

DIRECTIONS FROM SUPREME COURT DATED 8TH MAY 2002

Passed in writ petition no 196 of 2002, PUCL vs Union of India etc

Order

After hearing learned counsel for the parties we issue the following directions.

- (a) The Gram Panchayats shall frame employment generation proposals in accordance with the Sampoorna Gramin Rozgar Yojana (SGRY) guidelines for creation of useful community assets that have the potential for generating sustained and gainful employment such as water and soil conservation, afforestation and agro-horticulture, salvipasture, minor irrigation and link roads. These proposals shall be approved and sanctioned by the Gram Panchayats and the work started expeditiously.
- (b) The respondents shall focus the SGRY programme towards agricultural wage earners, non-agricultural unskilled wage earners, marginal farmers and in particular, SC and ST persons whose wage income constitutes a reasonable proportion of their household income and to give priority to them in employment, and within this section shall give priority to women.
- (c) The respondents shall make the wage payment on a weekly basis.
- (d) The respondents shall prohibit the use of contractors in the SGRY programme.
- (e) The Central Government shall release the money entitlements under the different employment generation schemes to each State on schedule, provided that the State Governments fulfil the conditions as prescribed by the SGRY. The State Governments are directed to fulfil these conditions and implement the SGRY expeditiously.
- (f) The Gram Sabhas are entitled to conduct a social audit into all Food/Employment schemes and entitled to report all instances of misuse of funds to the respective implementing authorities, who shall on receipt of such complaints, investigate and punish the guilty in accordance with law.
- (g) On a complaint being made to the CEO/Collector regarding non-compliance with the orders of this Hon'ble Court, the concerned CEO/Collector shall record the salient features of the complaint in a register maintained for this purpose, acknowledge receipt of the complaint and forthwith secure compliance with this Hon'ble Court's order.

(h) The CEO/Collectors of all the Districts in the States and territories shall scrutinize the action taken by all the implementing agencies within their jurisdiction to ensure compliance with this Hon'ble Court's orders and report to the Chief Secretary.

(i) It is clarified that the Collector of the Districts and the Chief Secretary shall be responsible for breaches of the orders of this Hon'ble Court.

(j) Dr. N.C. Saxena, former Planning Secretary, Government of India and Mr. S.R. Shankaran, former Secretary, Rural Development, Government of India, shall function as Commissioners of this Court for the purpose of looking into any grievance that may persist after the above-mentioned grievance resolution procedure has been exhausted.

(k) On the Commissioner's recommending to the State Governments/UT administrations, a course of action to ensure compliance with the Court's orders, the latter shall forthwith act upon the recommendation and report compliance.

(l) The Commissioners shall be at the liberty to take the assistance of individuals and reliable organizations in the States and Union Territories and all officials are directed to fully cooperate with such persons/organizations, to bring about effective monitoring and implementation of the orders of this Hon'ble Court.

(m) It is clarified that the Gram Sabhas are entitled to monitor the implementation of the various schemes and have access to relevant information relating to, inter alia, beneficiaries selection and the disbursement of benefits. The Gram Sabhas are entitled to raise their grievances in the manner set out above and the redressal of the grievance shall be done accordingly.

(n) In view of the grievance that the identification of BPL families is not being done properly and that the criteria for the identification of the BPL families is neither clear nor uniform, the Central and the State Governments are directed to clarify the issue and work out a policy for the fair and effective identification of BPL families.

(o) The respondents shall ensure that ration shops remain open throughout the months during fixed hours the details of which will be displayed on the notice board