registered under Section 7 of the Chhattisgarh Societies Registrikaran Adhiniyam, 1973 (No. 44 of 1973);(20)"Village Social Auditors" means the persons who execute the Social Audit Process at village level with the Primary Stakeholders.

3. The Social Audit Resource Base.

- In order to provide support to the Gram Sabhas to carry out the functions as described in Section 17 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (No. 42 of 2005), the State Government shall provide facilities in the following manner :-(1)The Chhattisgarh Social Audit Unit (hereinafter referred to as CGSAU), being an independent society of the mainstream

administration and implementation structure, shall be responsible for facilitating social audit processes in all Gram Panchayats in the State.(2)The Chhattisgarh Social Audit Unit will be headed by a Social Audit Expert (Director) and consist of Senior and Junior Social Audit Facilitators for facilitating of Social Audits in villages.(3)The Senior Social Audit Facilitators are social-workers, striving for 'Rights and empowerment of people' at grassroot level, having vast experience and trained in the social audit process. They will form the resource base at each of the Division and District level to carry out the training and capacity building on Social Audit process on continuous basis. The Social Audit Facilitators will monitor and support the Village Social Auditors in all villages and follow up actions on Social Audit findings.(4)The Junior Social Audit Facilitators are youth, having experience in social audit process and hail from households of MGNREGS workers and whose services are being hired by CGSAU. The Junior Social Audit Facilitators form the resource base and participate in the Social Audits process in the allotted Block (s) of a district/division and present the social audit findings in the Gram Sabha and Exit Conference.(5)The Village Social Auditors (VSAs) are the family members of MGNREGS workers trained in Social Audit process to carry out the Social Audits in villages.

4. Social Audit pre-requisites.

(1)The social audit process shall be an independent process from the implementation of MGNREGS in the State. The implementing agencies shall, at no time, interfere with the conduct of social audit.(2)The Programme Officer/CEO, Janpad Panchayat shall be responsible for providing requisite information of all implementing agencies of the Schemes at least 7 days prior to the order of commencement of Social Audit.(3)The Social Audit Facilitators and Village Social Auditors deployed for conducting the social audit in a Panchayat shall not be the resident of the same Panchayat.

5. Periodicity of Social Audit.

(1)The Social Audit of the MGNREGS shall be carried out in all Panchayats of the State at least once in every six months.(2)The schedule for conduct of social audit will be decided at the beginning of every year by the CGSAU in consultation with the District administration.(3)All Gram Panchayats in a Block shall be divided into 4-6 clusters (10 to 20 Gram Panchayat) based on the number of Panchayats in that Block and on their proximity. Social Audit shall be carried out simultaneously in all Panchayats of a cluster.

6. Filing of application for relevant Official Records.

(1)The social audit team will file an application before the CEO, Janpad Panchayat for relevant information of the MGNREGS, in a prescribed form, at least 15 days before commencement of Social Audit. The Gram Panchayat wise and work wise records including the following details shall be provided free of cost to social audit team :-(a)Gram Sabha Approval,(b)Copy of Technical and Administrative sanction,(c)Copies of Muster Rolls,(d)Wage lists,(e)Measurement Books,(f)Copies of Bills and Vouchers of materials.(2)The CEO, Janpad Panchayat shall provide the required information within 7 days of the receipt of the application.(3)Failure to provide records as provided

under sub-section (1) of Section 6 of the Act will automatically result in disciplinary action against the CEO, Janpad Panchayat.(4)The Social Audit team, without wasting time shall collect the required data from online database (<http://nrega.nic.in>)and start their social audit process. Under no circumstances, the conduct of social audit will be postponed on the above mentioned ground.

7. Information on the Social Audit to Panchayats.

(1)The CEO, Janpad Panchayat shall notify in writing to the following, well in advance, to ensure that they must also be present at Social Audit Gram Sabha as well as the cluster level Exit Conference:-(a)Public representatives,(b)Concerned functionaries of MGNREGS,(c)Concerned Post Office/Bank representatives.(2)He shall also inform the concerned Sarpanchas to convene Social Audit Gram Sabha as per the expected date of completion of social audit.

8. Social Audit Process in the Gram Panchayats.

(1)Prior to the start of Social Audit process, an orientation workshop with the Sarpanchas at Block level will be conducted to make them aware of the objectives of the Social Audit and to seek their participation in the Social Audit Gram Sabha.(2)The following activities shall be undertaken by the Social Audit team during the process of Social Audit in a Village :-(a)To generate awareness among community on Rights and Entitlements and Social Audit process in Gram Sabhas.(b)To read out the information available in the government documents such as Muster Rolls, List of works, Bills and vouchers of works executed in specified period.(c)To ensure availability of all records and give information to the public present in Gram Sabhas.(d)All grievances of workers/general public and deviations in recorded information with ground realities shall be taken in writing in Gram Sabhas.(e)Through verification of Muster Roll entries and payments made to workers during specified period by establishing direct contact with the workers whose names are entered in the Muster Rolls by conducting household survey.(f)Visiting the worksites to verify quality, quantity and usefulness with reference to the official records (Measurement Book and material payment vouchers) and cross verification of materials procured with beneficiaries and workers.(g)To verify the invoices/bills/vouchers and other related records of material procured and to testify such procurement is as per the estimate and procedures laid down and are economical.(h)To verify the cash book, bank statements and other financial records for correctness and reliability on financial reports.(i)Recording the oral and written statements of workers on any issue as well as filling of the Social Audit formats and writing reports.(j)In case of any misappropriation of funds, both the persons responsible and ultimate recipient of such funds shall be identified and indicated in the Social Audit report.

9. Social Audit Gram Sabha.

(1)After completion of social audit surveys, the social audit team shall hold a Social Audit Gram Sabha for which the date shall be fixed well in advance.(2)The District Programme Coordinator shall depute an officer, who has not been a part MGNREGS implementing agency, as an Independent Observer to testify the social audit findings.(3)Block and Gram Panchayat level implementing functionaries should ensure their presence in the Social Audit Gram Sabha.(4)The Primary

Stakeholders and village community shall be informed well in advance about the Social Audit Gram Sabha by the Social Audit team as well as the Gram Panchayat to ensure their full participation.(5)The Gram Panchayat shall convene the Gram Sabha as per the requisition of the Social Audit team.(6)Findings of Social Audit would be read out in the Social Audit Gram Sabha and the responses, if any, shall be recorded and signatures/thumb impressions of concerned shall be obtained.(7)If any person is aggrieved by the Social Audit findings, the Independent Observer shall give an opportunity to re-examine the issue in his/her presence.(8)The evidence so recorded shall not be reopened for discussions at Cluster level Exit Conference.

10. Cluster level Exit Conference.

(1)As a culmination of the Social Audit process, after completion of Gram Sabhas in all Gram Panchayats of a cluster, a Social Audit Exit Conference shall be held at cluster level. The representatives of workers, public representatives, official functionaries, Independent Observer(s) and media shall be invited by the DPC/CEO-ZP to take part in the Exit Conference :Provided that the presence of the workers, who have already testified in the Gram Sabha before the Independent Observer, are not compulsory at such Exit Conference.(2)The District Programme Coordinator or any officer authorized by him/her, but not below the rank of Deputy Collector, shall preside over the Exit Conference.(3)Exit Conference shall be conducted as follows :-(a)The action taken in the last Social Audit Report will be read out.(b)Gram Panchayat-wise, the current Social Audit findings, shall be read by any member of the Social Audit team.(c)For each deviation pointed out by the Social Audit team, the Presiding Officer shall examine the evidence recorded at the Gram Sabha/worksite verification/household survey and pass orders in each case in the Exit Conference itself.(d)The concerned official functionary shall respond to each of the issues identified in the social audit by giving a clarification or an explanation to the affected individual and to public as to why certain action was taken and not taken.(e)After hearing each finding of social audit and hearing the version of official functionary in Exit Conference, the Presiding Officer shall announce the decision on each findings as indicated by disciplinary actions and as prescribed by the Government from time to time.(f)Where the functionaries are found to have misappropriated the funds, they may repay the same in the Exit Conference and the same shall be deposited in the designed account of the District Programme Coordinator/ Commissioner, MGNREGS and a receipt will be issued to the person there itself.(g)The Social Audit findings along with Orders passed by the Presiding Officer shall be sent to the District Programme Coordinator/ Commissioner, MGNREGS within three days.

11. Follow up action.

- It shall be the responsibility of the DPC and the Commissioner, MGNREGS to take follow up action on the social audit findings. In this context, the following actions shall be ensured :-(a)Any issue which is raised during a Social Audit or any item in the Social Audit report which indicates a contravention of the Act or a shortfall in implementation of the MGNREGS, should automatically be interpreted as a 'complaint' under Section 19 the MGNREGA.(b)The DPC will be responsible for initiating action on all persons indicated in the social audit report within 15 days from the date of Exit Conference.(c)Where disciplinary action has been ordered in the Exit conference, such process shall be completed as per Government disciplinary/administrative rules and instructions.(d)The

District Programme Coordinator shall take appropriate action (under which criminal and civil procedure is to be initiated or also the termination of service) against the person or persons or class of persons who misuse or embezzles funds for Schemes under the Act.(e)If the amount so recovered, rightfully belong to the workers, the same shall be returned to them within 7 days from the date of recovery of such money.(f)In case the person is found guilty of misappropriation fails to repay the amounts, action as per the Revenue Recovery Act, 1958 shall be taken for recovery of the amounts. Such process shall be completed within 6 months from the date of Exit Conference.

12. Role of Administration in the Social Audit Process.

- The Social Audit is an independent evaluation of the work done by the implementing agencies. Any attempt to interfere with or influence the process by the administrative machinery will be dealt with strictly. All the official functionaries dealing with MGNREGS implementation shall cooperate in conduct of the Social Audit. In this context, the following responsibilities are fixed on the officers :-
(1)The Chief Executive Officer, Janpad Panchayat and Programme Officer-(a)shall collect and provide information related to all implementing agencies as requested by the Social Audit team.(b)shall communicate about the Social Audit process, date of Social Audit Gram Sabha to all functionaries of Scheme implementation, Public Representatives and workers.(c)shall inform the Sarpanchas of Gram Panchayats for conducting the Social Audit Gram Sabha.(d)shall necessarily participate along with other MGNREGS functionaries in the cluster level Exit Conference.(e)shall take corrective actions on Social Audit findings immediately and shall ensure the translation of the decisions taken during Social Audit Exit Conference into administrative action.(f)shall dispose of any dispute or complaint recorded in the Social Audit report.(g)shall organize fortnightly meetings with VS As and representatives of workers and apprise them of the action taken by the administration.
(2)District Programme Coordinator and CEO-ZP-(a)shall be responsible for making arrangements for smooth conduct of Exit Conference in all clusters.(b)shall ensure that administrative machinery cooperates in the required manner while conducting social audit. He/She shall ensure that all records are submitted by all implementing departments to CEO, Janpad who then, handovers them to Social Audit team.(c)shall identify, designate and train a group of Officers as Independent Observers to attend the Social Audit Gram Sabhas in the allotted Blocks.(d)shall attend the Social Audit Exit Conference either in person or nominate an officer on his behalf.(e)shall be responsible for monitoring the corrective action on the social audit findings including disciplinary cases as per the Civil Service Rules and Criminal cases as required/necessary.(f)shall ensure that recoveries are facilitated and in cases where those who have indulged in embezzlement must return the money. For the money so returned receipts shall be issued and dues shall be paid to the workers within seven days of recovery.

13. Code of conduct for the Social Audit Team.

- The Social Audit teams including the Senior and Junior Social Audit Facilitators and Village Social Auditors shall follow the necessary code of conduct laid down below :-
(a)The Social Audit team shall exhibit high standards of impartiality and integrity in their work.(b)They shall conduct Social Audit with dignity in the villages.(c)They shall not consume any intoxicants during Social Audit process.(d)The Social Audit team shall stay in the houses of MGNREGS workers or in any

Government building only during the social audit period.(e)Shall not accept any financial and non-financial benefits from the implementing agencies.Service of any Social Auditor, violating the above code of conduct, shall be summarily dispensed with.

14. Concurrent Social Audit.

- Social Audit has to be an on-going process of public vigilance. Therefore, the statutory requirement is to carry out Social Audits twice in a year. It shall facilitate independent initiatives by primary stakeholders to carry out Social Audits as per the demand. For this purpose,-(a)after completion of the Social Audit in the village, the Village Social Auditors (VSAs) of the village along with other workers can carry out Concurrent Social Audit once a month on their own by following the process of Rule 6(1) and (2) mentioned above.(b)government agencies shall support such initiatives by providing copies of records on request.(c)reports submitted in such process shall form part of the record, and shall be answerable by the implementing agencies.(d)where shortcomings are found, immediate action must be taken as per these rules. The report of the concurrent social audit as well as the report regarding the action taken must be placed before the next Gram Sabha.(e)for following up on the findings of social audit and providing active support to the process, there shall be monthly meeting at Block level with all the VSAs who have done concurrent social audit.(f)prompt action shall be initiated on all the observations made in the concurrent social audit in the monthly meeting by the CEO-JP/Programme Officer.(g)while attending the follow-up meeting and submitting the concurrent Social Audit report by Village Social Auditors, CGSAU shall make payment of their Food Allowance and Honorarium from its social audit funds.

15. Budget for the Social Audit Process.

- The Government shall allot at least 0.5% and upto 1.0% of total annual expenditure under MGNREGS as Social Audit Fund from the 6% of administrative cost of MGNREGS as indicated by the Ministry of Rural Development (MoRD). The Social Audit Fund shall be used to conduct Social Audit of MGNREGS works. The Commissioner, MGNREGS will take initiative to release funds to CGSAU to ensure smooth execution of social auditing of MGNREGS works.