

## **COMPLAINT CASE NO. 2 OF 2019**

**09.03.2022**

1. Perused the office note dated 04.03.2022 of the Deputy Registrar, Manipur Lokayukta.

2. The Investigating Officer has submitted the Investigation Report as provided under Section 20 (6) of the Manipur Lokayukta Act, 2014 and a copy of the Investigation Report is also placed before Manipur Lokayukta. Further, Section 20 (7) of the Manipur Lokayukta Act, 2014 provides that Lokayukta shall consider every report received by it under sub-section (6) from the Investigating agency and after obtaining the comments of the competent authority and the public servant, may (a) grant sanction to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant and (b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants. For easy reference Section 20 (7) of the Manipur Lokayukta Act, 2014 is quoted hereunder :

**(7) The Lokayukta shall consider every report received by it under sub-section (6) from the Investigating agency and after obtaining the comments of the competent authority and the public servant may—**

- (a) grant sanction to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant;**
- (b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants.**

3. Section 20 (7) of the Manipur Lokayukta Act, 2014 mandates the obtaining of the comment from the competent authority and public servant(s) for considering as to whether prosecution sanction is to be granted or not to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant. The 'competent authority' and 'public servant' under the Manipur Lokayukta Act, 2014 are clearly defined under Section 2 (1) (c) and Section 2 (1) (m) of the Manipur Lokayukta Act, 2014 respectively. For easy reference Section 2 (1) (c) and Section 2 (1) (m) of the Manipur Lokayukta Act, 2014 are reproduced hereunder:

**“S. 20 (1) (c) :**

**Competent authority”, in relation to —**

- (i) the Chief Minister, means the Manipur Legislative Assembly;**
- (ii) a member of the Council of Ministers, means the Chief Minister;**
- (iii) a member of the Manipur Legislative Assembly other than the minister means the Speaker of the Manipur Legislative Assembly;**
- (iv) an Officer in the Department of the State Government means the Minister in charge of the Department under which such officer is serving;**
- (v) a chairperson or members of anybody, or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it, means the Minister in charge of such body, or Board or corporation or authority or company or society or autonomous body;**
- (vi) an officer of any body or Board or Corporation or authority or company or society or autonomous body (by whatever named called) established or constituted under an Act of the State Legislature or Wholly or partly financed by the State Government or controlled by it, means the head of such body or Board or corporation or authority or company or society or autonomous body;**
- (vii) in any other case not falling under sub-clauses (i) to (vi) above, means such department or authority as the State Government may, by notification, specify:**

**Provided that if any person referred to in sub-clause (v) or sub-clause (vi) is also a Member of the Manipur Legislative Assembly, then the competent authority shall be the Speaker of the Manipur Legislative Assembly;**

**S. 20 (1) (m) :**

**“public servant” means a person referred to in clauses (a) to (g) of sub-section (1) of section 14 but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957 and the Coast Guard Act, 1978 or the procedure is applicable to such public servant under those Acts;”**

4. On perusal of the present Investigation Report, it is clear that investigation report has been submitted against the 7 (seven) accused persons namely,

- 1) K. Premkumar Singh(59) yrs, the then SE-III,PWD, Manipur, S/O(L) K. Gulap Singh, of Chingakham Leikai, Moirangkhom, near Brajalal Institute of Sciences, Imphal West.
- 2) Oinam Inaoba Singh(61)yrs, the then EE, TPL Div. S/O (L) O.Mani of Khongman Zone-IV West, P.S Irilbung, Imphal East.
- 3) Shri Soiminthang Singson (60) yrs, the then EE, TPL Div. S/O late Nehkhopao Singson Of Moreh Ward No.9, Chikim Village, P.O. & P.S. Moreh, District Tengnoupal  
a/p PWD complex, Khuyathong, Imphal.
- 4) Veineillam Haokip (39) yrs, AE, Sub-Div.II, Moreh, TPL Div. W/o Paojalal Haokip of Sugnum Munpi village,PO & PS Sugnu, Dist. Chandel a/p Qtr No. G-2S Type- III, Langol Housing Complex.
- 5) Ch. Mology Maring(30) yrs, the then SO, TPL Div. S/O Ch. Mohon Maring Of Kambang Khunou village, P.O & P.S. Tengnoupal, District Tengnoupal a/p QTR No. G-22 Type-III, Langol Housing Complex.
- 6) Hemkhopao (56) Yrs, 1<sup>st</sup> class contractor, S/o Paokhotong of K. Molnom village PO & PS Sugunu, Dist. Chandel a/p Chassad Avenue, P.O. & P.S. Porompat, Imphal East District.
- 7) Yumnam Ranjit Singh (58) yrs. S/o Y. Gopal Singh of Moreh ward No. 8 a/p Kakwa Khongnang Pheidekpi, P.O. & P.S. Singjamei, Imphal West District.

Out of the 7 (seven) accused persons 5 (five) are public servant as defined under Section 2 (1) (m) of the Manipur Lokayukta Act, 2014 and the five public servants are :

- 1) K. Premkumar Singh(59) yrs, the then SE-III,PWD, Manipur, S/O(L) K. Gulap Singh, of Chingakham Leikai, Moirangkhom, near Brajalal Institute of Sciences, Imphal West.
- 2) Oinam Inaoba Singh(61)yrs, the then EE, TPL Div. S/O (L) O.Mani of Khongman Zone-IV West, P.S Irilbung, Imphal East.
- 3) Shri Soiminthang Singson (60) yrs, the then EE, TPL Div. S/O late Nehkhopao Singson Of Moreh Ward No.9, Chikim Village, P.O. & P.S. Moreh, District Tengnoupal  
a/p PWD complex, Khuyathong, Imphal.
- 4) Veineillam Haokip (39) yrs, AE, Sub-Div.II, Moreh, TPL Div. W/o Paojalal Haokip of Sugnum Munpi village,PO & PS Sugnu, Dist. Chandel a/p Qtr No. G-2S Type- III, Langol Housing Complex.
- 5) Ch. Mology Maring(30) yrs, the then SO, TPL Div. S/O Ch. Mohon Maring Of Kambang Khunou village, P.O & P.S. Tengnoupal, District Tengnoupal a/p QTR No. G-22 Type-III, Langol Housing Complex.

And the accused person (i) Hemkhopao (56) Yrs, 1<sup>st</sup> class contractor and (ii) Yumnam Ranjit Singh (58) yrs. S/o Y. Gopal Singh of Moreh ward No. 8 are not public servants as defined under Section 2 (1) (m) of the Manipur Lokayukta Act, 2014.

5. As clearly mentioned, in compliance of the requirement mentioned under Section 20 (7) of the Manipur Lokayukta Act, 2014, the comment to the Investigation Report are to be obtained from the competent authority of the 5 (five) accused public servants and also from the 5 (five) accused public servants themselves, namely :

- 1) K. Premkumar Singh(59) yrs, the then SE-III,PWD, Manipur, S/O(L) K. Gulap Singh, of Chingakham Leikai, Moirangkhom, near Brajalal Institute of Sciences, Imphal West.

- 2) Oinam Inaoba Singh (61) yrs, the then EE, TPL Div. S/O (L) O.Mani of Khongman Zone-IV West, P.S Irilbung, Imphal East.
- 3) Shri Soiminthang Singson (60) yrs, the then EE, TPL Div. S/O late Nehkhopao Singson Of Moreh Ward No.9, Chikim Village, P.O. & P.S. Moreh, District Tengnoupal  
a/p PWD complex, Khuyathong, Imphal.
- 4) Veineillam Haokip (39) yrs, AE, Sub-Div.II, Moreh, TPL Div. W/o Paojalal Haokip of Sugnum Munpi village, PO & PS Sugnu, Dist. Chandel a/p Qtr No. G-2S Type- III, Langol Housing Complex.
- 5) Ch. Mology Maring(30) yrs, the then SO, TPL Div. S/O Ch. Mohon Maring Of Kambang Khunou village, P.O & P.S. Tengnoupal, District Tengnoupal a/p QTR No. G-22 Type-III, Langol Housing Complex.

6. Deputy Registrar, Manipur Lokayukta is directed to call comment to the Investigation Report from the competent authority of the said 5 (five) accused public servants and also from them i.e. 5 (five) accused public servants themselves for taking a decision as provided under Section 20 (7) of the Manipur Lokayukta Act, 2014.

7. Deputy Registrar, Manipur Lokayukta is further directed to obtain the comment from the competent authority and the 5 (five) accused public servants to the investigation report on or before **23.03.2022**.

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**