

**BEFORE**  
**MANIPUR LOKAYUKTA**  
3<sup>rd</sup> Floor, Directorate Complex, 2<sup>nd</sup> M.R., North AOC, Imphal

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**COMPLAINT CASE NO. 6 OF 2021**

*In the matter between:*

Shri W. Shinglai, S/o NG. Shinglai, Social Activist, a resident of Kasom Khullen village Ukhrul/Kamjong, P.O. &P.S. Kamjong, Ukhrul District, Manipur- 795149.

... **COMPLAINANT**

-Vs-

- (i) Shri K. Dickson, former ADC Chairman;
- (ii) Shri M. Issac, former Vice Chairman (20-Phungyar DCC Segment) & former Executive members of the Executive Committee of ADC. Ukhrul;
- (iii) ~~Shri SP. Mashunngam (13- Shangshak DCC Segment)~~  
(Deceased, based on death certificate, hence deleted);
- (iv) Shri HS. Ngamsung (11-Khamasom DCC Segment);
- (v) Shri VL. Khayinghor (14-Tuinem DCC Segment);
- (vi) Shri Somimayar Awungshi (21- Shingkap DCC Segment);
- (vii) Shri Kapangpam Zimik (6-Tolloi DCC Segment);
- (viii) Shri Themreishang AS, former ADC Member (3-Chingai segment);
- (ix) Shri S. Thotasheng, former ADC Member(23-Kasom Khullen segment);



- (x) Shri H A. Vareishang, former ADC Member (10- Ukhrul South segment);
- (xi) Smt Polly Makan, the then CEO;
- (xii) Shri L. Raghmani Singh (EE); and
- (xiii) Shri Kh. Okendro Singh (AE).

..... **RESPONDENTS/OPPOSITE PARTIES**

**DATE OF ORDER: 18.06.2024**

**BEFORE**

***Mr. Ameising Luikham, Hon'ble Acting Chairperson***

**JUGDMENT AND ORDER**



1. A complaint was received in Manipur Lokayukta on 31.03.2021 filed by Shri W. Shinglai, S/o NG. Shinglai, Social Activist, a resident of Kasom Khullen village Ukhrul/Kamjong, P.O. &P.S. Kamjong, Ukhrul District, Manipur- 795149 and was registered as Complaint Case No.6 of 2021. After giving the Complainant a personal hearing on 09.04.2021, an Order was passed on 16.04.2021 for conducting a preliminary inquiry whether a prima facie case has been made out under section 20 (1) of the Manipur Lokayukta Act, 2014 and the Complaint Case No.6 of 2021 was handed over to Shri P. Shanker Singh, MPS, Addl. SP attached to Manipur Lokayukta to conduct Preliminary Inquiry. The Preliminary Inquiry Report of the IO (Inquiry Officer) dated 21.05.2022 was submitted by the Director (Inquiry) on 06.06.2022 to Manipur Lokayukta. Thereafter the matter was heard by Manipur Lokayukta with the hearings taking place from August 2022 to March 2023. The Lokayukta waited for comments and clarification from the Finance Commission Division, Govt. of India which was not received and Judgment and Order was passed on 20.07.2023 by the Manipur Lokayukta 2023.

2. The Manipur Lokayukta after giving ample opportunity to all parties and the complainant, passed its Judgment and Order dated 20.07.2023 directing for investigation by invoking power and jurisdiction under Sections 20 (3) (a) and 28 of the Manipur Lokayukta Act, 2014. Operative portions of the judgment and order dated 20.07.2023 are reproduced hereunder:

“21. For the foregoing reasons and discussion, we are of the considered view that there exists prima facie case for investigation against the persons listed in the Preliminary Inquiry Report i.e. (i) Shri K Dickson, former ADC Chairman; (ii) Shri M. Issac, former Vice Chairman (20-Phungyar DCC Segment) & former Executive members of the Executive Committee of ADC. Ukhrul; (iii) Shri HS. Ngamsung (11-Khamasom DCC, Segment); (iv) Shri VL. Khayinghor (14-Tuinem DCC Segment); (v) Shri Somimayar Awungshi (21-Shingkap DCC Segment); (vi) Shri Kapangpam Zimik (6-Tolloi DCC Segment); (vii) Shri Themreishang AS, former ADC Member (3-Chingai segment); (viii) Shri S Thotasheng, former ADC Member (23-Kasom Khullen segment); (ix) Shri H A Vareishang, former ADC Member (10- Ukhrul South segment); (x) Shri Polly Makan, the then CEO; (xi) Shri L. Raghmani Singh (EE); and (xii) Shri Kh. Okendro Singh (AE) and also against Shri R.A. Ransing, MSS, Under Secretary (TA&H) now Deputy Secretary), the then ACS of the Department of Tribal Affairs & Hills, Govt. of Manipur Shri Letkhogin Haokip, IAS (now Rtd.) and the then Minister for Department of TA&H, Govt. of Manipur Shri N. Kayisii (now MLA from Tadubi AC). Accordingly, we pass the following order by invoking our power and jurisdiction under Sections 20 (3) (a) and 28 of the Manipur Lokayukta Act, 2014:

- A) A direct recruit IPS Officer (non-Local) of the rank not lower than Additional SP serving under the State of Manipur is directed to investigate the present cases by exercising all the powers conferred under the Manipur Lokayukta Act, 2014. The name of the IPS Officer will be intimated later after receiving a panel of names within 7 (seven) working days from the Chief Secretary, Government of Manipur. The Chief Secretary, Government of Manipur while sending the list of panel of IPS officer may not include IPS officer who is in



the Offer List for Central/State deputation for the year, 2023-24.

- B) The Preliminary Inquiry Report of the present cases will be treated as Ejahar for the purpose of registration of the case for investigation. As the Preliminary Inquiry Report of the present case is treated as Ejahar/FIR, the Investigating Officer is not required to confine his investigation within the four corners of the Preliminary Inquiry Report. Where the case is to be registered will be intimated after taking a decision on the panel of names received from the Chief Secretary, Government of Manipur.
- C) The Investigating Officer while conducting the investigation will not be under the supervision of his superior officers of the department or the station where the present case is to be registered. It is also made clear that he/she shall conduct the investigation with full coordination with the Director (Inquiry), Manipur Lokayukta and also that the investigation of the present case is in addition to his normal duty as such entrustment of the present case for investigation will not amount to new transfer and posting. The Investigating Officer shall take necessary action to complete the investigation within a period of six months from the date of passing this order or from the date of receiving the records.
- D) Chief Secretary, Government of Manipur and Director General of Police, Manipur shall ensure that the place of posting of the assigned Investigating Officer of these cases should not be disturbed without the prior consent of Manipur Lokayukta.
- E) A general recommendation is made herein, not necessarily related to this particular complaint case but to all other Complaint cases also before Manipur Lokayukta regarding the omissions and commissions, lapses and violations indicating ignorance, negligence, lack of updation and awareness of various Acts, Rules, Manuals, SOPs, instructions, FR/SR, Guidelines etc. and



duties and functions, power, authority mainly of executives and functionaries including engineers and elected representatives of local bodies (Autonomous District Councils, Municipalities/Nagarpalikas) for the State Government to consider imparting refresher courses/workshop to such public servants for proper understanding of various Acts, Rules, Manuals, SOPs, instructions, FR/SR, Guidelines etc. relevant for them for implementation of various programmes, schemes, awards, etc. sanctioned by the Central and State Governments/Central authorities with a view to streamline implementation of various Government activities. The Chief Secretary, Government of Manipur may, in consultation with department concerned/training institutions work out a detailed training programme and implement the same. A copy of the training programme may be shared with the Manipur Lokayukta.



22. Secretary/Deputy Registrar, Manipur Lokayukta is directed to act accordingly by informing the Chief Secretary, Government of Manipur and Director General of Police, Manipur for taking necessary action. He is further directed to furnish a copy of this order to the complainants as well as to the respondents.

23. Await list of IPS Officers from the Chief Secretary, Government of Manipur within 7 (seven) working days from the date of receipt of this order.”

Accordingly, an FIR was registered in Crime Branch Police Station, Imphal bearing FIR No.3(8)2023 CB-PS U/S 403/406/420/120-B IPC & 13 PC Act dated 07.08.2023 against the following persons:-

- (i) Shri K. Dickson, former ADC Chairman;
- (ii) Shri M. Issac, former Vice Chairman (20-Phungyar DCC Segment) & former Executive members of the Executive Committee of ADC. Ukhrul;
- (iii) Shri HS. Ngamsung (11-Khamasom DCC Segment);

- (iv) Shri VL. Khayinghor (14-Tuinem DCC Segment);
- (v) Shri Somimayar Awungshi (21- Shingkap DCC Segment);
- (vi) Shri Kapangpam Zimik (6-Tolloi DCC Segment);
- (vii) Shri Themreishang AS, former ADC Member (3-Chingai segment);
- (viii) Shri S. Thotasheng, former ADC Member (23-Kasom Khullen segment);
- (ix) Shri H A. Vareishang, former ADC Member (10- Ukhrul South segment);
- (x) Smt Polly Makan, the then CEO;
- (xi) Shri L. Raghmani Singh (EE); and
- (xii) Shri Kh. Okendro Singh (AE).
- (xiii) Shri R.A. Ransing MSS, Under Secretary (TA&H) now Deputy Secretary,
- (xiv) Shri Letkhogin Haokip, IAS (now Retd.), the then ACS of Department of TA&H, Govt. of Manipur,
- (xv) Shri N. Kayisii (now MLA from Tadubi AC), the then Minister of TA&H, Govt. of Manipur.



3. The investigation of this Complaint Case was given to Shri Shivanand Surve, IPS, SP, Senapati district as IO (Investigating Officer). In the course of investigation the IO had sought extension of time for another three months w.e.f. 21.01.2024 vide letter date 07.02.2024 citing law & order situation which was granted with advice that further extension will not be readily entertained. The letter date 07.02.2024 is reproduced below:-

**“3. The grounds for extension, inter alia mentioned in the letter dated 07.02.2024 of the Investigating Officer, are that the two uninspected works remain to be inspected and they fall within the buffer zone in Kamjong District where free movement is not possible in this part of the State. Inspections**

at these places would be carried out when law and order situation improves in Manipur. Statement recording is still pending for senior officers who are out of Manipur (Former Minister TA & Hills and Retd. IAS, Letkhogin Haokip). Prosecution sanction for MCS and others officers have already been applied. Such being the situation, he stated that the investigation of the present FIR could not be completed as directed and prays for granting another 3 (three) months for submission of charge sheet.”

4. Shri Shivanand Surve, IPS, currently working as SP Churachandpur district (formerly SP Senapati district) had sent a letter dated 22.02.2024 requesting for reassigning the investigation to another IO for reasons relating to law & order issues and parliamentary election 2024 as stated in his letter reproduced below:-



“GOVERNMENT OF MANIPUR  
OFFICE OF THE SUPERINTENDENT OF POLICE, CHURACHANPUR  
DISTRICT, MANIPUR

NO. B-99/SP-CCPUR/2023/1346 Churachandpur, the 22<sup>nd</sup> February, 2024

To

1. Shri. Ashutosh Kumar Sinha, IPS  
Director (Inquiry),  
Manipur Lokayukta, Imphal.
2. The Dy. Registrar,  
Manipur Lokayukta, Imphal.

Subject: Request for change of Investigation Officer for two cases endorsed.

Ref:(1) FIR No. 4(02) 2022 CB PS u/s 120-B/34 IPC and 7(8)/13 PC Act.

(2) FIR No. 3(08)2023 CB-PS u/s 403/406/420/120-B IPC & 13 PC Act.

Respected Sir,

With kind reference to the above, it is to state that, the investigation of the above FIR cases could not further be carried out at this time due to specific reasons pertaining to Law & Order issues and the upcoming General Parliamentary Elections (Lok Sabha) - 2024.

In this regard, it is to submit that:

1. The issue that unfolded in Churachandpur in the evening of 15th February, 2024 in Mini-Secretariat Complex, Tuibong, Churachandpur as a repercussion to the suspension of a Head Constable of Churachandpur Police Department have led to threats to my life and to leave the district (Annexure), crippling my movement inter and intra district.
2. In view of the upcoming General Parliamentary Elections (Lok Sabha) - 2024; Churachandpur as one of the worst effected in the recent violence needs constant monitoring of any form of developments that could arise in the Law & Order sphere. The situation remains vulnerable even within the inter-tribal concoction of the district. At this juncture, with the elections Model Code of Conduct in place, it is pertinent to mention that, the successful conduct of the General Parliamentary Elections — 2024 depends on strategic and constant monitoring on the election preparedness of the district.

Considering the time-bound nature of the cases, it is requested that, the investigation of the above 2 (two) cases be re-endorsed to another I.O, as I am not in a position to fully engage myself into the investigation of the same.

Submitted for favour of your kind consideration please.

Enclosed: As stated above.

Yours faithfully,  
Sd/-  
Shivanand Surve, IPS  
Superintendent of Police,  
Churachandpur District,  
Manipur.

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4.1. The Director (Inquiry) of Manipur Lokayukta forwarded and endorsed the submissions made by the IO and suggested two names to replace Shri Shivanand Surve, IPS as IO vide letter dated 30.3.2024 as reproduced below:-

“No. 6/ML/DIR(INQ)/2021/147  
OFFICE OF THE MANIPUR LOKAYUKTA  
Directorate Complex, 3rd Floor, North AOC, 2nd MR Gate, Imphal,  
Manipur

Imphal, the 30<sup>th</sup> March, 2024

To,  
The Chairperson,  
Manipur Lokayukta, Imphal.





**Sub: Request for change of Investigation Officer for two cases endorsed.**

**Ref: (1) FIR No. 4(02)2022 CB PS u/s 120-B/34 IPC and 7(8)/13 PC Act.**

**(2) FIR No. 3(08)2023 CB PS u/s 403/406/420/120-B IPC & 13 PC Act.**

**Sir,**

Kindly find enclosed herewith letter No. B-99/SP-CCPUR/2023/1346 dated 22/02/2024 submitted by Shri Shivanand Surve, IPS, SP/Churachandpur District (IO of the case) on the above cited subject.

2. IO mentioned in his letter that due to the unfolded incident on 15th Feb, 2024 and threat to life (crippling the movement inter and intra district) and prevailing law and order situation of the state, the progress of Investigation of the case has hampered. Further, the MCC for 18th Lok Sabha Election has been enforced and election preparedness in the District. Considering the time bound, IO is not in the position to carry on Investigation to complete in time.

3. In the light of the above facts and circumstances, it is requested that, the investigation of the above mentioned case may be endorsed to another I.O.

4. Police officers who are available for investigation of the case are mentioned below:-

- (i) Shri Namsadai Peter, MPS, Addl. SP (L/O), Noney District.  
(ii) Shri H. Timothy Maram, MPS, Addl. SP, SDPO, Ukhrlul.

5. It is submitted to take further necessary action.

Encl: As above.

Yours faithfully,  
Sd/-  
(Ashutosh Kumar Sinha, IPS)  
Director (Inquiry),  
Manipur Lokayukta, Imphal.

Copy to:

shri Shivanand Surve, IPS, SP/Churachandpur District  
(IO of the Case)"

4.2. The Lokayukta considered the letters of the IO and the Director (Inquiry) of Manipur Lokayukta and in the interest of expeditious completion of the investigation, it passed an order dated 15.04.2024 agreeing to the request and reassigned the investigation to another I.O. Shri. H. Timothy Maram, MPS. Addl. SP, SDPO Ukhrlul.



5. In brief, the complaint was received on 31.03.2021 and registered a Complaint Case No.6 of 2021 on 16.04.2021. The approved works for ADC Ukhrul under 14<sup>th</sup> Finance Commission Award sanctioned by the Department of Tribal Affairs & Hills (TA&H) consist of 354 works in 7 blocks of Ukhrul district (consisting of two districts i.e. Ukhrul and Kamjong) for an amount of Rs. 22,78,89,827. It was found that the complaint for misappropriation of 14<sup>th</sup> FC award was vague and did not specify the works which have not been completed and accordingly the complainant was given an opportunity to submit a list of works which have not been implemented properly. He provided a list of 15 works. The list of the approved 15 works pointed out by the complainant and related details including the name of agency who had executed the approved works are reproduced hereunder:



Sl. No.	Name of work refer to ADC Ukhrul	Village	Block with Sl. No. of works proposal	Amount in lakh	Name of work Agency
1.	Construction of IVR from village to water reservoir.	Itham	Kamson Khullen Sl.No. 24 (Page. 15 of P.I.R)	2	R. Shangreingam
2.	Construction of fishery pond.	Shangpunram	Kasom Khullen Sl. No.25 (Page. 16 of P.I.R)	1	S. Thanthing
3.	Retaining wall at Ngavaolu.	Challou	Chingai Sl. No. 10 (Page. 17 of P.I.R)	5	HAS. Dearson
4.	Construction of waiting shed.	Challou	Chingai Sl. No.9 (Page. 16 of P.I.R)	5	AS. Aso
5(a)	Kiwi Plantation.	Nungbi Khullen	Chingai Sl. No.28 (Page. 16 of P.I.R)	5	K. Phaningshung
(b)	Parkia Plantation	Nungbi Khullen	Chingai Sl. No.29 (Page. 16 of P.I.R)	5	Pamei
(c)	Construction of fishery pond and fencing.	Nungbi Khullen	Chingai Sl. No.30 (Page. 16 of P.I.R)	10	AS. Lovejoy
(d)	Construction of suspension bridge and footpath over Marung river.	Nungbi Khullen	Chingai Sl. No.31 (Page. 16 of P.I.R)	15	K. Yaolei
6.	Construction of IVR from Local to Langcha.	Sahangphung	Kamjong Sl. No. 16 (Page. 15 of P.I.R)	10	Vareichung Shimray
7.	Reclamation of	Poi	Chingai Sl. No.7	10	S. Edward

	heritage site.		(Page. 17 of P.I.R)		
8	Construction of water tank.	Seikhor	LM Block SI. No.19 (Page. 16 of P.I.R)	4	V.S. Mathotmi
(a)	Construction of Drainage.	Seikhor	LM Block SI. No.20 (Page. 16 of P.I.R)	4	V.S. Ringlem
9	Construction of Rain Water Reservoir.	Greenland	Ukhrul Block SI No. 77 (Page. 16 of P.I.R)	10	AS. Pammayo
(a)	Construction of IVR from Phungyo Cemetry of Kongkhangngayi.	Greenland	Ukhrul Block SI. No. 80 (Page. 15 of P.I.R)	5	AS. James
(b)	Construction of Public toilet.	Phungreitan g West	Ukhrul Block SI. No. 83 (1)(Page. 16 of P.I.R)	5	Y. Ringmi

5.1. Although the serial number shows only ten numbers of works, there has been some sub-serial numbers which brings the total number of works to 15.



6. The ADC (Autonomous District Council), Ukhrul in its proceeding held on 28.02.2018 in the Chamber of the Chairman, ADC, Ukhrul with Shri K. Dickson, Hon'ble Chairman in the Chair passed a Resolution. The proceeding of 28.02.2018 is reproduced hereunder:

**“Proceedings of the  
Committee sitting held on 28.02.2018 in the office Chamber of the  
Hon'ble Chairman at 1:00 p.m. with Shri K. Dickson, Hon'ble  
Chairman ADC, Ukhrul in the chair.**

**Members Present:**

Sl. No.	Name	Designation
1.	M. Issac	Vice-chairman
2.	SP. Mashunngam	Executive Member
3.	HS. Ngamsung	-do-
4.	VL. Khayinghor	-do-
5.	Somimayar Awungshi	-do-
6.	Kapangpam Zimik	-do-

**Agenda No. 1. 14<sup>th</sup> Finance Commission:** The members present discussed and resolved to release 80% of the total fund as first instalment for all developmental programmes/works under 14<sup>th</sup> Finance Commission.

It is also resolved that the remaining 20% of fund will be released on fulfilling the conditions laid down for implementation of the 14<sup>th</sup> Finance Commission.

To avoid fraudulent withdrawals, the concerned DCC member should identify and countersign at the time of payment.

The meeting ended with thanks from the Chair.

Sd/-  
(Polly Makan)  
CEO, ADC, Ukhrul

Sd/-  
(K. Dickson)  
Chairman, ADC, Ukhrul

Memo No. 01/46/HQ-EM-Mt./ADC-Ukl/2010(Pt-I)  
Ukhrul, 28/02/2018

Copy to:

1. The P.S. to Chairman, ADC, Ukhrul.
2. The Vice-Chairman, ADC, Ukhrul.
3. All Hon'ble EMs, ADC, Ukhrul.
4. The Under Secretary (TA & Hills), Govt. of Manipur.
5. The Relevant File."

6.1. Two important decisions were taken – to release 80% as advance payment and to release the remaining 20% on fulfilling the conditions laid down for implementation of the 14<sup>th</sup> Finance Commission and certification by the concerned DCC member should identify and countersign at the time of payment to avoid fraudulent withdrawals.

7. Spot inspections were carried out by the IO for the Preliminary Inquiry and he was assisted by a team of experts constituted under our order dated 02.07.2021 and 23.08.2021 for ascertaining as to whether the works had been properly executed or not and the measurement of the works are entered properly in the Measurement Books (MB).

7.1. The IO for investigation has furnished two tables in the investigation report, which covers six spot inspections carried out by Inquiry Officer for preliminary inquiry (P. Shanker Singh, MPS, Addl. SP Manipur Lokayukta), and is reproduced below:-

Table No. 1.

List of Work not implemented according to complainant W. Shinglai.

Sl. No.	Name of work/ ADC Ukhrul	Village	Block with Sl. No.	Amount in lakh
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1	Construction of IVR from village to water reservoir.	Itham	Kamson Khullen SI.No. 24	02
2	Construction of fishery pond.	Shangpunram	Kasom Khullen SI. No.25	01
3	Retaining wall at Ngavaolu.	Challou	Chingai SI. No. 10	05
4	Construction of waiting shed.	Challou	Chingai SI. No.9	05
5(a)	Kiwi Plantation.	Nungbi Khullen	Chingai SI. No.28	05
5(b)	Parkia Plantation	Nungbi Khullen	Chingai SI. No.29	05
5(c)	Construction of fishery pond and fencing.	Nungbi Khullen	Chingai SI. No.30	10
5(d)	Construction of suspension bridge and footpath over Marung river.	Nungbi Khullen	Chingai SI. No.31	15
6.	Construction of IVR from Local to Langcha.	Sahangphung	Kamjong SI. No. 16	10
7.	Reclamation of heritage site.	Poi	Chingai SI. No.7	10
8(a)	Construction of water tank.	Seikhor	LM Block SI. No.19	04
8(b)	Construction of Drainage.	Seikhor	LM Block SI. No.20	04
9(a)	Construction of Rain Water Reservoir.	Greenland	Ukhrul Block SI No. 77	10
9(b)	Construction of IVR from Phungyo Cemetry of Kongkhangngayi.	Greenland	Ukhrul Block SI. No. 80	05
10.	Construction of Public toilet.	Phungreitang West	Ukhrul Block SI. No. 83 (1	05

“Thereafter, vide Manipur Lokayukta order dated 16/04/2021, Inquiry Officer (P. Shanker Singh, MPS, Addl. SP Manipur Lokayukta) has been directed to conduct Spot Inspections over the allegations made in the above Table No. 1. After the Spot Inspection, Inquiry Officer submitted the list of work proposals not executed but payment fully released in the following Table No.2.”

**Table No. 2.**  
**List of Work Not Executed**

Sl. No.	Name of work	Village/ Block	ADC Member	Remarks
1	Construction of IVR from village to water	Itham, Kasom Khullen	S Thotasheng	No Construction has been carried out

	<i>reservoir.</i>			
2	<b>Construction of fishery pond.</b>	<b>Shangpunram, Kasom Khullen</b>	<b>S Thotasheng</b>	<b>Construction of Fishery Pond has not been carried out</b>
3	<b>Construction of fishery pond and fencing.</b>	<b>Nungbi Khullen, Chingai</b>	<b>K Dickson</b>	<b>The Fishery Pond is constructed in private areas not utilised for public purposes and doesnot meet any Specifications. No Fencing Work Is Carried Out</b>
4	<b>Construction of water tank.</b>	<b>Seikhor, LM</b>	<b>V L Khayinghor</b>	<b>No Construction has been carried out</b>
5	<b>Construction of Public toilet.</b>	<b>Phungreitang West, Ukhrul</b>	<b>H A Vareishang</b>	<b>No Construction has been carried out</b>
6	<b>Reclamation of heritage site @Poi village</b>	<b>Chingai Block</b>	<b>Themreishang AS</b>	<b>No Redevelopment/conservation measures are carried out on inspection.</b>

The table No. 2 shows that no works were seen by the IO and technical team for preliminary inquiry during spot inspection starting from 28.06.2021 to 23.04.2022 except in one case of fishery pond which was found constructed in a private property.

8. Spot inspections were carried out at the investigation phase by the IO for investigation from 07.09.2023 to 04.06.2024. The spot inspection notes extracted from page 3 to 6 of the investigation report, is reproduced below:-

**“Spot Inspection**

1. On 07.09.2023 I have visited Nungbi Khullen village for spot inspection of ‘Construction of Suspension Bridge & Footpath over marung river’ at Nungbi Khullen under 14<sup>th</sup> FC 2017-2018 @ 15 lakhs. Mr. Issac, Treasurer, Nungbi Khullen Village Authority guided the inspection team to the Marung river. Found the bridge as shown by the guide. The project site is about 5 KM East of the village. The bridge is about 4’ wide and 40’ long. The bridge was found constructed. (Photo of the bridge enclosed at page 23)
2. On 07.09.2023 I, have inspected ‘Kiwi Plantation’ at Nungbi Khullen under 14<sup>th</sup> FC 2017-18 @ 5 lakhs. Mr. K. Prem, Secretary, Nungbi Khullen Village Authority guided the inspection team to the plantation site. Foundthe plantation as shown by the guide. The project site is about 3 KM East of the village. The length and breadth of the plantation are about250fts’x200fts’. Found around 30-40 kiwi



plants bearing fruits. However, observed that the executed work was not proportionate to the sanctioned amount of the work. Photo 2 enclosed. Statements of 3 persons were recorded. They stated that the surviving saplings were repeatedly burnt down by the wild fire. And the pond along with some fencing was also washed away by mudslide. They further stated that most of the remaining fencing posts were burnt down by wild fire. (Photo and statement are enclosed at pages 24,27 to 29)

3. On 07.09.2023 I, have inspected Nungbi Khullen Parkia Plantation' worksite sanctioned under 14th FC 2017-18 @ 5 lakhs. Mr. Issac, Treasurer, Nungbi Khullen Village Authority guided the inspection team to the plantation site. Found the plantation at the base of two adjacent hill-locks as shown by the guide. The project site is about 3 KM East of the village. The length and breadth of the plantation are about 300'x50' respectively. No parkia tree/plant was found at the site. It was reported that the Parkia plants were burnt down by wild fire. Maize plants were found planted on the site. Statements of 3 persons were recorded. They stated that the surviving saplings were repeatedly burnt down by the wild fire. They further stated that most of the fencing posts were burnt down by wild fire.(Photo and statement are enclosed at pages 25,27 to 29)
4. On 07/09/2023 I, have visited Nungbi Khullen village for inspection of 'Construction of Fishery Pond and fencing' under 14<sup>th</sup>FC 2017-18 @ 10lakhs. Mr. K. Prem, Secretary, Nungbi Khullen Village Authority guided the inspection team to the fishery pond. Found the fishery pond as shown by the guide. The project site is about 2 KM East of the village. The area of the pond is about 4'x12' x 18'x20'. The pond has rice paddy plants standing on it. Some part of the pond was found filled with mudslide coming from the upper region of the area. There is no depth in the fishery pond. No fencing was found. According to the witness statement, most of the fencing posts were burnt down by wild fire.(Enclosed Photo and Statement at pages 26 to 29)
5. On 08/09/2023 I have visited Poi village for spot inspection of Reclamation of Heritage Site' Poi under 14<sup>th</sup> FC 2017-18 @ 10 lakhs. The Heritage site consists of megalith/monolith stone erections adjacent to the village headman house. Mr. Wungrei M, (member), Poi Village Authority guided the inspection team to the heritage site. One Edward Shimrah stated that the Heritage has been left unattended for so long. So, a-two-day Geena was declared in the whole Poi village. The village worked and renovated the monolith and poles. The whole village also feasted the following day, commemorating the heritage reclamation. (Enclosed photo and statement at page 30 to 32)





6. On 08/09/2023, I have travelled/covered about 30 km eastwards from Shirui hill towards Sahangphung village in order to carry out spot inspection at Sahangphung village for 'Construction of IVR from Local to Langcha' under 14<sup>th</sup> FC 2017-18 @ 10 lakhs. However, a huge landslide (about 40 feet wide) has completely blocked the road, preventing any vehicular movement. The inspection team returned to Ukhruul HQs. However, on inquiry it was learnt that the Headman (Khanangangkang) of Sahangphung village was in Ukhruul town. Accordingly, visited him at TNWL office (Tangkhuul Naga Wungnao Long) and I obtained a statement from him inc/w the Construction of IVR from Local to Langcha. It said that the project was carried out. The certificate issued by the village headman which is enclosed at page 33)
7. On 08/09/2023, I have visited Seikhor village for spot inspection of '(1) Construction of Water Tank and (2) Construction of Drainage' @ Seikhor village under 14<sup>th</sup> FC 2017-18 @ 4x2=8 lakhs. Met the village authority regarding the 2 projects. The Headman (Daniel Leisan) stated that no works were carried out in the village. In the course of my spot inspection, it was established that the work was executed but not recognised by the village authority due to political difference. The work was found carried out in the private land because of which the village authority did not recognise the work. Statements of 2 independent witnesses were recorded. (Enclosed at pages 34 and 35)
8. On 09/09/2023, I have visited Phungreitang West for spot inspection of 'Construction of Public toilet' at Phungreitang West under 141<sup>st</sup> FC 2017-18 @ 5 lakhs. The work project listed at Sl. No 10) in the complaint report (Construction of public toilet). The inspection notes of previous Inquiry Officer stated that the work was not carried out. However, during recording of the statement of HA Vareishang ex-ADC dated 13/10/2023 stated that the project work was already executed without any issue in 2019, the newly elected village authority for the year 2020-21 has no knowledge. So when the Inquiry Officer contacted the then incumbent village Authority of 2020-21, they verbally reported that no such construction has taken place. After the inquiry, he called a joint meeting of all ex-chairmen of tenure 2018-19, 2020-21 and they discussed on the matter. The ex-chairman of tenure 2018-19 clarified, indicating that the said toilet was constructed under 14<sup>th</sup> FC award. So "No objection certificate" from the incumbent chairman has been obtained. (Photo, certificate and 2 independent statement enclosed at pages 36 to 39)
9. On 03/06/2024, I have visited Shangpunram for spot inspection of 'Construction of Fishery' at Shangpunram under 14<sup>th</sup> FC 2017-18 @ 1 lakh. Self along with village headman and one witness guided us to the pond. They identified the pond. Photograph of the pond was



taken with Gei-tag. The Fishery pond was found constructed about 3 km from the village on the south eastern part. Self-recorded the statement of the witness. Work completion certificate was issued by the village headman. (Enclosed Photo, statement and Certified certificate at page 40 to 43)

10. On 04/06/2024, I have visited Itham for spot inspection of 'Construction of IVR from water reservoir to village' at Itham under 14<sup>th</sup> FC 2017-18 @ 2 lakhs. Self along with headman and two more witness guided us to IVR. They identified the IVR. Photograph of the IVR was taken with Geo-tag. The IVR was found constructed about 1km south of the village. Self-recorded the statement of the witness. Work completion certificate was issued by the village headman. (Enclosed Photo, statement and Certified certificate at page 44 to 48)"



8.1. The Inquiry Officer of the Preliminary Inquiry had stated that there is no construction in the six works had visited except in a private land with missing fencing. In the subsequent spot inspection by the IO for investigation, it has been state that all works which have already been inspected by the Inquiry Officer namely (i) Construction of IVR from village to water reservoir in Itham, Kasom Khullen, (ii) Construction of fishery pond in Shangpunram, Kasom Khullen, (iii) Construction of fishery pond and fencing in Nungbi Khullen, Chingai, (iv) Construction of water tank in Seikhor, LM, (v) Construction of Public toilet in Phungreitang West, Ukhrol and (vi) Reclamation of heritage site @Poi village in Chingai Block, have been implemented with some issues that some portions of plantation and fencings have been destroyed by wild fire and some washed away by mudslide. The investigation reports also reveals that some schemes recommended by ADC members have been implemented in private lands in violation of the guidelines of the Finance Commission and have benefitted some individuals instead of creating basic civic services.

9. The IO for investigation has given the final findings of the investigation report stating that the spot inspections have been carried out after a lapse of many years hinting that the status position may have changed on account of the long gap between two spot visits as under:-

**“Final finding of Investigation report.**

After Spot inspections and recording of statement, the investigation came to the following finding. Since Investigation is carried out after a lapse of many years. Therefore, the finding report was primarily based on the statements of independent witness’s availability structure at the work site.

The following works listed in the below table are reflected as unexecuted in the complaint/preliminary inquiry report. In course of Investigation, the following findings are noted in the remark column against each of the work.



Sl. No.	Name of work	Village/ Block	ADC Member	Remarks
1	Construction of IVR from village to water reservoir.	Itham, Kasom Khullen	S Thotasheng	IVR has been found constructed during spot inspection held on 04.06.2024.
2	Construction of fishery pond.	Shangpunram, Kasom Khullen	S Thotasheng	Fishery pond has been found constructed during spot inspection held on 03.06.2024.
3	Construction of fishery pond and fencing.	Nungbi Khullen, Chingai	K Dickson	The Fishery Pond is constructed but fencing not found.
4	Construction of water tank.	Seikhor, LM	V L Khayinghor	Construction has been carried out. But due to Political differences the village Authority failed to acknowledge construction so as to tarnish the image of DCC member and his party.
5	Construction of Public toilet.	Phungreitang West, Ukhrul	H A Vareishang	Construction has been carried out in 2019. The Construction was carried out during the village authority tenure of 2018-2020.

				When the inquiry was conducted in 2021, The incumbent Authority, ignorant of the executed project, reported not constructed to Inquiry Officer.
6	Reclamation of heritage site @Poi village	Chingai Block	Themreishang AS	Monolith/Megalith and erected stone were found at the Heritage site. Renovation work was reported to have been done by villager.

10. While considering this case, the extended and truncated investigation has been taken into consideration for understanding the long duration of more than three years taken from the date of registration of the Complaint No. 6 of 2021 on 16.04.2021 to the completion and submission of the Investigation report on 07.06.2024. The delay in completion of the process for more than three years from the time of complaint including submissions of preliminary report and completion of investigating report may be partly explained by the following developments that took place around the world and in Manipur. The delay may also explain why there has been change in the status position of the works at the time of preliminary inquiry and the investigation report.

10.1. From the year 2020 till 2022, the entire world was paralysed by the Pandemic of Covid-19. As many lives were lost to the new virulent virus, the State government enforced restrictions on movements and village councils in the hill areas also prevented outsiders from entering the village during the pandemic. This unprecedented situation compelled the IO to wait for a suitable time to visit the villages when social curfew was lifted. Majority of the sites were inspected by the first I.O. for investigation, but he could not complete the inspection as another unprecedented situation took place in Manipur i.e. the conflict between the Meitei community and the



kuki-zo tribes which erupted in May, 2023. The clashes fully engaged the entire police force in the state including the IO who was working as IO in addition to his normal duties. Then the Parliamentary election of 2024 was announced which made it more difficult for the IO to spare time for spot inspection. It was only after the law and order situation eased and polling to the 2024 elections for Manipur was over that the remaining sites were inspected by the I.O.

11. The procedure in respect of preliminary inquiry and investigation is laid down under Chapter VII of the Manipur Lokayukta Act, 2014. The procedure for investigation report is provided under Section 20 (6) and section 20 (7) of the said Act which is reproduced below:–



**“Section 20 (6) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any agency shall, in respect of cases referred to it by the Lokayukta, submit the investigation report under that section to the court having jurisdiction and forward a copy thereof to the Lokayukta.**

**Section 20 (7) - The Lokayukta shall consider every report received under sub-section (6) from the Investigating agency and after obtaining the comments of the competent authority and the public servant may -**

**(a) grant sanction to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant;**

**(b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants.”**

11.1. In this regard it is important to understand that the Lokayukta is a sui-generis quasi-judicial body with unique provisions not found generally in other statutes. Complaints are referred for investigation as per the said Act when prima facie case is made out and the next course of action would be to file charge-sheet and carry out trial/prosecution. However, the provision under section 20(7) (a) of the said Act provides that Lokayukta shall consider every report received from the Investigating agency and after

obtaining the comments of the competent authority and the public servant may – (i) grant sanction to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant; (ii) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants.

This is a provision given to the Lokayukta as a sui-generis quasi-judicial authority to consider the matter in its entirety and at the final phase on receipt of the investigation report to take decision as to whether the lapses, omission or commission in the discharge of official duties can be disposed of with direction to the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants without taking recourse to criminal case in the designated Special Court. This would mean that even where prima facie case exist based on the preliminary inquiry report and thereafter the investigation report states otherwise, there would be an avenue for Lokayukta to take a reasonable, balanced and just view which serves the purpose of the said Act in relation to implementation of work and corruption. Examination of other Lokayukta Acts reveals that similar provision are available in the Lokayukta Acts of Odisha, Meghalaya, Arunachal Pradesh, Mizoram, to name a few which points to the fact that this provision has been a well thought out provision for independent and impartial dispensation of justice.

12. For appreciation of the view that Manipur Lokayukta is a sui-generis quasi-judicial authority, the following main features of the institutions of Lokpal and Lokayukta are discussed:-

(a) They should be demonstrably independent and impartial.



- (b) Their investigations and proceedings should be conducted in private and should be informal in character.
- (c) Their appointment should, as far as possible, be non-political.
- (d) Their status should compare with the highest judicial functionaries in the country.
- (e) They should deal with matters in the discretionary field involving acts of injustice, corruption or favouritism.
- (f) Their proceedings should not be subject to judicial interference and they should have the maximum latitude and powers in obtaining information relevant to their duties.
- (g) They should not look forward to any benefit or pecuniary advantage from the executive Government.



12.1. The main features of the institutions of Lokpal and Lokayukta clearly mentions that Lokpal and Lokayukta should be demonstrably independent and impartial, their investigations and proceedings should be conducted in private and should be informal in character, their proceedings should not be subject to judicial interference and they should have the maximum latitude and powers in obtaining information relevant to their duties. Further, they should deal with matters in the discretionary field involving acts of injustice, corruption or favouritism.

12.2. The power and the main features of the institutions of Lokpal and Lokayukta, its jurisdiction and the type of institution it has been set up for have already been discussed threadbare by the Hon'ble Supreme Court in **Justice Chandrashekaraiiah (Retired) –Vs- Janekere C. Krishna & Others (2013) 2 SCC 117.**

12.3. That, the Apex Court in Justice Chandrashekaraiiah's case (supra) held that the Lokayukta and Upa-Lokayukta while exercising powers under

the Act, of course, is acting as a quasi-judicial authority but his functions are investigative in nature. The broad spectrum of functions, powers, duties and responsibilities of the Upa-Lokayukta, as statutorily prescribed, clearly bring out that not only does he perform quasi-judicial functions, as contrasted with purely administrative or executive functions, but that the Upa-Lokayukta is more than an investigator or an inquiry officer. At the same time, notwithstanding his status, he is not placed on the pedestal of a judicial authority rendering a binding decision. He is placed somewhere in between an investigator and a judicial authority, having the elements of both. For want of a better expression, the office of an Upa-Lokayukta can only be described as a sui generis quasi-judicial authority. Paras 37, 40, 107 and 112 of the SCC in Justice Chandrashekaraiiah's case (supra) read as under:



**“37. The Lokayukta and Upa-Lokayukta while exercising powers under the Act, of course, is acting as a quasi-judicial authority but its functions are investigative in nature. The Constitution Bench of this Court in Nagendra Nath Bora v. Commr. of Hills Division and Appeals, held: (AIR p. 408, para 14)**

**“14.... Whether or not an administrative body or authority functions as a purely administrative one or in a quasi-judicial capacity, must be determined in each case, on an examination of the relevant statute and the rules framed thereunder.”**

**“40. The provisions of Sections 9, 10 and 11 clearly indicate that Lokayukta and Upa-Lokayukta are discharging quasi-judicial functions while conducting the investigation under the Act. Sub-section (2) of Section 11 of the Act also states that for the purpose any such investigation, including the preliminary inquiry Lokayukta and Upa-Lokayukta shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in the matter of summoning and enforcing the attendance of any person and examining him on oath. Further they have also the power for requiring the discovery and production of any document, receiving evidence on affidavits, requisitioning any public record or copy thereof from any court or office, issuing commissions for examination of witnesses of documents etc. Further, sub-section (3) of Section 11 stipulates that any**

proceedings before the Lokayukta and Upa-Lokayukta shall be deemed to be a judicial proceeding within the meaning of Section 193 of the Indian Penal Code. Therefore, Lokayukta and Upa-Lokayukta, while investigating the matters are discharging quasi-judicial functions, though the nature of functions is investigative.”

“107. The broad spectrum of functions, powers, duties and responsibilities of the Upa-Lokayukta, as statutorily prescribed, clearly bring out that not only does he perform quasi-judicial functions, as contrasted with purely administrative or executive functions, but that the Upa-Lokayukta is more than an investigator or an enquiry officer. At the same time, notwithstanding his status, he is not placed on the pedestal of a judicial authority rendering a binding decision. He is placed somewhere in between an investigator and a judicial authority, having the elements of both. For want of a better expression, the office of an Upa-Lokayukta can only be described as a sui generis quasi-judicial authority.”

“112. As mentioned above, an Upa-lokayukta does function as an adjudicating authority but the Act places him short of a judicial authority. He is much more judicial than an investigator or an inquisitorial authority largely exercising administrative or executive functions and powers. Under the circumstances, taking an overall view of the provisions of the Act and the law laid down, my conclusion is that the Upa-lokayukta is a quasi-judicial authority or in any event an authority exercising functions, powers, duties and responsibilities conferred by the Act as a sui generis quasi-judicial authority.”

13. For implementation of Finance Commission Awards, guidelines are issued by Government of India from time to time. The guidelines applicable for implementations of the 14th award were issued by the Ministry of Finance, Department of Expenditure, Finance Commission Division vide F. No. 13(34)/FFC/FCD/2017-18 dated 20.10.2017. The portion relevant to the discussion is reproduced below:-

**“Fund flow mechanisms and release of Grants**

Grant-in-aid will be released by the Ministry of Finance, Department of Expenditure to State Government for the Excluded areas. The State Govts. are required to transfer the







Grants received from Central Government to such areas(ADCS/designated agency as per established procedure) within 15 days of it being credited to their account. It is to be ensured that in no case should funds be credited in the personal account of any functionary of these Councils. There should not be any deductions from the grants due to the Excluded areas. In case of delay, the State Government shall release the grant along with interest at the bank rate of Reserve Bank of India for the period of delay from the date of grant received in the State's Treasury Account and shall e paid from its own funds. A certificate on this effect from the State Government Finance Department duly signed by Secretary, Finance reflected in the Grant Transfer Certificate shall be furnished by the State Government. Penal interest amount transferred by the concerned State Govt. will also be utilized for the same purpose as mention under 'Objective of Grants-in-aid/special financial assistance.

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

#### Maintenance of Accounts

The Autonomous District Council/designated agency shall be responsible for maintenance of the books of accounts for funds allotted 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.

#### Inspection of Works

In order to ensure expected level of quality, works undertaken should be regularly inspected by a team of officers as decided by the Autonomous District Council/designated agency as per the norms and procedure as laid down by the Central/State Government."

13.1. Under the caption "Fund flow mechanism and release of Grants" it is stated in the second para that "The concerned ADCs/designated agency may decide to channelize the funds to local village councils for ensuring the proper, efficient and effective implementation of the projects/works and maintain full accountability and transparency." This guidelines has been ignored by the department of TA & Hills, Government of Manipur.

13.2. In spite of the existence of guidelines issued by Government of India, Ministry of Finance, Department of Expenditure, Finance

Commission Division vide F.No. 13(34)/FFC/FCD/2017-18 dated 20.10.2017, the Department of Tribal Affairs & Hills issued an Office Memorandum being No. 22/202/2018-(Hills) dated 09.11.2018 issued by the Department of Tribal Affairs & Hills, Government of Manipur which contained a para that conflicts with the guidelines of the Finance Commission. The said Office Memorandum dated 09.11.2018 is reproduced hereunder:

**“GOVERNMENT OF MANIPUR  
SECRETARIATE: HILLS DEPARTMENT**

**OFFICE MEMORANDUM  
Imphal, the 9<sup>th</sup> November, 2018**

**Subject: Implementation/execution of work under State Fund, State Finance Commission and Central Finance Commission Grant to 6 ADC Manipur.**

**No.22/202/2018- (HILLS):** Having felt the need to utilize the fund granted from the State Fund, State Finance Commission and Central Finance Commission in a rational way and to achieve optimal welfare of hill people. It is crucial to streamline effective method of implementation of the grant in the line of the guideline of the State Finance Commission and Central Finance Commission.

- 1 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.**
- 2 The Autonomous District Councils shall submit identified works/projects to the Government for approval.**
- 3 In no case, Autonomous District Councils shall change the identified and approved works /projects without prior approval of the Government.**
- 4 The Autonomous District Councils, as usual, shall have the flexibility to select appropriate Agency/Individual from the local areas through which the work shall be executed under the supervision of respective technical staff of the councils.**
- 5 The Senior-most Technical Officer, PWD of respective Autonomous District Councils shall perform all duties, responsibilities and function as the Executive Engineer and shall have technical sanctioning power not exceeding Rs.50 (fifty) lakh.**



- 6 The Autonomous District Councils shall maintain proper Register for the funds allocated to Agencies/Individuals. All Agencies/Individuals who execute works/projects shall promptly submit Completion Report so that the Councils may submit Utilization Certificate to the Government on time.
- 7 This O.M. shall be strictly adhered to for the time being in force.

Sd/-  
(Letkhogin Haokip)  
Additional Chief Secretary (Tribal Affairs & Hills)  
Government of Manipur

Copy to:

- 1 Secretary to Her Excellency, Governor of Manipur, Raj Bhavan, Imphal
- 2 PPS to Hon'ble Dy. Chief Minister, Manipur
- 3 PPS to Hon'ble Minister (TA &H), Manipur
- 4 PS to all Hon'ble Chairman, ADC (CDL, SPTI, TML, CCPUR, KPI, UKL), Manipur
- 5 Accountant General, Manipur
- 6 Director (Ptg & Sty), Manipur for publication in the Manipur Gazette (Extraordinary)
- 7 All Chief Executive Officer, ADC (CDL, SPTI, TML, CCPUR, KPI, UKL), Manipur
- 8 All Treasury Officers/Sub-Treasury Officer, Manipur
- 9 Guard file."



13.3. The main problem in the OM dated 09.11.2018 is para 4 which states that ***“The Autonomous District Councils, as usual, shall have the flexibility to select appropriate Agency/Individual from the local areas through which the work shall be executed under the supervision of respective technical staff of the councils.”*** This instruction has been construed by the ADC that the need to call Tender and select work agency has been dispensed and unbridled flexibility to select works agency/individual from the local area is allowed without call of tender.

13.4. The file No.22/202/2018-(HILLS) requisitioned from the Department of Tribal Affairs & Hills wherein the OM dated 09.11.2018 was processed

was examined by the Manipur Lokayukta and it was found that there has been no in-depth examination and consideration of the proposal in the department. Proposals relating or amounting to relaxation of rules and procedures for tender and selection of work agencies requires consultation with the Finance Department as provided under the Rules of Business of the Government of Manipur. This issue of the OM dated 09.11.2018 without due consultation is a serious administrative lapse.

14. The relevant portion of the Rules of Business of the Government of Manipur is reproduced below:-

**“34. The Finance Department shall be consulted before the issue of orders upon all proposals which affect the finances of the State and in which its previous concurrence is necessary under these Rules.**

**34A. The Finance Department shall be consulted before the issue of orders upon all proposals which affect finances of the State and in which its previous concurrence is necessary under these Rules and in particular:-**

- (a) Proposals to create any post or abolish any post from the public service or to vary the emolument of any post;**
- (b) Proposals to sanction any allowance or special or personal pay for any post or class of posts or to any servant of the Government of the State;**
- (c) Proposals involving abandonment of revenue or involving an expenditure for which no provision has been made in the Appropriation Act.**

**35. The views of the Finance Department shall be brought on the permanent record of the department to which the case belongs and shall form part of the case.”**

14.1. The OM dated 09.11.2018 resulted in the abandonment of tender fees and relaxation of due diligence stipulated under Act, rules, instructions, guidelines etc. which affected the finances of the state and outcome of the works.



15. The objectives of the Guideline dated 20.10.2017 issued by the Ministry of Finance, Department of Expenditure, Finance Commission Division, Government of India in respect of grants issued to 'Excluded Area' i.e. areas not covered under Part IX & IXA of the Constitution is reproduced 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."**



15.1. It may be seen that in spite of the objectives of the 14<sup>th</sup> FC award of grant in aid/special financial assistance contained in the guidelines for release of grants to excluded areas i.e. areas not covered under part IX and IX A of the constitution to use the fund to support and strengthen the delivery the **basis civic services** including water supply, sanitation including supplies tank management of community assets, maintenance of roads, footpaths street light and cremation grounds **and any other basic service**, the Preliminary Inquiry Report shows that the funds have been used to benefit individual beneficiaries by giving them horticulture farm (Kiwi and Parkia plantation) and fishery pond. Some of such cases of individual beneficiaries are as given under:



Sl. No.	Name of Work (ADC Ukhurul)	Work site/Village	Block with Sl. No. of works proposal	Name of Agency	Work value (in Rs.)	1 <sup>st</sup> Advance bill (in Rs.)	Final bill (inRs.)
1.	Constructio n of fishery pond and fencing	Nungbi Khullen/ Longpi Kajui and Kuirei	Chingai Sl. No. 30	AS. Lovejoy	7,71,499/-	7,18,965/-	52,534/-
2.	Kiwi plantation	Nungbi Khullen/ Kalhang	Chingai Sl. No. 28	K. Phanin gshung	4,81,000/-	4,04,855/-	76,145/-
3.	Parkia plantation	Nungbi Khullen/ Marem/ Luireishim pung	Chingai Sl. No. 29	Pamei	4,81,000/-	4,04,855	76,145/-
4.	Constructio n of fishery pond.	Kasom Khullen/ Shangpunr am	Kasom Khullen Sl. No.25	S. Thanthi ng	77,149/-	71,896/-	5,253/- + 10,505/- =15,758 /-
5.	Constructio n of water tank	Seikhor	LM Block Sl. No.19	V.S. Mathot mi	3,08,612/-	2,87,587/-	21,025/-

15.2. Such projects/works as well as benefits accruing to individuals would not fall within the objective of the 14 FC award for support and strengthening the delivery of basic civic services and any other basic service within the function assigned to ADC/designated agency. There has been a violation of the guidelines, for release of grants to Excluded areas i.e. items not covered under Part IX and IX A of the constitution for the financial year 2017-18 inasmuch that the funds have benefited some individuals and deprived the excluded areas of some funds to provide basic civic services. The ADC members who had recommended the works of non-basic civic services are:-

- 1) Shri. S. Thotasheng, ADC member, Kasom Khullen for fishery pond at Shangpunram for an amount of Rs. 1 lakhs.
- 2) Shri K. Dickson, ADC member, Nungbi Khullen for fishery pond and fencing at Nungbi Khullen for an amount of Rs. 10 lakhs.
- 3.) Shri K. Dickson, ADC member, Nungbi Khullen for Kiwi plantation at Nungbi Khullen for an amount of Rs. 5 lakhs.
- 4.) Shri K. Dickson, ADC member, Nungbi Khullen for Parkia plantation at Nungbi Khullen for an amount of Rs. 5 lakhs.
- 5.) Shri VL Khayinghor, Member, Tuinem for construction of water tank for Rs. 4 lakhs.



15.3. From the reading of the two communications namely guidelines issued by Government of India, Ministry of Finance, Department of Expenditure, Finance Commission Division vide F. No. 13(34)/FFC/FCD/2017-18 dated 20.10.2017 and Office Memorandum being No. 22/202/2018-(Hills) dated 09.11.2018 issued by the Department of Tribal Affairs & Hills, Government of Manipur, it is clear from the letter OM, particularly para 4, that the department of Tribal Affairs and Hills has ignored or lost sight of the advice which stated that "***The concerned ADCs/designated agency may decide to channelize the funds to local village councils for ensuring the proper, efficient and effective implementation of the projects/works and maintain full accountability and transparency.***" The OM dated 98.11.2018 has directly impacted on the outcome of implementation of 14<sup>th</sup> Finance Commission Awards.

16. The respondents at the stage of hearing of the preliminary inquiry report by the Manipur Lokayukta had denied the allegations made as contained in the preliminary report. The respondents have commented on the preliminary inquiry report of the IO that the works have not been implemented is false.

16.1. The investigation report has mentioned that some works have not been reported accurately on account of political differences and change of members of the village council.

16.2. The technical team has observed the huge payment of advance to the extent of 80%. Funds are normally released in instalments by taking into account the progress of physical work on the ground and this aspect needs to be looked into by the administrative department.

16.3. There has been mention about non deduction of an agency charge, labour cess, GST etc. This aspect of deduction is for the Administrative Department to take necessary action in accordance with instructions issued by the Finance department from time to time.

17. It is worth noting that at the stage of obtaining the comments of the competent authority on the preliminary inquiry report of this Complaint Case No. 6 of 2021, the Department of Tribal Affairs & Hills, Government of Manipur had conveyed their comments. The letter conveying the comments is reproduced below:-

**“GOVERNMENT OF MANIPUR  
SECRETARIAT: - TRIBAL AFFAIRS AND HILLS  
DEPARTMENT**

**No. TA/30/2023-e-TA & H**

**Imphal 29<sup>th</sup> April, 2023**

**To**

**The Deputy Registrar  
Manipur Lokayukta,  
3<sup>rd</sup> floor, Directorate Building,  
2nd M.R.North AOC, Imphal**

**Subject: - Manipur Lokayukta order dated  
04.04.2023 passed in Complaint Case  
No. 6 of 2021; Reply thereof.**

**Sir,**





In inviting a reference to your letter No. 6/Dy.Reg/Corr/Mn. Lokayukta/2021 dated 5th April, 2023 I am to furnish herewith comments of Tribal Affairs and Hills Department in connection with the above complaint case.

2. Hon'ble Manipur Lok Ayukta vide their Order dated 4.4.2023 had sought clarification regarding para 4 of the Office memorandum dated 9.11.2018 issued by Department of Tribal affairs & Hills, Government of Manipur.

3. Department of Tribal Affairs and Hills had notified the Office Memorandum No.22/202/2018-(Hills) dated 09.11.2018 to facilitate the implementation of various Grants by the ADCs concerned considering the Operational Guidelines of the Finance Commission Grants.

4. It is clarified that Hon'ble Manipur Lok Ayukta had rightly noted that "It is well settled law that executive instruction cannot be issued in derogation or infraction of the Act and Rules."

5. It is also clarified that Ministry of Finance, Government of India issues Operational Guidelines for implementation of each Grants, namely 14th/15th Finance Commission Grants etc. from time to time. Fund received from the Ministry is released to 6 (six) Autonomous District Councils after obtaining administrative approval and subsequent concurrence of Finance Department, Government of Manipur.

Yours faithfully,  
Sd/-

(V. Vumlunmang)  
Additional Chief Secretary (TA & Hills)  
Government of Manipur

Copy to

1. PPS to Hon'ble Minister (TA & Hills) Manipur.
2. Office copy."

17.1. The comments of the administrative department dated 29.04.2023 has stated that Department of Tribal Affairs and Hills had notified the Office Memorandum No.22/202/2018-(Hills) dated 09.11.2018 to facilitate the implementation of various Grants by the ADCs concerned considering the Operational Guidelines of the Finance Commission Grants. It added that it has been rightly stated that "It is well settled law that executive instruction



cannot be issued in derogation or infraction of the Act and Rules." It further stated that guidelines are issued by FC from time to time and that the funds for the six ADCs have been released after obtaining administrative approval and subsequent concurrence of Finance Department, Government of Manipur.

18. The findings against the following persons extracted from the investigation report are reproduced below:-

**“Charges against Mr, K. Dickson Ex-Chairman ADC Ukhrul.**

1. The Manipur (Hills Areas) District Council Rule, 1972 under Rule No 95 reads as follows, “Tenders: (1) No tender shall be called for if the work undertaken by the Council departmentally (2) Subject to the provisions of sub rule (1) no work exceeding Rs. 5000/- in value shall be allotted except on the basis of tender." However, there is no any document to indicate how the work agencies were selected. It appears that she has knowingly ignored the rules.
2. The objective guidelines dated 20/10/2017 issued by the ministry of finance, department of expenditure, finance commission division. Government of India in respect of grant issued to excluded areas) i.e. areas not covered under part & IX A of the constitution is reproduced below' "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 service including water supply, sanitation including septic management, sewerage and solid waste management, storm water drainage, maintenance of community asset, maintenance of road, foot path, street lighting, burial and cremation ground and any other basic service within the function assigned to the autonomous council — designated agencies under relevant legislations." However, the fund was found diverted from the basic civic services to benefit individual beneficiaries by giving them horticulture farm like kiwi and parkia plantation and fishery pond. Such project work as well as benefits accruing to individuals would not fall within the objective of 14th FC. He has not adhered to the guidelines. (Enclosed at pages 98)
3. The guidelines issued by government of India, ministry of finance, department of expenditure, finance commission division vide F. No. 13(34)/FFC/FCD/2017-18 dated 20/10/2017 which is reproduced below. "The concerned ADCs/designated agency may decide to channelize the fund to local village council for ensuring the proper, efficient and effective implantation of the project/work and maintain full accountability and transparency." There is no record indicating attempt to channelize the fund to the local council for ensuring



proper efficient and effective implementation of the project work and the guidelines have been violated.

4. The Technical team reported that a huge advance payment of 80% was given for each work before the start of the work. Such liberal advance payment is not supported by any Rules/Govt. instruction.

**Charge against Shri.L. Raghumani Singh EE Incharge (Retired)**

1. The technical team opined that, on checking of MBs, no proper name of Works, Work Order/Agreement No. and Name of the Agency are recorded. Certificate from competent authority stating that the work is actually executed as per schedule with signature of the certifying officer was not recorded in MBs. The final Bills of projects have been cleared without any reference to MBs. The authorised signatories of ADC UkhruI have not signed in required documents.(Enclosed at pages 80 to 84)
2. Under caption "Inspection" of GOI guidelines dated 20.10.2017, besides the CPWD manuals, it is incumbent upon the ADCs to carry out inspection of works as per the norms and procedure as laid down by the Central/State government. This aspect of the Job of the officials and engineers appears not to have been carried out properly resulting in sub-standard work etc. (Enclosed at pages 99)
3. On perusal of all the available records all 354 works programme under 14th Finance Commission were executed without preparation of DPRs.

**Charges against Shri Kh.Okendro Singh, AE ADC UkhruI(Retired)**

1. The technical team opined that, on checking of MBs, no proper name of Works, Work Order/Agreement No. and Name of the Agency are recorded. Certificate from competent authority stating that the work is actually executed as per schedule with signature of the certifying officer was not recorded in MBs. The final Bills of projects have been cleared without any reference to MBs. The authorised signatories of ADC UkhruI have not signed in required documents.
2. Under caption "Inspection" of GOI guidelines dated 20.10.2017, besides the CPWD manuals, it is incumbent upon the ADCs to carry out inspection of works as per the norms and procedure as laid down by the Central/State government. This aspect of the Job of the officials and engineers appears not to have been carried out properly resulting in sub-standard work etc.
3. On perusal of all the available records all 354 works programme under 14th Finance Commission were executed without preparation of DPR.



**Finding against ex-executive members (1) Shri. M. Isaac, Former Vice Chairman (20 Phungyar DCC segment), (2) Shri.HS.Ngamsung (11-Khamasom DCC segment), (3) Shri. Somimayar Awungshi (21-Shingkap DCC segment), (4) Shri.Kapangpam Zimik(6-Tolloi DCC segment).**

All of the above members were Executive Member during the time of implementing 14th finance awards. As per guidelines, the executive members are monitoring body. But there is no written order or instruction that the executive members are the monitoring body of the 14th FC award. They were never briefed about this by the chairman or CEO. Moreover, they have an understanding that no ADC member would intervene in the DCC of another Member. Therefore, any lapses in connection with the implementation of projects are directly responsible by CEO and Chairman, as all the executive power lies in their hands. The executive members are mere members. Considering that each ADC is responsible for his constituency, all of them has successfully executed all the approved projects in their respective DCC without any complaint. So their involvement in the offence thus charged could not be established.

**Finding against Shri. VL Khayinghor (14-Tuinem DCC segment).**

In the course of my spot inspection, received confirmed information that the 2 works were executed but not recognized by the village authority due to political difference. Drainage was constructed in front of the community hall. And the other work (water tank) was found constructed in the private land because of which the village authority did not recognize the work. In this regard statement of two independent witnesses are recorded in support. Therefore the offence was falsely charged. (Statement Enclosed as pages 34 and 35)

**Finding against Shri. H.A. Vareishang, former ADC member (10-Ukhrul south segment).**

During spot inspection, the project work was found executed without any issue. The newly elected village authority has no knowledge about the project. So when the Inquiry Officer contacted the then incumbent village Authority of 2020-21, they verbally reported that no such construction has taken place. After the inquiry, he called a joint meeting of all ex-chairman of tenure 2018-19, 2020-21 and the incumbent Chairman(2022-23). They discussed on the matter and the ex-chairman of tenure 2018-19 clarified, indicating that the said toilet was constructed under FC award. Therefore, the offence charged was mistakenly charged due to misunderstanding between them. One supportive independent statement recorded along with no objection certificate from chairman.(Statement Enclosed as pages 36 to 39)

**Finding against Shri, S, Thotasheng former ADC member ( 23KasomKhullen segment)**

It was charged in FIR that the work was not executed during preliminary However during spot inspection conducted on 03-



04/06/2024, the two works project (1) Fishery pond at Shangpunram and (2) IVR from village to water reservoir at ltham has been found executed (photo enclosed).Therefore the offence was falsely charged. Statement Enclosed as pages 40 to 43)

**Finding against Shri.Themreishang AS former ADC member ( 3Chingai segment)**

It was charged in FIR that the work was not executed during preliminary inquiry but during spot inspection and verification, it was ascertained that the redevelopment work of Heritage site has been carried out. As per the statement of Shri. Edward Shimrah, it was stated that the Heritage has been left unattended for so long. So, a two-day Geena was declared in the whole Poi village. The village worked and renovated the monolith and poles. The whole village also feasted the following day, commemorating the heritage reclamation. (Photos and statements enclosed at pages 30 to 32)

**Finding against (1) Shri. R.A. Ransing MSS, Under Secretary (TA&H), Now Deputy Secretary, (2) Shri. Letkhogin Haokip, IAS The then ACS of (TA&H) Govt of Manipur (now retired) and (3) Shri. N. Kayisii (now MLA from Tadubi A/C), the then Minister of TA&H, Govt. of Manipur.**

The above 03 accused persons, Shri. R.A. Ransing, Shri. Letkhogin Haokip, IAS and Shri. N. Kayisii MLA Tadubi AC, were jointly arrayed as accused in the case for issuance of Office Memorandum dated 09/11/2018. On this regard received a letter from ACS (TA&H) Govt. of Manipur addressed to Secretary, Lokayukta Manipur vide letter no TA/59/2023-e-TA&H dated 5<sup>th</sup>September 2023 and forwarded to me (Investigating Officer) which was received on 20/09/2023. It was on the matter of deleting the names of three alleged accused persons in the present case.(enclosed as L.1) On perusal it was found that while implementing 14<sup>th</sup> FC Award, the OM dated 09/11/2018 was viewed as superseding the guidelines issued by Govt. of India. However, on perusal, I am satisfied with the explanation and found no ulterior motive in issuing OM dated 09/11/2018. Further found that there is no any deviation from the Finance commission guidelines. Instead, it was issued in simple words for easier understanding of the provisions of the guidelines of the finance commission grant to the local bodies (ADC). Further, in respect of Ukhrul district all the projects were implemented before the issuance of the TA&H office memorandum dated 09/11/2018. So, this OM is nowhere related to the implementation of the 14<sup>th</sup> FC Award in respect of Ukhrul District. So, their involvement in the case could not be made out.(Enclosed as pages 68 to 70 and 85)”

19. Had the work of 14 FC award been given to the village council/authority for implementation as provided in the FC guidelines the question of calling tender would not arise. The village authorities are government organs and are elected for three years as per the Manipur (Village Authorities in Hill Areas) Act 1956. They collect hill house tax and



carry out functions assigned by the government including implementation of schemes for the village.

19.1. The FC funds are meant for providing basic civic services and cannot be given for benefit of individuals.

19.2. Engineers have not performed their jobs of preparing estimates, maintaining and recording MBs, inspection of works before payment and maintaining quality of works. There has also been failure in monitoring of works.

19.3. The administrative department has failed to examine the matter relating to the issue of OM dated 09.11.2018 without consultation with the Finance Department and this particular OM resulted in the derailment in the functioning of the ADC as per the Act, Rules, guidelines etc.

20. As provided under section 20 (7) of the Manipur Lokayukta Act, 2014 the comments on the investigation report of the competent authority and the public servants concerned were called. The public servants have agreed to the investigation report and have only reiterated that the works have been implemented. The competent authority has commented that –

**“The department has examined and perused the Report of the Investigating Officer of this Complaint/Case. The Department has found no bias report and the Department has no objection to the Investigating Report submitted by the Investigating Officer. As such there is no evidence of misappropriation and misuse of fund by the accused persons and the criminal charges against them shall be removed.”**

Shri N. Kayisii, MLA-Tadubi (former Minister of TA&H) has commented as under:-

**“That I have perused the Investigation Report of the Complaint Case No.6 of 2021 and FIR No. 3(08)2023 CB-PS u/s 403/406/420/120-B IPC & 13 PC Act and I agree to the**



finding of the Investigating Officer of this case. The Investigation Report is free and fair and there is no bias in his finding. There is no evidence of misappropriation and misuse of fund and I am not guilty.”

The comments of Shri Letkhogin Haokip, IAS (Rtd), former Addl. Chief Secretary of d/o TA&H and Dr. RA Ransing, former Under Secretary TA&H have furnished similar comments as reproduced above.

Smt. Polly Makan, MCS, then CEO of ADC Ukhurul has commented as under –

“I have gone through the Investigation Report and found that there is no evidence of misappropriation and corruption against all the accused persons including the undersigned. It is justice delivered at last. I have averred during the hearing on the Preliminary Inquiry Report also that I have worked sincerely and tried to ensure that all works are executed and there is no evidence of corruption and misappropriation against me.

As the CEO, Autonomous District Council, Ukhurul, I worked under the direction and guidance of the Autonomous District Council Executive Members headed by the Chairman, ADC, Ukhurul. As mentioned in the Report, works were executed on the ground. As CEO, it was not possible to inspect all the sites but I managed to inspect some of the work sites.

As far as lapses and violation of Rules cited by the Investigating Officer is concerned, I have mentioned in the statements enclosed herewith that nothing was done with the intention of misappropriating funds but in good faith and under various impediments including shortage of experienced staff. I, therefore, do not agree with the charges that I have committed misconduct, technical lapses and violation of rules and regulations.

I would like to conclude that there is no evidence of misappropriation or corruption against me and therefore prayed before the Hon'ble Lokayukta that I may be absolved of all the charges against me.”



Shri K. Dickson, former ADC Chairman, Shri M. Isaac former Vice-Chairman and Members namely Shri HS Ngamsung, Shri VL Khayinghor, Shri Somiyar Awungshi, Shri Kapangpam Zimik, Shri Themreishang AS, Shri Thotasheng, Shri HA Vareishang, Shri L. Raghmani Singh, EE and Shri Kh. Okendro Singh, AE of ADC Ukhrul have submitted a joint comment stating as under:-

**“Our comments on the Investigation Report submitted by Investigating Officer is as follow:**

- 1. We have execute the work, the Investigating Officer had visited the worksites,**
- 2. The Preliminary Inquiry Report was made without proper verification of the sites.**
- 3. We are very satisfied with the report submitted by Investigating Officer.”**



21. On consideration of the Complaint case in its entirety, it is clear that the OM dated 09.11.2018 issued by the Department of Tribal Affairs & Hills has facilitated short circuiting of all established processes laid down in rules, manuals and guidelines by stating that ***“The Autonomous District Councils, as usual, shall have the flexibility to select appropriate Agency/Individual from the local areas through which the work shall be executed under the supervision of respective technical staff of the councils.”*** This OM 09.11.2018 resulted in enabling by-passing of the requirement for calling tender or for award of works to the village councils as envisaged in the guidelines issued by the Finance Commission for implementation of the awards.

22. Further, it is found that there has been laxity on the part of government officials and casual attitude amongst the members of the ADCs in the implementation of the FC awards. The engineers have not done their job as they have failed to prepare estimates, maintain and record MBs properly and to carry out proper inspection of works. However, this lapse and omission cannot be apportioned to the engineering staff



alone as it is also the responsibility of the supervising officers and the functionaries of ADC to ensure that the requisite processes are followed and completed by the engineering staff. The engineers have violated all norms and instructions that are fundamental to their work. There were no estimates, none or minimal entry in MB and no spot visits. They have relied on the village headman's completion certificate in lieu of satisfaction of the engineering staff themselves that the work has been executed properly and completely.

23. Furthermore, the investigation report reveals that there was no process of preparing a shelf of project, identification and prioritisation of projects, screening and weeding out of duplication and schemes not permitted under the FC guidelines and final selection of proposals at the level of the ADC. This lapse is noticed at the level of administrative department as they failed to weed out beneficiary oriented schemes not permitted under the FC guidelines.

24. There is a need to consider for taking appropriate action against the public servants concerned, including the elected representative concerned, for suggesting and enabling diversion of funds for provisioning of basic civic services to individual beneficiaries in private land in violation of the guidelines of the Finance Commission.

25. The atmosphere of lax and non-serious attitude and approach of implementation of various schemes, programme, projects etc. by the department of TA & Hills deduced from the words "**as usual**" in OM dated 09.11.2018 under para 4 is pointed out by reproducing the para below:-

**"4. The Autonomous District Councils, as usual, shall have the flexibility to select appropriate Agency/Individual from the local areas through which the work shall be executed under the supervision of respective technical staff of the councils."**



25.1. The nonchalant attitude has seriously jeopardised the need for adhering to instructions, Act, rules and guidelines and prevalence of such casual atmosphere appears to have adversely influenced the examination and consideration of the proposal contained in the OM dated 09.11.2018 which, if referred to the Finance department, would not have taken place. The OM allowed flexibility leaving room for interpreting that tender was not required to be called and the work agencies can be selected from the local areas at the whims and fancy of elected representatives. This OM ignored the FC guidelines which had stated that ***“the concerned ADCs/designated agency may decide to channelize the funds to local village councils for ensuring the proper, efficient and effective implementation of the projects/works and maintain full accountability and transparency.”*** Had this particular para contained in the FC guidelines been pointed out in the process of examining the proposal for issuing draft OM dated 09.11.2018, the lapses and omission that has occurred in the ADC and administrative department would not have taken place.



26. The Investigation Report of the I.O. has been submitted to the Manipur Lokayukta by the Director, Inquiry on 07.06.2024 containing 106 pages of which 22 pages constitute the report. The concluding para of the investigation report is reproduced below:-

**“Conclusion**

**Therefore, from the above finding during Investigation, no evidence under misappropriation and corruption as levelled could be established against accused persons. However, the following officials (1) Mr. K. Dickson, Ex-Chairman ADC, Ukhru (2) Smt. Polly Makan, MCS the then CEO ADC Ukhru, (3) Shri L. Raghmani Singh, EE Incharge ADC Ukhru (Retired) and (4) Kh. Okendro Singh, AE ADC Ukhru (Retired) have been found to have committed misconduct, technical lapses, violation of rules and guidelines.”**

26.1. The investigation report has found that there is “no evidence under misappropriation and corruption as levelled could be established against accused persons” in its conclusion. Nevertheless, it has pointed out misconduct, technical lapses, violation of rules and guidelines by four public servants as listed in the conclusion. Taking into consideration the investigation report and its concluding findings and also considering the matter in its entirety there is a clear departure from the findings of the Preliminary Inquiry Report which had pointed out that many of the works have not been done and the Investigation Report which has stated that the works have been implemented although it suffers from quality issues and omission and violation of procedures. The complaint case has already taken more than three years and it needs to be concluded without prolonging the matter further as the IO of the investigation has stated clearly in the investigation report that there is no evidence under misappropriation and corruption as levelled could be established against the accused persons.



26.2. The Lokayukta has been set up to inquire into the allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto, so Lokayukta is inclined to be of the view that, it may suffice for the purposes of implementation of the Manipur Lokayukta Act, 2014 to conclude the Complaint case by taking a balanced and just view “to direct closure of report before the Special Court against the public servant” and also “direct the competent authority to initiate departmental proceedings or any other appropriate action against the concerned public servants” of the administrative department and Ukhrul autonomous district council.

27. Lokayukta is a sui-generis quasi-judicial body and is required to chart its own course. Section 20(7) (a) of the said Act which provides that Lokayukta shall consider every report received from the Investigating

agency and after obtaining the comments of the competent authority and the public servant may (i) grant sanction to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant; (ii) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants. Section 20 (7) of the Manipur Lokayukta Act, 2014 is reproduced hereunder :

**“20. (7) The Lokayukta shall consider every report received by it under sub-section (6) from the Investigating agency and after obtaining the comments of the competent authority and the public servant may—**

**(a) grant sanction to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant;**

**(b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants.”**



27.1. Accordingly, Complaint Case No. 6 of 2021 has been considered in its entirety taking into consideration of the relevant contents of the Preliminary Inquiry Report and the Investigation Report inclusive of the spot inspection reports and the conclusions of both the reports. The investigation report submitted by the I.O. has stated that the investigation has found no evidence of misappropriation and corruption as levelled against accused persons. It further stated that the following public servant (1) Mr. K. Dickson, Ex-Chairman ADC, Ukhrul (2) Smt. Polly Makan, MCS the then CEO ADC Ukhrul, (3) Shri L. Raghmani Singh, EE In-charge ADC Ukhrul (Retired) and (4) Shri Kh. Okendro Singh, AE ADC Ukhrul (Retired) have been found to have committed misconduct, technical lapses, violation of rules and guidelines. Having considered the facts in juxtaposition with the provisions of the said Act under Section 20 (7) (a) and Section 20 (7) (b), the Lokayukta is in a position to take two-pronged approach namely, (i) to direct closure of report before Special Court against

the public servant, and at the same time (ii) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants. Taking into account the conclusion of the investigation report, the matter has been considered in its entirety and in exercise of the provisions under section 20(7) (a) and (b) of the said Act it has been decided by the Manipur Lokayukta to conclude the Complaint Case No.6 of 2021as under:-



A. The Director, Prosecution in the office of the Manipur Lokayukta is hereby directed under section 20(7) (a) of the Manipur Lokayukta Act 2014 to report for closure of the FIR. No. 3(08)2023 CB-PS u/s 403/406/420/120-B IPC & 13 PC Act arising from Complaint No.6 of 2021 in the matter between Shri W. Shinglai, S/o NG. Shinglai, Profession-Social Activist, a resident of Kasom Khullen village Ukhrul/Kamjong, P.O. & P.S. Kamjong, Ukhrul District, Manipur- 795149 Versus Shri K Dickson, former ADC Chairman and 14 (fourteen) others to the Special Court designated for the Manipur Lokayukta. The persons against whom the above stated FIR is to be closed are –

- (i) Shri K Dickson, former ADC Chairman;
- (ii) Shri M. Issac, former Vice Chairman (20-Phungyar DCC Segment) & former Executive members of the Executive Committee of ADC. Ukhrul;
- (iii) Shri HS. Ngamsung (11-Khamasom DCC Segment);



- (iv) Shri VL. Khayinghor (14-Tuinem DCC Segment);
- (v) Shri Somimayar Awungshi (21- Shingkap DCC Segment);
- (vi) Shri Kapangpam Zimik (6-Tolloi DCC Segment);
- (vii) Shri Themreishang AS, former ADC Member (3-Chingai segment);
- (viii) Shri S Thotasheng, former ADC Member (23-Kasom Khullen segment);
- (ix) Shri H A Vareishang, former ADC Member (10- Ukhrul South segment);
- (x) Smt Polly Makan, the then CEO;
- (xi) Shri L. Raghmani Singh (EE); and
- (xii) Shri Kh. Okendro Singh (AE).
- (xiii) Shri R.A. Ransing MSS, Under Secretary (TA&H) now Deputy Secretary,
- (xiv) Shri Letkhogin Haokip, IAS (now Rtd), the then ACS of Department of TA&H, Govt. of Manipur,
- (xv) Shri N. Kayisii (now MLA from Tadubi AC), the then Minister of TA&H, Govt. of Manipur.

B. The competent authority through the Chief Secretary, Government of Manipur, in exercise of the provisions under section 20 (7) (b) of the Manipur Lokayukta Act 2014 is hereby directed to consider to initiate departmental proceedings against the following public servant (1) Mr. K. Dickson, Ex-Chairman ADC, Ukhrul (2) Smt. Polly Makan, MCS the then CEO ADC Ukhrul, (3) Shri L. Raghmani Singh, EE In-charge ADC Ukhrul (Retired) and (4) Shri Kh.

Okendro Singh, AE ADC Ukhrul (Retired) and take any other appropriate action under section 20 (7) (b) of the Manipur Lokayukta Act, 2014 against (i) Shri. S. Thotasheng, ADC Member, Kasom Khullen , (ii) Shri K. Dickson, ADC member, Nungbi Khullen, (iii) Shri VL Khayinghor, Member, Tuinem for misconduct, technical lapses, violation of rules and guidelines under the relevant Act, Rules and Regulations including CCS(CCA) Rules, 1965.

C. The administrative Secretary of the Department of Tribal Affairs & Hills, Government of Manipur, in exercise of the provisions under section 20 (7) (b) of the Manipur Lokayukta Act 2014 is hereby directed to forthwith cancel the OM No.22/202/2018- (HILLS) dated 09.11.2018. The administrative secretary should ensure that instructions providing relaxation of rules and procedures, in future, should be carried out by following the procedure as provided under the Rules of Business of the Government of Manipur.

D. Having observed in a few cases the lack of knowledge or deliberate neglect and violation of various Acts, Rules, Manuals, SOPs, instructions, FR/SR, Guidelines etc., it is recommended that the Chief Secretary, Government of Manipur shall arrange for having training programmes conducted for the executives including engineers and functionaries of all Autonomous District Councils for proper and effective implementation of various Government schemes, programmes/projects/awards.

E. With the above directions the Complaint No. 6 of 2021 is closed.



28. Secretary/Deputy Registrar, Manipur Lokayukta is directed to act accordingly by informing the Director, Prosecution in Manipur Lokayukta, Chief Secretary, Government of Manipur and administrative secretary of the Department of Tribal Affairs & Hills for taking necessary action. He is further directed to furnish a copy of this order to the Director (Inquiry) in Manipur Lokayukta and to the complainant and respondents.

29. Copies of the Investigation Report dated 07.06.2024 submitted by the Investigating Officer may be issued to the parties on their request after 10 (ten) working days by Deputy Registrar, Manipur Lokayukta.

**Sd/-**

**ACTING CHAIRPERSON**

