

COMPLAINT CASE NO. 6 OF 2021

07.06.2023

1. Administrative Secretary (Tribal Affairs & Hills), Government of Manipur has been requested to furnish clarification as to the para no. 4 of the Office Memorandum dated 09.11.20218 issued by the department of Tribal Affairs & Hills, Government of Manipur. Rule 15 of “the Manipur Grant-in-Aid to Autonomous District Councils Rules, 1981” clearly provides that the Grant-in-Aid shall be spent by the Councils in accordance with provisions of the Manipur (Hill Areas) District Councils Act, 1971 and Manipur (Hill Areas) District Councils Rules, 1972 or in accordance with any directive that may be given by the Government of Manipur without prejudice to the aforesaid Act and Rules. Therefore, any directive given by the Government of Manipur in the matter relating with the spending Grant-in-Aid shall be without prejudice to the Act and Rules i.e. Manipur Grant-in-Aid to Autonomous District Councils Rules, 1981, Manipur (Hill Areas) District Councils Act, 1971 and Manipur (Hill Areas) District Councils Rules, 1972.

2. It appears prima facie that the Office Memorandum dated 09.11.2018 issued by the department of Tribal Affairs & hills, Government of Manipur cannot be read harmoniously with the Act and Rules i.e. Manipur (Hill Areas) District Councils Act, 1971, Manipur (Hill Areas) District Councils Rules, 1972 and Manipur Grant-in-Aid to the Autonomous District Councils Rules, 1981. Accordingly, Manipur Lokayukta vide its order dated 04.04.2023 passed in Complaint Case No. 6 of 2021 sought clarification as to how and under what circumstances the Office Memorandum dated 09.11.2018 had been issued by the Administrative Department (TA& Hills) Government of Manipur.

3. In response to the said order of the Manipur Lokayukta dated 04.08.2022 passed in Complaint Case No. 6 of 2021, the Additional Chief Secretary (TA & Hills), Government of Manipur, Mr. V. Vumlunmang sent a reply vide his letter dated 20.04.2023 to the Deputy Registrar, Manipur Lokayukta. On perusal of the said reply dated 20.04.2023, it seems that it is not a reply to the clarification sought for by the Manipur Lokayukta under its order dated 04.04.2023 passed in the present complaint. In other words, the Administrative Secretary (TA & Hills), Government of Manipur has not given any reply to the clarification sought for by the Manipur Lokayukta under its order dated 04.04.2023.

4. In the above circumstances, we require to see the file having No. 22/202/2018- (HILLS) under which Office Memorandum dated 09.11.2023 had been issued and any other files related with the said Office Memorandum.

5. Under Section 26 of the Manipur Lokayukta Act, 2014, if Manipur Lokayukta has reason to believe that any document which, in its opinion, shall be useful for, or relevant to, any investigation under this Act, are secreted in any place, may authorised an officer who is conducting the inquiry of the related case to search and seize such documents. Further, section 22 of the Manipur Lokayukta Act, 2014 provides that “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.”

6. The Administrative Secretary (TA & Hills), Government of Manipur has been given ample opportunity to give clarification to the queries sought for under our order dated 04.04.2023 passed in Complaint Case No. 6 of 2021 and also to produce related files i.e. file No. 22/202/2018- (HILLS) and other related files for issuing Office Memorandum dated 09.11.202. But as on today, the Manipur Lokayukta is not getting a proper response.

7. In the above factual backdrop, for the ends of justice and also for fair and proper proceeding of the Complaint Case No. 6 of 21021, Shri P. Shanker Singh, Addl. SP, who is conducting the Preliminary Inquiry of the present case is authorised to seize the file being no. No. 22/202/2018- (HILLS) of the department of (TA & Hills), Government of Manipur and other files, if any, relating to Office Memorandum dated 09.11.2023 and submit the file along with necessary report to Manipur Lokayukta on or before 14.06.2023.

8. Registry is directed to furnish a copy of this order to Shri P. Shanker Singh, Addl. SP, Inquiry Officer of Complaint Case No. 6 of 2021 for necessary compliance.

Sd/-
MEMBER

Sd/-
CHAIRPERSON