Item No. 2
(Through Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 17 of 2020

1. Md. Meinam Sidique aged about 68 years old, 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 68 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. Wahid Ali aged about 47 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.

... *Petitioners*

-Versus-

1. The Union of India represented by its Secretary, Ministry of Rural Development, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110001, India.

2. The State of Manipur represented by its Chief Secretary, Govt. of Manipur, Secretariat Complex, Babpara, P.O. & P.S. Impha, Imphal West District, Manipur – 795001.

3. The Commissioner, Rural Development and Panchayati Raj, New Secretariat Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

4. The Deputy Commissioner, Thoubal, Thoubal Secretariat Complex, P.O. & P.S. Thouba, Thoubal District, Manipur – 795132.

5. The Deputy Commissioner, Kakching, Kakching Secretariat Complex, P.O. & P.S. Kakching, Kakching District, Manipur – 795103.

6. The Block Development Officer (BDO), Kakching DC Office Complex, P.O. & P.S. Kakching, Kakching District, Manipur – 795103.

7. The Panchayat Secretary, Maibam Uchiwa Gram Panchayat, Kakching DC Block, P.O & P.S. Kakching, Kakching District, Manipur – 795103.

8. The Member Zilla Parisad, Maibam Uchiwa Gram Panchayat, Khullakhong Mayai Lekai, P.O.& P.S. Thoubal, Thoubal District, Manipur – 795132.

9. Th Pradha, Maibam Uchiwa Gram Panchayat, Maibam Konjl, P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.

10. The State Bank of India, Thoubal Branch represented by its Manager, Thoubal P.O. & P.S. Thoubal, Thoubal District, Manipur – 795132.

11. The Superintendent of Police, Vigilance, Manipur.

... Respondents

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner	:	Mr. N. Jotendro, Senior Advocate
For the respondents	:	Mr. N. Kumarjit, Advocate General
		Mr. S. Suresh, ASG
		Mr. M. Hemchandra, Senior Advocate
Date of hearing & order	:	11.09.2020

O R D E R

[A.B., J.]

[1] Heard Mr. N. Jotendro, learned Senior counsel assisted by Md. Murtaza Ahmed, learned advocate appearing for the petitioners, Mr. S. Suresh, learned ASG appearing for the respondent No. 1, Mr. N. Kumarjit, learned Advocate General assisted by Mr. P. Tamphamani, learned advocate appearing for the respondents No. 2 to 7 & 11 and Mr. M. Hemchandra,

learned Senior counsel assisted by Mr. Juno Rahman, learned advocate appearing for the respondents No. 8 & 9.

[2] Mr. N. Jotendro, learned senior counsel appearing for the petitioners submitted that similar issues arising in the present PIL had already been considered and decided by this High Court in Writ Petition (PIL) No. 1 of 2012 wherein the High Court has made certain observations and given certain directions. The relevant portions of the judgment and order dated 29.05.2018 passed by this Court in Writ Petition (PIL) No.1 of 2012 are as under:

> *"(3) The Public Interest Litigation focuses on gross misused of the funds allocated for implementing the scheme by Mahatma Gandhi National Rural employment Guarantee (MNRGES). This scheme was introduced with an object of providing daily employment to the people living in the rural and far flung hilly areas so that they sustain themselves and the family on manual labour.*
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> *"(4) Over the period of time, it appears that the scheme has been severally breached and misused. The object of providing employment has become a source of competition. Time and again people all over the country have been approaching the Courts and authorities to ensure that the Mahatama Gandhi National Rural Employment Guarantee scheme is implemented properly and not misused for private benefits of vested interested groups. The poor labourers of the rural and hilly areas have been scapegoats for unlawful enrichment by authorities."*
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> *It is alleged that there is large scale misappropriation of fund by the Implementing Agency. Records are prepared to show the people have been benefitted under Mahatma Gandhi National Rural Employment Guarantee scheme, for rural development works like laying of roads, canal, reclamation of land and other scheme works for benefit of all the populace of the vilalges. Instead of achieving this object, it appears that crores of money has been siphoned off by the vested interests with the connivance of the officials. That is the main allegations in the Public Interest Litigation. Details are submitted in the affidavit filed in support of the writ petition. The petitioners have been moving various authorities to highlight the misappropriation of funds by making complaints/FIRs, some of which has initiation of the investigation. Number of violations that had been pointed out at para no.21 of the writ petition, which relates to different type of works, is reproduced herein below:*
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> > *"21. That it is further submitted that huge amount of money in the name of implementation of works under the MGNREGS has been misappropriated by the authorities concerned in the State of Manipur without executing any work. The particulars of the works/projects are as follows :*

A) (a) That is submitted that during the year 2010, a project called the Land Development at Liberal College, Luwangsangbam was approved by the Deputy Commissioner/District Programme Co-ordinator, NREGS, Imphal East District, Manipur for execution. The project cost approved for execution is a total sum of Rs. 11,00,000/- (Rupees eleven lakhs). In the course of implementation, the District Programme Co-ordinator, NREGS, Imphal East District vide order dated 12.05.2010 sanctioned a sum of Rs. 4,73,246/- and thereafter by a subsequent Order dated 19.08.2010 another amount of Rs. 6,26,754/- was sanctioned and released.

True copies of the Order dated 12.05.2010 and 19.08.2010 are annexed herewith and marked as Annexure – A/7 & A/8 respectively.

(b) That it is fact that the said total sum of Rs. 11,00,000/- (Rupees eleven lakhs) was sanctioned and released through the authorities of the Zilla Parishad, Imphal East District, Manipur for execution of the Project Work i.e. Land Development at Liberal College, Luwangsangbam. However, it is very unfortunate that the said amount has been misappropriated by the implementing authority/personnel without doing any work if development. In other words, there is / was no execution of the Project of Land Development at Liberal College and all the amount stands misappropriated.

(c) That having suspicious of the situation, the Principal, Liberal College, Luwangsangbam lodged a complaint to the Deputy Commissioner/District Programme Coordinator, NREGS, Imphal East District, Manipur on 21.010.2010. The same was received by the office of the Deputy Commissioner, Imphal East under R.R. No. 3238 dated 22.10.2010. In the said complaint it has been stated that no work is executed under the said project and all amount has been misappropriated.

A true copy of the Complaint dated 21.10.2010 is annexed herewith and marked as Annexure – A/9.

(d) That however the authorities concerned failed to take any action and it has been presumed that the sanctioned amount has been misappropriated by the authorities concerned. In the situation, the Chairman, Governing Body, Liberal College, Luwangsangbam lodge a report date 07.01.2011 to the Superintendent of Police, Imphal East District, Manipur for registering an FIR and for investigation. It has been found that the report was forwarded by the, S.P. to the O.C. Heingang Police Station. However, till today no FIR Case is registered and no investigation is taken up.

A true copy of the Report dated 07.01.2011 is annexed herewith and marked as Annexure –A/10.

B)(i) Vide order dated 23.03.2010, the District Programme Coordinator NREGS Imphal East District, Manipur a sum of Rs. 17,16,707/- was released for construction of IVR with side drain, culverts and shingling from Awang Potsangbam Khunou via Keklon to Nilakuthi.

A true copy of the Order dated 23.03.2010 is annexed herewith and marked as Annexure – A/11.

(ii) It is submitted that the said IVR is a PWD road. The same is known as Koirengei Lamkhai to Potsangbam Khunou via Nilakuthi Inter Village Road. The same is maintained by the P.W.D. Government of Manipur. The P.W.D. also constructed the side drains, culverts, shingling and black topping etc. However, without doing any work the said work has been executed on papers only and all amounts released under the work has been misappropriated.

(C) Vide order dated 12.05.2010 the Deputy Commissioner / District Programme Coordinator NREGS, Imphal East District, Manipur sanctioned a sum or Rs. 5,48,782/- for executing a work called land development at

Ibemcha High School at Khabam. It is the real position that no work was/is executed at the spot and all money has been misappropriated.

A true copy of the Order dated 12.05.2010 is annexed herewith and marked as Annexure – A/12.

D) (i) Vide order dated 23.07.2011 issued by the DPO, Imphal East District Manipur a sum of Rs. 17,00,000/- was sanctioned and released for the work namely Construction of road with shingling and culverts at Mongjam and Maiba Khul, under MGNREGS.

A true copy of the Order dated 23.07.2011 is annexed herewith and marked as Annexure – A/13.

(ii) It is submitted that the said road namely Koirengei to Mongjam Maiba Khul is one of the IVR constructed and maintained by the PW.D. Government of Manipur. The same road was constructed with shingling, black topping, etc. By the P.W.D. Government of Manipur. It so happened that during the year 2009, renovation including black toping of the same road was done by the concerned authorities under the Pradhan Mantri Gram Sadak Yojana (PMGSY).

(iii) However without executing any work all amounts sanctioned under MGNREGS has been misappropriated by the authorities concerned.

A true copy of the P.W.D. road under Heingang A.C. Manipur authenticated by the A.E. Imphal East Sub-Division No. 3, P.W.D. Manipur is annexed herewith and marked as Annexure – A/14.

E) Vide order dated 05.07.2012 a sum of Rs. 39,00,000/- was sanctioned and released by the DPO/Imphal East District, Manipur for 2 (two) items of works. There is no work executed under the said items. Further the same work under item No. 2 of the order was also included in the works said to have been executed in 2009.

A true copy of the order dated 05-07-2012 is annexed herewith and marked as Annexure-A/15.

22. That it is also the position that no work is provided to the Job Card Holders despite the mandatory guarantee for providing a minimum of 100 days employment to the willing Job Card Holders. Everyday there are complaints from the public for misappropriation of the funds released under the MGNREGS. It is submitted that based on various complaints the Union Minister, Rural Development made a statement on 12-03-2011 at New Delhi that all irregularities in the utilization of MGNREGS fund will be entrusted to the C.B.I. for investigation. The same was published in the National Dailies as well as the Local dailies on 13-03-2011.

A true copy of the publication made in the "Huiyen Lanpao" local daily dated 13-03-2011 with English translation is annexed herewith and marked as Annexure-A/16."

"[8] Therefore, taking note of the serious issue raised and laudable object under Mahatma Gandhi National Rural Employment Guarantee scheme, it is necessary that the report of the Department concerned who are primarily responsible for implementation of the scheme for the benefits of the people of the rural areas in letter and spirit truly and faithfully are made answerable.

"[9] It is the Department concerned that should ensure the proper implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme. It purely lies on the shoulder of the said Departments concerned.

"[10] In view of the matter, we are inclined to direct the Commissioner/Secretary (RD& PR), Govt. of Manipur to call for a report from every District Collectors on the proper implementation of Mahatma

Gandhi National Rural Employment Guarantee Scheme and take appropriate action wherever the officials failed to execute the Mahatma Gandhi National Rural Employment Guarantee scheme in letter and spirit.

"[11] The Commissioner/Secretary of the Department shall ensure that the District Collectors are made responsible for any violation or misuse of the scheme by the subordinate officials. There should be proper check by the Government through the District Collectors and ensure that misappropriation of the funds granted under the Mahatma Gandhi National Rural Employment Guarantee scheme is not siphoned off.

"[12] We direct the Chief Secretary, Govt. of Manipur to hold a meeting with the Secretary/Commissioner of the Department concerned and all the District Collectors so that the Mahatma Gandhi National Rural Employment Guarantee scheme is implemented in a proper manner arresting al loopholes that may lead to misappropriation and fraud. The officials who are found to have misapprop0riated the funds in any manner be proceeded with as per law.

We dispose of the PIL as above. In view of the above, the other reliefs are unnecessary for the present.

Copy of this order be furnished to the Commissioner/Secretary (RD & PR), Govt. of Manipur and also to Mr. S. Napolean, learned G.A. for the State respondents and to be circulated to all District Collectors."

[3] The learned Senior counsel appearing for the petitioners submitted that when the respondents failed to take up any concrete and appropriate action in compliance with the earlier order passed by this Court in PIL No. 1 of 2012, the present petitioners have already approached this Court earlier by filing PIL No. 5 of 2020 raising the same issue involved in the present PIL and praying for the same reliefs. Relying on the earlier judgment and order dated 29.05.2020 passed in PIL No. 1 of 2012, this Court disposed of the said PIL No. 5 of 2020 by order dated 17.02.2020. The relevant portions of the said order are as under :

"[2] The present PIL is a sequel to the PIL No.1 of 2012 which was disposed of on 29.05.2018. This Public Interest Litigation has been filed for a direction to the official respondents to handover the bank passbooks and job-cards to the concerned beneficiaries of the Maibam Uchiwa Village falling under the area of Maibam Uchiwa Gram Panchayat.

It is alleged that the job-cards and the bank passbooks are not handed over to the concerned beneficiaries by the Respondents No. 9 & 10 so as to enable to get the wages under the Mahatma Gandhi National Rural employment Guarantee Scheme (MGNREGS). The statutory guidelines of

the National Rural Employment Guarantee Act, 2005 (NREG Act) is violated as the beneficiaries have never seen their respective bank accounts or the passbooks. The job cards are withheld by the respondents No. 9 and 10. There is also a prayer to consider the Representations dated 16/12/2019 and 29/01/2020 addressed to the Deputy Commissioner, Thoubal, Manipur and Deputy Commissioner, Kakching, Manipur respectively filed as ***Annexure-A/5 &A/6)****so as to enable the beneficiaries to directly receive benefits/wages from their bank accounts instead of running behind respondent Nos. 8 & 9. It is pleaded that the persons responsible (more particularly the Respondents No.8 and 9) should be punished for the illegalities and misappropriation of funds and hold them responsible for their criminal acts. It is pleaded that the matter be referred to Central Investigating Agency to find out the depth of the malpractices committed by the respondents and book those responsible person/officers under relevant provisions of law. Further to hold those officers involved liable under the provisions of the Manipur Pubic Servants' Personal Liability Act, 2006.*

"[3] The allegation is that though many of the people of the village are having Job Cards, they do not know the Bank Accounts to which the money is being deposited under the scheme. A paltry sum is released in their favour by cash by respondent Nos. 8, 9 & 10 who collect the amount from the bank without the knowledge of the actual beneficiaries. In this regard, a complaint has been given to the Deputy Commissioner, Thoubal on 16.12.2019, Annexure-A/5 and to the Deputy Commissioner, Kakching on 29.01.2020, Annexure-A/6. No action is taken. Even they are aware of such wrong doing by the 8th, 9th and 10th respondents.

"[5] The scope of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and the role of the Officers has been very clearly stated by this Court in the order dated 29.05.2018 passed in PIL No. 1 of 2012. In para 10, 11 & 12 of the order dated 29.5.2018, this Court issued specific directions as under:-

> ***"****[10] In view of the matter, we are inclined to direct the Commissioner/Secretary (RD &PR), Govt. of Manipur to call for a report from every District Collectors on the proper implementation of Mahatma Gandhi National Rural Employment Guarantee scheme and take appropriate action wherever the officials failed to execute the Mahatma Gandhi National Rural Employment Guarantee scheme in letter and spirit.*
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> *[11] The Commissioner/Secretary of the Department shall ensure that the District Collectors are made responsible for any violation or misuse of the scheme by the subordinate officials. There should be proper check by the Government through the District Collectors and ensure that misappropriation of the funds granted under the Mahatma Gandhi National Rural Employment Guarantee scheme is not siphoned off.*
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> *[12] We direct the Chief Secretary, Govt. of Manipur to hold a meeting with the Secretary/Commissioner of the Department concerned and all the District Collectors so that the Mahatma Gandhi National Rural Employment Guarantee scheme is implemented in a proper manner arresting all loopholes that may lead to misappropriation and fraud. The officials who are found to have misappropriated the funds in any manner be proceeded with as per law.*
>
> *We dispose of the PIL as above, In view of the above, the other reliefs are unnecessary for the present.*
>
> *Copy of this order be furnished to the Commissioner/Secretary (RD & PR), Govt. of Manipur and also to*

Mr. S. Nepolean, learned G.A for the State respondents and to be circulated to all District Collectors.

"[6] The above order dated 29.05.2018 covers the entire State of Manipur and the petitioners are entitled to move the authority, namely, the Commissioner/Secretary of the Department and the District Collectors for implementation of the said scheme and also to point out any errors or mischief committed by one or the other person in their individual capacity to violate the provisions of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). All acts tainted with illegality or misuse of the Scheme to be viewed seriously."

"[7] A representation duly authorised by the actual beneficiaries should be submitted to these authorities. If the authorities fail to obey the directions contained in para Nos. 10,11 & 12 of the dated 29.05.2018 passed in PIL No. 1 of 2012, the parties are at liberty to move the Court against such official who disobeyed the order of this Court."

[4] It is also submitted by the learned Senior counsel appearing for the petitioners that in compliance with the order dated 17.02.2020 passed by this Court in PIL No. 5 of 2020, the petitioners submitted representations to the authorities requesting them to comply with the order passed by this Court by taking up appropriate action in terms of the said order of this Court.

[5] Mr. N. Jotendro, learned Senior counsel submitted that when the respondents failed to consider and dispose of the representations submitted by the petitioners and when the respondents failed to implement the directions given by this Court, the petitioners approached the Court again by filing the present PIL praying for granting the following reliefs :

"ii). issue a writ in the nature of mandamus or any other appropriate writ of the like nature for an appropriate direction to the concerned authorities more particularly to the Chief Secretary, Government of Manipur and concerned Commissioner (RD & PR), Government of Manipur, Director (RD & PR), Government of Manipur, D.C. Kakching, D.C. Thoubal, Zila Parishad, Pradhan, Member of the Maibam Uchiwa Gram Panchayat to hand over all the Job Cards of the Mahatama 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 and all the operators of the passbooks requires to be verified including biometrics of the concerned Account Holders pending final disposal of the instant petition as the same are required to be entirely replaced afresh by forming a committee under the supervision of the Hon'ble Court so as to enable to enter the money to the genuine account holders without any deductions in the name of the beneficiaries in collusion with the concerned bank officials;

iii.) further direct the State Bank of India, Thoubal Branch, and any other related banks to recover and surrender the respective Bank Pass Books which had been opened in dummy accounts along with ATM Cards before the Registry of the Hon'ble Court;

iv). further direct the Respondents No.8 &9 to surrender/handover all the bank accounts opened in the name of the beneficiaries of the Maibam Uchiwa Gram Panchayat."

[6] When the present PIL was taken up on 21.05.2020, this Court passed an order directing, inter alia, the Superintendent of Police (Vigilance), Manipur to gather all materials relating to the issues of MGNREGS and file a report to this Court so that future directions can be issued on the basis of the materials gathered by the Vigilance Department. The operative portions of the said order are as under :

"[8] Mr. N. Kumarjit, learned Advocate General, Manipur submitted that the concerned authorities of the State Government have already initiated enquiries to find out if any illegal acts are committed in respect of MGNREGS in the distribution of money to the job card holders in the entire State of Manipur. The report of enquiry is yet to be submitted. After completion of the enquiry and on receipt of the enquiry, the State Government will take appropriate action on the basis of such enquiry report.

[9] We have heard Mr. N. Jotendro, learned Senior counsel for the petitioners and the stand taken by Mr. N. Kumarjit, learned Advocate General, Manipur. We are constrained to observe that the allegations which are forming part of the complaint in the implementation of the MGNRGES is appearing again and again forcing the people to approach this Court by way of public interest litigation. This Court disposed of Writ Petition (PIL) No. 1 of 2012 on 29.05.2018 with the specific directions in paragraph No. 8 – 12. Again while disposing of PIL no. 5 of 2020 on 17.02.2020, certain directions

were issued in paragraph 5, 6 & 7. Despite this, complaints are flooding the State Government and this Court alleging misuse of the scheme. We are at pain to note that this Could have been avoided if the various authorities mentioned in the 2 (two) orders of this Court in Writ Petition (PIL) No. 1 of 2012 dated 29.05.2018 and PIL No. 5 of 2020 dated 17.02.2020 are properly followed by the authorities and the authorities execute their duties properly. The Commissioner/Secretary of the department and the District Collectors are responsible officers. We expect them to discharge their duties and ensure that the MGNREGS is not misused. While impressing upon the Commissioner/Secretary (RD & PR), Government of Manipur and the District Collectors relatable to the present case to take up immediate action and rectify the error based on the complaint / representation given, a report shall be submitted to this Court within a period of 2 (two) months as to the action taken in respect of the complaint. We further direct the S.P. (Vigilance), Manipur to gather all materials relating to misuse of MGNREGS and file a report to this Court so that further directions can be issued on the basis of materials gathered by the Vigilance Department."

[7] In compliance with the order dated 21.05.2020, the S.P. (Vigilance) filed the affidavit dated 05.09.2020 enclosing the inquiry report of Case No. 14/PE/SP-V & AC/2020. The relevant portions of the said report are reproduced in Para No. 5 of the affidavit submitted by the S.P. (Vigilance), which are as under :

*"**5.** That for better appreciation of the Hon'ble Court, a brief report of the enquiry report are stated hereunder :*

***(A)** From the enquiry it has been found that there are 2783 beneficiaries registered under MGNREGS in respect of Maibam Uchiwa Gram Panchayat. Since, the number of beneficiaries is very large and it will take much time; the present enquiry has focused on 28 beneficiaries including the 3 (three) petitioners of the PIL.*

***(B)** During the course of enquiry a good number of relevant documents were collected and examined to ascertain the genuineness of the allegations and found the following facts :*

***(i)** Enquiry revealed that one Abdul Malik of Uchiwa Wangbal, Mayang Imphal, Sub-Business Correspondent (BC) under Sub-KO(1A669810) of SBI, Mayang Imphal Branch had opened the bank account of one Md. Nasir Khan aged about 37 years, S/o, Md. Helim of Maibam Uchiwa Nastao in Tiny Special Account in the SBI, Mayang Imphal Branch under A/c No. 38020689357 in which a total amount of Rs. 8,226 (Rs. 2,299 + Rs. 2,090 + Rs. 1,428 + Rs. 2,409 = Rs. 8,226) as wages of Job Card Holder in respct of Md. Nasir Khan aged about 38 years, S/o Md. Abdulah of Uchiwa Nastao Makha Leikai, Maibam Uchiwa (job card holder, one of the complainants) was credited on different dates as managed by the Member of Ward No. 12 in collusion with Gram Rozgar Sevak (GRS) and the amount so credited was withdrawn from the account by the account holder namely Md. Nasir Khan S/o Md. Helim along with the Member, Ward No. 12 namely Md. Salim.*

(ii) *On the other hand, no wages of money was received by the Job Card Holder Md. Nasir Khan, S/o Md. Abdulah of Uchiwa Nastao Makha Leikai, Maibam Uchiwa till date as the sanctioned amount was credited in the account of Md. Nasir Khan, S/o Md. Helim as stated above, even though as per records maintained by the GRS of Maibam Uchiwa Gram Panchayat a total amount of Rs. 8,226/- was shown paid tothe said Job Card Holder Md. Nasir Khan S/o Md. Abdhulah*

(iii) *During the enquiry, it was further revealed that Md. Tajuddin, S/o Md. Siraj Ahamad of Bengoon Mamang Loutok, Mayang Imphal, Business Correspondent (BC) of SBI, Mayang Imphal Branch opened an account in the name of Miss Sanarei, aged about 32 years, D/o Md. Mansur of Uchiwa Nastao in the SBI, Mayang Imphal Branch under A/C No. 35955606823 without the physical presence of the said account holder Miss Sanarei, but on the basis of documents furnished by the member of Ward No. 13 also put his signature/thumb impression on behalf of the account holder in the said account opening form of Miss Sanarei as well as in the 'Morpho' which was used by Md. Tajuddin for transaction of various accounts. Thereafter, an amount of Rs. 1428 was credited in the account of the said Miss Sanarei as wages of Job Card Holder and out which amout of Rs. 1400/- was withdrawn by Md. Jiauddin, Member of Ward No. 13 by putting his thumb impression in the 'Morpho' operated by Md. Tajuddin, BC of SBI, Mayang Imphal Branch.*

(iv) *However, the name of Miss Sanarei included as one of the applicants of the household willing in the Job Card No. 1596 are found to be false as Miss Sanarei is not a member of the family of Md. Mansur of Maibam Uchiwa. Moreover, the amount credited in the bank account opened in the name of Md. Jiauddin, Member of Ward No. 13 in collusion with Md. Tajuddin, BC of SBI, Mayang Imphal Branch and Md. Nizamuddin, GRS of Maibam Uchiwa Gram Panchayat.*

(v) *It is further to state that with the same procedure, Md. Jiauddin, Member of Ward No. 13 in collusion with Md. Tajuddin, BC of SBI, Mayang Imphal Branch also opened bank A/C No. 35955606685 in the name of Mrs. Nasim Banu, aged about 25 years, D/o Md. Mansur Ali of Uchiwa Nastao at SBI, Mayang Imphal Branch without the physical presence of the said account holder as done in the case of Miss Sanarei as mentioned above. Likewise, a total amount of Rs. 8052/- (Rs. 2090 + Rs. 2409 + Rs. 1463 + Rs. 2090 = Rs. 8060) was credited in the account of Mrs. Nasim Banu and a total amount of Rs. 8060/- (Rs. 2100 + Rs. 1460 + Rs. 2400 + Rs. 2100 = Rs. 8060) was also withdrawn by Md. Jiauddin, Member of Ward No. 13 in collusion with Md. Tajuddin, BC of SBI, Mayang Imphal Branch as done in the case of Miss Sanarei.*

(vi) *In the situation, it has been found that Md. Jiauddin, Member of Ward No. 13 in collusion with Md. Tajuddin, BC of SBI, Mayang Imphal Branch misappropriated the wages amount of Rs. 9460/- (Rs. 1400 + Rs. 8060) which was sanctioned and released in the name of Miss Sanarei and Mrs. Nasim Banu.*

(vii) *In the course of enquiry, it has also been revealed that Md. Sawad Khan, nephew of Md. Fakaruddin, Zilla Parishad member of Maibam Uchiwa in collusion with Md. Rafijuddin of Irong Chesaba, Kakching BC of SBI Thoubal Branch had opened bank accounts in respect of 12 nos. of job card holders, but on the basis of documents prepared and furnished by Md. Sawad Khan on behalf of the aforesaid 12 account holders. Md. Sawad Khan also put his signatures/thumb impression/finger print in the account opening*

form as well as in the account holders of Job Cards. Thereafter, Md. Sawad Khan in collusion with Md. Rafijuddin had withdrawn the following amounts from the account numbers by using thumb impression / finger print.

(1) *Rs. 2500/- from A/c No. 38224734221 opened in the name of Hatim Ali (Job Card Holder).*

(2) *Rs. 8030/- from A/c No. 83237852150 opened in the name of Md. Wahid Ali (Job Card Holder).*

(C) *After holding the enquiry in respect of 28 beneficiaries, it has been recommended that a prima facie case for the commission of offences of cheating, criminal misconduct and criminal conspiracy on the part of the following officials/officers of Directorate of Rural Development and Panchayati Raj , Government of Manipur; Elected Members; Business Correspondents/C.S.P. and private persons have been well established.*

(1) Md. Nizamuddin, GRS, Maibam Uchiwa Gram Panchayat.

(2) Md. Salim Member of Ward No. 12 of Maibam Uchiwa Gram Panchayat

(3) Md. Jiauddin, Member of Ward No. 13 of Maibam Uchiwa Gram Panchayat.

(4) Md. Rafijuddin, BC of SBI Thoubal Branch.

(5) Md. Tajuddin, BC of SBI, Mayang Imphal Branch and

(6) Md. Sawad Khan, nephew of Md. Fakaruddin, Zilla Parishad Member of Maibam Uchiwa.

(D) *That the enquiry report held that a thorough investigation in order to find out the irregularities committed during the implementation of MGNREGS in respect of 2783 beneficiaries (Job Card Holders) of Maibam Uchiwa Gram Panchayat during the financial year 2018 – 2019 and 2019 – 2020 is required by registering a regular FIR case against the above mentioned accused persons and other unknown officials and private persons."*

[8] On perusal of the report submitted by the S.P.(Vigilance), Manipur, it is ascertained that 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, we feel 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. We are also of the considered view 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 MGNRGES in Manipur.

[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.

Registry is directed to furnish a copy of this order to the S.P.(Vigilance), Manipur and all the counsel for the parties for doing the needful.

JUDGE **CHIEF JUSTICE**

FR/NFR

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Yumkham Rother

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