

COMPLAINT CASE NO. 6 OF 2021

24.03.2023

1. Complainant appeared in person. The Respondents are represented by their counsels. Heard the parties at length.

2. In the public interest and also for a just decision of the present case, we had expressed our views vide our order dated 03.02.2023 that some clarification/comment regarding certain points from the Ministry of Finance, Department of Expenditure, Finance Commission Division, Block No. 1, 5th Floor, CGO Complex, New Delhi – 03 will be required and requested them to give their response within a fortnight from the date of receipt of letter of the Deputy Registrar, Manipur Lokayukta. In order to understand, at a glance, what are the clarifications sought for vide our order dated 03.02.2023 passed in the present complaint case, para nos. 4, 5, 6 and 7 of our order dated 03.02.2023 are reproduced hereunder:

“4. Under the letter of Deputy Registrar, Manipur Lokayukta dated 22.12.2022, the attention of the Administrative Secretary Tribal Affairs and Hills, Government of Manipur was drawn to Para No. 4 of our order dated 19.12.2022 passed in the present complaint. Para No. 4 of our order dated 19.12.2022 for convenience is quoted below:

“4. For a just decision of the matter in dispute, for which serious allegations have been made by the complainant, it would be proper to have a clarification from the Department concerned i.e. Tribal Affairs and Hills, Government of Manipur, as formulated under:

i) Whether the funds under 14th Finance Commission meant for the developmental works of Autonomous District Councils can be utilised for the benefits of certain individual beneficiaries e.g. digging of pond in the private property and construction of horticulture farm in the private property etc.?”

5. In response to the said letter of the Deputy Registrar dated 22.12.2022, the comment in the form of the said letter dated 02.02.2023 had been received from the Tribal Affairs and Hills Department, Government of Manipur. The Para/Clause (iv) & (v) of the said letter of TA & Hill Government of Manipur dated 02.02.2023 are not clear. For convenience of Clause (iv) & (v) of the said letter Tribal Affairs and Hills Department, Government of Manipur dated 02.02.2023 are quoted below:

“(iv) Further, based on local needs and recommendation by House Members, the works are mixed in nature such as works related to community, individuals, partnership/collaboration, assistance to CSOs/NGOs works for welfare to tribal community etc. Due to absence of Government land, some of the projects are taken up on either community or individual land.

(v) Therefore, various works taken up under the 14th Finance Commission are community based, individual based, individual beneficiary oriented and partnership model etc. as per grassroot level requirement and as recommended by House Meeting of District Council. There is no specific restriction on nature of works in regard to individual or community-based works. “

6. On perusal of the said letter of Tribal Affairs and Hills Department, Government of Manipur dated 02.02.2023, there is no direct comment from the Tribal Affairs and Hills Department to the point we asked for clarification vide Para 4 of our order dated 19.12.2022. The department of Tribal Affairs and Hills, Government of Manipur had enclosed O.M. No. 13(34)/FFC/FCD/2017-18 dated 20.01.2017 issued by the Ministry of Finance, Department of Expenditure, Finance Commission Division wherein it is mentioned that the objective of grant-in-aid /special financial assistance is to support and strengthen the delivery of basic civic services and other basic services and hence clarification would be required from the Ministry of Finance, (Finance Commission Division) in respect of the submission made in Para (iv) & (v) of the letter dated 02.02.2023 to the Manipur Lokayukta by the Department of Tribal Affairs and Hills, Government of Manipur as the Office Memorandum dated 20.01.2017 of the Ministry of Finance, (Finance Commission Division) does not mention such liberal interpretation.

7. Accordingly, we need the clarification/Comment from the Ministry of Finance, Department of Expenditure, Finance Commission Division, Block No. 1, 5th Floor, CGO Complex, New Delhi- 03. Accordingly, Deputy Registrar, Manipur Lokayukta is directed to seek Comment/Clarification regarding this point from the Finance Department of Expenditure, Finance Commission Division requesting them to give their response within a fortnight from the date of the receipt of letter of Deputy Registrar, Manipur Lokayukta.”

3. As we did not receive the clarification/comment sought for from the Ministry of Finance, Department of Expenditure, Finance Commission Division, Block No. 1, 5th Floor, CGO Complex, New Delhi – 03, we again passed an order dated 24.02.2023 in the present complaint directing the Deputy Registrar, Manipur Lokayukta to seek clarification from the Ministry of Finance, Department of Expenditure, Finance Commission Division, Block No. 1, 5th Floor,

CGO Complex, New Delhi – 03 by sending a Reminder to the Director (FCD), Ministry of Finance, Department of Expenditure, Finance Commission Division, New Delhi.

4. In spite of the said two letter mentioned above, we are not getting any response from the Ministry of Finance, Department of Expenditure, Finance Commission Division, Block No. 1, 5th Floor, CGO Complex, New Delhi – 03 till date, we, therefore, express our displeasure for the failure to furnish the clarification sought for by the Director (FCD), Ministry of Finance, Department of Expenditure, Finance Commission Division, New Delhi. Having no alternative, hearing of the present complaint case is concluded and reserved for judgment and order.

5. Date for pronouncement of judgment and order will be intimated to the parties and the Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order to Director (FCD), Ministry of Finance, Department of Expenditure, Finance Commission Division, New Delhi, immediately.

Sd/-
MEMBER

Sd/-
CHAIRPERSON