



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - WP(C) No.713/2020 filed by Adv. George Pulikuthiyil - Judgment of the Hon'ble High Court dated 01.08.2025 - Complied with - Orders issued .

LOCAL SELF GOVERNMENT (DD) DEPARTMENT

G.O.(Ms)No.25/2026/LSGD Dated,Thiruvananthapuram, 14-01-2026

Read 1 Judgment dated 01.08.2025 of the Hon'ble High Court
in WP(C) 713/2020

2 G.O (Ms) No.197/2025/LSGD dated 30.10.2025

ORDER

Adv. George Pulikuthiyil filed a WP(C) No.713/2020 before the Hon'ble High court alleging that the Government of Kerala filled the Governing Body of the MGNREGA Social Audit Society violating rules and circulars issued by Government of India in this regard.

2)In the Judgment read as 1st paper above, Hon'ble High Court has observed that "we find merit in the contention of the Petitioner that the State has not approached the issue of the independence of social audit in a manner required and expected and requires course correction." Accordingly, the Hon'ble High Court has disposed the case with the following direction:

(i) The Chief Secretary of the State, within four weeks from today (ie, from 01.08.2025), will constitute a committee comprising the Chief

Secretary, the Principal Accountant General, the Director of the Social Audit Unit, and two persons who have worked in the field of transparency and public accountability related to social audit;

(ii) This Committee will examine the composition of the members of the General Body, the Governing Body, and the Executive Committee of Mahatma Gandhi NREGA Social Audit Society, in light of the principles enumerated in this judgment, and take a reasoned decision as to whether the existing composition of the Social Audit Society requires a change, and thereafter, the Chief Secretary will issue necessary orders

(iii) The reasoned decision taken by the Chief Secretary be notified and published on the website of the State Government along with the report of the Committee within a period of three months from the constitution of the Committee as above.

(iv) As regards the challenge, the decision to be taken, if any, is kept open.

3)As per G.O.(Ms)No.197/2025/LSGD dated 30.10.2025, a Committee was constituted, complying the judgement of the Hon'ble High Court in WP (C) No. 713/2020 dated 01.08.2025, to examine the composition of the members of the General Body, the Governing Body, and the Executive Committee of Mahatma Gandhi NREGA Social Audit Society Kerala in light of the principles enumerated in this judgment, with the following composition:-

- 1.Chief Secretary - Chairperson
- 2.Principal Accountant General - Member
- 3.Director of Social Audit Unit, Thiruvananthapuram - Member
- 4.Dr. B.S. Thirumeni IAS (Rtd.), Chairman, MGNREGS Ombudspersons' State Appellate Authority - Member
- 5.Dr. Jaya Sankar Prasad, Director, Centre For Management Development,Kerala - Member

4) Accordingly, the Committee held its meeting on 10.12.2024 at 11.30 AM and examined the composition of the General Body, Governing Body, and the Executive Committee of the Social Audit Society and observed that two non official members in the Governing Body of the MGNREGA Social Audit Society are also members in the Governing Body of the State Employment Guarantee Council (SEGC). The Committee observed that the SEGC is responsible for overseeing the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) in the State while the MGNREGA Social Audit Society is responsible for auditing the implementation of the MGNREGS to ensure that it is in keeping with the guidelines of the scheme and to ensure transparency, accountability, and public participation in the schemes implementation. The Social Audit process should therefore be free from the interference of implementing agencies, including the SEGC. The Committee concluded that there is a conflict of interest when members of the Governing Body or Executive Body of the State Employment Guarantee Council are also members of the Governing Body or Executive Committee of the MGNREGS Social Audit Society which would vitiate free functioning of the Social Audit Society.

5) The Committee, accordingly, decided that members of the Governing Body or Executive Committee of the State Employment Guarantee Council cannot be members of the Governing Body or Executive Body of the MGNREGS Social Audit Society to avoid conflict of interest. The Committee further noted that the tenure of the MGNREGA Social Audit Society has already ended in March 2025 and that of the SEGC is due to end in January 2026. The Committee advised Local Self Government Department to ensure that no member of the Governing Body or Executive Committee of

the State Employment Guarantee Council shall be a member of the Governing Body or the Executive Committee of MGNREGS Social Audit Society when the two bodies are reconstituted and to also amend the by laws of the two Societies, as required, to reflect the above principle.

6) In the above circumstances, Government are pleased to direct that the members of the Governing Body or Executive Committee of the State Employment Guarantee Council should not be members of the Governing Body or Executive Body of the MGNREGS Social Audit Society to avoid conflict of interest. The Committee also directed to amend the by laws of the two Societies, as required, to reflect the above principle.

The order of the Hon'ble High Court, read as 1st paper above, is thus complied with.

(By order of the Governor)

TINKU BISWAL

PRINCIPAL SECRETARY

To: Advocate General, Kerala (with C/L)

The Principal Accountant General, Thiruvananthapuram

Director, Social Audit Society, Thiruvananthapuram .

Dr. B.S. Thirumeni IAS (Rtd.), Chairman, Ombudspersons' State Appellate Authority, Thiruvananthapuram

Dr. Jaya Sankar Prasad, Director, Centre For Management Development, Kerala

Mission Director, MGNREGS State Mission , Thiruvananthapuram

Adv. George Pulikuthiyil, JENANEETHI, P.B. NO.8, MANNUTHY POST, THRISSUR-680651.

The Accountant General (A&E), Thiruvananthapuram

The Director, Information Kerala Mission, Thiruvananthapuram.

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Section Officer

Copy to:PS to Hon'ble Chief Minister

PS to Hon'ble Minister for LSGD