

COMPLAINT CASE NO. 3 OF 2020
AND
COMPLAINT CASE NO. 9 OF 2021

27.12.2021

1. Heard Mr. Gunedhor, learned counsel appearing for Respondent Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 21 and Mr. Juno Rahman S, learned counsel appearing for Respondent Nos. 20 and 22. Learned counsels for Complaint Case No. 3 of 2020 and Complaint Case No. 9 of 2021 were also present before this Lokayukta.

2. All the respondents had already filed their written comments with supporting documents to the allegations made in the complaint and also the findings of the Preliminary Inquiry Report basing on the material, information and documents collected by the Inquiry Officer. It appears from the record that the respondents are making excuses for disrupting the further proceeding of the present complaint rather than making submission on the substance of allegations made in the complaint and preliminary finding against them in the Preliminary Inquiry Report. It is not clear to us as to why the respondents are very reluctant to make the submissions as to the merit of the present case. We have noted the disruptive action of the respondents. In the present proceeding we are not going to pass any order for convicting the respondents under any law but we are simply making an inquiry as to whether there exists a prima facie case for further proceeding or not with one or other action prescribed under Section 20 (3) of Chapter VII of the Manipur Lokayukta Act, 2014 i.e.

- (a) investigation by any agency;
- (b) initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority;
- (c) closure of the proceedings against the public servant and to proceed against the complainant under section 47.

Caption of Chapter VII reads as “**Procedure in respect of Preliminary Inquiry and Investigation**” and Chapter VII consists of Sections 20, 21, 22, 23 and 24.

3. The respondents are trying to make a sea out of a cup of water by referring to so called minor procedural defect. It is to mention that the procedure is only a handmaid of justice to advance the cause of justice not its mistress. We are trying our best to give ample opportunity to the respondents and the public servants to put up their case and also their comment to the Preliminary Inquiry Report before deciding as to whether there exists a prima facie case for investigation or not. In such disruptive activity, it will be very difficult for Manipur Lokayukta to proceed with the inquiry. We also reiterated that we are taking extreme care to observe the principle of natural justice and to see as to whether or not the principle of

Contd...2/-

natural justice is violated in the proceeding of the present case. In such circumstances, we are not passing any order for staying the further proceeding of the present case as prayed by the learned counsel for the respondents. If the present proceeding before us is to be stayed for lame excuses that there are certain minor procedural defect, which would not affect the fair proceeding of the present case, by observing the principle of natural justice, it will be meaningless to establish the Lokayukta for the state of Manipur to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

4. Learned counsel appearing for the respondents prays for fixing another date as he does not want to submit at this stage. We are not entertaining this type of submission. We have already heard the submission of the learned counsels for the respondents at length on two earlier sittings i.e. 10/11/2021 and 19/11/2021 and today he has to sum up his submission. In such case as the learned counsel for the respondents has refused to cooperate with us, we have no option but to keep this matter for CAV for deciding the issue as to whether there exists a prima facie case for further proceedings or not, as prescribed under Section 20 (3) of the Manipur Lokayukta Act, 2014.

5. Judgment and order reserved.

Sd/-
MEMBER

Sd/-
CHAIRPERSON