**Before**

**Manipur Lokayukta**

*3rd Floor, Directorate Complex, 2nd M.R., North AOC, Imphal*

--

**Complaint Case No. 3 of 2020**

*In the matter between:*

1. Gonmei Kuripou, aged about 39 years, S/o Gonglum Gonmei, a resident of Thangal Village, P.O. & P.S. Noney, Noney District, Manipur.

2. Gailachung Kamei, aged about 44 years, S/o Ningchanglung Kamei, a resident of Noney Village, P.O. & P.S. Noney, Noney District, Manipur.

… ***Complainants***

*-Vs-*

(i) Shri Namsinrei Panmei, Chairman, ADC, Tamenglong.

(ii) Shri SG Pammei (Vice Chairman), ADC, Tamenglong.

(iii) Shri Pouhutlung Panmei, Executive members of the Executive Committee of ADC, Tamenglong.

(iv) Shri TP Sangjeuying, Executive members of the Executive Committee of ADC, Tamenglong.

(v) Shri Halthing Doungel, Executive members of the Executive Committee of ADC, Tamenglong.

(vi) Shri Lungin Gangte, Executive members of the Executive Committee of ADC, Tamenglong.

(vii) ~~Shri G Apoukhui, Executive members of the Executive Committee of ADC, Tamenglong~~ (deleted vide order dated 01.09.2021).

(viii) Shri D Gangmei, the then CEO, ADC, Tamenglong;

(ix) Mrs. Prabahati Pamei (58) EE, Engineering Cell, Tamenglong.

(x) Shri Daniel Philip (58) AE, Engineering Cell, Tamenglong.

(xi) Shri L. Premjit Meitei (46) AE I/C, Engineering Cell, Tamenglong.

(xii) Shri Agui Gangmei (40) S.O., Engineering Cell, Tamenglong.

(xiii) Mrs. Duangakliu K (45) S.O., Engineering Cell, Tamenglong.

(xiv) T A Shri Gaidim, Engineering Cell, Tamenglong.

(xv) Shri B. Thambou, Member, ADC, Tamenglong.

(xvi) Shri Zino Kamei, Member, ADC, Tamenglong.

(xvii) Shri Kamei Khiakpou, Member, ADC, Tamenglong.

(xviii) Shri Poulunthui Rongmei (73), Member, ADC, Tamenglong.

(xix) Shri Meirijin Rongmei Naga, Member, ADC, Tamenglong.

(xx) Shri Alar Thoitak, Member, ADC, Tamenglong.

(xxi) Shri Tadinang Gangmei, Member, ADC, Tamenglong.

(xxii) Shri Kaningmei, Member, ADC, Tamenglong.

….. ***Respondents/Opposite Parties***

**With**

**Complaint Case No. 9 of 2021**

*In the matter between:*

Shri Yambem Sanjit Meetei aged about 36 years, S/O Y. Kulla Meitei of Bamon Kampu Yambem Leikai, P.O. – Canchipur, P.S. Irilbung, Imphal East District, Manipur.

… ***Complainant***

*-Vs-*

(i) Shri Namsinrei Panmei, Chairman, ADC, Tamenglong.

(ii) Shri SG Pammei (Vice Chairman), ADC, Tamenglong.

(iii) Shri Pouhutlung Panmei, Executive members of the Executive Committee of ADC, Tamenglong.

(iv) Shri TP Sangjeuying, Executive members of the Executive Committee of ADC, Tamenglong.

(v) Shri Halthing Doungel, Executive members of the Executive Committee of ADC, Tamenglong.

(vi) Shri Lungin Gangte, Executive members of the Executive Committee of ADC, Tamenglong.

(vii) ~~Shri G Apoukhui, Executive members of the Executive Committee of ADC, Tamenglong~~ (deleted vide order dated 01.09.2021).

(viii) Shri D Gangmei, the then CEO, ADC, Tamenglong;

(ix) Mrs. Prabahati Pamei (58) EE, Engineering Cell, Tamenglong.

(x) Shri Daniel Philip (58) AE, Engineering Cell, Tamenglong.

(xi) Shri L. Premjit Meitei (46) AE I/C, Engineering Cell, Tamenglong.

(xii) Shri Agui Gangmei (40) S.O., Engineering Cell, Tamenglong.

(xiii) Mrs. Duangakliu K (45) S.O., Engineering Cell, Tamenglong.

(xiv) T A Shri Gaidim, Engineering Cell, Tamenglong.

(xv) Shri B. Thambou, Member, ADC, Tamenglong.

(xvi) Shri Zino Kamei, Member, ADC, Tamenglong.

(xvii) Shri Kamei Khiakpou, Member, ADC, Tamenglong.

(xviii) Shri Poulunthui Rongmei (73), Member, ADC, Tamenglong.

(xix) Shri Meirijin Rongmei Naga, Member, ADC, Tamenglong.

(xx) Shri Alar Thoitak, Member, ADC, Tamenglong.

(xxi) Shri Tadinang Gangmei, Member, ADC, Tamenglong.

(xxii) Shri Kaningmei, Member, ADC, Tamenglong.

….. ***Respondents/Opposite Parties***

**B e f o r e**

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

**Date of Order : 18.06.2024**

**Judgment and order**

[1] A complaint dated 27.10.2020 was received by Manipur Lokayukta filed jointly by (i) Gonmei Kuripou, aged about 39 years, S/o Gonglum Gonmei, a resident of Thangal Village, P.O. & P.S. Noney, Noney District, Manipur and (ii) Gailachung Kamei, aged about 44 years, S/o Ningchanglung Kamei, a resident of Noney Village, P.O. & P.S. Noney, Noney District, Manipur against Mr. Dipu (D. Gangmei), MCS, the then Chief Executive Officer, Autonomous District Council, Tamenglong (now conferred IAS, designated as Additional Deputy magistrate (ADM), Ukhrul), aged about 37 years, S/o Thangjikpou Gangmei, a resident of Gaidimjang Village, P.O. & P.S. Khoupum, Noney District, Manipur presently residing at Neikanlong, Kabui Village, Thangmeiband, P.O. & P.S. Lamphel, Imphal West District, Manipur alleging that the said public servant:

i) Have knowingly and intentionally abused their position(s) as such to obtain any undue gain or favour to themselves; and

ii) Were actuated in the discharge of their functions as such public servants by corrupt motives and

 iii) Are guilty of corruption; and

iv) Are in possession of pecuniary resource or property is held by the public servant personally and by their family members.

 The said complaint filed under the Manipur Lokayukta Act, 2014 and Rules framed thereunder was registered as Complaint Case No. 3 of 2020.

1.1. Another complaint dated 12th September, 2021 was received by Manipur Lokayukta filed by Shri Yambem Sanjit Meitei aged about 36 years, S/o Y. Kulla Meetei of Bamon Kampu Yambem Leikai, P.O. – Canchipur, P.S. Irilbung, Imphal East District, Manipur against Mr. Dipu (D. Gangmei), aged about 37 years, S/o Thangjikpou Gangmei, a resident of Gaidimjang Village, P.O. & P.S. Khoupum, Noney District, Manipur, MCS, the then Chief Executive Officer, Autonomous District Council, Tamenglong, now promoted to IAS and serving as Additional Deputy Magistrate (ADM), Ukhrul and presently residing at Neikanlong, Kabui Village, Thangmeiband, P.O. & P.S. Lamphel, Imphal West District, Manipur alleging that he:

i) has knowingly and intentionally abused his position as such to obtain any undue gain of his personal monetary benefit or favour to himself or to any other person or to cause undue harm to any other person; and/or

ii) was actuated in the discharge of his functions as such public servant by corrupt motives, and/or

 iii) is guilty of corruption; and /or

iv) is in possession of pecuniary resources of property dis-proportionate to his known source of income and such pecuniary resources of property is held by the public servant personally or by any member of his family or by some other person on his behalf.

The said complaint was registered as Complaint Case No. 9 of 2021.

[2] The main crux of the both the complaint cases i.e. Complaint Case No. 3 of 2020 and Complaint Case No. 9 of 2021 is that the respondent, in connivance with the executing agency and other officials of the Autonomous District Council, Tamenglong, has misappropriated the fund provided under 14th Finance Commission 2017-18 in respect of Tamenglong Autonomous District Council. The area where the developmental works/schemes are to be implemented falls under the district of Tamenglong District and Noney District which is looked after by the single Autonomous District Council, Tamenglong. It is also alleged that various developmental works alleged to have been executed by the implementing agency have not been executed in collusion with the respondents.

[3] In accordance with the Guidelines issued by the State Finance Commission vide Office Memorandum No. 22/202/2018-(HILLS) dated 09.11.2018, the Autonomous District Council, Tamenglong took up various works which falls in the following category:

1. Development of inter village roads;
2. Construction of water tanks/reservoirs;
3. Construction of public toilets;
4. Construction of waiting sheds;
5. Construction of pucca drainages/water storm drainages;
6. Improvement of playgrounds;
7. Construction of community halls and village authority offices;
8. Extension/improvement of primary schools; and
9. Setting up of solar street lightings etc.

[4] After receipt of the above two complaints i.e. Complaint Case No. 3 of 2020 and Complaint Case No. 9 of 2021, separate orders were passed in order to ascertain if there exists a prima facie case for proceeding the complaint cases. Accordingly, the Inquiry Wing of Manipur Lokayukta was directed to conduct a Preliminary Inquiry of the said two complaint cases vide order dated 02.11.2020 and 11.10.2021 respectively.

[5] After receipt of the Preliminary Inquiry Report of Complaint Case No. 3 of 2020 on 21.06.2021, by an order of Lokayukta dated 29.10.2021 passed in Complaint Case No. 9 of 2021, the Preliminary Inquiry Report dated 21.06.2021 submitted in Complaint Case No. 3 of 2020 was also treated as the Preliminary Inquiry Report of Complaint Case No. 9 of 2021. In the said Preliminary Inquiry Report, apart from Mr. Dipu (D. Gangmei), MCS, the then Chief Executive Officer, Autonomous District Council, Tamenglong, some other persons were also arrayed as Respondents. Relevant portion of the order dated 29.10.2021 passed in Complaint Case No. 9 of 2021 is reproduced hereunder :

**“1. By our order dated 11.10.2021, we have directed the Inquiry Officer of Complaint Case No. 3 of 2020 to submit a report as to whether the Preliminary Inquiry Report dated 21.06.2021 submitted in connection with Complaint Case No. 3 of 2020 could also be treated as Preliminary Inquiry Report of the present case i.e. Complaint Case No. 9 of 2021. It appears that the allegations and assertion made in the present case is exactly similar with that of the Complaint Case No. 3 of 2020, but the only difference is the complainant.**

**2. In pursuance of our order dated 11.10.2021, passed in the present case, Director (Inquiry), Manipur Lokayukta has submitted a report dated 21.10.2021 stating that the allegations and assertions made in Complaint Case No. 9 of 2021 are similar to those of Complaint Case No. 3 of 2020, as such the earlier Preliminary Inquiry Report dated 21.06.2021 submitted in Complaint Case No. 3 of 2020 may also be treated as Preliminary Inquiry Report of the present case i.e. Complaint Case No. 9 of 2021.**

**3. We have given our anxious consideration to the allegations and assertions in the complaint of Complaint Case No. 3 of 2020 and also those of in the present case and also the earlier Preliminary Inquiry Report dated 21.06.2021 submitted in Complaint Case No. 3 of 2020 and we are of the considered view that the earlier Preliminary Inquiry Report dated 21.06.2021 shall also be treated as the Preliminary Inquiry Report of the present case inasmuch as we are not allowing to conduct a new inquiry for the same subject matter. As such, the Respondents of the Complaint Case No. 3 of 2020 shall also be the respondents of the present case i.e. Complaint Case No. 9 of 2021.**

**4. Since the respondents of the present case are similar to those of Complaint Case No. 3 of 2020 and they are represented by their respective counsels, serving of fresh notice to the respondents of the present case is not required in the peculiar facts and circumstances. The earlier learned counsels appearing for the respondents in Complaint Case No. 3 of 2020, which is also fixed today for hearing, entered appearance for the respondents in the present case.”**

[6] Manipur Lokayukta, after considering the preliminary inquiry report and the submissions made orally and in writing by the parties during the process of hearing of the case, was of the considered view that there exists a prima facie case for investigation. Accordingly, a common judgment and order dated 07.01.2022, under Section 20 (3) (a) and Section 28 of the Manipur Lokayukta Act, 2014, was passed holding that there exists prima facie case for investigation and the Chief Secretary, Government of Manipur and Director General of Police, Manipur were requested to entrust the investigation of the present case to a direct recruit IPS Officer (non-Local) of the rank not lower than Additional SP serving under the State of Manipur. Relevant portion of the common judgment and order dated 07.01.2022 ordering an investigation are reproduced hereunder:

**“22. For the foregoing reasons and discussion, we are of the considered view that there exists prima facie case for investigation. 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 five 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, 2022.**

**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 co-ordination with the Director (Inquiry), Manipur Lokayukta and also that the investigation of the present case is in addition to his normal duty. 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.**

**23. 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 and the respondents.**

**24. Await investigation report.”**

 As per the common judgment and order dated 07.01.2022, a case was filed bearing FIR No. 03(02)2022 CB PS u/s 13 PC Act and 120-B/34 IPC in the Crime Branch Police Station, Manipur, Imphal.

[7] The investigation of the present FIR was initially entrusted to Shri Ravi Choudhari, IPS, SP, Kamjong. As Shri Ravi Choudhari, IPS was released on Central Deputation to NIA, Shri Saujanya Singh, IPS, SP, Ukhrul took up the investigation of the present FIR. Further, as Shri Saujanya Singh, IPS was release by the Manipur Government for deputation, the said FIR was entrusted to Shri Rahul Gupta, IPS, SDPO, Mayang Imphal. Furthermore, as Shri Rahul Gupta, IPS was attending a mandatory training course – Special Foundation Course 2023 at RCVP Noronha Academy of Administration and Management, Bhopal, MP, the investigation of the present case was entrusted to Shri N. Madhunimai Singh, MPS, Sp/Noney District. Finally, as Shri N. Madhunimai Singh, MPS was replaced by Shri Namsadai Peter, MPS, Addl. SP (L/O), Noney District by an order of the Manipur Lokayukta dated 15.04.2024 passed in the present Complaint Case. The letters are reproduced below as they give the reasons why changing of I.O. was necessitated.

**“e-l-21015/17/2022-IPS.lll**

**……../Government of India**

**…… /Ministry of Home Affairs**

**----**

**Room No. 220, North Block, New Delhi-01,**

**Dated, the 9th May, 2022**

**To**

**The Chief Secretary**

**Government of Manipur**

**Imphal.**

**Subject: Induction of Shri Ravi Choudhary, IPS (MA:2016) as SP, NIA on**

**deputation basis.**

**Sir,**

**I am directed to the subject cited above and to convey the approval of Competent Authority for induction of Shri Ravi Choudhary, IPS (MA:2016) as Superintendent of Police in National Investigation Agency (NIA) on deputation basis for a period of five years from the date of assumption cf charge of the post or until further orders, whichever event takes place earlier.**

**2. It is requested to relieve Shri Ravi Choudhary, IFS (MA:2016) immediately to enable him to take up his new assignment at the Centre.**

**Yours faithfully**

**Sd/-**

**(Sanjeev Kumar)**

**Under Secretary to the Govt. of India**

**Tel. No. 23094038**

**Copy to:-**

1. **The Director General of Police, Manipur, Imphal**
2. **The Accountant General, Manipur, Imphal.**
3. **National Investigation Agency (Shri Santosh Rastogi, IG (Adm.), CGO Complex, New Delhi). It is requested that the date of joining the pest by the officer may be intimated to this Ministry**
4. **PS to HM/PS to MOS(N)/PS to MOS (A)/ PS to MOS (NP)**
5. **Sr. PPS to HS/PPS to AS&FA (H)/ PPS to JS(?-I)/PPS to JS (CTCR)/Consultant to Dir.(P).**
6. **Personal File/Guard File/IPS ACR Cell.**
7. **Sr. Technical Director (NIC), MHA for uploading on MHA website. (IPS Portal under head — Appoint — Central deputation - Appointment orders — SP level)”**

**“No. 1/ML/DIR(INQ)/2022/671**

**OFFICE OF THE MANIPUR LOKAYUKTA**

**Directorate Complex, 3rd Floor, North AOC, 2nd MR Gate, Imphal, Manipur**

**Imphal, the 5th December, 2022**

**To**

**The Chairperson,**

**Manipur Lokayukta, Imphal.**

**Sub: Investigating Officer for FIR No. 3(02)2022 CB-PS u/s 13 PC Act**

**& 120-B/34 IPC.**

**Ref: FIR No. 3(02)2022 CB-PS u/s 13 PC Act & 120-B/34 IPC.**

**Sir,**

**Case FIR No. 3(02)2022 CB-PS u/s 13 PC Act & 120-B/34 IPC was investigated by Shri Saujanya Singh, IPS, the then Commandant 5th MR. However, he could not complete the investigation as he was released by the**

**Manipur Government for deputation.**

**It is suggested that the case 3(02)2022 CB-PS u/s 13 PC Act & 120-B/34 IPC may be investigated by Shri Rahul Gupta, IPS-2020, Manipur. Presently posted as SDPO, Mayang Imphal.**

**Yours faithfully,**

**Sd/-**

**(Ashutosh Kumar Sinha) IPS**

 **Director (Inquiry),**

**Manipur Lokayukta, Imphal.”**

**----**

**“Office of the Sub-Divisional Officer, Lamphel**

**Imphal West District, Manipur**

**Imphal, the 26th August, 2023**

**To,**

 **The Director (Inquiry)**

 **Manipur Lokayukta,**

**Imphal, Manipur**

**Subject: Intimation of attending mandatory training – Special Foundation Course-2023**

**Sir,**

 **It is to kindly informed that I will be attending a mandatory training course- Special Foundation Course 2023 scheduled from 4th September to 15th December 2023 at RCVP Noroha Academy of Administration and Management, Bhopal M.P. Since, it is a full-time training course, further investigation of the case with FIR No. 3(2)2022 CB-PS u/s 13 PC Act & 120-B/34 IPC assigned to me during the aforementioned training period would be difficult to progress as intended.**

 **Submitted for kind information and necessary action please.**

**Yours Sincerely,**

**Sd/-**

**(Rahul Gupta), IPS**

**Sub-Divisional Police Officer,**

**Lamphel”**

**“GOVERNMENT OF MANIPUR**

**OFFICE OF THE SUPERINTENDENT OF POLICE NONEY DISTRICT**

**-----**

**Memo No. 43/SP-NNE(SP/PERSL)/2024/ 2002 Noney, the 20th March, 2024.**

**To**

**The Director (Inquiry), Manipur Lokayukta,**

**Imphal.**

**Subject:- Request to kindly propose for replacement of the Investigating Officer of case FIR No. 3(2)2022 CB PS, U/s 13 P C Act and 120-B/34 IPC - reg.**

**Sir,**

**Most humbly and respectfully, I am to state the following facts that vide letter dated 29/08/2023, the Director (Inquiry), Manipur Lokayukta, proposed the applicant to be the new investigating Officer of the FIR No. 3(2)2022 CB PS, U/s 13 P C Act and 120-B/34 IPC and as proposed so, the Hon'ble Manipur Lokayukta, by invoking power and jurisdiction u/s 20(3) and 28 of the Manipur Lokayukta Act, 2014, ordered to utilize the service of the applicant for completion of the investigation of the present FIR vide its order dated 30/08/2023, passed in Complaint Case No. 3 of 2020 with Complaint Case No. 9 of 2021. The applicant fully honored the above mentioned order of the Hon'ble court. However, the previous I.O. Shri Rahul Gupta, IPS formally handed over the case records to the undersigned on 19103/2024 only. The undersigned have taken up the case for further investigation in compliance to Hon'ble Manipur Lokayukta court order.**

**That, the General Election, 2024 to the 18th- Lok Sabha has been announced and Model Code of Conduct has come into force since 17/03/2024 till 04/06/2024 As a District Superintendent of Police, the undersigned is now heavily engaged in the election related duties and assignments. Hence, the undersigned may not be able to complete the investigation of the case on time.**

**That, the undersigned is assign with the responsibility for safety and security of vehicles carrying essential commodities on the National Highway-37 (Imphal-Jiribam), which is the only lifeline in the state after the outbreak of violent ethnic crisis in the state. Over and above the maintenance of normal law and order in the district, there are various obligations on the present applicant for submission of time bound reports sought by the Hon'ble Supreme Court of India and other statutory bodies in connection with the ongoing ethnic crisis in the state.**

**That, proper investigating of the case requires spots visit and recording statements of the local inhabitants. All the spots are located in far flung remote areas of Tamenglong District, where there are many Kuki community/inhabitants. As the applicant is a Meitei by community, our presence at such spots is highly vulnerable and will compromise the safety and security of the applicant amidst the ongoing ethnic violence between Kuki and Meitei in the state. In such a situation and circumstance, fair and proper investigation might not be possible for the applicant.**

**From the above mentioned facts and circumstances, the humble applicant may kindly be replaced as the Investigating Officer of the case for the end of fair and proper investigation of the case.**

**Thanking you**

**Yours faithfully,**

 **Sd/-**

**(N. MADHUNIMAI SINGH), MPS**

**Superintendent of Police**

**Noney District**

**Memo No. 44/SP-NNE(PERSNL)/2024/**

**Copy to:-**

1. **The Deputy Registrar, Manipur Lokayukta, Imphal.**
2. **File**

**Superintendent of Police**

**Noney District”**

[8] 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. 3 of 2020 on 27.10.2020 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 including submissions of preliminary inquiry report and the investigating report are partly explained by the following developments that took place around the world and in Manipur. This delay may also explain why there have been changes in the status position of the works inspected at the time of preliminary inquiry and the investigation report.

[8.1] 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. 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 difficult for the IO to spare time for carrying out spot inspection. It was only after the law and order situation eased and polling to the 2024 elections for Manipur was over that the sites were inspected by the I.O. for investigations.

[9] The investigation report was preceded by the preliminary inquiry report and a table showing the names of the non-executed works prepared by the Inquiry Officer as seen during his spot inspection is reproduced hereunder:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Sl No** | **No & Name of DCC** | **Elected Candidate** | **Address** | **Works not executed** | **Annexure**  |
| **1** | **17- Haochong** | **B Thambou**  | **Haochong** | **Construction of Waiting Shed and Community Hall at karuagmon pt 1/ Nungtek Village enlisted in the D.O.letter is not carried out.**  | **II/110** |
| **2** | **18-Noney** | **Zino Kamei** | **Noney** | **Community hall is renovated but not according to the approved measurement details. Pucca drainage at PHC Noney is partially constructed.** | **II/105** |
| **3** | **22- Rengpang** | **G Apoukhul** | **Rongdai** | **Khongsang Primary School was not renovated** |  |
| **4** | **23- Nungba** | **Kamei Khiakpou** | **Nungba** | **No project work were carried out** | **II/107** |
| **5** |  | **Poulunthui Rongmei (73)** | **Satudai** | **Road Shingling not done** |  |
| **6** | **20-Khoupum** | **S.G Pammei** | **Khoupum Taodaijang** | **Waiting shed at Satudai is fixed with new tin sheets**  | **II/94** |
| **7** | **21-Nungnang** | **Meirijin Rongmei Naga** | **Nungnang Village** | **Construction of Water Tank at Namkaolong is not constructed** | **II/106** |
| **8** | **19-Dollang** | **Alar Thoitak** | **Dollang Village** | **Repairing/ Major Renovation of Joujangtek Village Authority office/ Dollang Guest house has not been carried out.** | **II/100** |
| **9** | **9-Oinamlong** | **Tadinang Gangmei** | **Sibilong Pt1** | **Pucca Drainage from Shalom Baptist Church, Oinamlong is not constructed** | **II/114** |
| **10** | **5-Lamlaba** | **Namsinrei Panmei** | **Pallong** | **Water tank at Church Colony, Tamenglong is constructed. Public Toilet at Duithanlong, Tamenglong is constructed. Pucca drainage from PHC Tamei to Tamah is not constructed.** | **II/2** |
| **11** | **16-Awangkhul** | **Kaningmei** | **Noney** | **No Public Toilet is constructed at Khumji Bazar** | **II/108** |

[10] The Investigating Officer, Shri Namsadai Peter, MPS, Addl. SP (L/O), Noney District has submitted the Investigation Report of the FIR No. 03(02)2022 CB PS u/s 13 PC Act and 120-B/34 IPC to the Director (Inquiry), Manipur Lokayukta who in turn submitted the same on the same date to Manipur Lokayukta. The said Investigation Report consists of a total 109 pages of which initial 20 pages constitute the investigation report.

[11] With the submission of the Investigation Report, the Manipur Lokayukta is to act according to the provision laid down under Section 20 (7) of the Manipur Lokayukta Act, 2014. Section 20 (7) 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.”**

[12] Manipur Lokayukta passed an order dated 07.06.2024, directing the Deputy Registrar, Manipur Lokayukta to call comment on the Investigation Report from the competent authority of the said public servants and also from the public servants themselves. In response to the letter of Deputy Registrar, Manipur Lokayukta dated 07.06.2024, comment of the competent authority to the Investigation Report was received from Additional Secretary (Tribal Affairs & Hills), Government of Manipur on 13.06.2024. Except for Respondent No. 15, Mr. B. Thambou, which was received on 12.06.2024, the comments to the Investigation Report in respect of all others respondents were received on 14.06.2024.

[13] 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.”**

The comments of the public servants are as under:

**(i) Shri TP Sangjueying, former Executive Member, ADC Tamenglong**

 **“I would like to state that preliminary inquiry was done without proper verification of worksite as such we have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested person.**

 **Tamenglong being the toughest district, works execution is a major problem. We have executed the works and the Investigating Officer have seen them. Justice have been done to us. We fully agreed with the findings of the IO. Our written statements have been given to the Investigation Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta May drop the charges against me as the investigation report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**(ii) Smt Prabhabati Pamei, retired E.E, PWD, Tamenglong ADC**

 **“Works of 14th Finance and 13th Fc were carried out by norms through village authority/VDC/agencies nominated by respected MDCs. As such advance payments were given to the agencies for execution of work in order to complete within stipulated time.**

 **Works under 14th Finance is 325 in numbers located at different areas of Tamenglong district, the toughest terrain for execution of work. And moreover, the work sites have no proper vehicle application road.**

 **Regarding entry of the second advance bills, due to the urgency and tussle in the ADC chairmanship post as well as the festivity mood of the work agency(ies) to release bill before the festival, made more officially tight to carry out at a time, hence, the MBs are entered without detail measurement.**

 **Justice have been done to me. I fully agreed with the findings of the IO. Our written statements have been given to the Investigating officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigation report has revealed.”**

**(iii) Shri L. premjit Meitei, A.E. I/c PWD, ADC Tamenglong**

 **“… I would like to submit my comment regarding the present Investigation report of IO.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. Agency have executed the works and the Investigating officer have seen them.**

 **As I was assigned mostly for preparation of bills and drawing, inspection to the work site could not be done timely for all the proposed works or work programs. But before second advance being made, inspection was done by the staffs at the nearby villages of Tamenglong District Hq. And after second advance, I along with my staffs have tried my level best to inspect the works as it was assigned to me by the office.**

 **As stated, Tamenglong as the toughest terrain district and lack of all-weather roads connectivity which would take more than a month to cover up. Amidst tight official schedule, I managed to cope up the lapses. Moreover, it is also due to the tussle in the ADC chairmanship post as well as the festivity mood of the work agency(ies) to release the bill before the festival made more officially tight to carry out at a time.**

 **Justice have been done to me. I fully agreed with the findings of the IO. Our written statements have been given to the Investigating officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigation revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**(iv) Daniel Philip, Assistant Engineer (retired), PWD section ADC Tamenglong**

 **“… I would like to submit my comment regarding the present investigation report of Investigating Officer.**

 **Works under 14th Finance Commission Award and 3rd Finance Commissions Award were carried out by norms through Village authority / VDC / Agencies.**

 **Works under 14th Finance is 325 in numbers located at different areas of Tamenglong District with toughest terrain or execution of work. And moreover, many of the work sites were situated at interior parts of the district where no vehicle can reach. Even though myself and all our field staff made visit to many of the work sites for proper verification and execution of the works. I regret to say this in my statement submitted and I request for pardon on this matter.**

 **Regarding entry of the second advance bills were made due to the urgency and tussle in Tamenglong ADC Chairmanship post as well as the festivity mood of the work agencies to release bills before the festival, made more difficult to carry out in time. Hence the bills were entered in MB were without measurement and mention as Second Advance Bill. In all payments which were made to work agencies without the concern of PWD staff and made payment to work agencies before the bills prepared. This can be verified from ADC office.**

 **In this circumstance I pray for justice to me as I fully agreed with the findings of Investigating Officer. My written statements have been submitted to the investigating Officer.**

 **I humbly pray to the Hon’ble Manipur Lokayukta to drop the charges made against me as the investigation report has revealed.”**

**(v) Duangakliu K, A.E. I/c PWD, ADC Tamenglong**

**“… I would like to submit my comment regarding the present Investigation report of IO.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. They have executed the works and the Investigating officer have seen them.**

 **As I was assigned mostly for preparation of bills, inspection to the work site could not be done timely for all the work programs. Before second advance being made, inspection was carried out at the neighboring worksites. After second advance, I along with my staffs have tried my level best to inspect the remaining works.**

 **As stated, Tamenglong as the toughest terrain district and lack of all-weather roads connectivity which would take more than a month to cover up. Amidst tight official schedule, I managed to cope up the lapses. Moreover, it is also due to the tussle in the ADC chairmanship post as well as the festivity mood of the work agency(ies) to release the bill before the festival made more officially tight to carry out at a time.**

 **Justice have been done to me. I fully agreed with the findings of the IO. Our written statements have been given to the Investigating officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigation revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**(vi) Kaningmei Riamei, Member, ADC Tamenglong**

 **“I would like to state that Preliminary Inquiry was done without proper verification of work sites. As we have raised objections to the prelims report earlier also. All witnesses mentioned by Inquiry officer of prelims are politically interested persons. Tamenglong being the toughest terrain district works execution is a major problem. We have executed the works and the investigating officer has seen them. Justice has done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigation report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**(vii) (a) Mrs. Prabahati Pame, Engineering Cell, Tamenglong, (b) Shri Daniel Philip, Engineering Cell, Tamenglong, (c) Shri L. Premjit Meitei, Engineering Cell, Tamenglong, (d) Shri Agui Gangmei, Engineering Cell, Tamenglong, (e) Mrs. Duangakliu K, Engineering Cell, Tamenglong and (f) T.A. Gaidim, Engineering Cell, Tamenglong, which was submitted by Namsinrei Panmei, Former Chairman, ADC, Tamenglong**

**“… I would like to state that preliminary inquiry was done without proper verification of worksites as such have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested persons.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. We have executed the works and the Investigating Officer have seen them.**

 **And I’m to recommend that after second advance, they have tried their level best to reach out and cover up to wherever accessible by motor and on foot by the staffs in carrying out the works which led to busy worksite inspection as their work schedule. Therefore, maintaining of books of records and MBs of some works were left incomplete at the time of investigation carried out by the investigation Officer. It is because of the large work volume classified under different heads with huge work programs of more than 325 total.**

 **Justice have been done to us. We fully agreed with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against the 6 (six) staffs of engineering cell, Tamenglong as the investigation report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**(viii) Namsinrei Panmei, Former Chairman, ADC, Tamenglong**

 **“… I would like to state that preliminary inquiry was done without proper verification of worksites as such have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested persons.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. We have executed the works and the Investigating Officer have seen them. Justice have been done to us. We fully agreed with the findings of the IO. Our written statements have been given to the Investigating Officer.**

**I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigation report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**(viii) Hatlhing Doungel, Former Chairman, ADC, Tamenglong**

**“… I would like to state that preliminary inquiry was done without proper verification of worksites as such have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested person.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. We have executed the works and the Investigating Officer have seen them. Justice have been done to us. We fully agreed with the findings of the IO. Our written statements have been given to the Investigating Officer.**

**I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigation report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of Agui Gangmei, Section Officer(Contract)PWD, ADC, Tamenglong.**

**“…I would like to submit my comment regarding the present investigation report of IO.**

 **Tamenglong being the toughest terrain District, work Execution is a major Problem, they have executed the work and the Investigating Officer have seen them.**

 **As I was assigned mostly for preparation of bills, inspection of worksite could not be done timely for all the work programs. Before second advance being made, inspection was carried out in the neighboring worksites. After second advance, I have tried my level best to inspect the remaining works.**

 **As stated Tamenglong is one of the toughest District and lack of weather road connectivity, it could take a long period to cover the entire villages. Amidst tide official scheduled, I managed to cope up the lapse, moreover it is due to the festivity mood of the work agencies to release the bills before the festival made more officially tide to carried out in time.**

**Justice has been done to me. I fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of Alar Thoitak, Former ADC Member, Tamenglong.**

**“… I would like to state that Preliminary Inquiry was done without proper verification of worksites as such we have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested person.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. We have executed the works and the Investigating Officer has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of B.Thambou, Former ADC Member, Tamenglong.**

**“…I would like to state that Preliminary Inquiry was done without proper verification of work sites. As we have raised objections to the prelims report earlier also. All witnesses mentioned by the Inquiry Officer of prelims are politically interested persons. Tamenglong being the toughest terrain district works execution is a major problem. We have executed the works and the Investigating Officr has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of D.Gangmei, Tamenlong.**

**“…I would like to state that Preliminary Inquiry was done without proper verification of worksites as such we have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested person.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. We have executed the works and the Investigating Officer has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of Merijin Rongmei Naga, Member ADC, Tamenglong.**

**“…I would like to state that Preliminary Inquiry was done without proper verification of worksites as such we have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested person.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. We have executed the works and the Investigating Officer has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of Pouhotlung Panmei, Former Executive Member, ADC Tamenlong.**

**“…I would like to state that Preliminary Inquiry was done without proper verification of worksites as such we have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested person.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. We have executed the works and the Investigating Officer has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of Poulonthui Rongmei Member ADC, Tamenglong.**

**“I would like to state that Preliminary Inquiry was done without proper verification of work sites. As we have raised objections to the prelims report earlier also. Tamenglong being the toughest terrain district works execution is a major problem. We have executed the works and the Investigating Officr has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of SG Pammei, (Vice Chairman) ADC, Tamenglong**

**“…I would like to state that Preliminary Inquiry was done without proper verification of work sites. As we have raised objections to the prelims report earlier also. Tamenglong being the toughest terrain district works execution is a major problem. We have executed the works and the Investigating Officr has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of Tadinang Gangmei, Tamenglong.**

**“I would like to state that Preliminary Inquiry was done without proper verification of worksites as such we have raised objections to the preliminary report earlier also. All witnesses mentioned by enquiry officer of preliminary are politically interested person.**

 **Tamenglong being the toughest terrain district, works execution is a major problem. We have executed the works and the Investigating Officer has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of Zino Kamei, Tamenglong**

**“I would like to state that Preliminary Inquiry was done without proper verification of work sites. As we have raised objections to the prelims report earlier also. All witnesses mentioned by the Inquiry Officer of prelims are politically interested persons. Tamenglong being the toughest terrain district works execution is a major problem. We have executed the works and the Investigating Officr has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

**Comment of Kamei Khiakpou, Member ADC, Tamenglong.**

**“I would like to state that Preliminary Inquiry was done without proper verification of work sites. As we have raised objections to the prelims report earlier also. Tamenglong being the toughest terrain district works execution is a major problem. We have executed the works and the Investigating Officr has seen them. Justice has been done to us. We fully agree with the findings of the IO. Our written statements have been given to the Investigating Officer.**

 **I humbly pray that Hon’ble Manipur Lokayukta may drop the charges against me as the investigating report has revealed the true ground report that works were executed inspite tough and difficult terrains in Tamenglong.”**

[14] Manipur Lokayukta after perusal of the Investigation Report in juxtaposition with Preliminary Inquiry Report of the present case is of the considered view that while the Preliminary Inquiry report pointed out several lapses and non-implementation of the approved works by the Autonomous District Council, Tamenglong in both the districts i.e. Tamenglong and Noney districts, the Investigating Officer(s), basing of the spot inspection conducted from 27th May, 2024 to 31st May, 2024, has submitted that all the works had been found to be taken up by the implementing agencies. However, in some cases, the Investigating Officer has pointed out the need to take into account that inspection is carried out after a lapse of many years and the quality of works cannot be judged correctly. In the Investigation Report, the Investigating Officer has pointed out his findings on each of the accused persons/respondents and the same are reproduced hereunder:

**“The irregularities and offences committed by the individuals as mentioned indicated in the Preliminary Inquiry Report are as follows:**

**Irregularities/Offences committed by the individuals/officials:**

1. **Shri Namsinrei Panmei, Chairman, ADC, Tamenglong: He is in violation of CCS(Conduct) Rules,1964 Rule no 3 (1) (xii) for failing to perform his administrative duty. His actions of being the co-signatory of the cheques used for the disbursement of the sanctioned amounts is in deviation of general financials rules to be incorporated for financial transactions. It is to be noted that the work order being issued in 25/8/2018 even before the nominations of work and work agencies being submitted by self and the other Members of ADC, Tamenglong (see para 7) and 1st advance bill being paid by 28/8/2018 under his chairmanship points to criminal conspiracy in addition to the non-completion of project awarded to his nominated work agencies. He is guilty of misappropriation of public money award under 14th FC 2017-18 [as pointed out in para 16 and non-completion of work as pointed out in Table 8]**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

 **As mentioned in the Preliminary Inquiry report page No. 16 Table No. 8 at Sl. No. 10, Shri Namsinrei Panmei, ex-chairman, ADC, Tamenglong is credited for constructing water tank at church colony, tamenglong, Public toilet at Duithanlong but pucca drainage from PHC tamei to Tamah was not constructed. On spot inspection it was found that the pucca drainage from PHC tamei to Tamah was constructed but quality has deteriorated as many years had passed since the construction was undertaken. [Photo evidence at page No.71]. On detailed interrogation of the accused, it is established that legal battle at the High Court of Manipur for the removal of Chairman, ADC Tamenglong has delayed the implementation of works and that advance payments had to be made in the interest of speedy implementation of the works for the needy people of Tamenglong district. The pressure to catch up with other 5 ADCs of the State in showing the work progress and to avoid delay in submission of utilization certificates so as to receive funds in time also contributed to the shortages in following detailed procedures. As assets are created there is no concrete evidence for misappropriation of funds.**

**2. Shri SG Pammei (Vice Chairman): He is in violation of CCS(Conduct) Rules,1964 Rule no3 (1) (xii) for failing to perform his administrative duty. Project awarded to his nominated work agencies under 14th FC 17-18 have not been completed. He has entered into a criminal conspiracy with other members of ADC and misappropriated public money.**

 **Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The Preliminary Inquiry report page No. 16 Table No. 8 at Sl. No. 6, accused that SG Pammei only fixed the waiting shed with new tin sheets. On further inspection and investigation, it is established that the waiting shed still exists and the construction was done as per the work order. Photo evidence at page No. 73.**

**3. Executive members of the Executive Committee of ADC, Tamenglong (Shri Pouhutlung Panmei, Shri TP Sangjeuying, Shri Halthing Doungel, Shri Lungin Gangte and Shri G Apoukhui) are in violation of CCS(Conduct) Rules,1964 Rule no3 (1) (xii).**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

 **There is no concrete evidence to sustain the charges that the above accused persons are guilty of the charges. Works under their jurisdiction were completed. It appears from the interrogation of the accused persons that the inquiry officer of Preliminary Inquiry could not reach the areas under the jurisdiction of the above accused persons.**

**4. Shri D Gangmei, the then CEO: Drawal of Self Cheques by the CEO and the transfer of money from the A/C No 0653010103588 Development account to DDO account is violation of Govt Orders as stated in 13.9. Agency Charges/ Departmental Charges have not been paid. 1% labour cess has not been paid by the CEO Office. He allowed 1st Advance payment of 70% on the start of work. He has allowed the 2nd advance payment without inspection of works. No final bill settlement has been carried out. His action attracts criminal misconduct [established in para 16 &18 ] and is guilty of being part of the conspiracy and misappropriation of public funds**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**As mentioned by the accused person Shri D. Gangmei, former CEO, ADC Tamenglong, the work agency and the work proposals are submitted by the respective ADC Members to the Chairman and approved by Executive Committee headed by Chairman. On detailed interrogation of the accused, it is established that legal battle at the High Court of Manipur for the removal of Chairman, ADC Tamenglong has delayed the implementation of works and that advance payments had to be made in the interest of speedy implementation of the works for the needy people of Tamenglong district. The pressure to catch up with other 5 ADCs of the State in showing the work progress and to avoid delay in submission of utilization certificates so as to receive funds in time also contributed to the shortages in following detailed procedures. As assets are created there is no concrete evidence for misappropriation of funds.It is also found that labour cess deducted and deposited in the concerned Government account.[statement enclosed at page 74-75]**

**5. Mrs Prabahati Pamei (58) EE, Shri Daniel Philip (58) AE, Shri L. Premjit Meitei (46) AE I/C, Shri Agui Gangmei (40) S.O, Mrs Duangakliu K (45) S.O, S.O/ T A Shri Gaidim all belonging to the Engineering Cell, ADC, Tamenglong are violating CCS (Conduct) Rules, 1964 Rule no 3 (1) (ii) and connived with the higher ups in misappropriation of public funds by not taking up inspection of works.**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**On detailed interrogation of the accused persons cited above, it is established that there is no evidence of connivance with the higher ups in misappropriation of public funds. As works have been found to be executed, the question of misappropriation of funds can be ruled out. There are, however, shortages in MBs and file works as mentioned in the Technical Expert report.**

**6. ADC Member Shri B Thambou has not completed the project work awarded to his nominated agency under 14th FC 17-18 in his segment. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The preliminary Inquiry Report at page No. 16 table No. 8 and Sl. No. 1 mentioned that construction of waiting shed and community hall at karuagmon pt. 1 Nungtek village enlisted in the DO letter is not carried out, but on spot verification of the work sites, it is found that the assets are there though the quality has compromised due to lapse of time. The works completed under his guidance includes construction of playground at Haochong, construction of water tank at Oktan, construction of IVR at Pungmon, Construction of IVR at Ijeirong, Construction of IVR at Bakwa, construction of IVR at Makhom (Marangching V), Construction of Community Hall at Makhuam (Marangching I), Construction of Community hall at Nungtek (Karongmon I), Construction of waiting shed at Nungtek (Karongmon II) Photo evidence at page No. 77-85.**

**7. ADC Member Shri Zino Kamei has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The preliminary Inquiry Report at page No. 16 table No. 8 and Sl. No. 2 stated that community hall is renovated but not according to the approved measurement details and pucca drainage at PHC Noney is partially constructed. Spot inspection of the sites by the previous Investigating officer revealed that works were carried out as per the work orders. It needs to take into account that inspection is carried out after a lapse of many years and the quality of works cannot be judged correctly. Photo evidence at page No.87-88.**

**8. ADC Member Shri Kamei Khiakpou has not completed any of project work in his segment awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The preliminary Inquiry Report at page No. 16 table No. 8 and Sl. No. 4 stated that the accused person did not complete any project proposed by him but on spot verification it is found that he completed the works proposed by him. The works completed under his DCC includes maintenance of IVR from Nungba Bazaar church colony via Nungba Namchung Reganlong (4 km), construction of IVR from Marryland to SDO office via Nunba part I Taolingpang Bethany (3KM), construction of water reservoir at Nungba kamdai, and construction of footpath from Nungba Namchung to Bathany. Photo evidence at page No. 90-93.**

**9. ADC Member Shri Poulunthui Rongmei (73) has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The preliminary Inquiry Report at page No. 16 table No. 8 and Sl. No. 5 stated that road singling was not done but on spot inspection of the site it is found that the work was done. Photo evidence at page No.95.**

**10. ADC Member Shri Meirijin Rongmei Naga has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The preliminary Inquiry Report at page No. 16 table No. 8 and Sl. No. 7 stated that construction of water tank at Namkaolong was not done but on spot inspection of the work site, it was found that the work was executed. Photo evidence at page No.97**

**11. ADC Member Shri Alar Thoitak has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The preliminary Inquiry Report at page No. 16 table No. 8 and Sl. No. 8 stated that repairing /major renovation of Joujangtek village authority office/dollang guest house has not been done but on spot inspection of the site conducted by previous Investigating officer; it was found that the works were done. Photo evidence at page No.99-102**

**12. ADC Member Shri Tadinang Gangmei has not completed the project work awarded to his nominated agency under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table 8.**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The preliminary Inquiry Report at page No. 16 table No. 8 and Sl. No. 9 stated that pucca drainage from shalom Baptist church, oinamlong is not constructed but on spot inspection of the work site it is found that the work seemed to have been executed. Photo evidence at page No.104**

**13. ADC Member Shri Kaningmei has not completed the project work awarded to the work agency nominated by him under 14th FC 17-18. So he is guilty of misappropriation of public funds meant for development work as shown in Table No. 8 page No. 16 Sl. No.11**

**Finding on spot inspection conducted from 27th May to 31st May, 2024**

**The preliminary Inquiry Report at page No. 16 table No. 8 and Sl. No. 11 stated that no public toilet is constructed at Khumji Bazaar but on spot inspection it was seen that the asset was found. Photo evidence at page No.106.”**

[14.1] The findings of the I.O. of the investigation broadly states that some works which were not done at the time of Preliminary Inquiry was found to be done although in some cases the quality was not good due to lapse of time while in some cases lapses were seen in MBs and there were instances of omission of processes.

[15] The Investigating Officer has given his conclusion that no evidence of misappropriation and corruption against the accused persons can be established and hence criminal charges as cited in FIR No. 3(2)2022 CB PS u/s 13 PC act and 120-B/34 IPC cannot be established. The said conclusion is reproduced hereunder :

**“CONCLUSION:**

**After going through the Preliminary Inquiry Report and Field inspection of the work sites by conducting a tour programme from 27/5/2024 to 31/5/2024 and examination of the written statements, documents etc. it is concluded that no evidence of misappropriation and corruption against the accused persons can be established and hence criminal charges as cited in FIR No. 3(2)2022 CB PS u/s 13 PC act and 120-B/34 IPC cannot be established.”**

[16] 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.”**

[16.1] 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.

[16.2] 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 and violations 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.

[17] 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.

[17.1] 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.

[17.2] 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 Chandrashekaraiah (Retired) –Vs- Janekere C. Krishna & Others (2013) 2 SCC 117**.

[17.3] That, the Apex Court in Justice Chandrashekaraiah’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 Chandrashekaraiah’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 it 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.”**

[18] 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.”**

[18.1] 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.

[18.2] 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 9th 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.”**

[18.3] 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.

[18.4] 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.

[18.5] 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:-**

1. **Proposals to create any post or abolish any post from the public service or to vary the emolument of any post;**
2. **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;**
3. **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.”**

[18.6] 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.

[19] The 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.

[20] 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.

[21] 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 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 norms and instructions that are fundamental to their work.

[22] 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.”**

[22.1] The prevalence of such nonchalant situation towards seriously adhering to instructions, Act, rules and guidelines appear 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.

[22.2] 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.

[23] The investigation report has found that there is **“no evidence of misappropriation and corruption against accused persons can established”** in its conclusion. Nevertheless, there has been misconduct, technical lapses, violation of rules and guidelines by public servants. 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 has stated that the works have been implemented although it suffers from quality issues and omission and violations 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.

[23.1] 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 Tamenglong Autonomous District Council.

[24] 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 “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; direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants.”

[25] Accordingly, the Complaint Case No. 3 of 2020 clubbed with Complaint Case No. 9 of 2021 has been considered in its entirety. The investigation report has stated that the investigation has **“concluded that no evidence of misappropriation and corruption against the accused persons can be established and hence criminal charges as cited in FIR No. 3(2)2022 CB PS u/s 13 PC and 120-B/34 IPC cannot be established.”** 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 provided under section 20(7) (a) and (b) of the Manipur Lokayukta Act, 2014, it has been decided by the Manipur Lokayukta to conclude the Complaint Case No. 3 of 2020 clubbed with Complaint Case No. 9 of 2021 as 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(02)2022 CB PS u/s 13 PC Act and 120-B/34 IPC arising from Complaint No. 3 of 2020 clubbed with Complaint Case No. 9 of 2021 to the Special Court designated for the Manipur Lokayukta. The persons against whom the above stated FIR is to be closed are –

(i) Shri Namsinrei Panmei, Chairman, ADC, Tamenglong.

(ii) Shri SG Pammei (Vice Chairman), ADC, Tamenglong.

(iii) Shri Pouhutlung Panmei, Executive members of the Executive Committee of ADC, Tamenglong.

(iv) Shri TP Sangjeuying, Executive members of the Executive Committee of ADC, Tamenglong.

(v) Shri Halthing Doungel, Executive members of the Executive Committee of ADC, Tamenglong.

(vi) Shri Lungin Gangte, Executive members of the Executive Committee of ADC, Tamenglong.

(vii) Shri D Gangmei, the then CEO, ADC, Tamenglong;

(viii) Mrs. Prabahati Pamei (58) EE, Engineering Cell, Tamenglong.

(ix) Shri Daniel Philip (58) AE, Engineering Cell, Tamenglong.

(x) Shri L. Premjit Meitei (46) AE I/C, Engineering Cell, Tamenglong.

(xi) Shri Agui Gangmei (40) S.O., Engineering Cell, Tamenglong.

(xii) Mrs. Duangakliu K (45) S.O., Engineering Cell, Tamenglong.

(xiii) T A Shri Gaidim, Engineering Cell, Tamenglong.

(xiv) Shri B. Thambou, Member, ADC, Tamenglong.

(xv) Shri Zino Kamei, Member, ADC, Tamenglong.

(xvi) Shri Kamei Khiakpou, Member, ADC, Tamenglong.

(xvii) Shri Poulunthui Rongmei (73), Member, ADC, Tamenglong.

(xviii) Shri Meirijin Rongmei Naga, Member, ADC, Tamenglong.

(xix) Shri Alar Thoitak, Member, ADC, Tamenglong.

(xx) Shri Tadinang Gangmei, Member, ADC, Tamenglong.

(xxi) Shri Kaningmei, Member, ADC, Tamenglong.

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 or any other appropriate action against the following public servant for misconduct, technical lapses, violation of rules and guidelines under the relevant Act, Rules, and Regulations including CCS(CCA) Rules, 1965. The public servants are :

(i) Shri Namsinrei Panmei, Chairman, ADC, Tamenglong.

(ii) Shri SG Pammei (Vice Chairman), ADC, Tamenglong.

(iii) Shri Pouhutlung Panmei, Executive members of the Executive Committee of ADC, Tamenglong.

(iv) Shri TP Sangjeuying, Executive members of the Executive Committee of ADC, Tamenglong.

(v) Shri Halthing Doungel, Executive members of the Executive Committee of ADC, Tamenglong.

(vi) Shri Lungin Gangte, Executive members of the Executive Committee of ADC, Tamenglong.

(vii) Shri D Gangmei, the then CEO, ADC, Tamenglong;

(viii) Mrs. Prabahati Pamei (58) EE, Engineering Cell, Tamenglong.

(ix) Shri Daniel Philip (58) AE, Engineering Cell, Tamenglong.

(x) Shri L. Premjit Meitei (46) AE I/C, Engineering Cell, Tamenglong.

(xi) Shri Agui Gangmei (40) S.O., Engineering Cell, Tamenglong.

(xii) Mrs. Duangakliu K (45) S.O., Engineering Cell, Tamenglong.

(xiii) T A Shri Gaidim, Engineering Cell, Tamenglong.

(xiv) Shri B. Thambou, Member, ADC, Tamenglong.

(xv) Shri Zino Kamei, Member, ADC, Tamenglong.

(xvi) Shri Kamei Khiakpou, Member, ADC, Tamenglong.

(xvii) Shri Poulunthui Rongmei (73), Member, ADC, Tamenglong.

(xviii) Shri Meirijin Rongmei Naga, Member, ADC, Tamenglong.

(xix) Shri Alar Thoitak, Member, ADC, Tamenglong.

(xx) Shri Tadinang Gangmei, Member, ADC, Tamenglong.

(xxi) Shri Kaningmei, Member, ADC, Tamenglong.

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. 3 of 2020 and Complaint Case No. 9 of 2021 are closed.

[26] 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.

[27] 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**