



MIZORAM LOKAYUKTA

(Constituted under the Mizoram Lokayukta Act, 2014)

ORDER

Case No. MLC- 15/2020

In the matter of:

The Secretary,
MPCC Media Department

:

Petitioner/Complainant

Versus

Govt. Officials

:

Respondent/OP

Date: 24.3.2021

A brief history of the case is that the Anti-Corruption Bureau (ACB) received an FIR from the Secretary, MPCC Media on 1.5.2020 regarding the allegation of mismanagement in the procurement of PPE and other equipments for fighting Covid-19 by Government Officials. Vigilance Department transferred the complaint petition to Mizoram Lokayukta. The case was registered as MLC-15/2020, and ACB was directed to conduct Preliminary Enquiry. After Vigilance Department, Govt. of Mizoram conveyed approval to conduct Preliminary Enquiry, ACB PE No.4/2020 dt. 4.6.2020 was registered, and Pu R. Lalnunmawia, Dy.SP was appointed as the Enquiry Officer. Then, as per the directions of Vigilance Department, the Preliminary Enquiry Report and its enclosure were transferred to Mizoram Lokayukta on 1.2.2021.

The Lokayukta examined the Preliminary Enquiry Report and it was revealed that the Directorate of Health Services, Mizoram procured 11000 nos. of PPE, 15000 nos. of N-95 masks and 9000 nos. of shoe cover for ₹1,18,16,742/- from two (2) non- approved suppliers, which were air lifted to Aizawl, Mizoram on 27.3.2020 from New Delhi, and spent ₹ 16,23,000/- for hiring charge of Cargo Chartered Flight. The total amount spent for procuring medical equipments are sanctioned from State Disaster Relief Fund (SDRF) of Disaster Management & Rehabilitation Department. For procuring the medical

equipments, the Health Department did not follow official procedures. Though the Health department did not follow official procedures for procuring the medical supplies/equipments, their actions are protected by virtue of Sub Rule (ii) of Rule 166 of GFR which states, “In the case of emergency the required goods are necessarily to be purchased from a particular source and the reason for such decision is to be recorded and approval of authority obtained.” Section 50 of the DMR Act, 2005 also authorizes immediate procurement in case of threatening disaster situation without following the standard procedure, i.e., inviting of Tenders. Thus, the procurement of Medical Equipments by Health & Family Welfare Department was accepted as ‘Emergency Procurement’ under Sec 50 of Disaster Management Act, 2005, and the procurement of Equipments for ₹ 2.48 crores was regularized vide I.D. No. B.13021/102/2020-DMR dt. 17.5.2020. Ex-post facto approval is obtained by the Department as permitted by the Ministry of Finance, Govt. of India. Further, the enquiry also reveals that there were no rejected or defective materials from the procured medical equipments, as per the statement of the Chairman, Covid-19 Medical Operational Team and others.

Thus, as the Preliminary Enquiry could not establish any misappropriation of money as alleged in the FIR, the case before the Lokayukta is hereby closed.



(C. LALSAWTA)
Chairperson