

Centre for Environment & Food Security

v.

Union of India & Others

(Supreme Court Of India)

HON'BLE CHIEF JUSTICE MR. S.H. KAPADIA HON'BLE MR. JUSTICE
K.S. PANICKER RADHAKRISHNAN HON'BLE MR. JUSTICE
SWATANTER KUMAR

Writ Petition (Civil) No. 645 Of 2007 | 14-03-2011

1. Implementation of the provisions of National Rural Employment Guarantee Act, 2005, [‘2005 Act’, for short] is the issue which arises in this Writ Petition (C) No. 645 of 2007.

2. Broadly there are two aspects; one concerns corruption in the implementation of NREGA Scheme and the other concerns implementation of the Guidelines issued by the Central Government under Section 27 of 2005 Act.

3. The Report of the Comptroller and Auditor General [‘CAG’, for short] as well as the Report of National Institute of Rural Development alleges misappropriation of funds by the officials and functionaries of the implementing agencies. The parties appearing before us, including the Central Government, agree with the contents of these Reports. To begin with there are certain States in which serious irregularities exist. In the State of Orissa, we find that huge amounts have been misappropriated and, consequently, the beneficiaries of the NREGA Scheme are deprived of their dues. We have gone through the extracts of CAG Report as well as Report of the National Institute of Rural Development. If what is stated in those Reports is true then not only the guilty should be punished but also the monies lost should be retrieved. We are informed by the learned Additional Solicitor General, appearing on behalf of Union of India, that the Central Government is considering whether CBI should be appointed to examine the case of misappropriation of funds under the NREGA Scheme. For that purpose, we are giving to the Central Government four weeks time. We make it clear that if we do not get response within that period, then this Court will step in to enforce the provisions of the 2005 Act.

4. As far as the second aspect is concerned we direct the State of Orissa to implement the Guidelines issued by the Central Government with regard to muster rolls, maintenance of job cards/applications and transfers to the account of the beneficiaries. We regret to say that till date none of the Guidelines issued by the Central Government have been implemented.

5. The writ petition shall stand over for four weeks. We have also requested Shri Venugopal, learned counsel for the State of Orissa to look into the matter.