IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
WP No. 19102 of 2019

(VISHVAJEET RATONIYA Vs *THE STATE OF MADHYA PRADESH AND OTHERS)*

Dated : 02-05-2025

Shri Yash Sharma - Advocate for the petitioner.

Shri Vivek Khedkar - Additional Advocate General for respondents No.2 & 3 - State.

Shri Deepak Khot - Advocate for respondent No.1 & 4 / Municipal Corporation Gwalior and Gwalior Smart City Development Corporation Ltd.

Shri Praveen Kumar Newaskar - Deputy Solicitor General for respondent No.6.

Shri K.N. Gupta - learned Senior Advocate as Amicus Curie.

Shri Avdesh Singh Tomar - Advocate for intervenor.

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1. The instant Writ Petition in the nature of Public Interest Litigation is filed seeking revival of ***'Swaran Rekha River'***, for which sewer line flowing alongwith the river is to be taken care of and encroachments caused in the midst of flow of river are to be removed.

2. This Court issued interim orders from time to time and took stock of the situation. However, from the pleadings of parties and submissions, it appears that much is to be done yet.

3. Vide order dated 18/02/2025, this Court issued certain directions for compliance and referred the concept of **"Social Audit"** as contemplated in M.P. Municipal Corporation Act, 1956 (for brevity referred as Act, 1956). It appears that time has come when this laudable concept deserves attention and

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be landed on ground effectively. Madhya Pradesh Municipal Corporation Act, 1956 by way of amendment inserted M.P. Act 29 of 2003 w.e.f. 25-08-2003 by inserting Clause 54-a in Section 5 of the Act, 1956. "Social Audit" is defined in Section 5(54-a) of the Act, 1956 in following manner:-

> *"**(54-a) Social Audit** - means the review of the impact of policies, programmes, schemes and procedures adopted or implemented by any municipal authority, by a group or groups of persons residing within the municipal area."*

4. This appears to be the first legislative attempt for recognition of the fact that residents of the city are one of the important stake-holders in Urban Planning, Administration and Development. Legislative intent is further reflected in **Chapter X - Audits and Accounts** where concept of **"Social Audit"** finds place in Section 130-B and the same reads as under:-

> *"**130-B. Social Audit** - Notwithstanding anything contained in this Act, the Corporation shall arrange for Social Audit in such manner as may be prescribed by the State Government."*

5. If Section 5(54-a) and Section 130-B of the Act, 1956 are seen in juxtaposition, then it appears that this is an important tool in the hands of citizenry of the city at large to participate in framing of Policies, Programmes, Schemes and Procedures adopted or implemented by any Municipal Authorities within the Municipal Area of that city. Such incorporation of **'Social Audit'** is *infact* an important milestone in Urban Governance because Officers/ Engineers, who are at the helm of Municipal

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Corporation are usually posted on tenure basis. Their attention sometimes slip from vital Cultural/ Traditional aspects of the city or its Social Ethos. Every city resonate with its own Traditions, Culture and Ethos in our Country. Residents of that city are well versed with those attributes.

6. Not only this, even in technical/ financial and other specialized aspects involved in Urban Management, residents of the city can contribute effectively and meaningfully. Pattern of urbanization, flow of traffic/ water bodies, nature and behavior of public at large and other technical aspects are within the knowledge and understanding of the residents of that city.

7. If out of these residents, some technically sound persons are given responsibility to contribute, then those Technical/ Financial/ Architectural/ Sociological etc., experts can guide the authorities when new project is launched and even can assess impact of the policies, programme, schemes and procedures adopted and implemented by the Municipal Authorities in that city because they owe city with much vigor and passion. Their vision and suggestions many a times can be real value addition.

8. However, those expert people must be the 'Social Auditors' in real sense. They ought to be the men of integrity, intelligence, common sense and must be passionate about the work they are assigned to. Their personal or vested interest should not dominate the opinions given by them. They must work without fear and favour and without ill-will. They should be passionate about the development of the city rather than their own development.

9. Learned Amicus Curie and other counsel for the parties intend to

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suggest certain names therefore, matter is placed next week so that counsel for parties of litigation may suggest pool of such experts from all walks of life so that Technical, Environmental, Sociological, Financial and other disciplines are being covered to get good professionals who may be retired Professors of Government Colleges/ Civil Engineers/ retired Administrative Officers/ Doctors and retired District Judges etc.

10. This order can be given media coverage so that residents of Gwalior City may give meaningful suggestions to the Committee, which will be formed soon (of residents) and said information may act as catalyst for residents of other cities and for different Municipal Corporations to transform this concept in reality.

11. List this case **on 07th May, 2025** for further orders.

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE

VC

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