

COMPLAINT CASE NO. 6 OF 2021

16.04.2021

1. The complainant appeared in person today and submitted additional fact(s) and supporting documents of the allegations and assertion made in the complaint. On the last occasion that is on 09.04.2021, we have given opportunity to the complainant to specify the items of work mentioned in the list of work proposal under 14th Finance Commission, 2017-2018 published by the office of the ADC, Ukhrul, which were not implemented but the fund had been released for those works. In the complaint, it is stated that under the 14th Finance Commission, the Government of India released a sum of Rs. 22,78,89,827/- (Rupees twenty-two crores seventy-eight lakhs eighty-nine thousand eight hundred and twenty seven) only for the developmental work of different ADCs. The Deputy Secretary (Tribal Affairs & Hills), Government of Manipur under his letter dated 27.02.2018 informed the Chief Executive Officer, ADC, Ukhrul that the Government of Manipur had conveyed the approval of the Government to an amount not exceeding Rs. 14377.00 lakhs (Rupees one hundred forty-three crore seventy-seven lakhs only) for taking up schemes under the 14th Finance Commission during 2017-2018 for the areas not included in Part IX and IX A of the constitution in respect of Tribal Affairs & Hills Development, Manipur and as per Finance Commission guidelines the grant amount is distributed among the 6 (six) Autonomous District Councils based on 2011 Census with a weight of 90% for total population and 10% for area. It is clearly mentioned in the said letter dated 27.02.2018 that the grant under the said 14th Finance Commission had been distributed amongst the 6 ADCs. For easy reference the relevant portion of the said letter dated 27.02.2018 is quoted below :

SL. NO.	Name of ADC	Total population as per census of India, 2011	Percentage of total population as per census of India, 2011	Amount allocation of 90% in rupees
(1)	(2)	(3)	(3)	(4)
1	Churachandpur	2,74,143	22.4%	Rs.28,98,40,320/-
2	Tamenglong	1,40,651	11.5%	Rs.14,88,01,950/-
3	Senapati	2,85,404	23.4%	Rs.30,27,79,620/-
4	Sadar Hills/KPI	1,93,744	15.8%	Rs.20,44,40,940/-
5	Ukhrul	1,83,998	15.1%	Rs.19,53,83,430/-
6	Chandel	1,44,182	11.8%	Rs.15,26,83,740/-
	G/Total	12,22,122	100%	Rs.129,39,30,000/-

Sl. No	Name of ADC	Area (sq.km)	Amount allocation 10% as per Area	Total amount in rupees
(1)	(2)	(3)	(4)	(5)
1	Churachandpur	4570	22.75%	Rs.3,27,07,675/-
2	Tamenglong	4391	21.86%	Rs.3,14,28,122/-
3	Senapati	1885	9.39%	Rs.1,35,00,003/-
4	Sadar Hill/KPI	1386	6.89%	Rs.99,05,753/-
5	Ukhrul	4544	22.61%	Rs.3,25,06,397/-
6	Chandel	3313	16.50%	Rs.2,37,22,050/-
	G/Total	20089	100%	Rs.14,37,70,000/-

2. In pursuance of the letter dated 27.02.2018, the work proposal under the 14th Finance Commission for the Ukhrul ADC has been prepared and the list of the work proposal under the 14th Finance Commission, 2017-2018 has already been published by the office of the ADC, Ukhrul.

3. It is alleged in the present complaint that the proposed works for the ADC, Ukhrul were not properly executed but funds have been misused, in other words, without proper execution of the work mentioned in the work proposal under the 14th Finance Commission funds had already been released.

4. As stated above, since the allegation in the present complaint is very vague, we have already passed an order dated 08.04.2021, directing the complainant to appear in person before the Lokayukta so that he could pinpoint some of the works mentioned in the list of work proposal under 14th Finance Commission, 2017-2018 which were not executed but the funds had been released. In pursuance of the order dated 08.04.2021, the complainant appeared before the Lokayukta in person on 09.04.2021 and prayed for some time for allowing him to file some additional fact and supporting documents to specify some of the works mentioned in the list of work proposal under the 14th Finance Commission, 2017-2018 which were not executed and today, he appears before the Lokayukta and submitted a list of additional fact(s) and supporting documents.

5. We have also perused the additional fact(s) and supporting documents submitted before us and on such perusal, it appears that 15 (fifteen) items of works mentioned in the said list of work proposal were not at all implemented but funds had already been released and misused. For easy reference, the list of the items mentioned in the additional fact(s) and supporting documents are reproduced below :

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Additional fact(s) and Supporting documents

SL no.	Name of work refer to ADC Ukhrol	Village	Block with SL.NO.	Amount in lakh	Annexure Remark
1	Construction of IVR from village to water reserviour	Itham	Kasom khullen SL.no.24	2	Annex. A1
2	Construction of fishery pond	Shangpun ram	Kasom khullen SL.no.25	1	Annex. A2
3	Retaining wall at ngavaolu	Challou	Chinglai SL.no.10	5	Annex. A3
4	Construction of waiting shed	Challou	Chingai Sl. No.9	5	Annex. A3
5(a)	Kiwi plantation	Nungbi khullen	Chingai Sl. No.28	5	Annex. A5
(b)	Parkia plantation	Nungbi khullen	Chingai Sl. No.29	5	-do-
(c)	Construction of fishery pond and fencing	Nungbi khullen	Chingai Sl. No.30	10	-do-
(d)	Construction suspension bridge and footpath over marung river	Nungbi khullen	Chingai Sl. No.31	15	-do-
6	Construction of IVR from local to Langcha	Sahangphung	Kamjong SL. No. 16	10	Annex.A6
7	Reclamation of heritage site	Poi	Chingai Sl. No.7	10	Annex.A7
8 (a)	Construction of Water Tank	Seikhor	LM Block Sl. 19	4	Annex.A8
(b)	Construction of Drainage	Seikhor	LM Block Sl. 20	4	Annex.A8
9 (a)	Constn. Of Rain Water Reserviour	Greenland	Ukhrol Block 77	10	Annex.A9
9 (b)	Constn. of IVR from Phungyo Cemetery of Kongkhangngayi	Greenland	Ukhrol Block 80	5	Annex.A9
10	Constn. Of Public Toilet	Phungreitang West	Ukhrol Block 83 (1)	5	Annex.A10

6. On careful perusal of the allegations and assertions made in the complaint and the additional fact(s) and supporting documents, we are of the considered view that a prima facie case has been made out for directing the Director (Inquiry), Manipur Lokayukta to conduct a Preliminary Inquiry as to whether a prima facie case has been made out for investigation and for further proceeding. Accordingly, Director (Inquiry), Manipur Lokayukta is directed to conduct a Preliminary Inquiry to find out the fact and allegations and assertion mentioned specially in the additional fact(s) and supporting documents filed by the complainant, relevant portion of which has been already quoted above and submit a report within the period provided under Section 20 (1) of the Manipur Lokayukta Act, 2014 and Manipur Lokayukta Rules, 2018.

7. It is also made clear that the Director (Inquiry), Manipur Lokayukta and his team while conducting the Preliminary Inquiry shall keep in view their powers and jurisdiction as provided under Sub-section (1), Sub-section (2), Sub-Section (4), Sub-section (5) and Sub-section (9) of Section 20; Section 21; Section 22; Section 26; Section 28 (2); Section 29; Section 32; Section 36 and other provisions of Manipur Lokayukta Act, 2014.

8. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order and other relevant documents to the Director (Inquiry), Manipur Lokayukta.

9. Await report from the Director (Inquiry), Manipur Lokayukta.

Sd/-
MEMBER

Sd/-
CHAIRPERSON