

COMPLAINT CASE NO. 1 OF 2021
WITH
COMPLAINT CASE NO. 4 OF 2020
AND
COMPLAINT CASE NO. 5 OF 2020

27.03.2023

1. Complainant(s) appeared in person. The learned counsels for the Respondents are also present.
2. Submissions of the learned counsels appearing for the Respondents and the Complainant(s) are heard at length.
3. Sections 21 of the Manipur Lokayukta Act, 2014 provides that at any stage of the proceeding, if the Lokayukta considers it necessary to inquire into the conduct of any person other than the accused; or is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry, the Lokayukta shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice. Further, Section 22 of the Manipur Lokayukta Act, 2014 clearly provides that Lokayukta may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such preliminary inquiry or investigation, to furnish any such information or produce any such document. For easy reference Sections 21 and 22 of the Manipur Lokayukta Act, 2014 are quoted hereunder:

“21. If, at any stage of the proceeding, the Lokayukta-

(a) Considers it necessary to inquire into the conduct of any person other than the accused; or

(b) Is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry.

the Lokayukta shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice.

22. Subject to the provisions of this Act, for the purpose of any preliminary inquiry or investigation, the Lokayukta or the investigating agency, as the case may be, may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such

preliminary inquiry or investigation, to furnish any such information or produce any such document.”

4. Office Memorandum of the Government of Manipur dated 09.11.2018 issued by the Additional Chief Secretary (Tribal Affairs & Hills), Government of Manipur under the subject – Implementation/execution of work under State Fund, State Finance Commission and Central Finance Commission Grant to 6 ADC, Manipur clearly provides among other that :

- (i) The Autonomous District Councils shall be responsible for identification, planning and implementation of projects/works for creation of durable community assets based on locally felt needs.
- (ii) The Autonomous District Councils shall submit identified works/projects to the Government for approval.

5. On bare perusal of the Office Memorandum dated 09.11.2018, it is clear that it is the responsibility of the Autonomous District Councils to identify and implement the project for creation of the durable community assets based on locally felt needs. Further, it is clear from the O.M. dated 09.11.2018 that it is for the Department of Tribal Affairs and Hills to approve the works/projects of the ADC .

6. There is also Guideline issued by the Ministry of Finance, Department of Expenditure, Finance Commission Division, Government of India for release of Grants to 'Excluded Area' i.e. areas not covered under Part IX & IXA of the Constitution. The objective of the Guideline is also mentioned therein. For easy reference, of some relevant contents of the Guideline for release of Grants to 'Excluded Areas' mentioned therein are quoted hereunder:

“Objective of Grant-in-aid/special financial assistance:-

The Grant for excluded areas is intended to be used to support and strengthen the delivery of basic civic services including water supply, sanitation including septic management, sewage and solid waste management, storm water drainage, maintenance of community assets, maintenance of roads, footpaths, street-lighting, burial and cremation grounds and any other basic service within the functions assigned to

Autonomous District Councils/ designated agency under relevant legislations.

Identification and Prioritization of works/Projects:-

The works/projects should cover subjects which have been transferred to the Autonomous District Councils/ designated agency and should mainly focus on delivery of the basic civic services to the people. The works/project should show measurable outcomes. It may be noted that any cost escalation and / or committed liability beyond the funds allocated for the projects shall not be provided by the Central Government.

The ADC/designated agency shall ensure that there is not duplication of expenditure on the same project. The expenditure should be incurred as per the prescribed Finance Manual/Guidelines/Rules of the respective State Government applicable for the excluded areas.

Fund Flow mechanism and release of Grants

.... The Autonomous District Council/designated agency may decide to channelize the funds to local village councils for ensuring the proper, efficient and effective implementation of the project/works and maintain full accountability and transparency.

Maintenances of Accounts

The Autonomous District Council/designated agency shall be responsible for maintenance of the books of accounts for the funds allocated and disbursed to Village Council as per the norms and procedure as prescribed under the relevant Rules and guidelines of CAG/AG of the State concerned.”

7. On bare perusal of the said Guideline, it is crystal clear that the object for Grant-in-Aid is to support and strengthen the delivery of the basic civic services and also the maintenance of account clearly shows that the Autonomous District Councils/designated agency shall be responsible for maintenance of the books of accounts for the funds allocated and disbursed to Village Council.

8. On conjoint reading of the said Office Memorandum dated 09.11.2018 and also the said Guideline for release of Grants to 'Excluded Areas' mentioned above, it is crystal clear that it is the responsibility of the Autonomous District Councils to identify and implement project for creation of the durable community assets based on the locally felt needs, it is the duty of the Government to approve work/ project to be identified by the Autonomous District Councils focusing on the delivery of the basis civic services to the people. The Office Memorandum dated 09.11.2018 and the said Guideline clearly laid down that the grant in aid to the Autonomous District Councils would be for the support of the delivery of the basis civic service for the people and not for any individuals.

9. In the course of hearing of the present complaint and also on perusal of the Preliminary Inquiry Report, it appears that the Autonomous District Councils while identifying and implementing the project under grant-in-aid, did not comply with the said Office Memorandum dated 09.11.2018 under which states that the grant-in-aid is for the creation of the durable community assets based on locally felt needs inasmuch as some of the projects are prepared by the Autonomous District Councils for some individuals and not for community and Government has approved the said plans/projects submitted by the Autonomous District Councils for individuals. It appears that the Government, while approving the said plans/projects submitted by the Autonomous District Councils has lost sight of the said Office Memorandum dated 09.11.2018 of the Government of Manipur more particularly para nos. 1 and 2 of the said Office Memorandum dated 09.11.2018.

10. In the above factual circumstances, we by invoking our jurisdiction under sections 21 and 22 of the Manipur Lokayukta Act, 2014 direct the Administrative Secretary (Tribal Affairs & Hills), Government of Manipur to furnish information or produce documents as to how and under what circumstances, the department had approved the plan and project

identified by the Autonomous District Councils for individuals under the

Grant-in-aid under the State Fund, State Finance Commission and Central Finance Commission within 10 (ten) days from the date of receipt of this order.

11. Deputy Registrar, Manipur Lokayukta is directed to communicate this order to the Administrative Secretary (Tribal Affairs & Hills), Government of Manipur for information and necessary action. Also furnish a copy of this order to the complainant(s) as well as the learned counsels appearing for the respondents.

12. List this case on 17.04.2023.

Sd/-
MEMBER

Sd/-
CHAIRPERSON