**Complaint Case No. 1 of 2022**

**31.07.2023** [1] Perused the office note dated 11.05.2023, wherein it is stated that the Inquiry Officer has submitted the Preliminary Inquiry report on 11.05.2023 in the present complaint case i.e. Complaint Case No. 1 of 2022. We have carefully perused the Preliminary Inquiry report dated 11.05.2023.

[2] The gist of the case of the complainant against (i) Shri Armstrong Pame, IAS, the then DC(LA), TML; (ii) Shri P. Sana Singh (Retired MCS), the then SDO TML; (iii) Shri Robertson Asem, MCS, the then SDO, TML; (iv) Shri Thuankulung Gangmei; and (v) Shri Kh. Lovejoy are that the fund for an amount of Rs. 36,83,62,250.72 (Rupees thirty-six core eighty three lakh sixty-two thousand two hundred fifty and seventy two paise only) provided for compensation of the lands and standing properties belonging to the villagers of Marangching affected by the construction of Railway Tracks from chainage No. 98080 to 105419 (137.09 acre) of Jiribam to Toupul in the Makhuam/Marangching Village of the then Tamenglong District and now Noney District, Manipur, has been siphoned out by the Respondent Nos. 4 and 5 by hatching a conspiracy with the respondent No. 1, Shri Armstrong Pame, the then Deputy Commissioner, Tamenglong and other respondents in spite of pending of number of cases before the competent Civil Court, the Respondent No. 2, Shri P. Sana Singh, on the pressure and instigation of some vested individuals, submitted a false, fabricated, vexatious and malicious fake survey report being No. SDO/TML/212/LA-Rly/13 dated 05.02.2015 regarding a purported demarcation of a portion of the land in Makhuam/Marangching village which was to be acquired for laying down of railway tracks, from chainage No. 98080 to 105419 (137.09 acre). The then Deputy

Commissioner/LA, Tamenglong, Shri B. John Tlantinkhuma IAS, on the ground of the necessity to complete urgently, issued an award being No. DC(TML)/11/370(RLY)09(Tupul-Imphal) dated 21.03.2017. In the remark column of the said award it is clearly mentioned that “the ownership of the land is under dispute in the Hon’ble Court and payment of compensation shall be made as per the decision of the Court. The Respondent No. 3, Shri Robertson Asem, MSC, the then SDO TML conducted a purported demarcation of a portion of land in Makhuam/Marangching village which was to be acquired for laying down of railway tracks, from chainage No. 98080 to 105419 (137.09 acre).

[3] On perusal of the complaint and supporting documents and affidavits, we have passed a speaking order dated 22.04.2022 in the present complaint, the relevant portion of which are reproduced hereunder :

**“[3] The complainant is an active leader of Makhuam/Marangching Village. It is also stated that there are many disputes in different Courts regarding the ownership as claimed by the few individuals in respect of hill tracks in Makhuam/Marangching against the Khullakpa and Khunbu, who defended the case on the ground that the village lands belong to a common ownership of Makhuam/Marangching Village. It is also stated that in and around 2010, some individuals started to claim to be having a separate village in the name of Pungmon Village in the north-eastern portion of the said land of Makhuam/Marangching village and also claiming to have a separate village in the name of Kharam Pallen Village in respect of a portion of village land of Makhuam/Marangching village but neither the Government of Manipur nor the office of the Deputy Commissioner, Tamenglong has granted or recognised as separate village before initiation of the land acquisition for construction of railway tracks. Many individuals including Chairman/Khullakpa or khunbu of Makhuam/Marangching village filed different Civil Suits**

**for declaration of their title or ownership of the village land which include the said land acquired for construction of railway track in the different competent Civil Courts and High Court and also several complaint before Judicial Magistrate and Chief Judicial magistrate involving the disputes of ownership of the

said land acquired for construction of railway track. Some of the Civil Suits filed in the Civil Courts are :**

**(i) Civil Suit being Original Suit No. 1 of 2011 filed by one Gaihoulung Riamei against (a) Thuankulung Gangmei, S/o (L) Makhomchang of Marangching Village Part III, (b) P.G. Gaikhulung S/o Late keibonung, a pastor of Makhaum/Marangching;**

**(ii) Civil Suit being O.S. No. 5 of 2010/10 of 2011 filed by (a) GD Lungaiphun, (b) GD Selgonglung and (c) Meingamlung Gondaimei against (a) Thuankulung Gangmei, (b) Gaisuilung Gonmei, (c) Houngamlung Gangmei, (d) Gaigonlung, (e) Thaingam Gondamei and (f) Meithanlung;**

**(iii) Suit being O.S. No. 6 of 2013/5 of 2014 filed by Kh. Majoreng in the Court of Civil Judge (Sr. Division), Tamenglong against (a) State of Manipur, (b) The D.C./Tamenglong, (c) Shri B. Kungamang of Pungmonchingchen and (d) GD Meithanlung of Marangching; and**

**(iv) Suit being O.S. No. 24 of 2014/2 of 2015 filed by Rangla Umsophun of Kharam Pallen against (a) The State of Manipur, (b) DC, Senapati, (c) DC, Tamenglong, (d) Kh. Majoreng of Pungmonchingchen and (e) GD Meithanlung of Makhuam/Marangching.**

**[4] In spite of the pending of the number of cases before the competent Civil Court, the Respondent No. 2, Shri P. Sana Singh, on the pressure and instigation of some vested individuals, submitted a false, fabricated, vexatious and malicious fake survey report being No. SDO/TML/212/LA-RLY/13 dated 05.02.2015 regarding a purported demarcation of a portion of the land in Makhuam/Marangching village which was to be acquired for laying down of railway tracks, from chainage No. 98080 to 105419 (137.09 acre). One Mr. Dithon Riamei of Makhuam/Marangching Part – III, filed a representation dated 12.03.2015 addressed to the
Secretary (Revenue), Government of Manipur and DC(LA), Tamenglong against the illegal (i) recommendation dated 06.02.2015 of the Deputy Commissioner, Tamenglong under his letter No. DC (TML) 11/370 RLY 09 (TUPUL-IMPHAL) and (ii) preliminary notification No. 4/24/LA/2014-Com(REV)21-02-2015 of the Government, issued under Section 11(1)

of RFCTLARR Act, 2013 notifying that the land measuring 137.09 acres describing for the construction of new B.G. railway line between Tupul to Imphal, section of Jiribam-Imphal Project showing the name of Thuankulung Gangmei as the undisputed owner. In spite of the on-going and pendency of the land disputes and the objections between the village leaders and headmen on one side and few villagers on the opposite side regarding the measurement etc., the then Deputy Commissioner/LA, Tamenglong, Shri B. John T Lantinkhuma IAS, on the ground of the necessity to complete urgently, issued an award being No. DC(TML)/11/370(RLY)09(Tupul-Imphal) dated 21.03.2017. In the remark column of the said award it is clearly mentioned that “the ownership of the land is under dispute in the Hon’ble Court and payment of compensation shall be made as per the decision of the Court”. In the said award dated 21.03.2017 prepared by then Deputy Commissioner/LA, Tamenglong, Shri B. John T Lantinkhuma IAS, particulars of the cases pending regarding the ownership of the land before the competent court are not mentioned. It is an undisputed fact that numbers of Title Suits/Civil Suits regarding the ownership of the land acquired for construction of railway track are pending before different Courts between different parties.**

**[5] Under Section 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter refer to as ‘Resettlement Act of 2013’), an award could be corrected by the Collector by an order only for correcting any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority and also that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter. For easy reference, Section 33 of the Resettlement Act of 2013 is reproduced hereunder :**

**“33. Corrections to awards by Collector.– (1) The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this
Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:**

**Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a

reasonable opportunity of making representation in the matter.**

**(2) The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.**

**(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.”**

 **[6] Respondent No. 1, Mr. Armstrong Pame, IAS purportedly exercising his power under Section 33 of the Resettlement Act of 2013 illegally and whimsically corrected the said award dated 21.03.2017 by passing virtually new compensatory award dated 15.06.2017 wherein he drastically change the contents of the earlier award dated 21.03.2017 and also replaced the observation in the Remark column of the earlier award dated 21.03.2017 by the new observation, which reads as :**

**“The ownership of the land is under dispute and in the Court of Civil Judge (Senior Division) Tamenglong vide Original Suit No. 8 of 2016 in Namronlung Gondaimei & 3 ors Vs The State of Manipur. Payment of compensation shall be made as per the decision of the Court.”**

 **[6.1] Respondent No. 1 had no power and jurisdiction to correct the earlier award dated 21.03.2017 by passing a new Compensatory Award Order dated 15.06.2017 and it is also really surprising as to how he changed the observation in the Remark Column of the earlier Award dated 21.03.2017 in the manner quoted above. Further, on the very next day i.e. 16.06.2017, Respondent No. 1 passed another Compensation Award dated 16.06.2017 awarding compensations to the tune of Rs. 36,83,62,250.72/- in favour of Respondent Nos. 4 and 5. Cheques were issued hastily after passing the Compensation Award dated 16.06.2017. After knowing quite well that money had already been withdrawn by the Respondent Nos. 4 and 5, Respondent No. 1, Mr. Armstrong Pame, in order to save himself from illegal act of
misappropriation of the said huge amount of money by Respondent Nos. 4 and 5, wrote a letter to the bank to freeze the account of Respondent Nos. 4 and 5. It is alleged in the complaint that the accused/respondents had committed offences punishable under Sections 420, 120-B IPC, Sections 13(1)(a)(b), 13(2) of the P.C. Act read with Sections 84, 85 and 87 of the Resettlement Act of 2013.”**

 We have also given our considered view that there exists prima facie case for preliminary inquiry against the respondents by our inquiry officer.

[3] In pursuance of our order dated 22.04.2022, the inquiry officer, Shri P. Shanker Singh, MPS had conducted the preliminary inquiry and submitted the Preliminary Inquiry report on 11.05.2023. In the conclusion portion of the Preliminary Inquiry report, it is stated that

 **“Conclusion :**

**Shri Armstrong Pame, IAS is charged with gross misconduct and serious dereliction of duty by a public servant because he did not give full care and attention in modifying the compensation award dated 15.06.2017 because from all official records and evidences in hand in DC (LA) TML Office, it is seen only O.S. No. 8 of 2016 was considered when multiple court cases/ Original Suits were pending. Moreover he is in violation of section 33(1) & 33(2) of the new Land Acquisition Act, 2013 for not following up action to give notice as mandated by the New Act, 2013. In addition to this, the official Correspondence sent from DC Office regarding freezing of accounts of the beneficiaries to the Bank office by the then DC/TML was not executed properly. Shri Armstrong Pame deliberately with intention and motive acted and committed an unauthorized act by issuing the order dated 16.06.2017 to award the compensation to 1)Thaunkulung Gangmei and 2)Kh. Lovejoy because Multiple cases were pending at the time of announcement namely: 1) Case 31 of 2017 in the Court of the Hon’ble Civil Judge, Sr Division, IW (designated as LARR Authority, TML); 2) Civil suit being O.S no. 24 of 2014/2 of 2015 in the court of Civil Judge (Senior Division), TML; 3) O.S. No 5 of 2010/11 of
2011/6/2013/19/2014/3/2020 in the court of Civil Judge (Junior Division), TML 4) W.P(C) No. 354 of 2015 (High Court of Manipur).**

**Therefore, after taking charge as DC, TML and being obligated over the control of the compensation amount to be paid for land acquisition in the Tupul-Imphal Section of BG Railway Line, and violating the directions of law of discharge of the said amount, he is guilty of criminal breach of trust by public servant.**

**As per the evidences of record, Shri P. Sana Singh has performed his duty as per orders.**

**As per the evidences on record, Shri Robertson Asem, MCS has performed his duty by conducting the field survey dated 19.01.2016.**

**Shri Thuankulung Gangmei and Shri Kh. Lovejoy being beneficiaries and attended the meeting with Shri Armstrong Pame in the DC Chamber on 13.06.2017 (as mentioned in their statements attached as page no 37/ page no 48) colluded with the then DC/TML to gain undue advantage.**

**Therefore, taking into account the evidences and records in hand, Shri Armstrong Pame, IAS who was the then DC TML is charged with Criminal breach of trust by public servant and serious dereliction of duty. With the two beneficiaries, Shri Thuankulung Gangmei and Shri Kh. Lovejoy, Shri Armstrong Pame, IAS has colluded and conspired to take undue advantage, and hence charged with criminal conspiracy u/s 120A, 409 IPC, 13(1) (a) P.C. Act & Section 87 of the right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013.”**

[4] Section 20 (3) of the Manipur Lokayukta Act, 2014 provides that Lokayukta shall consider every report received under sub-section (2) from the inquiry Wing or any agency and after giving an opportunity of being heard to the public servant, decide whether there exists a *prima facie* case, and proceed with one or more of the following actions, namely:

 (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.

[4.1] As provided under Section 20 (3) of the Manipur Lokayukta Act, 2014, we have to decide, after giving opportunity of being heard to the respondents, whether there exists a prima facie case and

proceed with one or more of the actions mentioned in sub-para (3) of Section 20 of the Manipur Lokayukta Act, 2014. Accordingly, Deputy Registrar, Manipur Lokayukta is directed to issue notice, returnable on or before 21.08.2023, to the respondents i.e. (i) Shri Armstrong Pame, IAS, S/o Heitung Pame, a resident of New Impa Village, Tousem Sub-Division, Tamenglong District, Manipur; (ii) Shri P. Sana Singh, Retired MCS, S/o (L) P. Ibohal Singh resident of Meitei Langol Lairembi Leikai P.O. & P.S. Lamphel, Imphal West, Manipur; (iii) Shri Robertson Asem, MCS, S/o Asem Dorendro Singh, resident of Ningthoukhong Oknarel Leikai, P.O. Ningthoukhong, P.S. Bishnupur, Bishnupur District, Manipur; (iv) Shri Thuankulung Gangmei, S/o Late Makhuamchang Gangmei resident of Makhuam/Marangching Village, P.O. & P.S. Noney; and (v) Shri Kh. Lovejoy, S/o Kh. Majoreng resident of Pungmon (Pungmonchingchen) P.O. & P.S. Noney, Noney District, Manipur – 795159, for submission of their comment, if any, to the Preliminary Inquiry report, for taking appropriate decision as provided under Section 20 (3) of the Manipur Lokayukta Act, 2014.

[5] Deputy Registrar, Manipur Lokayukta is further directed to furnish a copy of the Preliminary Inquiry report to the complainant as well as to the respondents. List this case on 21.08.2023 for appearance as well as for submission of comment to the Preliminary Inquiry Report, if any.

 Sd/- Sd/-

**Member Chairperson**