

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**Cont.Cas(C) No.53 of 2021**

1. Md. Meinam Sidique aged about 69 years, S/o L. Thambou, a permanent resident of Khelakhong Khongman, Khelakhong Khongjil, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.
2. Md. Oli aged about 69 years, S/o (L) Md. Abdul Kadir, a permanent resident of Uchiwa Nastao, Maibam Uchiwa Gram Panchayat, P.O. & P.S. Mayang Imphal, Thoubal District, Manipur – 795132.
3. Md. Wahild Ali aged about 48 years old, S/o Md. Asraf Ali, a permanent resident of Nastao Makha Leikai, Uchiwa, P.O. & P.S. Mayang Imphal, Thoubal District, Manipur – 795132.

**..... *Petitioner/s***

**– Versus –**

Shri S. Gautam Singh, IPS, the Superintendent of Police (Vigilance), Manipur having its office at DC Office Complex, Lamphelpat, Imphal West, Manipur – 795004.

**.... *Respondent/s***

BEFORE  
**HON'BLE THE ACTING CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

For the Petitioners : Mr. N. Jotendro, Sr. Advocate  
Mr. Shyed Murtaza, Advocate

For the Respondent : Mr. Kh. Samarjit, Sr. Advocate  
Mr. N. Armananda, Advocate

Date of Hearing and  
Judgment & Order : **17.04.2023**

**JUDGMENT & ORDER**  
**(ORAL)**

***A. Guneshwar Sharma, J. :***

[1] The present petition has been filed under Section 11 and 12 of the Contempt of Court Act 1971 read with Article 215 of the Constitution of India for their willful and deliberate violation of the Hon'ble Court's judgment and order dated 11/09/2020 passed in PIL No.17 of 2020, thereby directed respondent No.11, S.P. (Vigilance), Manipur, contemnor herein to hold a thorough investigation in order to find out the irregularities committed during the implementation of MGNREGS in respect of all Districts in the State of Manipur by constituting Special Investigation Team and also directed to prepare a report so as to take necessary steps for booking and punishing all

the culprits involved in misusing of MGNREGS within a period of 6(six) months from the receipt of copy of the order.

**[2]** The petitioners filed the PIL No.17 of 2020 before this Court for issuance of appropriate writ and direction directing the respondents to hand over all the Job Cards of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and Bank Pass Books including ATM Cards along with Pin Numbers to the villagers/beneficiaries at their respective hands) strictly as per the statutory guidelines of the National Rural Employment Guarantee Act, 2005 (NREG Act) within a certain stipulated period of time as no money has been obtained through the bank accounts and the beneficiaries have never seen their respective bank accounts and passbooks including the job cards so as to enable to draw the entitled money by the concerned villagers/beneficiaries altogether 2783 (two thousand seven hundred and eighty three) in Numbers and punish the persons responsible for carrying out the anomalies and miscarriage of funds and to hold them responsible for their respective criminal acts by referring the matter to the Special Investigation Team of the Vigilance Department or any other central agencies like CBI to find out the culprits, who are involved in the said crime all over the State and book those responsible persons/officers under relevant provisions of law couple with a prayer not to make any payments in favour of the beneficiaries of the Maibam Uchiwa Gram Panchayat.

**[3]** Vide order dated 11.09.2020, this Court disposed of the PIL with certain directions. It was held that there were irregularities while investigating the case of only 28 beneficiaries out of 2783 beneficiaries (Job Card Holders) of Maibam Uchiwa Gram Panchayat, the investigating team found prima facie case of committing offences of cheating, criminal misconduct, criminal conspiracy by some officials/ officers of the Directorate of Rural Development and Panchayati Raj, Government of Manipur, elected members, business correspondents/ C.S.P. and private persons. Taking into consideration the allegation raised in the series of PILs including the present PIL and the report submitted by the S.P. (Vigilance), Manipur, this Court observed that blatant misuse and siphoning of public money by unscrupulous persons while implementing the MGNREGS in the entire State of Manipur cannot be ruled out. This Court held that the State Government is required and duty bound to take up appropriate and adequate measure to stop such unscrupulous persons from misusing the implementation of MGNREGS in Manipur.

**[3.1]** The relevant portions of the order dated 11.09.2020 are reproduced as below:

*“[9] Accordingly, after taking note of the serious issues raised and to ensure proper implementation of the laudable objects under MGNREGS, we feel it appropriate to issue the following directions :*

*(a) The S.P.(Vigilance), Manipur should hold a thorough investigation in order to find out the irregularities committed during the implementation of MGNREGS in respect of all the*

*Districts in the State of Manipur by constituting Special Investigation Teams;*

*(b) The S.P. (Vigilance), Manipur should gather all materials relating to misuse of MGNREGS and also prepare a report in connection with the irregularities committed during the implementation of the MGNREGS;*

*(c) On the basis of the materials collected during the investigation and the report prepared in connection with the misuse of MGNREGS, the S.P.(Vigilance) should ensure that necessary steps are taken up for booking and punishing all the culprits involved in misusing of MGNREGS;*

*(d) The whole exercise should be completed within a period of 6 (six) months from the date of receipt of a copy of this order.*

*[10] With the above directions, the present PIL is disposed of. However, liberty is granted to the parties to move the Court against such officials who disobeyed the order of this Court.”*

**[4]** The Contempt Petition has been filed against respondent No.11, Superintendent of Police (Vigilance), Manipur for failing to comply the directions of this Court as enumerated in Para 9 as reproduced above.

**[4.1]** It is stated that the petitioners, through their counsel, communicated the said order dated 11.09.2020 passed in PIL No.17 of 2020 by legal notice dated 07.10.2020 to the competent authorities for taking up necessary action at the earliest. The respondent No.11, i.e. S.P. (Vigilance),

Manipur was also reminded by another legal notice in the form of reminder dated 07.04.2021. However, no action has been taken up without assigning any reason till date.

**[5]** Vide memorandum dated 18.08.2000, the Chief Secretary directed all the Administrative Departments to comply the order of the Court or to seek extension of time for compliance of the directions or to file an appeal along with application for stay so as to minimize the number of contempt petitions against the State Government in the Courts.

**[6]** Vide order dated 28.04.2021, this Court issued notice to the respondent on the Contempt Petition.

**[7]** On 10.09.2021, the respondent entered appearance and filed reply affidavit dated 22.11.2021. In the affidavit, it is mentioned that Special Investigation Team (SIT) was constituted vide order dated 05.10.2020 for conducting a thorough investigation in order to find out the irregularities committed during implementation of MGNREGS in r/o all the districts in the State of Manipur. In the affidavit, it is disclosed that steps taken by the SIT and the inspection of the works executed under MGNREGS in various Gram Panchayat areas across the districts in Manipur and the District council areas and the registration of FIRs against various Officials of the Gram Panchayat and local bodies. It is also stated that the respondent may be permitted to produce the Paper Dockets/Inspection Photographs etc. in respect of various

Inspection exercised so far conducted & submitted by various sub team of SIT formed for the purpose in various parts of the State, and it is also stated that the respondent has the highest respect & regard for this Court and never intended to flout orders of this Court in any matter at any given point of time. However, the respondent has difficulty in implementing the order of this Court within the limited time frame apart from the good steps which have so far been taken in the matter as the investigation covers every nook and corner of the State and prayed that the Contempt Petition may be dropped.

**[8]** The Respondent also filed another additional affidavit on 16.03.2022 bringing on record the site inspections in respect of more areas and registration of the FIRs and progress of investigations against the Panchayat Officials, elected members and private parties.

**[9]** The petitioners filed comprehensive reply affidavit dated 24.03.2022 to the reply filed by the respondent. It is stated that there was no proper investigation against the accused who are on anticipatory bail. Mere registration of FIR, without any action, is not in compliance of the order of this Court and submitted that the matter requires to be re-examined by forming a commission of enquiry by this Court.

**[10]** The respondent filed an additional affidavit dated 07.04.2022 to the comprehensive reply affidavit filed by the petitioners dated 24.03.2022. It is stated that the Vigilance & Anti-Corruption Department, Manipur has only 52

personnel including the officers. It is stated that more than 1000 works executed under MGNREGS during the year 2019 – 2020 under 117 Gram Panchayats/Village Authorities spreading all over 16 districts were conducted. It is stated that a total of 5.84 lakh job cards are active in the State of Manipur and it will be a herculean task for the Vigilance & Anti-Corruption Department, Manipur to verify all the active job cards. However, an enquiry is going on based on suspicion of creating bogus job cards and bank accounts in a particular Gram Panchayat and that collection of documents are likely to be converted into a regular FIR case soon. It is stated that apart from enquiring into various cases, based on (i) Physical Inspections of the works underaken, (ii) examination of job cards and Bank accounts of job card holders and (iii) verification of complaints lodged by individuals, Vigilance and Anti-Corruption Department, based on the report furnished by the SIT, had registered 4(four) FIR cases.

**[11]** Vide order dated 08.04.2022, this Court directed the respondent to conduct an enquiry, in terms of the order passed by this Court in Imphal West District and submit a report containing whether the intended beneficiaries under the scheme were actually receiving the money due to them or whether diversion of such funds were made and if so, who were the responsible persons.

**[11.1]** Pursuant to the order dated 08.04.2022, the respondent filed a report in the form of additional affidavit dated 10.06.2022. In the affidavit, the

respondent enumerated list of investigation and progress report in various Gram Panchayats in Imphal West areas, the registration of FIR and the areas made thereto.

**[11.2]** The respondent also filed another report in the form of additional affidavit dated 03.08.2022 in pursuance to the order dated 10.06.2022 passed by this Court. In the affidavit, the respondent enumerated further investigation done in other Gram Panchayats of Imphal West district, registration of FIR, the areas made and the progress report of ongoing progress in other districts also.

**[12]** Vide order dated 04.08.2022, this Court directed the respondent to file a report with respect to enquiry in relation to Kakching, Kangpokpi, Ukhrul and Churachandpur District.

**[12.1]** The respondent also filed another report dated 20.09.2022 in the form of affidavit in pursuance to the order dated 04.08.2022 passed by this Court giving details of the investigation done in Thoubal District. Another additional affidavit dated 15.11.2022 was filed by the respondent indicating the progress of the investigation in Thoubal District, Imphal West District, Imphal East District, Kangpokpi District, Thoubal District, Churachandpur District and Kakching District.

**[13]** On 05.12.2022, the learned counsel for the respondent submitted before the Court a tabular statement in relation to the FIRs registered and the inquiries in progress and stated that on completion of the investigation, final

report would be filed before the competent Court. As per the chart, out of 51 enquiries, 11 FIRs were registered and this Court directed the respondent to file additional affidavit.

**[14]** Vide order dated 08.02.2023, this Court admitted the Contempt Petition.

**[14.1]** The respondent also filed a comprehensive additional affidavit dated 15.03.2023. In the affidavit, it is stated that 11 FIRs have been registered and enquiries are going on and sought directions for prosecution sanction from the Government and various enquiries were conducted in various Gram Panchayats of Thoubal, Kakching, Imphal East and Imphal West Districts and village authorities of Kangpokpi and Churachandpur. Status of the 11 FIRs were also furnished and directed the matter to be taken up on 16.04.2023 and again, the matter was posted on 17.04.2023. When the matter is taken up, Mr. Kh. Samarjit, learned DSGI for the respondent submits that the respondent, i.e., Superintendent of Police, Vigilance and Anti-Corruption Department, Manipur (respondent No.11 in PIL No.17 of 2020) has been working hard for complying the directions of this Court in order dated 11.09.2020 wherein the respondent was directed to investigate irregularities committed in the implementation of MGNREGS in all districts of Manipur by constituting Special Investigation Team (SIT). It is submitted that the Vigilance and Anti-Corruption Department, Manipur has meager staff and it could not comply the direction by completing the whole exercises within the period of 6(six) months. It is also

submitted that there is good progress in the investigation over the whole of Manipur and there is no willful negligence or disobedience on the part of the present respondent and the inability to comply the direction within the stipulated time of 6 (six) months is due to the reason stated hereinabove and prays that the Contempt Petition may be closed and the respondent may be allowed to complete the investigation on the undertaken in pursuance to the order dated 11.09.2020.

**[15]** Mr. N. Jotendro, learned senior counsel for the petitioners submits that necessary direction may be given to the respondent to complete the investigation within a definite time frame.

**[16]** Considered the rival submissions of the learned counsels for the parties minutely and perused the documents on record and the progress of investigation and also inadequacy of the staff and the manpower of the Vigilance and Anti-Corruption Department, Manipur.

**[16.1]** We do not find any apparent or deliberate disobedience on the part of the respondents and the same is due to the reasons stated hereinabove, i.e., enquiry over all the districts covering the State of Manipur by limited manpower.

**[17]** Accordingly, the Contempt Petition being Cont.Cas(C) No.53 of 2021 is closed with the direction that the ongoing investigation should be completed as expeditiously as possible preferable within a period of 9 months

from the date of receipt of copy of this order. To enable the respondent to complete this exercise, the State Government may provide adequate manpower to the department if required. The Contempt Petition is closed in terms of the above observations. No cost.

**[18]** Send a copy of this order to the Chief Secretary, Government of Manipur for information and necessary action.

**JUDGE**

**ACTING CHIEF JUSTICE**

*-Larson*

**FR/NFR**