



सत्यमेव जयते

# MIZORAM LOKAYUKTA

THE SECOND  
**ANNUAL REPORT**  
2020 - 2021



## OFFICE OF THE MIZORAM LOKAYUKTA

A/89, F. Kapsanga Building, Temple Square  
Tuikual South, Aizawl, Mizoram

Phone : (0389) 2313454/2316454/2326454/3560083  
Email : [mizoramlokyukta@gmail.com](mailto:mizoramlokyukta@gmail.com)  
Website : [www.lokyukta.mizoram.gov.in](http://www.lokyukta.mizoram.gov.in)



सत्यमेव जयते

# MIZORAM LOKAYUKTA

## The Second ANNUAL REPORT (2020-2021) (1<sup>st</sup> April, 2020 to 31<sup>st</sup> March, 2021)



### OFFICE OF THE MIZORAM LOKAYUKTA

A/89, F. Kapsanga Building, Temple Square  
Tuikual South, Aizawl, Mizoram

Phone : (0389) 2313454/2316454/2326454/3560083  
Email : [mizoramlo kayukta@gmail.com](mailto:mizoramlo kayukta@gmail.com)  
Website : [www.lokayukta.mizoram.gov.in](http://www.lokayukta.mizoram.gov.in)



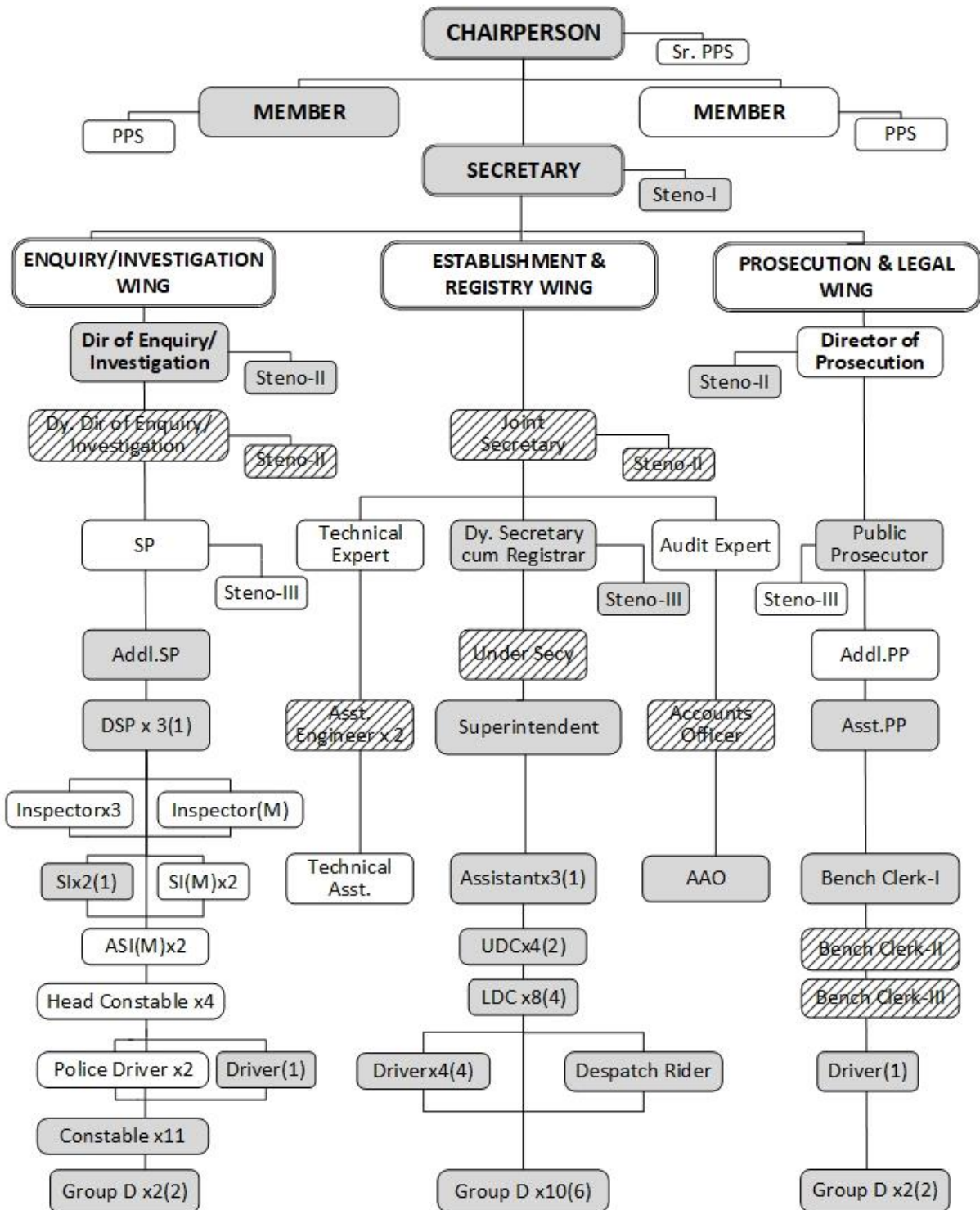
*The Mizoram Lokayukta  
Presents  
its Second Annual Report  
as required under Section 47 of the  
Mizoram Lokayukta Act, 2014  
to the  
Honourable Governor of Mizoram*

This Report covers the period from  
1<sup>st</sup> April 2020 to 31<sup>st</sup> March, 2021

- Our Motto : *Ethical Values and Integrity a way of public life*  
Our Vision : *Clean and corruption free state of Mizoram*  
Our Mission : *To combat corruption and to promote probity in public life*  
Our Ethos : *Principle of Natural Justice and Fair Play*

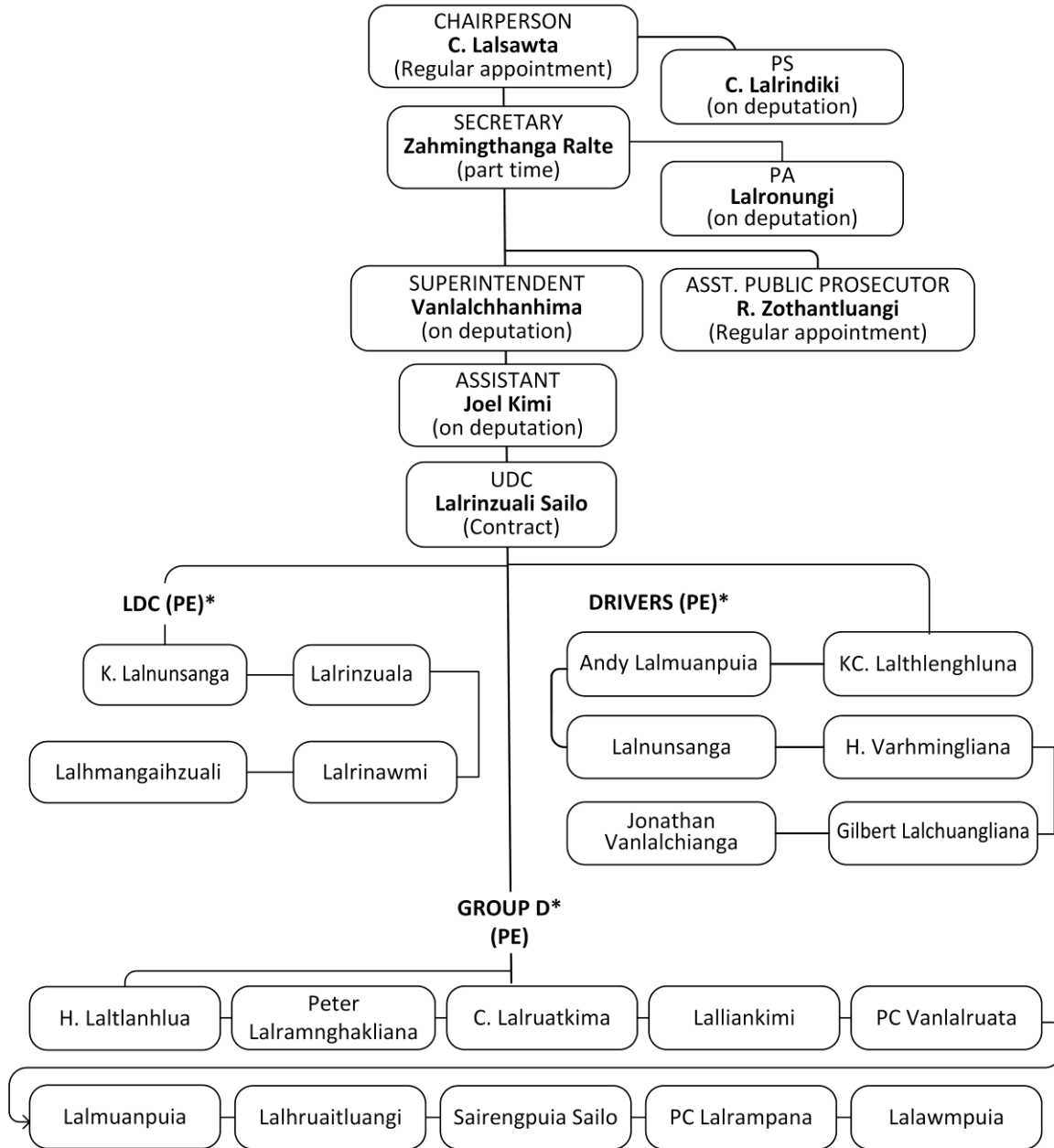


**ORGANISATIONAL STRUCTURE OF MIZORAM LOKAYUKTA**  
(as envisaged)



- Explanatory note:**
1. Designations in shaded boxes indicate posts which are already sanctioned.
  2. Designations in stripe boxes are those proposed/approved earlier but held in abeyance for economy.
  3. Designations in other boxes are those which are yet to be sanctioned.
  4. Figures after designations represents no. of posts proposed and figures within bracket represent No. of posts sanctioned/filled up.

# INCUMBENCY CHART



\*PE: Provisional Employee formerly known as Muster Roll employee

**SANCTIONED POSTS AND PROPOSED ADDITIONAL  
REQUIREMENTS UNDER MIZORAM LOKAYUKTA**

SN	Post/Designation	Pay Matrix Level	Existing Sanctioned Posts	Addl. Requirement	Total Requirement
<b>A. STATUTORY POSTS</b>					
1	Chairperson	18	1	0	1
2	Member(s)	17	1	1	2
	<b>SUB-TOTAL</b>		<b>2</b>	<b>1</b>	<b>3</b>
<b>B. ESTABLISHMENT</b>					
1	Secretary	14	1	0	1
2	Deputy Secretary	12	0+(1)	1-(1)	1
3	Sr. PPS	12	0	1	1
4	PPS	11	0	1	1
5	Superintendent	10	1	0	1
6	Stenographer-I	10	1	0	1
7	Stenographer-III	6	0+(1)	1-(1)	1
8	Audit Expert	12	0	1	1
9	Technical Expert	12	0	1	1
10	Technical Assistant	7	0	1	1
11	Assistant	7	1	2	3
12	Accountant/AAO	7	0+(1)	1-(1)	1
13	UDC	6	1+(1)	3-(1)	4
14	LDC	4	4	4	8
15	Driver	2	4	0	4
16	Despatch Rider	2	0+(1)	1-(1)	1
17	Group D	1	6	4	10
	<b>SUB-TOTAL</b>		<b>19+(5)</b>	<b>22-(5)</b>	<b>42</b>

**C. ENQUIRY / INVESTIGATION WING**

SN	Post/Designation	Pay Matrix Level	Existing Sanctioned Posts	Addl. Requirement	Total Requirement
1	Director	13(A)	1	0	1
2	Superintendent of Police	12	0	1	1
3	Addl. SP (in lieu of Dy. Dir, Inq/Inv)	11	1	0	1
4	Deputy SP	10	1	2	3
5	Steno-II	7	1	0	1
6	Steno-III	6	0	1	1
7	Inspector	8	0	3	3
8	Inspector (M)	8	0	1	1
9	Sub Inspector	7	1	1	2
10	Sub Inspector (M)	7	0	2	2
11	ASI (M)	6	0	2	2
12	Head Constable	4	0	4	4
13	Driver	2	1	0	1
14	Police Driver	2	0	2	2
15	Constable	2	1	10	11
16	Group D	1	2	0	2
	<b>SUB-TOTAL</b>		<b>9</b>	<b>29</b>	<b>38</b>
<b>D. PROSECUTION WING</b>					
1	Director	13(A)	0	1	1
2	Public Prosecutor	12	1	0	1
3	Addl Public Prosecutor	11	0	1	1
4	Asst Public Prosecutor	10	1	0	1
5	Steno-II	7	0+(1)	1-(1)	1
6	Steno-III	6	0	1	1
6	Bench Clerk	7	0+(1)	1-(1)	1
9	Driver	2	1	0	1
10	Group D	1	2	0	2
	<b>SUB-TOTAL</b>		<b>5+(2)</b>	<b>5-(2)</b>	<b>10</b>
	<b>GRAND TOTAL</b>		<b>42</b>	<b>49</b>	<b>93</b>



**C. Lalsawta,**  
Chairperson



**MIZORAM LOKAYUKTA**  
A/89, F. Kapsanga Building,  
Temple Square, Tuikual S, Aizawl,  
Mizoram - 796001

## **FOREWORD**

*The Mizoram Lokayukta has completed the second year of its existence in the midst of Covid-19 pandemic and the ensuing lockdowns and quarantines which adversely affected the functioning of the Government and the Lokayukta itself.*

*Several ongoing tasks were retarded and some were kept on hold. The need to amend several provisions of the Mizoram Lokayukta Act, 2014 could not be pursued to its logical conclusion.*

*Search for a suitable office accommodation, not to speak of permanent office complex, remained futile and the office continued to be housed in a congested private building which is insufficient to accommodate the Enquiry/Investigation Wing and the Prosecution Wing proposed to be set up as per the requirement of the Act. Proposals for creation of additional posts and postings of officials against vacant posts could not be fulfilled as the Government did not send names of willing officials.*

*Meanwhile, there were delays in Enquiries/Investigations of cases being conducted by the Anti-Corruption Bureau of the State Government which is the main investigating agency in the absence of Enquiry Wing of the Lokayukta. Covid-19 Pandemic could be one of the reasons for the delays.*

*However, the Lokayukta is striving ahead with limited resources and facilities available at its disposal for a better tomorrow.*

**Dated 17<sup>th</sup> November, 2021**

  
**(C. LALSAWTA)**

*The 1<sup>st</sup> Hon'ble Chairperson, Pu C. Lalsawta presenting the First Annual Report (2019-2020) to Hon'ble Governor of Mizoram Shri PS Sreedharan Pillai*



# MIZORAM LOKAYUKTA SECOND ANNUAL REPORT 2020-2021

(1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021)

## Table of Contents

Chapter	Subject	Page No.
	Organizational Structure	i
	Incumbency Chart	ii
	Sanctioned Posts & Proposed Addl. Posts	iii-iv
	Foreword from the Hon'ble Chairperson	v
	Table of Contents	vii-viii
<b>I</b>	<b>INTRODUCTION</b>	<b>1-5</b>
	1. Corruption as a bane for the people	1
	2. International Movements against Corruption	1-2
	3. Corruption Perceptions Index (CPI)	2
	4. Anti-Corruption Movements in India	2-3
	5. Lokpal and Lokayuktas	3-4
	6. History of Mizoram Lokayukta	4-5
<b>II</b>	<b>ESTABLISHMENT OF THE LOKAYUKTA</b>	<b>6-9</b>
	1. Commencement	6
	2. Nodal Department	6
	3. Amendment of Mizoram Lokayukta Act, 2014	6
	4. Chairperson and Members of Mizoram Lokayukta	7
	5. Procedures for selection of Chairperson and Member(s)	8-9
	6. Chairperson of Mizoram Lokayukta	9
<b>III</b>	<b>POWERS AND FUNCTIONS OF LOKAYUKTA</b>	<b>10-14</b>
	1. Jurisdiction for Enquiry and Investigation	10-11
	2. Powers to initiate, supervise and prosecute	12-13
	3. Powers of Civil Court & Contempt of Court	13-14
	4. Removal of Chairperson and Members	14
	5. Bar from Re-employment and contesting Elections	14
<b>IV</b>	<b>ADMINISTRATION &amp; PERSONNEL</b>	<b>15-17</b>
	1. Sanction of Posts	15-16
	2. Personnel	16
	3. Recruitments	16
	4. Administrative Functions	17

<b>V</b>	<b>ESTABLISHMENT &amp; REGISTRY WING</b> Roles and Functions of Establishment & Registry	<b>18</b>
<b>VI</b>	<b>ENQUIRY/INVESTIGATION WING</b> Director of Enquiry/Investigation	<b>19</b>
<b>VII</b>	<b>PROSECUTION &amp; LEGAL WING</b> Director of Prosecution	<b>20</b>
<b>VIII</b>	<b>SPECIAL COURT</b> Constitution and Special PP	<b>21</b>
<b>IX</b>	<b>CORRUPTION CASES</b>	<b>22-26</b>
	1. Transfer of pending cases	22
	2. Complaints	22
	3. Preliminary Enquiry (P.E)	22-23
	4. Preliminary Hearing	23-24
	5. Regular Investigation	24
	6. Prosecution	24
	7. Disposal of Cases	24
	8. Status of complaint cases	25-26
<b>X</b>	<b>VIGILANCE</b>	<b>27-29</b>
	1. Importance of Vigilance	27
	2. Vigilance Awareness Campaign	27-29
<b>XI</b>	<b>RIGHT TO INFORMATION</b>	<b>30-31</b>
	1. SPIO & Appellate Authority	30
	2. Disposal of Applications	30-31
	3. Fees	31
<b>XII</b>	<b>BUDGET AND ACCOUNTS</b>	<b>32-34</b>
	1. Charged Expenditures for Lokayukta	32
	2. Finance and Accounts	32
	3. Budget & Expenditures for 2020-21	33
	4. Budget Provisions for 2021-22	34
<b>XIII</b>	<b>LAND &amp; OFFICE BUILDING</b>	<b>35-36</b>
	1. Temporary Office Accommodation	35
	2. Land Allotment	35
	3. Construction of Office Building	35-36
<b>XIV</b>	<b>CITIZEN'S CHARTER</b>	<b>37-39</b>
<b>XV</b>	<b>CONCLUDING SUMMARY</b>	<b>40</b>
ANNEXURE I	: Profile of Our First Chair	41-42
ANNEXURE II	: Speech for Vigilance Awareness Programme, 2020	43-44
ANNEXURE III	: Orders on Closure of Cases (up to 2020-2021)	45-70

# CHAPTER-I

## INTRODUCTION

### **1. Corruption as a bane for the People:**

Corruption is a world-wide phenomenon but its prevalence and impact may vary in different countries and to different peoples or communities. Generally speaking, poor economies suffer the most as the scarce resources meant for development and welfare of the poor people are frittered away by influential people in authority or the resources are not utilized in a most effective manner. Studies have shown that poverty is not necessarily due to lack of resources but rather it is often due to corruption coupled with mismanagement of resources. It is noted that the most corrupt countries are the poorest countries in the world. Corruption and poverty appear to be closely intertwined. On the other hand, the least corrupt countries are the most developed countries.

### **2. International Movements against Corruption:**

Way back in 1809, i.e. more than 200 years ago, the concept of Ombudsman originated in Sweden. Other Scandinavian and littoral countries such Finland (in 1919), Denmark (in 1955) and Norway (in 1961) followed suit in creating the institution. Ombudsman is a Scandinavian word which means an officer or commissioner. In its special sense, it means a commissioner who has the duty of investigating and reporting to Parliament on citizens' complaints against the Government. The main object of the institution of Ombudsman is to safeguard the citizens against misuse of the powers of the administration. Some countries such as New Zealand and Great Britain used the term Parliamentary Commissioner. (Incidentally these countries are considered to be amongst the least corrupt countries in the world.)

Various civil Societies and organizations have launched movements to fight against corruption in different countries. One of them is Transparency International (TI) which is an international non-governmental organization based in Berlin, Germany, and was founded in 1993. Its purpose is to take action to combat global corruption with civil societal anti-corruption measures and to prevent criminal activities arising from

corruption. Transparency International is the global civil society organization leading the fight against corruption. It brings people together in a powerful worldwide coalition to end the devastating impact of corruption on societies around the world. TI is associated with UNESCO and United Nations Global Compact and shares the goals of peace, justice, strong institutions and partnerships of the United Nations Sustainable Development Group (UNSDG). Transparency International's mission is to create change towards a world free of corruption. Its most notable publications based on multi-country research and advocacy initiatives include the Global Corruption Barometer and the famous Corruption Perceptions Index.

### **3. The Corruption Perceptions Index (CPI)**

The Transparency International's Corruption Perception Index (CPI) is an index that scores countries on how corrupt their governments are believed to be. The CPI records a country's score ranging from 0 (zero) to 100, with zero indicating high levels of corruption and 100 indicating low levels. Transparency International launched the index in 1995, and in 2020 it scores 179 countries and territories. The CPI is published annually. The latest CPI of 2020 rates Denmark and New Zealand the least corrupt countries with a score of 88 points and are ranked at serial number 1, whereas Somalia scores 12 points and is ranked at Sl. No. 179 as the most corrupt country. India scores 40 points and is ranked at Sl. No. 86; dropping 6 ranks as compared to Sl. No.80 in 2019.

### **4. Anti-Corruption Movements in India:**

India took about 43 years and 8 Lokpal Bills in Parliament before the Lokpal and Lokayuktas Act, 2013 became a reality. The first Administrative Reforms Commission (1966) headed by Morarji Desai recommended creation of Ombudsman like Institutions (like Lokpal and Lokayuktas) to tackle the menace of corruption. The second Administrative Reforms Commission (2005) recommended creation of National Lokayukta by amending the constitution. Although the Lokpal & Lokayuktas Bill, 1978 was introduced in Parliament, no concrete action could be taken for a long time. Public awareness was not sufficient to compel Parliament to pass the legislation. However by 2011, a powerful social movement erupted in the form of campaign on 'India Against Corruption (IAC)' led by a group of social activists such as Anna Hazare, Arvind

Kejriwal, Swami Agnivesh and many other social activists. Anna Hazare, a follower of Gandhian principles, decided to go fasting unto death; demanding enactment of the long pending Jan Lokpal Bill. This and the prevailing circumstances ultimately compelled Parliament to act.

## **5. Lokpal and Lokayuktas:**

The Lokpal and the Lokayuktas are anti-corruption ombudsmen organizations. These Sanskrit words were coined by an eminent jurist Laxmi Mall Singhvi, MP during the Lok Sabha debates in 1963. The word Lokpal was derived from the Sanskrit words “Lok” (people) and “Pala” (protector/caretaker) meaning Caretaker of People or Guardian of the People. Similarly Lokayukta is derived from Lok (people) and Ayukta (commissioner) meaning Public Commissioner or Commissioner of the People. The Lokpal and Lokayuktas Bill, 2011 was introduced for the establishment of Lokpal for the Union and Lokayuktas for States to look into corruption charges against public servants. The Bill was tabled in the Lok Sabha on 22<sup>nd</sup> December, 2011 and was passed by the House on 27<sup>th</sup> December, 2011 as The Lokpal and Lokayuktas Bill, 2011. It was passed in the Rajya Sabha on 17<sup>th</sup> December 2013 after making certain amendments to the Bill including deletion of detailed provisions of the Lokayuktas due to reservations by some States. The amended Bill was again passed by the Lok Sabha the next day on 18<sup>th</sup> December, 2013 and it received assent from President on 1<sup>st</sup> January, 2014 and came into force from 16<sup>th</sup> January 2014. However, for the next 5 years, the Lokpal remained dormant as the Chairperson and other Members of the Lokpal were not appointed. After a lapse of 5 years, Mr. Justice Pinaki Chandra Ghose, a retired Supreme Court Judge was appointed as the first Chairperson of Lokpal of India on 17<sup>th</sup> March 2019. The Lokpal consists of the Chairperson and 8 Members- 4 Judicial Members who is or had been Chief Justices of High Courts/Judges of the Supreme Court and 4 Members who had been members of All India Services and Central Services.

The Lokpal and Lokayuktas Act, 2013 also mandates that every State shall establish a body to be known as the Lokayukta for the State, if it had not been so established, constituted or appointed under law made by the State Legislature, to deal with complaints relating to corruption against certain public functionaries, within a period of one year from the date of commencement of this Act. Some states had already

instituted Lokayuktas beforehand and the Karnataka Lokayukta was considered to be an example. All the remaining states also enacted their respective state's Lokayukta Act, generally following the pattern of Lokayuktas setup in the original Lokpal and Lokayukta Bill, resulting in certain level of similarities/uniformity amongst the states.

## **6. History of Mizoram Lokayukta:**

Establishment of Lokayukta in Mizoram was initiated in the later part of 2008 and the process of drafting the Bill was started. Certain interested groups and NGOs even submitted draft *Mizoram Lokayukta Bill*. Meanwhile the Central Government introduced the *Lokpal and Lokayuktas Bill* in Parliament hence the Government of Mizoram had put drafting of the bill in the back-burner. However, after it was passed by the Lok Sabha, when the Bill was under consideration in the Rajya Sabha some MPs questioned the propriety of including Lokayuktas for the States as this could impinge the autonomy of the States, hence the detailed provisions relating to Lokayuktas were deleted and retained only Section 63 which provides that the State Legislature shall make a law for establishment of Lokayukta within a period of one year from the date of commencement of the *Lokpal and Lokayuktas Act, 2014*.

The state of Mizoram also picked up its effort to draw up the Mizoram Lokayukta Bill by involving certain NGO's viz; PRISM, MZP, SOSA etc and intellectuals who had taken interest in having a powerful, independent and effective Lokayukta for the State. '*The Mizoram Lokayukta Act, 2014*' was framed with certain modifications of the states' Lokayuktas incorporated in the original Lokpal and Lokayuktas Bill. The Mizoram Legislative Assembly passed the Bill and it received the assent of the Governor of Mizoram on the 28<sup>th</sup> November, 2014. It was notified in *the Mizoram Gazette Extra Ordinary Vol. XLIII Issue No. 569 on 17.12.2014*. The Act was deemed to have come into force with retrospective effect from 01.10.2016 vide Notification *No. H.12017/130/2014-LJD/100 Dated 17.01.2019*. The Mizoram Lokayukta (Amendment) Act, 2016 was also passed mainly to facilitate a single incumbent to perform the entire tasks of the Lokayukta and the amendment act was published in the Mizoram Gazette Extra Ordinary VOL- XLV Issue No.93 dated 22.4.2016 and came into immediate effect.

The Mizoram Lokayukta Rules, 2015 was framed but was repealed when '*the Mizoram Lokayukta Rules, 2016*' was framed and published in *the Mizoram Gazette*



*Extraordinary Vol- XLV Issue No. 539 dated 14.12.2016.* It came into retrospective effect from the date of publication in the Mizoram Gazette (i.e.14.12.2016) vide Notification No. 12017/1/2020-VIG dated 22.09.2020 and published in Mizoram Gazette extraordinary, Vol.-XLIX Issue No. 588 dated 25.09.2020. A minor amendment to facilitate appointments of staff was also incorporated in the Rules in 2019 vide Notification No.H.12017/130/2014-LJD dated 14.5.2019 and came into immediate effect. However, for the next 4-5 years, the State could not establish its own Lokayukta Institution. It was after repeated pressures by the Supreme Court that the State could establish the Mizoram Lokayukta by appointing its first Chairperson, who was sworn in on 11.03.2019 after a lapse of more than 4 years since the Mizoram Lokayukta Act, 2014 was passed.

***Mizoram Lokayukta Hoarding near Chawlhmun Presbyterian Church, Aizawl***



## CHAPTER-II

### ESTABLISHMENT OF THE LOKAYUKTA

#### **1. Commencement:**

*The Mizoram Lokayukta is deemed to have been established w.e.f 11.3.2019, the date on which the first Chairperson assumed office of the Lokayukta* vide Notification No. A.12038/4/2019-LJE/8 Dt. 25.3.2019. The Lokayukta is a body which may consist of a Chairperson, Member and Judicial Member which would have administrative, financial and functional independence from the government (vide section 3(1) of the Act); to enquire into allegations of corruption against certain public functionaries (vide Preamble), such as high public servants (CM, Speaker, Ministers, Deputy Speaker, MoS, MLAs), Government Servants, Officers & Employees of Body, Board, Corporation, Authority, Company, Society, Trust, Autonomous Body etc.(section 13).

#### **2. Nodal Department:**

Initially, the Law & Judicial Department was the Nodal Department, having been entrusted with the tasks of framing the Mizoram Lokayukta Act and Rules and of paving the grounds for appointments of Chairperson/Members and office staff, and for arranging office accommodation etc. However, the Government amended the Government of Mizoram (Allocation of Business) Rules, *vide Notification No. A.46013/1/2017-GAD, dated 19<sup>th</sup> June, 2019*, making the Vigilance Department as the Nodal Department to act as a link between the Government and the Lokayukta.

#### **3. Amendment of the Mizoram Lokayukta Act, 2014:**

Proposal for amendment of section 10(2), 11(1) and 11(2) of the Mizoram Lokayukta Act, 2014 was sent to the Vigilance Department on 23.9.2020 for re-designation of Director of Inquiry & Prosecution as Director of Inquiry/Investigation and for creation of a new post of Director of Prosecution. The Mizoram Lokayukta (Amendment) Bill, 2020 was accordingly prepared and sent to the Government to be laid before the Legislative Assembly.

#### **4. Chairperson and Members of Mizoram Lokayukta:**

According to the Act, the Lokayukta may be composed of not more than 3 Members namely Chairperson and one or two Members including a Judicial Member. Prescribed Qualifications for appointments are: -

##### **(1) Chairperson:**

- (i) A person who is or has been a Chief Justice of the High Court or a Judge of the High Court, or
- (ii) A person qualified to be a High Court Judge, or
- (iii) A person who has a vast knowledge of law and experience in judicial matters or courts, or
- (iv) A person of impeccable integrity, outstanding ability having special knowledge and expertise of not less than 20 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law, and management.

##### **(2) Judicial Member:**

- (i) A person who is qualified to be a High Court Judge or
- (ii) A person who has vast knowledge of law and experience in judicial matters or courts.

##### **(3) Member (Administration):**

- (i) A person of impeccable integrity, outstanding ability having special knowledge and expertise of not less than 20 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law, and management.

##### **(4) The salary, allowances and other conditions of service of –**

- (i) The Chairperson shall be the same as those of a Chief Justice of the High Court;
- (ii) Other Members shall be the same as those of a Judge of the High Court.

It is further provided that the salary, allowances and pension payable to, and other conditions of service of the Chairperson or a Member shall not be varied to his disadvantage after his appointment.

## **5. Procedures for Selection of Chairperson and Member(s):**

**(A) Search Committee:** In pursuance of Sub-Section (3) of section 4 of the Mizoram Lokayukta Act 2014, a Search Committee is to be constituted by the Selection Committee for preparing a panel of names to be considered for appointment of the Chairperson and Member(s). The Search Committee shall consist of at least 5 persons having special knowledge and expertise in the matters relating to anti-corruption policy, public administration, vigilance, policy making, finance including insurance and banking, law and management or any other matter which may be useful in making selection of the Chairperson and Members.

A Search Committee consisting of the former Secretary of Law & Judicial Department as Chairman and prominent citizens from various walks of life as Members was constituted Vide No. H.12017/130/2014-LJD Dated 3.11.2016. The Search Committee after several meetings submitted a panel of names for selection of Chairman/Members. However, the Selection Committee could not finalize its selection from the panel of names recommended by the Search Committee. On the suggestion from the High Court, another Search Committee was constituted with Mr. Justice Ujjal Bhuyan, Hon'ble Judge of Gauhati High Court as its Chairman and consisting of top officials of the state as Members (vide No.H.12017/130/2014-LJD Dt. 03.11.2016). The Search Committee again submitted its recommendations to the Selection Committee.

**(B) Selection Committee:** According to section 4(1) of the Mizoram Lokayukta Act, 2014, the Selection Committee consists of: -

- (1) The Chief Minister as Chairman,
- (2) The Speaker of the Legislative Assembly as Member,
- (3) The Leader of Opposition/Opposition Group as Member,
- (4) The Chief Justice of Gauhati High Court or a Judge nominated by him as Member.

The Selection Committee selects the Chairman/ Member(s) of the Lokayukta from the panel of names prepared by the Search Committee and send its recommendation(s) to the Governor for appointment. The first constituted Selection Committee could not finalize its selection from the panel of names recommended by the first Search Committee; and the next constituted Selection Committee finally made its selection from the panel of names recommended by the second Search Committee.



**(C) Appointing Authority:** The Governor is the appointing authority for the appointments of the Chairperson and Member(s) of the Lokayukta, who appoints them on the basis of the recommendation(s) of the Selection Committee.

## **6. Chairperson of Mizoram Lokayukta:**

On the recommendation of the Selection Committee, the Hon'ble Governor of Mizoram Shri Kummanam Rajasekharan appointed Pu C. Lalsawta, IAS (Rtd.) as the Chairperson of Mizoram Lokayukta, *vide Notification No. A.11013/16/2017- LJE dt. 28.2.2019*. He was sworn in as the first Chairperson and was administered oath of office by the Hon'ble Governor of Mizoram, Shri Jagdish Mukhi in a swearing-in ceremony on 11.03.2019. The Chief Secretary, Pu Lalnunmawia Chuaungo presided over the swearing-in ceremony, held at Durbar Hall of Raj Bhavan. The Hon'ble Chief Minister Pu Zoramthanga, The Hon'ble Speaker Pu Lalrinliana Sailo, Cabinet Ministers, Ministers of State, MLAs and other high officials of the government and other dignitaries attended the ceremony.

### **Mizoram Lokayukta Hoarding at Lawngtlai, Mizoram**



## CHAPTER-III

### POWERS AND FUNCTIONS OF LOKAYUKTA

#### 1. Jurisdiction for Enquiry & Investigation:

Section 13 of the Act lists public servants against whom the Lokayukta can launch enquiry /investigation if it is satisfied that there is *prima facie* evidence of corruption against them.

(1) Subject to the other provisions of this Act, the Lokayukta shall inquire or cause an inquiry to be conducted into any matter pertaining to or arising from, or connected with, any allegation of corruption made in a complaint or in a case initiated on its own motion in respect of the following, namely :-

- (a) any person who is or had been a Chief Minister, Speaker or Deputy Speaker;
- (b) any other person who is or had been a Minister of the State;
- (c) any person who is or had been a Member of the State Legislature;
- (d) all officers and employees of the State, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of Section 2 of the Prevention of Corruption Act, 1988 when serving or who had served, in connection with the affairs of the State;
- (e) all officers and employees referred to in clause (d) or equivalent in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or of a State Legislature or wholly or partly financed by the State Government or controlled by it when serving or who had been such officer or employee;
- (f) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not), by whatever name called, wholly or partly financed or aided by the State Government and the annual income of which exceeds such amount as the State Government may, by notification, specify;
- (g) any person who is or has been a Director, Manager, Secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from the

public and the annual income of which exceeds such amount as the State Government may by notification specify or from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakhs rupees in a year or such higher amount as the Central Government may, by notification, specify;

*Explanation* – For the purpose of clauses (f) and (g), it is hereby clarified that any entity or institution, by whatever name called, corporate, society, trust, association of persons, partnership, sole proprietorship, limited liability partnership (whether registered under any law for the time being in force or not), shall be the entities covered in those clauses;

Provided that any person referred to in this clause shall be deemed to be a public servant under clause (c) of Section 2 of the Prevention of Corruption Act, 1988 and the provisions of that Act shall apply accordingly.

(2) Notwithstanding anything contained in sub-section (1), the Lokayukta shall not inquire into any matter pertaining to or arising from, or connected with, any such allegation of corruption against any Member of the State Legislature in respect of anything said or a vote given by him in the State Legislature or any committee thereof covered under the provisions contained in clause (2) of Article 194 of the Constitution.

(3) The Lokayukta may inquire into any act or conduct any person other than those referred to in sub-section (1), if such person is involved in the act of abetting, bribe giving or bribe taking or conspiracy relating to any allegation of corruption under the Prevention of Corruption Act, 1988 against a person referred to in sub-section (1);

Provided that no prosecution under this Act shall be initiated against the person serving under the Central Government without obtaining approval from competent authority of Central Government.

(4) No matter in respect of which a complaint has been made to the Lokayukta under this Act shall be referred for inquiry under the Commissions of Inquiry Act, 1952.

*Explanation* – For the removal of doubts, it is hereby declared that a complaint under this Act shall only relate to a period during which the public servant was holding or serving in that capacity.

## **2. Powers to Initiate, Supervise and Prosecute:**

The Lokayukta may, *suo moto*, or on receipt of complaint initiate appropriate actions against any public servant, who is alleged to be involved in any act of corruption [s13 & 19(1)]. It has the power to exercise superintendence and give direction to the investigating officers for smooth and proper investigation [s19(5)]. It has the power to prosecute the accused before the Special Court [s19(7,8), s23, s25].

The Lokayukta may enquire into any act or conduct of any person other than a public servant, if he is involved in the act of abetting, bribe giving or bribe taking or conspiracy relating to allegation of conspiracy [s13(3) & s20].

The Lokayukta may authorize any investigating agency to search for and seize documents/articles which are considered useful or relevant to investigation, or are likely to be secreted elsewhere; and it may also retain them till completion of enquiry/investigation/trial and may issue appropriate direction to a public servant to protect such documents/records from destruction and alteration or to prevent transfer, alienation of any asset acquired through corrupt means. It may also require any public servant or any other person to furnish any information or produce any document in their possession which are relevant and required for investigation [s19(9,10), s21, s32].

The Lokayukta may utilize the services of any officer or organization or investigating agency of the State Government or the Central Government for enquiry and investigation [s19(1) & s28(1,2)].

It may also recommend transfer or suspension of public servants if they are likely to hamper investigation [s31]

It may recommend punishment of dismissal, removal or reduction in rank and also imposition of recovery of the loss caused to the public against the erring public servant. The authority concern of the government must execute the recommendation within 6 months failing which the Department has to give reasons for non-execution to be laid before the Mizoram Legislative Assembly [s25(c)].

It has the power to compound the offence of corruption either by seizing and confiscating the assets and properties which are admittedly acquired by means of corrupt practices by the erring public servant or by compelling the defaulting public servant to recover the entire amount of loss to the public treasury [s25(f)]



It may also issue appropriate direction to the Government or the concerned authority for providing security to the witness to ensure that no physical harm or harassment is caused [s25(g)].

It may also provide travelling allowance and daily allowance to those who are summoned to appear in person before it or the investigating agency for the purpose of investigation [s25(h)].

The Lokayukta may provide protection to public servants who report irregularities and corruptions in their organization under the Whistleblower Protection Act, 2011 [s56].

Section 28 of the Act also empowers the Lokayukta to utilize the services of any officer, organization or investigating agency of the state government or the Central government including Central Bureau of Investigation (CBI).

The Lokayukta is not required to obtain sanction or approval of any authority for conducting investigation u/s 197 of Cr.PC, 1973 or u/s 19 of the Prevention of Corruption Act, 1988 [s22].

### **3. Powers of Civil Court and Contempt of Court.**

(1) For the purpose of any preliminary inquiry and investigation, the Lokayukta shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, in respect of the following matters, namely: —

- (i) Summoning and enforcing the attendance of any person and examining him on oath;
- (ii) Requiring the discovery and production of any document or article
- (iii) Receiving evidence on affidavits;
- (iv) Requisitioning any public record or copy thereof from any court or office;
- (v) Issuing commissions for the examination of witnesses or documents/ articles

Provided that such commission, in case of a witness, shall be issued only where the witness, in the opinion of the Lokayukta, is not in a position to attend the proceeding before the Lokayukta; and

- (vi) such other matters as may be prescribed.

(2) Any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code (Act 45 of 1860). [Ref section 27]

The Lokayukta and any officer, employee, agency etc are protected from any suit, prosecution or other legal proceedings in respect of anything which is done in good faith or intended to be done under the Mizoram Lokayukta Act, 2014 or the Rules or Regulations made thereunder [s49].

The Civil Courts do not have any jurisdiction in respect of any matter which the Lokayukta is empowered by or under this Act to determine [s51].

The Lokayukta has the power to punish for contempt and shall have and exercise the same jurisdiction powers and authority in respect of contempt of itself as a High Court has [s55].

#### **4. Removal of Chairperson and Members:**

The Governor may remove the Chairperson and Members according to the following prescribed procedures:

(1) A petition for removal of Chairperson and or Members(s) on ground of misbehavior, signed by at least two-third Members of the Mizoram Legislative Assembly may be presented to the Governor;

(2) The Governor may, on the basis of such petition or on his own make a reference to the Supreme Court for enquiry;

(3) The Supreme Court may hold enquiry in accordance with the procedure prescribed in this behalf [i.e. Judges (Enquiry) Act, 1968] and may report to the Governor for their removal on grounds of misbehaviors if found guilty;

(4) The Governor may accordingly remove them from office on grounds of misbehaviors. They may also be removed (a) if they are adjudged to be insolvent (by a competent court of law), or (b) if they are engaged in any other paid employment or (c) if they are unfit to continue in office by reason of infirmity of mind or body.

#### **5. Bar from Re-employment and contesting elections:**

The Chairperson and Members are barred from re-employment as Chairperson/Members of Lokayukta, diplomatic assignment, appointment as Administrators of UT, and any other office of profit. They are also debarred from contesting elections of President of India or Vice President or MP (Lok Sabha/ Rajya Sabha), MLA, Members of ADC, Municipality, Village Council etc for five years from the date of relinquishing their office. (vide section 8)

## CHAPTER-IV

### ADMINISTRATION & PERSONNEL

#### 1. Sanction of Posts:

The Government of Mizoram in the Law & Judicial Department initially sanctioned 35 (Thirty-five) posts including Chairperson and one Member. It is noted that even these limited numbers of posts are not based on requirement and do not reflect the most important and functionally required posts. As the sanctioned posts are inadequate for a full-fledged and effective functioning of the Lokayukta, a proposal was sent to the Government for creation of 92 (ninety-two) additional posts to the Government through Vigilance Department in the previous financial year. However the nodal department suggested reduction/revision of the current proposal for creation of additional posts with minimum requirement, accordingly a revised proposal was further reduced to 56 and sent to the Vigilance department on 31.7.2020.

Meeting held on 14.10.2020 at the conference room of Chief Secretary, Mizoram with members including officers of Law & Judicial Department, Mizoram Lokayukta, DP& AR (GSW), Finance Department (Estt) and Vigilance Department under the chairmanship of the Chief Secretary cum Chief Vigilance Officer decided to reduce the proposed 56 posts to 37 posts, out of which 12 posts are to be newly created and 25 posts are to be transferred from the ACB, and this minimum requirement was to be moved to DP&AR (ARW) and Finance Department for obtaining their concurrence after which the proposal was to be placed before the Council of Ministers. This was done with a view to have a small, compact and effective manpower and for reasons of economic measures. However the number of posts to be created was further slashed down to 7 from 12.

It is noted that the numbers of sanctioned Posts and the incumbent officers and staff of Mizoram ((numbering about 50,000) are very large in comparison with the sizes of its area, population, economy and the scarce resources. Hence the posts are meant to be filled up mainly by deputation from existing manpower, involving more of redistribution of existing manpower and only few posts are proposed to be filled up by direct recruitments which will not substantially increase the overall manpower.

## **2. Personnel:**

The tentative requirement of 35 (Thirty-five) posts already sanctioned and 56 (fifty-six) proposed additional posts plus one more Member make it to total post of 92. Out of these, only one regular appointment, which is of the Chairperson has been made. The services of one officer of the State Government have been utilized as a part-time Secretary. One Superintendent, one Assistant, two Stenographers/PAs have been taken on deputation. The appointments of 1 UDC on contractual basis, 4 LDCs, 6 Drivers and 10 Group D as Provisional Employees have been accomplished. The appointment of APP on the recommendation of the MPSC is expected in the new financial year. Thus, the combined manpower strength in the Mizoram Lokayukta reaches 27.

## **3. Recruitments:**

The Government did not give clearance to fill up the sanctioned post of Public Prosecutor and creation of the post of Additional Public Prosecutor. On the requisition by the Lokayukta, through the Government, the Mizoram Public Service Commission issued Advertisement No. 19 of 2019-2020 dated 17th March, 2020 and conducted examination for the recruitment of Assistant Public Prosecutor. Based on the results and recommendations dated 17.03.2021 of the MPSC, offer of appointment to the post of APP was sent to the successful candidate. Acceptance letter to the offer of appointment was received on 31.3.2021 and in exercise of power conferred under Section 10(3) of the Mizoram Lokayukta Act, 2014, the Mizoram Lokayukta appointed Pi R. Zothantluangi as Assistant Public Prosecutor under Mizoram Lokayukta on the same date and she was expected to join soon after.

The Lokayukta did not succeed in its attempt to take police officers on deputation to conduct Preliminary Enquiries and Investigations, as the ACRs of willing officers have not been sent to the Lokayukta, it is hoped that these repeated reminders would receive attention at appropriate time. The additional required posts also have to be sanctioned by the Government.

#### 4. Administrative Functions:

The Administration of Mizoram Lokayukta will function basically with three Wings namely:

- (I) Establishment & Registry Wing
- (II) Enquiry/Investigation Wing
- (III) Prosecution and Legal Wing

Technical Examiners Unit, Audit Experts Unit etc. as and when they are formed may be attached to the Establishment & Registry Wing so that the experts can be deployed to different Wings for investigation and prosecution whenever needed.

Mizoram Lokayukta Hoarding at Chawlhmun, Aizawl, Mizoram



## CHAPTER-V

### ESTABLISHMENT & REGISTRY WING

#### **Roles and Functions of Establishment & Registry:**

The Establishment & Registry Wing will be the core of Lokayukta Office. It will coordinate different Wings and Units and provide services including pay and allowances, stationery etc. to all other wings and units. It will also prepare Budget, control expenditures, maintain Accounts and perform all other housekeeping jobs. It will register all complaint cases which come before the Lokayukta, monitor the enquiry/investigation and prosecution. It will also provide technical and accounts expertise services through Technical Examiner Unit, Audit Expert Unit to be attached to it.

The Establishment Wing currently functions under the supervision of two officers- a part-time Secretary and a Superintendent who also acts as DDO.

Interim Establishment Committee functions with the following members:

1. Chairperson, Mizoram Lokayukta - Chairman
2. Secretary, Mizoram Lokayukta - Member
3. Superintendent, Mizoram Lokayukta - Member Secretary

This will be reconstituted as and when other Officers join the organization.

*“Without strong watchdog institutions, impunity becomes the very foundation upon which systems of corruption are built. And if impunity is not demolished, all efforts to bring an end to corruption are in vain.”*

*~ Rigoberta Menchú, Nobel Prize laureate.*

## CHAPTER-VI

### ENQUIRY/INVESTIGATION WING

#### **Director of Enquiry/Investigation:**

Section 11 of the Mizoram Lokayukta Act, 2014 empowers the Lokayukta to constitute Directorate of Enquiry/Investigation and Prosecution headed by the Director who will have the same powers as conferred upon the Lokayukta under Sec 27 of the Act and to assist the Lokayukta in conducting a Preliminary Enquiry or Investigation.

The Government has already sanctioned the post of Director of Enquiry/Investigation. The Lokayukta requested a panel of names with ACR for taking the services of officers on deputations and the Govt. is may respond to the said request at any time.

Since the Directorate of Enquiry/Investigation could not be established for the time-being, the Lokayukta has no police officer of its own to conduct Preliminary Enquiries or Regular Investigation as envisaged in the law, it has to depend on outside agencies/officers who are not under its administrative control to carry out Preliminary Enquiry or Regular Investigation. This creates a lot of hurdles for effective supervision of the probes and also to monitor the process on day to day basis. In the meantime, the Mizoram Lokayukta proposed bifurcation of the post of Director of Enquiry/Investigation and Prosecution to (1) Director of Enquiry/Investigation and (2) Director of Prosecution as envisaged in the Cr.PC and in accordance with the rulings of the High Courts and the Supreme Court.

*“Take no bribes, for a bribe makes you ignore something that you clearly see. A bribe makes even a righteous person twist the truth”*

*~Exodus 23:8*

## CHAPTER –VII

### PROSECUTION & LEGAL WING

#### **Director of Prosecution:**

The Criminal Procedure Code, 1973 and various rulings of the Hon'ble High Courts and Supreme Court envisaged two separate sets of functionaries for Criminal Investigations and for Prosecutions. The Lokpal and Lokayukta Act, 2013 as well as various States' Lokayukta Acts explicitly provide for separate Directorate of Enquiry and Directorate of Prosecution. The Mizoram Lokayukta Act, 2014 however does not explicitly provide for separate Directorates for Enquiry and Prosecution but clubs them together under section 11, thus leaving a scope for interpretations. It was therefore expected that either the Act could be amended to explicitly provide for (1) *Directorate of Enquiry/Investigation* and (2) *Directorate of Prosecution* or even without amendment, the post of Director of Prosecution could be created and filled up.

Hence, proposal was sent to the Government to create the posts of Director of Prosecution and Additional Public Prosecutor which has not been fulfilled. Meanwhile the Lokayukta appointed Pu Joseph Lalfakawma, Special P.P. in the court of Special Judge, P.C. Act to perform the functions of Special Public Prosecutor in respect of Lokayukta cases vide Notification No. A.12037/1/2020-ML dt 7.12.2010. Hence a full-fledged Prosecution Wing has not been constituted under the Mizoram Lokayukta.

Ultimately, it is expected that in consonance with the provisions of Cr.PC and the Hon'ble Courts' Rulings, separate Prosecution Wing will function under the umbrella of the Lokayukta to render legal assistance to investigators and to conduct or supervise prosecution of cases in the Special Court.

*“People’s indifference is the best breeding ground for corruption to grow”*

*~ Delia Ferreira, chair of Transparency International.*



## CHAPTER–VIII

### SPECIAL COURT

#### **Constitution and Special Public Prosecutor:**

Section 34 (1) of the Mizoram Lokayukta Act, 2014 provides that the State Government shall constitute such number of Special Courts as recommended by the Lokayukta, to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under this Act. Accordingly, the Lokayukta requested the Government in the Vigilance Department to constitute a Special Court in consultation with the High Court. The Vigilance Department in turn wrote to the Law & Judicial Department Vide letter No.C.31011/11/2019-VIG Dt. 13.11.2019 to take necessary action for constitution of a Special Court or re-designation of the present Special Court as Special Lokayukta Court. On 9<sup>th</sup> June, 2020, the Government of Mizoram in consultation with Gauhati High Court issued a Notification No. A.45011/1/2015-LJE dt.9.6.2020 authorizing the Special Court under Prevention of Corruption Act, 1988 to take dual charge as Special Lokayukta Court under section 34(1) of the Mizoram Lokayukta Act, 2014.

The need for Special Lokayukta Court will accentuate when the Police complete criminal investigations and submit investigation reports for charge-sheeting/ prosecuting the accused. For the time being, Special P.P. in the court of Special Judge, P.C. Act will also act as Special Public Prosecutor in respect of Lokayukta cases.

*“When the righteous increase, the people rejoice, but when the wicked rule, the people groan”*

~ Prov 29:2

## **CHAPTER-IX**

### **CORRUPTION CASES**

#### **1. Transfer of Pending Cases:**

Section 14 of the Mizoram Lokayukta Act, 2014 states that ‘Any matter or Proceeding relating to allegation of corruption under the Prevention of Corruption Act, 1988 pending before any agency or authority prior to commencement of this Act, excepting cases pending before the court, shall stand transferred to the Lokayukta.’ In the meeting held with officers of Law & Judicial Department, Mizoram Lokayukta, DP& AR (GSW), Finance Department (Estt), Vigilance Department under the chairmanship of the Chief Secretary on 14.10.2020 it was pointed out and emphasized that all pending cases cannot be transferred to Mizoram Lokayukta on the ground that it is not known whether such pending cases relate to irregularities under Civil Service Rules or corruption under IPC/PCA until preliminary enquiry is complete. Therefore, it was decided to amend the ACB manual so as to enable the ACB to determine any case pending before them whether the allegation attracts CCS (Conduct) Rules, 1964 or PC Act, 1988 before transfer of any pending case to the Mizoram Lokayukta.

#### **2. Complaints:**

Under the Mizoram Lokayukta Act, 2014 and Rules, 2016, no application forms or Fees or Affidavit has been prescribed. Even then, very few complaint cases have been filed before the Lokayukta. During the year 2020-21 only 10 complaint cases were filed. Besides this, the ACB transferred 4 cases after completion of Preliminary Enquiry and Vigilance Department transferred 2 FIRs. Thus, a total of 16 cases were registered during the year of 2020-2021. Under Section 19(1) of the Act, all fresh complaint cases are first examined by the Lokayukta to determine whether to drop the case *ab initio* if it clearly lacks merit or call for clarifications if the information is vague, inadequate etc. or to order Preliminary Enquiry by its Enquiry Wing or by any outside Agency.

#### **3. Preliminary Enquiries (P.E):**

The Mizoram Lokayukta has the power to direct any investigating agency to

conduct Preliminary Enquiry under section 19(1) of the Mizoram Lokayukta Act, 2014 if it is satisfied that there is a *prima facie* case to do so. The Lokayukta considers all cases referred to it and decides whether to close a case for want of merit or to seek clarifications when necessary or to direct investigating agencies to conduct preliminary enquiry if there is a *prima facie* case to do so. In exercise of the powers conferred under this section, the Lokayukta, after considering the merit of each case, passed a speaking order to convey its decisions.

Out of 16 cases which came before the Lokayukta, 10 cases were referred to the ACB for preliminary enquiry, 4 cases were received with PE from ACB as mentioned above and the remaining 2 were under scrutiny. In the absence of its own Enquiry Wing, the Anti-Corruption Bureau, Government of Mizoram was entrusted to conduct the Preliminary Enquiries (P.E). The ACB submitted P.E Reports on 2 complaint cases during the reporting year which includes 1 P.E report sent for P.E in the previous year while it could not complete Preliminary Enquiries on the remaining 9 cases of 2020-2021. With the aforementioned 4 Cases in which PE had already been conducted, the Mizoram Lokayukta received P.E report on 6 complaint cases during 2020-2021.

#### **4. Preliminary Hearings:**

Section 19(3) of the Mizoram Lokayukta Act, 2014 mandates the Lokayukta to provide an opportunity of being heard after Preliminary Enquiry and the Lokayukta can make an order for full investigation or can make a recommendation of any appropriate action against the concerned public servant by the competent authority or it can pass an order for closure of the proceedings against the accused before proceeding with Regular Investigation. Hearings on 8 cases were conducted by the Lokayukta on 20<sup>th</sup> January- 11<sup>th</sup> February, 2021 by giving an opportunity of being heard to the accused.

Among Preliminary hearings conducted 2 complaint cases i.e. MLC-5/2019 and MLC-11/2020 were closed due to lack of evidence and an offence of corruption could not be inferred on the accused and 6 complaint cases were ordered for full investigation.

## List of Preliminary hearings Conducted on Complaint Cases under Mizoram Lokayukta

Sl. No.	Case No.	Date of Preliminary Hearing Conducted
<i>1</i>	<i>2</i>	<i>3</i>
1	MLC- 2/2019	18.02.2020
2	MLC-3/2019	11.02.2021
3	MLC-5/2019	22.01.2021
4	MLC-10/2020	20.01.2021
5	MLC-11/2020	21.01.2021
6	MLC-17/2020	28.01.2021
7	MLC-18/2020	29.01.2021
8	MLC-19/2020	09.02.2021

### 5. Regular Investigations:

Regular/Full investigation into the cases could be conducted by investigating Agency only after Preliminary Enquiry Reports is received, examined and the accused is given an opportunity of being heard. During the reporting year 6 complaint cases were further referred for regular investigation.

### 6. Prosecution:

Since investigation has not yet been completed in any of the cases, prosecution of cases has not started during the reporting period. However, in case any matter arising out of any Preliminary Enquiry or Investigation in the Special Court, the Lokayukta has been equipped to take up such matter with the appointment of Pu Joseph Lalfakawma, as Special Public Prosecutor.

### 7. Disposal of Cases:

The Lokayukta can close the Case at various stages i.e. at initial stage without formal enquiry or after preliminary enquiry, after preliminary hearing or after examination of investigation report, if a Case lacks merit or is barred by law etc. So far, the Lokayukta disposed a total of 8 cases out of which 6 cases such as Case No. MLC- 8/2019, MLC No. 9/2019, MLC- 11/2020, MLC- 22/2020, MLC- 5/2019, MLC- 15/2020 were closed during 2020-2021. These closed cases during 2020-2021 includes complaint cases received from the reporting year as well as complaint cases received in the previous year. Orders for closure of cases are in **Annexure- III**.

8.

## 8. Status of complaint cases:

Brief Information of Corruption Cases during **2020-2021** under Mizoram Lokayukta are as under.

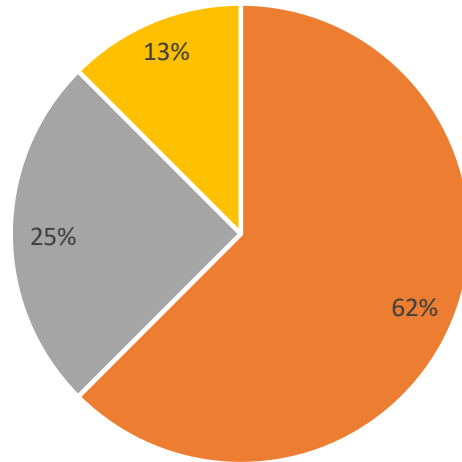
Total No. of Complaint Case Registered during 2020-2021:	16
Total No. of case referred for Preliminary Enquiry (P.E.):	10
Complaint Cases received with P.E. Report:	4
Total No. of case at other stages of scrutiny:	2
Disposed Cases (including 4 complaint case received from the previous year):	6

So far, the Mizoram Lokayukta Registered a total of 30 complaint cases from its commencement till date. The Summary of Complaints are as under:

### Summary of Complaints (As on 31.3.2021)

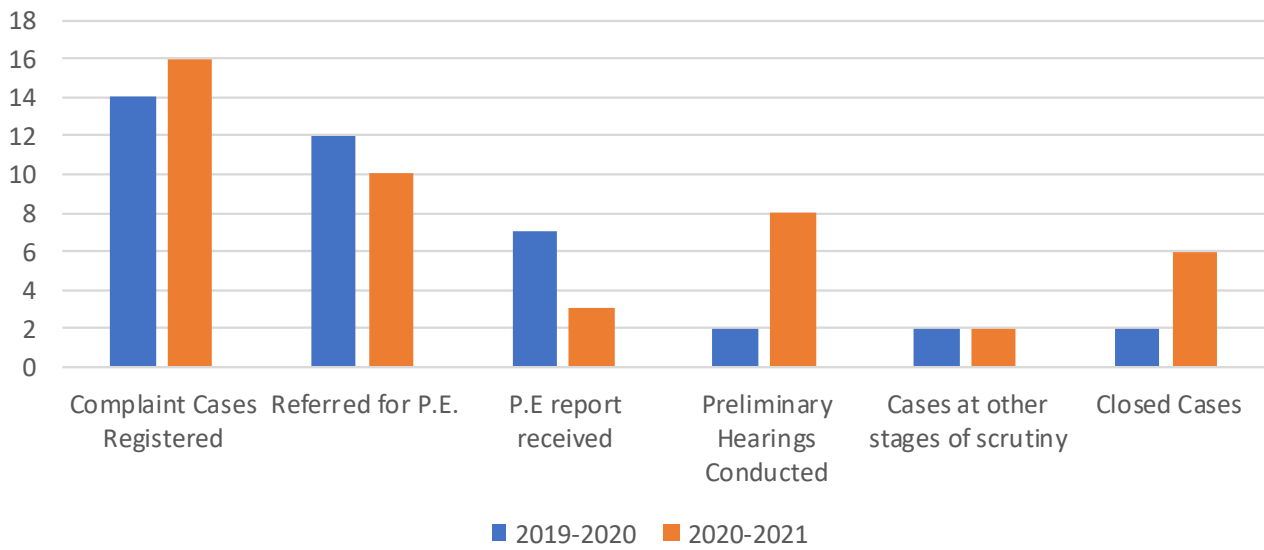
Sl. No.	Nature of Cases	No. of Cases
<i>1</i>	<i>2</i>	<i>3</i>
1.	Cases registered	30
2.	Cases disposed of without PE	2
3.(i)	Cases for Preliminary Enquiry	28
(ii)	Preliminary Enquiry Reports received	12
(iii)	Pending PE	15
4.	Cases closed/disposed off	8
5.	Notice issued for Preliminary Hearing	8
6.	Cases dropped after hearing	2
7.	Cases referred for Regular Investigation	6
8.	Regular Investigation Report Received	Nil
9.	Cases dropped after Regular Investigation	Nil
10.	Cases sent for Prosecution	Nil
11.	Cases dropped/disposed of (after Prosecution)	Nil
12.	Cases of Acquittal	Nil
13.	Cases of Conviction	Nil

Status of registered complaint cases during 2020-2021 (In percent)



■ Cases Referred for P.E ■ Cases received with P.E Report ■ Case at other stages of Scrutiny ■

Comparison of Complaint Cases under mizoram Lokayukta during 2019-2020 and 2020-2021



■ 2019-2020 ■ 2020-2021

## CHAPTER-X

### VIGILANCE

#### 1. Importance of Vigilance:

“Eternal Vigilance is the price for liberty” is an old adage often ascribed to Thomas Jefferson. Can we say vigilance is a bulwark against corruption? If the public are vigilant and alert of various activities of public servants in authority, they can discern corrupt activities more easily. If the public take interest in development projects they can detect corruption and take remedial actions through various means. Alert politicians and social workers can also make use of RTI Act to get useful information. The public can check and find whether development works are executed by registered contractors through open tender or by middlemen through surreptitious/political nominations. Once the basic ingredients are known, the authorities can verify whether the provisions of General Financial Rules, and other guidelines issued by the Government are followed or violated. It would then become easier to detect corruption and to take preventive and punitive actions.

#### 2. Vigilance Awareness Campaign

The Central Vigilance Commission has decided that this year the Vigilance Awareness Week would be observed from **27<sup>th</sup> October to 2<sup>nd</sup> November, 2020** with the theme ***‘Vigilant India, Prosperous India’***. Vigilance Department, Govt. of Mizoram organized Vigilance Awareness programme for observation of the same through video conference from the Chief Minister’s Conference Room on 27<sup>th</sup> October, 2020. The programme is attended by Secretaries from SAD’s Conference Hall, DCs/ SPs from their Respective Districts and Head of Departments in which the Hon’ble Chairperson was supposed to deliver a speech [See Annexure II]

The Mizoram Lokayukta realizes that majority of people are not aware of Mizoram Lokayukta and its functions in combatting corruption. Therefore at this stage, Anti-corruption awareness campaign as extensive as possible is a key to have a better co-operation and to make the people vigilant. In this regard, the Hon’ble Chairperson and Secretary, Mizoram Lokayukta participated in Zonet Zoram Kalsiam talk show on

30.10.2020, a programme hosted by Zonet Cable Network with a view to enlighten the public about the functions of Lokayukta. On 27.03.2021, advertisement regarding Anti-Corruption Awareness was published in the Aizawl Post daily newspaper. Despite the Covid-19 pandemic, Anti-Corruption Awareness Campaign programme was hosted with a group of participants in compliance with SOP notified by the Mizoram Government at Kolasib with Kolasib Corps Thalai (SAY) and at other places with the Co-operation of certain NGO's such as Salvation Army Youth-ITI corps, Thalai Kristian Pawl-Tlangnuam Unit and Young Mizo Association-Tuikhuahtlang Branch on various dates. The scheduled programme with New Capital Complex Kohhran Hmeichhia and Venghlu PYD could not be hosted due to spike in Covid-19 cases during the scheduled period. Lawngtlai District Development and Vigilance Forum (LDDVF) and Chawlhmun Tlangveng Welfare, Aizawl also erected Mizoram Lokayukta Hoarding advertisement at their respective localities under the sponsorship of Mizoram Lokayukta.

### **Secretary, Mizoram Lokayukta at Anti-Corruption Awareness Campaign, Kolasib**





**Anti- Corruption Awareness Campaign with TKP, Tlangnuam Unit, Aizawl**



**Mizoram Lokayukta Awareness Campaign with New Capital Complex Kohhran Hmeichhia**



**Anti-Corruption Awareness Campaign at Venghlui PYD**



## CHAPTER-XI

### RIGHT TO INFORMATION

#### 1. SPIO and Appellate Authority:

In pursuance of section 19(1) of the Right to Information Act, 2005, the Lokayukta appointed Pu Vanlalchhanhima as the State Public Information Officer (SPIO) to provide information to persons requesting for information in the Mizoram Lokayukta and Pu Zahmingthanga Ralte, Secretary as first Appellate Authority to decide appeals against the decisions of the SPIO.

#### 2. Disposal of Applications:

A total of five RTI applications were directly received under Mizoram Lokayukta during 2020-2021. All information sought for under RTI Act, 2005 have been furnished to the applicants. There are no BPL applicants as well as appeal regarding RTI reply to the appellate authority.

The application form for use of obtaining information under Section 6 of the RTI Act, 2005 is available for download at website i.e. *Lokayukta.mizoram.govt.in* for convenience of the applicants.

Details of RTI Application (2020-2021) under Mizoram Lokayukta are as follows:

Sl. No.	Date	Applicant Name	Subject	Mode of Payment
1	2	3	4	5
1	26.5.2020	Zodinpuia Hnamte	Information relating to particular Complaints and its related document under Mizoram Lokayukta.	In Cash
2	1.6.2020	James Lalrintluanga	Regarding Complaint case received (in numbers) for the months of April and May,2020.	``

3	5.6.2020	H. Bimal Kanty	Detail finding and conclusion on the complaint of Amar Smriti Chakma, CDBJP.	^^
4	8.6.2020	James Lalrintluanga	Subject matter of Special Court, final form Report/ Chargesheet and FIR/Complaint.	^^
5	22.10.2020	Liansangpuii Khiangte	Details relating to Mizoram Lokayukta and its cases (total and pending).	^^

### 3. Fees:

An amount of Rs. 50/- was received as an application fee for obtaining information under Rule 3(1) of the Mizoram Right to Information Rules, 2010 and is deposited to the Mizoram Government treasury under Head of Account 118- Receipts under rule 5 of the Mizoram Right to Information Rules, 2010. A separate register is maintained for RTI applications under Mizoram Lokayukta and receipt of Mizoram Lokayukta SPIO office is issued against the RTI fees collected.

*“Democracy must be built through open societies that share information. When there is information, there is enlightenment. When there is debate, there are solutions. When there is no sharing of power, no rule of law, no accountability, there is abuse, corruption, subjugation and indignation.”*

*~ Atifete Jahjaga, First female president of the Republic of Kosovo*

## **CHAPTER-XII**

### **BUDGET AND ACCOUNTS**

#### **1. Charged Expenditures for Lokayukta:**

The administrative expenses of the Lokayukta, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or Secretary or other officers or staff of the Lokayukta, shall be **charged** upon the Consolidated Fund of the State and any fees or other moneys taken by the Lokayukta shall form part of that Fund vide section 12 of the Act.

#### **2. Finance and Accounts:**

The Government of Mizoram may, after due appropriation made by Mizoram State Legislative Assembly by law in this behalf, make to the Lokayukta grants of such sums of money as are required to be paid for the salaries and allowances payable to the Chairperson and Members and the administrative expenses, including the salaries and allowances and pension payable to or in respect of officers and other employees of the Lokayukta vide section 40 of the Act.

The accounts of Lokayukta are to be prepared separately and are to be audited by the Accountant General. Transparency and probity should be maintained in incurring expenditures under various heads of accounts.

The total budget allocated for the Mizoram Lokayukta during the reporting year is Rs. 3,21,96,000 out of which Rs. 1,48,10,508 (46.00%) is incurred as expenditure and Rs.5,10,000 (1.58%) is surrendered from 3 object heads to the Finance Department due to Covid-19 austerity measures, and leaving a balance of Rs. 1,68,75,492 (52.41%).

As per the Demands for Grant of Govt. of Mizoram, the Budget provisions and expenditures for the Lokayukta during 2020-21 and 2021-2022 are as follows:

### 3. Budget provisions and expenditures for FY 2020-2021:

Demand No. 5  
Major Head: 2062-Vigilance  
Sub Major Head: 00  
Minor Head: 103-Lokayukta  
Sub Head: (01)- Mizoram Lokayukta(charged)  
Detail Head: 00

(Amount in ₹)

Sl. No.	Object Head	BE/RE	BE/RE after calculating surrendered amount as per OM No. G.17014/4/2019- FEA dt.28.5.2020	Re-Appropriation	Total Expenditure	Balance
1	(01)- Salary	23000000	23000000	23000000	8027832	14972168
2	(02)- Wages	3426000	3426000	3426000	3425082	918
3	(06)- M.T.	525000	525000	262000	110001	151999
4	(11)- DTE	600000	390000	653000	97054	555946
5	(13)- O.E.	1000000	750000	750000	744546	5454
6	(14)- Rent, Rates and Taxes	745000	745000	745000	450000	295000
7	(16)- Pub	200000	200000	200000	120700	79300
8	(20)- OAE	500000	500000	1687000	1237541	449459
9	(26)- Adv. & Pub.	200000	200000	200000	179800	20200
10	(27)- Minor Works	500000	500000	200000	190560	9440
11	(28)- P.S.	1000000	1000000	113000	38400	74600
12	(50)- O.C.	500000	450000	450000	188992	261008
<b>TOTAL</b>		<b>32196000</b>	<b>31686000</b>	<b>31686000</b>	<b>14810508</b>	<b>16875492</b>

**\*Re-appropriations:** Due to non-utilization of MT, ₹ 2.63 lakhs are re-appropriated to (11)-DTE. ₹ 11.87 lakhs {₹3 lakhs from (27)-MW, and ₹ 8.87 lakhs from (28)-PS} re-appropriated to (20)-OAE. Due to non-utilization of Minor Works, ₹ 3 lakhs are re-appropriated to (20)-OAE. Due to non-utilization of PS, ₹ 8.87 lakhs are re-appropriated to (20)-OAE.

**4. Budget provisions for the coming FY 2021-22:**

DEMAND NO – 5  
VIGILANCE

Controlling Officer: Secretary, Mizoram Lokayukta

Sector: 'A' General Services

Major Head:2062 –Vigilance

Sub Major Head: 00

Minor Head: 103-Lokayukta

**Sub Head (01)-Mizoram Lokayukta (Charged)**

Detail Head: 00

(₹ in lakh)

Heads of Account Object Heads:	Proposed (₹ lac)	BE (₹ lac)	Shortfall (in ₹)	Actuals (in ₹)
(01)- Salaries	200.00	<b>111.39</b>	88.61	
(02)- Wages	40.00	<b>33.89</b>	6.11	
(06)- Medical Treatment	5.25	<b>1.35</b>	3.90	
(11)- Domestic Travel Expenses	6.00	<b>4.50</b>	1.50	
(13)- Office Expenses	20.00	<b>9.00</b>	11.00	
(14)- Rent, Rates, Taxes	6.00	<b>6.00</b>	-	
(16)- Publications	2.00	<b>2.00</b>	-	
(20)- Other Administrative Expenses	5.00	<b>5.00</b>	-	
(26)- Advertisement & Publicity	2.00	<b>2.00</b>	-	
(27)- Minor Works	5.00	<b>5.00</b>	-	
(28)- Professional Services	10.00	<b>10.00</b>	-	
(50)- Other Charges	5.00	<b>4.25</b>	0.75	
(21)- Supplies and Materials	5.00	-	5.00	
(41)- Secret Service Exp.	1.00	-	1.00	
(51)- Motor Vehicles	30.00	-	30.00	
952)- Machinery & Equipment	1.00	-	1.00	
<b>Total of 103(01) (Charged)</b>	<b>343.25</b>	<b>194.38</b>	<b>148.87</b>	
<b>Total of Major head: 2062 (CHARGED)</b>	<b>343.25</b>	<b>194.38</b>		

## **CHAPTER-XIII**

### **LAND AND OFFICE BUILDING**

#### **1. Temporary Office Accommodation(s):**

The Government has been repeatedly requested to provide suitable accommodations in the existing Government buildings and whenever new buildings were ready and government offices were shifted and rearranged, but without success. As of now the Office of the Mizoram Lokayukta is accommodated in a private rented building at A/89, F Kapsanga Building, Temple Square, Tuikual South, Aizawl- 796001 since 1<sup>st</sup> July, 2020.

#### **2. Land Allotment:**

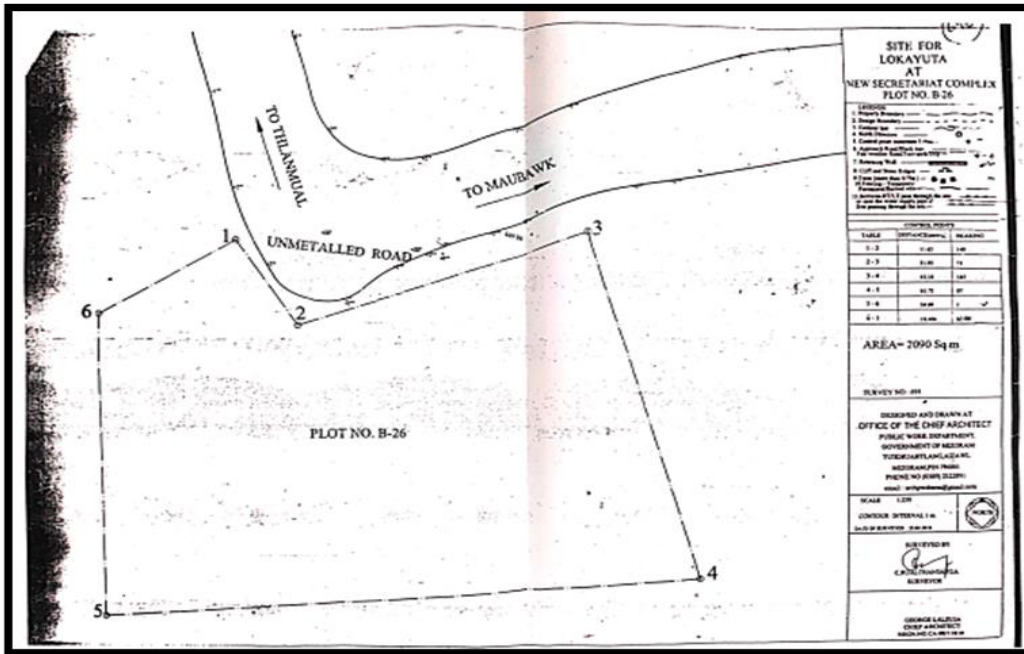
The Government allotted Plot No. B.26 in the premises of MINECO for construction of combined Office building to house Mizoram Lokayukta, Mizoram Law Commission, Advocate General and Registrar General of Marriages with a rider that if the land was not utilized within a specified period, the allotment would be withdrawn.

#### **3. Construction of Office Building:**

Draft Architectural Design was prepared by the State PWD. The Lokayukta conducted a consultation meeting with Engineer-in-Chief, Mizoram Public Works Department, and a team of Architects. Several defects in the planned sharing of the same floors by different Organizations were pointed out. It was decided that the Architects would prepare revised draft architectural plan and would submit to the Lokayukta and other stakeholders. As requested, latest copy of Revised Preliminary drawings was provided to the Mizoram Lokayukta by the PWD, Mizoram on 9.2.2021. Since the Proposal for allocation of fund under Major Works on the Capital expenditure in the previous year was regretted, the Vigilance department vide letter No.D.11011/1/2019 Estimate of PWD 2021-2022 for construction of combined office building of Mizoram Lokayukta etc. based on the estimated cost of the building.



**Plot No. B.26- Land Allotment for The Mizoram Lokayukta**



**Office of the Mizoram Lokayukta**





## CHAPTER-XIV

### CITIZEN’S CHARTER

The Citizen’s Charter of the Mizoram Lokayukta for 2020 was formulated and issued on 15.07.2020 based on the guidelines of Department of Personnel & Administrative Reforms (Good Governance Cell) O.M. No. F.12011/1/2010-DP&AR(GGC), dt 20.03.2020.

#### Citizens’ Charter for Office of the Mizoram Lokayukta (2020)

##### VISION AND MISSION

<b>VISION : “Clean and corruption free state of Mizoram”</b>
<b>MISSION: “To combat corruption and to promote probity in public life”</b>

##### MAIN SERVICES

Sl. No.	Services delivered by the office to citizens or other offices/ organisations including non-governmental organisations	Responsible official with designation	Email and Mobile (Phone No.)	Process for delivery of service within the office	Documents, if any, required for obtaining the service to be submitted by citizen/client	Fees, if any, for the service with amount										
1	Accepting/Entertaining of complaint from citizens, NGOs and Govt. against corruptions.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Hon’ble Chairperson, Mizoram Lokayukta.</td> <td style="padding: 2px;">9431216000</td> </tr> <tr> <td style="padding: 2px;">Secretary, Mizoram Lokayukta</td> <td style="padding: 2px;">9436158069</td> </tr> <tr> <td style="padding: 2px;">Superintendent, Mizoram Lokayukta</td> <td style="padding: 2px;">9615648813</td> </tr> <tr> <td style="padding: 2px;">Mr. Lalrinzuala, Citizen Charter</td> <td style="padding: 2px;">9615648813</td> </tr> <tr> <td style="padding: 2px;">Ms. Lalrinawmi, Citizen Charter</td> <td style="padding: 2px;">8014691332</td> </tr> </table>	Hon’ble Chairperson, Mizoram Lokayukta.	9431216000	Secretary, Mizoram Lokayukta	9436158069	Superintendent, Mizoram Lokayukta	9615648813	Mr. Lalrinzuala, Citizen Charter	9615648813	Ms. Lalrinawmi, Citizen Charter	8014691332		Receiving complaints from any individual. Order of Preliminary Enquiry by the Lokayukta against the accused for conducting inquiry/ investigation before prosecution on the merit of the case	Nil	Nil
Hon’ble Chairperson, Mizoram Lokayukta.	9431216000															
Secretary, Mizoram Lokayukta	9436158069															
Superintendent, Mizoram Lokayukta	9615648813															
Mr. Lalrinzuala, Citizen Charter	9615648813															
Ms. Lalrinawmi, Citizen Charter	8014691332															

### SERVICE DELIVERY STANDARD

Sl. No.	Services delivered by the office to citizens or other offices/ organisations including non-governmental organisations	Stipulated time limit for delivery of service (days/weeks/months)	Remarks, if any
1	Accepting/Entertaining of complaint from citizens whether Govt. or NGO or individual	Stipulated time frames for various stages of enquiry/investigation and prosecution are based on the provision of the Mizoram Lokayukta and can vary from time to time.	

### GRIEVANCE REDRESS MECHANISM

Website address to lodge grievance [pgportal.gov.in](http://pgportal.gov.in)

Sl. No.	Name of the responsible officer to handle public grievance in the office	Contact number	Email	Time limit for redress of grievances
1.	Superintendent, Mizoram Lokayukta	9004323525	machhana000@gmail.com	

### EXPECTATIONS OF THE OFFICE FROM CITIZENS/SERVICE RECIPIENTS

Sl. No.	Expectations of the office from citizens/service recipients
1	To reduce corruption from the State and also to reduce corruption by promoting a fear of engaging in corruption in a society

Sl. No.	Services delivered by the office to citizens or other offices/organisations including non-governmental organisations	Responsible official with designation, email and phone number	Documents, if any, required for obtaining the service to be submitted by citizen/client	Fees, if any, for the service with amount	Stipulated time limit for delivery of service (days/weeks/months) <sup>1</sup>
1	Accepting/Entertaining of complaint from citizen whether Govt or NGO or individual	<p>Hon' ble Chairperson, Mizoram Lokayukta. Phone No.9431216000</p> <p>Secretary, Mizoram Lokayukta. Phone No.9436158069</p> <p>Superintendent, Mizoram Lokayukta. Phone No.9004323525</p> <p>Mr. Lalrinzuala, Citizen Charter. Phone No.9615648813</p> <p>Mrs. Lalrinawmi, Citizen Charter. Phone No.8014691332</p>	Nil	Nil	As per provision of the Mizoram Lokayukta Act 2014
		<a href="mailto:Email.MizoraLokayukta@gmail.com">Email.MizoraLokayukta@gmail.com</a> Phone No. 9004323525			

Name of Public Grievance Redress Officer(s) : Vanlalchhanhima, Superintendent  
 Phone number : 9004323525  
 Email : machhana000@gmail.com

## **CHAPTER-XV**

### **CONCLUDING SUMMARY**

It is understood that governments all over the country are not very keen in having a strong, effective and independent ombudsman in their midst. In Mizoram the Act was passed and notified in 2014 but it was after nearly 5 years in 2019 that a Notification was issued to make it operative retrospectively from 1.10.2016. Similarly the ML Rules, 2016 was framed and published in 2016 but it was after a lapse of 4 years that it was made to come into retrospective effect from the date of publication in the Mizoram Gazette (i.e.14.12.2016) vide Notification No. 12017/1/2020-VIG dated 22.09.2020 and published in Mizoram Gazette extra-ordinary, Vol.-XLIX Issue No. 588 dated 25.09.2020. This may be a reflection of the lackadaisical approach of bureaucracy.

While the Govt. sanctioned posts and granted permissions to fill them up, the requirements and priority were apparently not kept in mind, resulting in mismatched organizational structure. While there are supporting staff viz drivers and peons, there are no commensurate officers to support. During the first two years, only one regular appointment could be accomplished. Few Officers and staff are engaged on part-time, on deputation, on contract and as temporary provisional employees. The Mizoram Lokayukta has to depend on outside agency namely Anti-Corruption Bureau (ACB) under the State Government or CBI for Enquiries and Investigations.

Awareness campaigns were launched to encourage and to enable the public, who have been crying against rampant corruptions in public life and in Government organizations, to file complaint petitions against specific forms of corruptions which met with but little success. Covid-19 pandemic might be one of the reasons. Lack of public interests, or courage/ perseverance or lack of faith due to past experiences might have detracted the people from fighting against corruptions. Restoration of public faith is our priority.

The Mizoram Lokayukta expects cooperation from the public and the government, and hopes to root out corruptions we see today, over a period of time and benefit the people and the State in the form of all-round development and welfare.

Dated the 1<sup>st</sup> November, 2021

The Mizoram Lokayukta.



## ANNEXURE-I

### **PROFILE OF OUR FIRST CHAIR**

Pu C. Lalsawta (66) had been head of Vigilance set up in the State of Bihar. He retired from service in 2015 after reaching the IAS Apex Scale (corresponding to 7th Pay Matrix Level 17@ Rs. 2,25,000 pm) in the rank/grade of Chief Secretary/ Secretary to Govt. of India. He had more than 40 years of public service including about 4 years as a Clerk/LDC while still pursuing college education, about 2 years in IA&AS and 34 years in the IAS.

He attended training courses in many top notched institutions such as IPE Hyderabad, XLRI Jamshedpur, NIRD Hyderabad, IIM Ahmedabad, IIM Bangalore, ASCI Hyderabad, ISB Hyderabad, NIFM Faridabad etc. He also undertook Advanced Studies in Public Administration in Syracuse University, USA. He also attended an International Training Programme in Financial Management in UN sponsored Institute of Public Enterprises, Ljubljana, Slovenia, and also a course of PPP in Infrastructure Development in Harvard University, Cambridge, USA.

His training in the IA&AS Staff College, Shimla, and practical training in AG Office, Shillong in Government Accounting & Auditing and experiences as Assistant Accountant General etc equip him to detect/prevent fudging of accounts and misappropriations of funds. As Deputy Development Commissioner, he coordinated with scheduled Banks in financing Government priority sector schemes. He also functioned as Administrator of District Central Cooperative Bank, and later as Director in the Board of Regional Rural Bank which gave him some idea about Banking. His experience as Managing Director of Industrial Area Development Agency and other experiences taught him the technique of Management.

During his long career in the IAS, he was mostly given assignments (such as

DC&DM, Cane Commissioner, Divisional Commissioner etc.) which required him to exercise statutory powers and functions independently and pass orders in quasi-judicial proceedings. As Commissioner of various Divisions for more than 10 years, he supervised the magistracy and policing, controlling the DMs, SPs and DIGs. He presided over Courts of Appeal/Revision in Revenue, Criminal and Service matters etc. He also supervised and coordinated the Regional Heads of Development and Regulatory Departments within the territorial jurisdictions.

In addition to his administrative and quasi judicial functions, he also held additional charges of Chairman of Governing Boards of a few Medical Colleges, Engineering College as well as Regional Development Agency, Command Area Development Agencies, Regional Transport Authorities etc. He also functioned as Vice Chancellor of 2 Universities.

During his service in Bihar/Jharkhand/Mizoram, he acquired a reputation for honesty, sincerity and probity in public life. He is a stickler to rules and regulations and always tried to adhere to norms, even inviting criticism. He is a strong believer in the Principle of Natural Justice and Fair Play. After his retirement, the Bihar Government also appointed him as Administrative Member of the Appellate Tribunal for the Real Estate Regulatory Authority, which he declined to take up.

In his tenure as Principal Secretary/ Vigilance Commissioner of Bihar, he had different organizations under him to coordinate and supervise namely: (1) Vigilance Investigation Bureau headed by a Director General/ ADG; (2) Special Vigilance Unit headed by Inspector General of Police to deal with allegations against HoD and AIS Officers; (3) Technical Examination Cell headed by the E-in-C; (4) Chief Vigilance Officers (CVOs) of all Departments; (5) Vigilance Squad in all the 38 Districts of the State and (6) Special Public Prosecutors of the Vigilance Courts and Special Courts. In course of implementing Prevention of Corruption Act and Special Court Act, he passed orders for confiscation of illegally acquired properties and coordinated prosecutions. He however took care to protect honest public servants and dynamic officers who took bold decisions in good faith which might later turned out to be bad decisions, from unnecessary harassment or prosecution without evidence of criminal misconduct.

## ANNEXURE-II

### **A CHAIRPERSON'S SPEECH PREPARED FOR DELIVERY DURING VIGILANCE AWARENESS PROGRAMME, 2020**

It is my privilege to address you on this 21<sup>st</sup> Vigilance Awareness Week Programme, 2020. This is my 2<sup>nd</sup> observance of Vigilance Awareness Week as Chairperson of Mizoram Lokayukta. This has been going on since 1999, commemorating 31<sup>st</sup> October as the birth anniversary of Sardar Vallabhai Patel, the Ironman of India.

Last year our theme was *Integrity – A way of life (RINAWMNA- NUNPHUNGA NEIH)*. This year our theme is “Vigilant India, Prosperous India”. It has a profound meaning. We must not only be vigilant against external aggressors, but also against the very people in our midst who rob us of our rights and entitlements. Vigilance and Prosperity go hand in hand.

Some may say there are corruptions because as we are poor, if we are rich corruption will go away. But I personally think it is the other way round. We are poor and remain poor because of corruptions of various kinds. We are aware of Transparency International and its annual publication- The Corruption Perceptions Index (CPI). It scores 180 countries from 0 (zero) to 100 points in corruption perception, 0 being most corrupt and 100 being least corrupt. The latest CPI of 2019 shows a clear correlation between corruption and poverty. The rich and prosperous countries show high scores (less corrupt) and the poor countries show low scores (more corrupt). India scores 41 points and ranks 80. Where will Mizoram stand if it were to be assessed as an independent country or as one of the States in India?

When we speak about corruption, some of us have a very narrow perspective. We confine corruption to bribery, misappropriation, defalcation, fudging of accounts, accumulating of wealth, acquisition of moveable and immovable property and a few more. But there are many more forms of serious corruptions such as favouritism, cronyism, nepotism, negligence, sloth etc. These may take various forms such as:

(1) Appointment in Government/public services ignoring merit and the provisions of Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, the Rules

and Guidelines issued by the State Government.

- (2) Award of Contracts (for supply of goods and services or for executions of works) without proper tender/ fair competitive bidding.
- (3) Sale/transfer of contract works to others.
- (4) Payment of running /final Bills without measurements and records in MB
- (5) Creation of useless assets at the cost of public moneys.
- (6) Misutilization or unutilization of assets created out of govt. fund.
- (7) Causing monetary loss to the public/government due to negligence.
- (8) Negligence and criminal negligence.
- (9) Causing loss etc due to lack of vigilance.

Therefore, in order to prevent/reduce corruption, we must do the following:

- a) Discipline the wrong doers.
- b) Protect the honest performers.
- c) Increase transparency, fairness and accountability.
- d) Reduce wastage of public money.
- e) Promote systems of honesty and integrity.
- f) Evolving towards a corruption-free society.

The oft quoted commandment “I vengte hek suh” might have embedded a very wrong notion in our psyche against lodging complaints against our neighbours. While we keep grumbling in generalized terms about pervading corruption, we fail to lodge any written complaint accordingly. I want to ask the Mizo Society, through you- is corruption so scarce that you don't find any case worth reporting? This, inspite of the fact that we do not insist on, so far, any application fee or affidavit as is the practice in other states.

The Chakmas are somewhat different. Out of the 22 complaint cases registered, 8 are from and against Chakmas (more than 36% cases by 9% of the population). The way I see them, their outlook, mentality, alertness and vigilance, they are likely to make much faster progress than the rest of Mizoram, especially if they can contain corruptions. We have from their community a youth like Dhiman Chakma, who may succeed in becoming an IAS officer while Mizoram is unable to produce fresh IAS/IPS recruits for many years now.



**ORDERS ON CLOSURE OF CASES**  
**(Up to 31.3.2021)**

**Order - 1**

**No. C.13017/4/2019-ML**  
**MIZORAM LOKAYUKTA**  
*(Constituted under the Mizoram Lokayukta Act, 2014)*

**Dated Aizawl, the 9<sup>th</sup> July, 2019**

**ORDER**

**MLC-4/2019:** A complaint petition dated 19.05.2019, was filed before the Chairman, Mizoram Lokayukta by Pu Lalnunmawia, House No. Y23, Armed Veng, Aizawl, Mizoram in respect of financial irregularities in the implementation of schemes under Boarder Areas Development Programme as highlighted in the Report No. 2 of 2018 of Comptroller & Auditor General of India on Social, General, Economic and Revenue Sectors for the year ended 31 March 2017.

The reports of irregularities are serious indeed and the Comptroller and Auditor General of India (CAG) recommends filing of FIR in some cases and referring the matter to the State's Vigilance Department in some other cases for further investigation so that responsibility can be fixed and the guilty are punished.

While considering the complaint for further necessary actions a question arose regarding the status of the CAG Reports which are submitted to Parliament or State Legislature as the case may be. The CAG Reports are the property of the House and it is left to the Public Accounts Committee of the House (PAC) to first examine and recommend suitable actions. In this particular case, I have no information that the PAC has completed its tasks. Till then, it would not be proper for the Lokayukta to take up the case in its present form.

Legal Opinion has been sought and is received now which suggests that the PAC should first perform its part and till then, no agency outside the House should take up the matter. I also have a glimpse of various Court rulings of the Hon'ble Supreme Court and

various High Courts. Although some of the Judgments stand on different contextual footings, it can however be safely assumed that the House has priority over other outside agencies in considering and disposing of the findings and recommendations contained in the CAG Reports. Hence the present complaint petition, which is solely based on CAG Report is hereby disposed off as dropped.

However, by way of clarification, I may add that after the disposal of the present case by the House/PAC or if evidence of corruption is obtained directly from other sources outside the CAG Report in respect of irregularities in the implementation of schemes under the Border Areas Development Programme that had been implemented by the State Government, the present complainant or anybody else can bring fresh complaint petition.



**(C. LALSAWTA)**  
Chairperson  
Mizoram Lokayukta

**ANNEXURE-III (Continued)**

**Order - 2**

**No. C-13017/6/2019-ML/30  
MIZORAM LOKAYUKTA**

*(Constituted under the Mizoram Lokayukta Act, 2014)*

**Dated Aizawl, the 6<sup>th</sup> September, 2019**

**ORDER**

1. A complaint petition dated 19/06/2019 was submitted jointly by Pu PB Malsawmliana, President, FOMTU, Pu F. Hmingthanga, President, SOSA and Pu Vanlalruata, President, PRISM, against Pu Robert Romawia Royte, the then OSD in Mizoram Education Mission Society (and currently the Hon'ble Minister of State in the Government of Mizoram) reiterating the FIR dated 2<sup>nd</sup> July, 2010 submitted to the Superintendent of Police, Anti-Corruption Bureau, Mizoram regarding donation/tithe of Rs. 30 lakhs given to the Chhinga Veng Presbyterian Church, Aizawl, Mizoram.
2. This is a 9-year old case initiated on the basis of News Paper report and already inquired into by the ACB, Mizoram which had submitted its Enquiry Report to the Chief Vigilance Officer, Government of Mizoram recommending initiation of Departmental Proceedings against the accused. Report was sought from Vigilance Department of the Government on actions taken by it and comments were sought from ACB, Mizoram on various points having bearings on the merit of the case.
3. The Superintendent of Police, ACB Mizoram submitted his comments on the previous Enquiry. It has been stated that the donation of Rs. 30 lakhs to the local Church attracted CCS (Conduct) Rules, 1964 but the findings of enquiry report did not establish a criminal case or a criminal act or criminal misconduct.
4. The SP, ACB states that the Enquiry Officer considered Pu Robert Romawia Royte and the NECS as one entity. But where is the evidence/ proof to this assumption? This is the crux of the matter. There is no denying of the fact that North East Consultancy Services (NECS) donated Rs. 30 lakhs (or more) as tithe to the Church through cheque drawn on MC Apex Bank SB Account No. 20892 owned and operated by NECS. The Enquiry Officer also assumed that this is a tithe/donation given by Pu Robert Romawia Royte! In fact even the consultancy fees earned by NECS and deposited in its accounts is

assumed to be the illegal earning of Pu Robert Romawia Royte (herein after referred to as Pu RRR for convenience).

5. The full status of (M/S) North East Consultancy Services (Ltd) as a Proprietary Firm or as a Private Limited Company or as a Cooperative Society etc may not be known to investigators but at least the Bank and the Government of Nagaland and its agencies considered it as a legal person or separate entity having its promoter/proprietor and Managing Director etc. The MC Apex Bank, recognizing its entity, opened an SB Account in the name of North East Consultancy Services and the Nagaland Government, recognizing its entity, allows its agency to enter into Deed of Agreement on the important and large Project.

6. According to a photocopy of one Deed of Agreement (executed on 06/01/2010) available on record, it was signed by C. Nunsanga, Managing Director, Northeast Consultancy Services, Aizawl, Mizoram as the First Party and by Angai Thou, State Mission Director, Nagaland Education Mission Society, Govt. of Nagaland, as the Second Party. The Agreement was witnessed by Pu RRR, M-2/20 Chhing Veng, Aizawl, Mizoram, Pu R. Laldanglova, C-14, Armed Veng, Aizawl, Mizoram on the one part and by Shri Nipusilie Angami, Director of School Education, Govt. of Nagaland and Shri Khrupi Sothu, Dy. Secretary to Govt. of Nagaland, School Education Department, on the other part. Further, it was stated that the agreement was executed in consultation with the Chief Minister, the Minister, School Education and the Chief Secretary & Chairman of the State Executive Committee of the Nagaland Education Mission Society.

7. The documents, including a copy of the Deed of Agreement (executed on 06/01/2010) received from ACB clearly indicate that Pu RRR was not a part of NECS, at least at the relevant points of time. A Deed of Agreement was signed by another person as Managing Director of NECS whereas Pu RRR signed only as a witness. He could not be a party to the agreement and a witness at the same time, otherwise, the other party and the Government would not brook such idiosyncrasy. Even though the Enquiry Officer relied on the Deeds of Agreement to base his contention that NECS and Pu RRR are one entity or Pu RRR is a part of NECS, facts, logic and available documents do not support this contention. (Partial/mixed up documents received from ACB might suggest that more

than one Deed of Agreement were signed by the parties, but no such doubt was raised by the EO!).

8. The present complainants, while enclosing a copy of the Enquiry Report, did not include the documents relied upon by the Enquiry Officer, hence it is difficult to prove or disprove some of his claims. He stated that Mrs. Biakveli (mother of Pu RRR) is the Chairman & Proprietor of NECS and the cousin brother (sic) is the Managing Director of NECS, hence Pu RRR is actively involved in the affairs of NECS. This might be true but it is just a surmise without proof or evidence. If NECS is a family concern, Pu RRR might have taken active interest in its affairs and might even have helped or exerted his influence in obtaining the award of the consultancy contract for it. But the moot point is whether Pu RRR misused his official position in illegally obtaining award of the contract to NECS. The Enquiry Report does not make any such claim and does not raise any suspicion or cite any evidence to this direction.

9. The Enquiry Officer claimed that Mrs. Biakveli, Chairman & Proprietor of NECS submitted a letter stating that “Pu RRR, being her eldest son has taken leading part in the NECS and donated Tith of Rs. 30.00 lakh to the church where he enrolled himself” The said letter dated 23.7.2010 (stated to be Annexure-9) unfortunately is not filed/submitted here. Be as it may, this kind of document would not be acceptable as proof of guilt for conviction by any court of law. The EO also took umbrage at the difference in the date of execution of Deeds of Agreement and the date of registration for Value Added Tax (VAT). (The documents furnished by Mrs. Biakveli - Annexure 10 & 11 are missing). Anyway, these are immaterial for the present case as there could be different date for registration of the firm/society/trust/company under the relevant laws, another date for execution of the Deeds of Agreement and yet another date for registration under VAT/GST etc. In any case, a person, even an accused, cannot be held guilty of committing a crime for the commissions and omissions of a firm/company/society, especially if one is nor managing it as proprietor, employee etc.

10. Perusal of documents indicates that the Government of Nagaland requested the Government of Mizoram to spare the services of Pu RRR, the then OSD, Planning (SSA & RMSA) as consultant to the Govt. of Nagaland for preparation of Detail Project Report for RMSA and the Government of Mizoram acceded to this request by allowing Pu RRR

to help the Govt. of Nagaland. No illegality or impropriety is alleged or pointed out in this arrangement. It has been stated that Pu RRR, on return from Nagaland submitted to the Govt. of Mizoram a copy of perspective plan in respect of RMSA Nagaland .... But failed to point out the Deed of Agreement was signed between NECS & NEMS, Nagaland and thereby collected the consultation fees for the DPRs from the Govt. of Nagaland for himself or NECS. The Enquiry Report is not clear as to who prepared the DPRs and whether Pu RRR collected the consultation fees for himself! What is clear is that NECS received huge consultation fees and the donation/tithe in question was also paid from the account of NECS. Logic and all available evidences indicate that Pu RRR was not NECS and vice versa.

11. A sort of certificate “TO WHOM IT MAY CONCERN” issued by Additional Secretary, Govt. of Nagaland has been cited to nail Pu RRR with NECS in signing a Deed of Agreement whereas the EO had admitted that Pu RRR did not sign that Agreement, even though one may try to capitalize minor discrepancies due to oversight or typographical errors. This certificate is meant to appreciate the services rendered by Pu RRR and NECS and highlight their achievements and not to certify that Pu RRR and NECS are one and the same entity. On the other hand, the “Certificate of Appreciation” signed by Shri Neiphu Rio, Chief Minister, Nagaland, available on record, clearly states Pu RRR as “OSD, Mizoram Education Mission Society, Aizawl” (and not as NECS) in appreciation of his valuable contribution for the successful preparation of plans and financial achievement of the State of Nagaland for Rashtriya Madhyamik Shiksha Abhiyan, Model Schools Scheme and Girls Hostels Scheme.

12. The Enquiry Officer apparently did not enquire into the status, registration, shareholding/ownership/controlling pattern, operations and other activities of NECS and is silent on whether it is a Private Limited Company/ Proprietary Firm etc, the position/role of Pu RRR in it and also whether similar other agreements were executed by it in order to establish its nexus with Pu RRR but he straight away jumped to the conclusion in the last part of the Enquiry Report, stating that “It is crystal clear that the Govt. of Mizoram did not give him (Pu RRR) permission to sign such Deed of Agreement and collect such huge amount of money as consultation fees”. But in the earlier part of the report it was made crystal clear that it was C. Nunsanga, MD (and not Pu RRR) who signed the Deed

of Agreement (dated 06/01/2010) on behalf of NECS! In the entire Enquiry Report, the EO did not prove or even specifically claim anywhere that Pu RRR collected such a huge amount of money as consultation fee! What a bizarre conclusion! One is reminded of an Aesop's fable about the Wolf and the Lamb!


13. Tried as he might to nail Pu RRR with his limited investigating skills and means, the EO ultimately did not muster sufficient courage to recommend further investigation for criminal prosecution and rather recommended Departmental Proceedings against Pu RRR for what he claimed violation of Rule 15 of CCS (Conduct) Rules, 1964 and Rule 11 & 12 of Financial Rules (sic) and Supplementary Rules (sic). There is no mention of specific acts of omission and commission that violate Service Rules or any other Rule. No wonder, the Government did not accept such recommendations and closed the matter.

14. The country has witnessed many honest and upright officers with proven integrity being harassed and defamed while many corrupt public servants escaped unscathed due to inept handling of investigations. I wish to see the end of or at least minimization of this situation with the implementation of the Lokpal and Lokayukta Act, 2013.

15. The Superintendent of Police, ACB submitted that as the enquiry could not establish criminal acts departmental proceeding was recommended and in terms of clause 22(d) of ACB Manual, 2012 no inquiry should normally be made by ACB on allegations which have already been looked into. So even without invoking the principle of *res judicata* there is no compelling ground to reopen the enquiry.

16. The complainants have not brought up any new allegation which has not been enquired into, requiring fresh enquiry against Pu RRR. The Government accepted the resignation of Pu RRR about nine years ago on 16.12.2010 and there is no justification for starting a fresh departmental proceeding against him.

17. Accordingly, in terms of section 19(1) of the Mizoram Lokayukta Act, 2014, I consider the facts and circumstances of the case and I hereby decide to close the case.

  
(C. LALSAWTA)  
Chairperson  
Mizoram Lokayukta.

**ANNEXURE-III (Continued)**

**Order - 3**

**Case No. MLC-8/2019**  
**MIZORAM LOKAYUKTA**  
(Constituted under the Mizoram Lokayukta Act, 2014)

Shri Amar Smriti Chakma: Complainant  
Vs  
Shri Mangal Mohan Chakma: Respondent/OP

**ORDER**

**No. C.13017/8/2019-ML Dt. 25.06.2020.** This case relates to alleged massive felling of trees in Rajmahal Teak Plantation for export to Bangladesh. The complaint petition was initially filed by Shri Amar Smriti Chakma, Chairman, Vigilance Committee of Bharatiya Janata Party, Chakma Autonomous District Council, Kamalanagar, Mizoram before the Environment, Forests & Climate Change Department, Government of Mizoram, against Shri Mangal Mohan Chakma, DCCF, Chakma Autonomous District Council. The Environment, Forests & Climate Change Department, Government of Mizoram forwarded the complaint to the Lokayukta for appropriate action on the ground that the Department has no jurisdiction over the affairs of the Autonomous District Council.

The Lokayukta examined the complaint petition and arrived at the opinion that the Environment, Forests & Climate Change Department has the jurisdiction and responsibilities under the Forest (Conservation) Act, 1980, PCA 1988 etc. over massive illegal felling of trees in Rajmahal Teak Plantation even if the area falls under the Autonomous District Council Area. It therefore decided to direct the PCCF, Environment, Forests & Climate Change Department to conduct preliminary enquiry and submit a report.

The complaint in brief was that Shri Mangal Mohan Chakma, DCCF of Chakma Autonomous District Council issued permit allowing Smt. Maharani Chakma, w/o Bimal Chakma of Kamalanagar II to cut down around 500 teak trees from Rajmahal Teak Plantation on the pretext of thinning. But the supplier fell the entire trees and



cleared the entire plantation area. The indiscriminate felling of trees also infringed into a private plantation of Shri Maratsaw Chakma, who lodged a complaint with the CADC authorities. The complainant further alleged that in order to affect thinning of trees, no markings of trees were made in conformity with the CADC (Forest) Act, 1992. Further, it is contended that as per Supreme Court order in WP (Civil) No. 171/96 the authority to give permission for felling trees lies with the State Government (not CADC) and the authority to grant permission for transportation of logs outside North Eastern States is with the Union Government, whereas these trees/logs were cut and transported/ smuggled to Bangladesh without the permission of the State Government or the Union Government concerned.

The PCCF got the matter enquired into by the Conservator of Forests (SC), Lunglei who carried out spot verifications along with a team of officials and accompanied by Smt. Maharani Chakma, the permit holder. It was found that the permit holder had carried out 'D' grade thinning and felled 142 teak trees out of 500 trees permitted to cut and converted them into 451 logs. It is reported that the contractor/ permit holder was verbally instructed to stop felling operation until and unless further order is issued. The Conservator of Forests further observed that 'the allegation is due to politically motivated by the complainant, who also encroached Departmental Plantation and has no any proofs for ownership of the claimed Departmental Plantation and hence, seems fall(sic) allegation while enquiring have been conducted (sic).

The PCCF apparently agrees with the enquiry report commenting that "it is reported that out of 500 nos. of teak permitted, the permit holder, Maharani Chakma has felled 142 nos. of trees which were converted into 451 logs at the time of verification which shows that there was no violation of the Forest (Conservation) Act, 1980.

However, several points, including the important points of allegations were not touched during the enquiry/verification and in the reports. It would be interesting and relevant to know whether the competent authorities decided to award the contract and permit to the contractor to fell/thin the forest following the prescribed procedures, in a fair and transparent manner, obtaining the best values for the departmental plantations, and whether the permission of competent authorities were obtained while transporting/

exporting/ selling/ disposing logs and finally whether any public servant is involved in corruption under the Prevention of Corruption Act, 1988. Unfortunately, the Lokayukta does not have its own independent resources to delve into these aspects of the transactions.

Therefore, as the PCCF does not find any irregularity and violation of the Forest (Conservation) Act, 1980 and as the complainant did not make any specific complaint of corruption against any official/office holders of CADDC and also as direct evidence of irregularities and corruptions does not come up before the Lokayukta, I have no alternative now but to close the case.

Hence the case is hereby closed.



**(C. LALSAWTA)**  
Chairperson,  
Mizoram Lokayukta.

**ANNEXURE-III (Continued)**

**Order - 4**

**MLC No. 9/2019**  
**MIZORAM LOKAYUKTA**  
(Constituted under the Mizoram Lokayukta Act, 2014)

**ORDER**

**No.C.13017/9/2019-ML dt. 25.6.2020:** A brief story of the case is that Mr. H. Laltanpuia, Electric Veng, Lunglei submitted FIR to the S.P, ACB, Mizoram on 9.10.2018 alleging that Zobawk Handloom & Handicraft Cooperative Society Limited received fund from the Central Government on 24.11.2015 before the Society was registered by the competent authority, hence it tantamount to misappropriation of fund by the Society and NERTPS (North Eastern Region Textile Promotion Scheme).The ACB sought Government permission as per clause 23 of ACB Manual 2012 to register a preliminary enquiry on 15<sup>th</sup> October, 2018. And on 29<sup>th</sup> October, 2018 the Government of Mizoram in the Vigilance Department conveyed Government approval to conduct preliminary enquiry into the matter. And by the order dated 2<sup>nd</sup> November, 2018, ACB Enquiry No.5/2018 dt.2.11.2018 was registered and Pu B. Lalnghakliana, Dy.SP of ACB was appointed as Enquiry Officer to conduct preliminary enquiry. And Pu B. Lalnghakliana submitted his enquiry report on 13.11.2019. Following this, the S.P, ACB submitted the said PE report along with his executive summary to the Chief Secretary cum CVO, Mizoram on 15<sup>th</sup> November, 2019 with a suggestion to close the case as there exist no ground to proceed further. Before decision was made by the Chief Secretary cum CVO, the PE report was handed over to Mizoram Lokayukta by Vigilance Department by Order dated 28<sup>th</sup> November, 2019 and the ACB vide Order dated 6<sup>th</sup> December, 2019 handed over related documents to the Mizoram Lokayukta on 17.12.2019. The same was registered as MLC-9/2019.

The P.E Report and Executive Summery are examined with all related documents. The PE appears to be reasonable except that it is silent as whether Zobawk Handloom & Handicrafts Cooperative Society Ltd. was entitled to legally receive fund from the Central Government before the Society was registered and whether the same violates the existing guidelines and practice prescribed by the Ministry of Textile, Government of India and whether the Society itselfviolated the provisions of existing laws and was criminally liable.

The PE report was summed up by the SP, ACB as under:

“The enquiry reveals that in the working of Zobawk Handloom and Handicraft Society in the Implementation of National Handloom Development Programme, no incriminating evidence was established against Pu H. Rohluna the then Industries Minister and Pu Joseph Lalhimpua, the then Parliamentary Secretary and that no criminal act to cause wrongful loss to the Government or beneficiaries and wrongful gain by the two alleged persons are found during the course of conducting enquiry into the complaint. However, it can be seen that Zobawk Handloom and Handicraft Society received undue favour from the Government as the said Society was selected as implementing agency under National Handloom Development Programme prior to the grant of Society registration by the competent authority vide No.F.2/1/2015-DCH/WHDP/Mizoram/San/PI Dt.7.12.2015. The said Society was however registered on 7<sup>th</sup> Sept, 2016. Rs 63.11 lakhs sanctioned for first instalment was directly credited into the account of Zobawk Handloom and Handicraft Society. No evidence of misappropriation was established against the alleged persons, Pu H. Rohluna, the then Industries Minister and Pu Joseph Lalhimpua, the then Parliamentary Secretary.

Calculation of sanctioned amount, expenditure and balance remaining as on 5.5.2019 is shown below (under Zobawk cluster):-

I.	1) Total amount sanctioned vide No.F.2/1/2015-DCH/NHDP/Mizoram/San/PI dt.7.12.2015	Rs. 63,11,375.00
	2) Total amount expended	Rs. 50,21,760.00
	3) Total amount remaining in bank	Rs. 12,89,615.00
II.	1) Total amount sanctioned vide No.8/3/2014- DCH/NERTPS/CDP/Mizoram Project-I Dt. 6 <sup>th</sup> June, 2014	Rs. 58,43,500.00
	2) Total amount expended	Rs. 50,13,940.00
	3) Total amount remaining in bank	Rs. 8,29,560.00

The enquiry also reveals that cluster of Ramthar, Lunglei was not initially included under North Eastern Textile Promotion Scheme in the sanctioned order. However, the meeting held on 10.6.2015 under the chairmanship of Pu H. Rohluna, the then Industries Minister made a decision to transfer Pehlawn cluster to Ramthar, Lunglei cluster where Pu Joseph Lalhimpua, Parliamentary Secretary also attended the meeting.

On checking the expenditure incurred on the implementation of NERTPS in Ramthar cluster Lunglei, no incriminating evidence was found against alleged persons, Pu H. Rohluna, the then Industries Minister and Pu Joseph Lalhimpua, the then Parliamentary Secretary.

Since no evidence to establish a criminal act was found after conducting thorough enquiry into the points of allegation, there is no reason to proceed on into the case.

Considering the finding of the enquiry report discussed above, the enquiry is suggested to be closed as there exist no ground to proceed further.

This issue with the approval of Director, ACB”.

On scrutiny of the enquiry report, the Lokayukta requested the Director, Commerce & Industries, Government of Mizoram to furnish comments on certain points and the comments of Director Commerce & Industries (Handloom & Handicraft Wing) dated March 5, 2020 are reproduced below:

1. “Regarding utilization of fund under National Handloom Development Programme for Zobawk Handloom & Handicrafts Society Ltd: -

(a) Zobawk Handloom & Handicraft Society Ltd. received an amount of Rs. 3.13 lakh as part of 2<sup>nd</sup> Installment over and above the 1<sup>st</sup> Installment vide sanction No.2/1/2015-DCH/NHDP/BLC-NER dated 22.3.2019. It may be added here that fund was directly transferred to the Implementing Agency’s Account from Ministry of Textiles in Direct Benefit Transfer Mode (DBT)

(b) The amount of expenditure incurred on account of administrative expenses is as follows:

(i) Remuneration of Chairman – Rs. 3,50,000.00 @ Rs. 10,000/-

(ii) Wages of Cluster executive – Rs. 7,50,000.00 @ Rs. 25,000/- pm for 30 months

(iii) Salary of Asst.-cum-security – Rs. 3,60,000.00 @ Rs. 9000/- pm for 35 months

(iv) House rent – Rs. 3,40,000.00 @ Rs. 10000/- for 35 months

(c) The expenditure of Rs. 2,87,000/- for cluster opening day celebration was sanctioned by the Implementing Agency from the administrative cost.

(d) There is no provision for state share whereas there is a provision for beneficiaries share.

- (e) The no. of beneficiaries assisted is 40. The value of assistance provided to each beneficiary is Rs. 36,100.00 (out of the first instalment received)
- (f) The beneficiaries covered under the project are loin loom weavers. In order to increase their earning, they were given skill upgradation training of Fly shuttle frame loom which is more productive and much more beneficial for the beneficiaries in raising their income.
2. Regarding Implementation of Cluster Development Project under North Eastern Region Textile Promotion Scheme (NERTPS) for Pehlawn/Ramthar Lunglei cluster:-
- (a) Pehlawn was replaced with Ramthar Lunglei as there is already one approved cluster in the nearby village i.e Sawleng, which is just 14 kms away from Pehlawn.
- (b) The share of Mizoram Govt. was released and utilized for Pehlawn/Ramthar Lunglei cluster over and above the 2 instalments of Rs. 58,43,500/- received form the Govt. of India.
- (c) The amount of state share to be borne by the state government is Rs. 4.00 lakh (??) which is already released by the state government.
- (d) The no. of beneficiaries actually selected is 89. The value of assistance provided to each beneficiary is Rs. 44,500.00.
- (e) The beneficiaries covered under the project are loin loom weavers. In order to increase their earning, they were given skill upgradation training on Fly shuttle frame loom which is more productive and much more beneficial for the beneficiaries in raising their income”.

If performance audit were to be conducted in the implementations of these schemes, several defects, short-comings, avoidable expenses resulting in unfavourable cost-benefits outcome, favouritism, and malfeasants can be detected but here we are dealing with criminal proceedings of corruption. The ACB did not find criminality leading to corruption and recommended closure of the case.

Accordingly, the case stands closed.



**(C. LALSAWTA)**  
Chairperson  
Mizoram Lokayukta

Order – 5

Case No. MLC- 11/2020  
**MIZORAM LOKAYUKTA**  
(Constituted under the Mizoram Lokayukta Act, 2014)

*Dated Aizawl, the 28<sup>th</sup> January, 2021*

**ORDER**

In the matter of:

**Noli Nakyo Chakma,**

Member, Village Council, Chhotapansury,  
Chawngte, Lawngtlai District

: Petitioner/Complainant

**Versus**

**Kalapaar Chakma,**

President, Village Council, Chhotapansury,  
Chawngte, Lawngtlai District

: Respondent/OP

Date: 21.1.2021

Date: 28.1.2021

The Petitioner/Complainant was absent. The Enquiry Officer was present during hearing and clarified contentious issues. The Respondent/OP was present.

Heard.

A brief summary of the case is that the complainant, Noli Nakyo Chakma submitted a written FIR to the Superintendent of Police, Anti-Corruption Bureau, Aizawl on 1<sup>st</sup> July, 2019. The SP, ACB then requested permission of the Vigilance Department to conduct Preliminary Enquiry vide No. ACB/Complt.No/2019/112 dt. 2<sup>nd</sup> July, 2019 which was granted. **ACB Enquiry No. 10/2019 dt. 10.07.2019** was registered and **Inspr. Vanlalhruaia, ACB** was appointed as Enquiry Officer to conduct the Preliminary Enquiry. The PE Report along with the Executive Summary of the SP was submitted to the Chief Secretary-cum-Chief Vigilance Officer, Mizoram on 16<sup>th</sup> December, 2019. As mandated under Section 14 of Mizoram Lokayukta Act 2014, the related documents of ACB PS/PE/No.10/2019 dt. 10.7.2019 were transferred to Mizoram Lokayukta on 14<sup>th</sup> January, 2020 and the case was registered as **MLC-11/2020**.

In the FIR received by the ACB, the complainant Noli Nakyo Chakma, Village Council Member, Chotapansury stated that Kalapaar Chakma, Village Council President Chotapansury had misused the fund amounting to Rs 94,500/- which was sanctioned for the construction of Group Work Shed at Chotapansury, and further alleged that Kalapaar Chakma had used the money for building his house, instead of constructing the Work Shed for which he received the money. Hence, he requested the ACB to immediately investigate the case.

The Preliminary Enquiry Report revealed that the Ministry of Textiles, Government of India approved proposal for implementation of Cluster Development Project (CDP) under North East Region Textile Project Scheme (NERTPS) for which Commerce & Industries Department, Government of Mizoram released fund for the 3 district councils in installments for each cluster. Under Chawngte Handloom Cluster under CADC, there are 10 Self Help Groups including Chotapansury for which the estimated cost for construction of Group Work Shed is ₹3,00,000/-. ₹1,62,000/- (Rupees one lakh sixty-two thousand) was sanctioned by Industry Department, CADC in two equal installments, which was collected by the previous Chairman of Self Help Group (SHG), Shanti Kumar Chakma. He constructed the Group Work Shed up to skirting level on a piece of land purchased by him from the fund. Later, the Self Help Group was reconstituted, and Kalapaar Chakma became the new Chairman. For the continuation of the Group Work Shed construction, ₹ 94,500/- was released, and was collected by Kalapaar Chakma.

Kalapaar Chakma was unable to continue the construction of the Group Work Shed, initiated by the previous Chairman due to land dispute and strong objection by the land owner. So, he constructed a new Work Shed at a separate location at Chotapansury. The Enquiry Officer found the constructed Work Shed commensurate with the small amount of money involved. Further, as per the witness statement in the PE Report, the complainant Noli Nakyo Chakma acknowledged that Kalapaar Chakma had constructed the Work Shed, after he submitted the FIR.



The Mizoram Lokayukta requested The Director, Commerce & Industries Department, Govt. of Mizoram to provide the detailed report on the implementation of the Cluster Development Project and the remedial measures taken by the department to ameliorate the aberrations specifically concerning the change of construction site, ways to recover the expenditure incurred, etc., to which a reply from the Chief Executive Member, CADC was received, enclosing a written statement from the land owner of the previously constructed site- Gyana Ranjan Chakma stating that he had refunded the compensation amounting to ₹8000/- that he received, and gave the permission to Shri Kalapaar Chakma to dismantle and use whatever materials that the previous Chairman had used for the construction.

The Enquiry Report does not corroborate the main point of allegation. The respondent, Kalapaar Chakma and his translator, W. Vanlalnghaka attended the hearing; and the complainant, Noli Nakyo Chakma filed a written statement wherein he claimed that he was satisfied with the work executed by Kalapaar Chakma. Further, Kalapaar Chakma claimed that he had even used his own money for the completion of the Group Work Shed. The Enquiry Officer, Inspr. Vanlalhruaia who attended the hearing, affirmed that the photo of the completed Group Work Shed brought by the respondent was the one that he had visited, and he did not find any illegality. Although the respondent/opposite party might not have acted with intelligent care, there does not appear to be ill-intention or mens rea in the case. In conclusion, both the complainant and the respondent agreed that the work was carried out as best as possible in the circumstances. Hence, I find no reason to proceed with the case.

The case is hereby closed.



**(C. LALSAWTA)**  
Chairperson  
Mizoram Lokayukta

Order - 6

Case No. MLC- 22/2020

**MIZORAM LOKAYUKTA**

*(Constituted under the Mizoram Lokayukta Act, 2014)*

**ORDER**

In the matter of:

1. The Secretary,

Land Resources, Soil & Water Conservation Dept:      Petitioner/Complainant

**Versus**

1. **Pu George Lalromawia,**

Ex-Director,

Land Resources, Soil & Water Conservation Dept.:      Respondent/OP

Date: 28.1.2021

This case relates to the allegation of misappropriation of public fund by Pu George Lalromawia, Ex-Director, Land Resources, Soil & Water Conservation Department.

The case was originally received by the Anti-Corruption Bureau as a written FIR on 4.7.2019. After the Vigilance Department, Govt. of Mizoram conveyed approval to conduct Preliminary Enquiry, ACB PE No.11/2019 dt. 31.7.2019 was registered, and Pu Zosangliana, Dy.SP was appointed as the Enquiry Officer. Then, as per the directions of Vigilance Department, the case along with the Preliminary Enquiry Report was transferred to Mizoram Lokayukta on 19.10.2020, and was registered as Mizoram Lokayukta case.

The Lokayukta examined the Preliminary Enquiry Report and after careful scrutiny, arrangements were being made to fix the date and time for hearing to

give the respondent an opportunity of being heard. Meanwhile, it is learned that Pu George Lalromawia died of cancer on 31.12.2020.

The ultimate object of the criminal proceedings is to punish the accused on his conviction of any offence. Therefore, the criminal proceedings abate on the death of the accused, as their continuance thereafter will be infructuous and meaningless. In this case the accused George Lalromawia died and his funeral was held on 1.1.2021. In such a situation, there is no reason to proceed further with the case. Rather there is only one option to follow i.e. ‘actio personalis moritur cum persona’ which means a personal action dies with the person. Accordingly, further investigation by the Lokayukta into alleged misappropriation of fund against deceased George Lalromawia, is hereby closed with immediate effect.

However, if the competent authority/Government proved the allegation of serious corruption in Departmental Proceedings, and has been able to fix the amount of Government money so misappropriated, then the Government may take further necessary action to recover such money as it may deem fit and proper in the interest of justice.

With this observation, the case before the Lokayukta is hereby closed.



**(C. LALSAWTA)**  
Chairperson  
Mizoram Lokayukta

**Order - 7**

**Case No. MLC- 5/2019**

**MIZORAM LOKAYUKTA**

*(Constituted under the Mizoram Lokayukta Act, 2014)*

In the matter of:

**SL Ngursailova Sailo**

General Secretary, PRISM

:

Petitioner/Complainant

**Versus**

**Dr. Louis Hauhnaar,**

Principal, Mizoram Hindi Training College :

Respondent/OP

**ORDER**

25.2.2021

A brief history of the case is that on 18.6.2019, a complaint petition was received at Mizoram Lokayukta from PRISM regarding alleged misappropriation of fund by Dr. Louis Hauhnaar, Principal, Mizoram Hindi Training College. After the case was registered as MLC-5/2019, the Anti- Corruption Bureau was directed to conduct Preliminary Enquiry. ACB Enquiry (LOK) No. 12/2019 dt. 08.08.2019 was registered and Insp. C. Zonunmawia, ACB was appointed as Enquiry Officer to conduct the PE. The Preliminary Enquiry Report along with the Executive Summary of the SP was submitted to Mizoram Lokayukta on 13.02.2020.

After careful examination of the Preliminary Enquiry Report, the Enquiry Officer was requested to furnish more information regarding the case, and the same was received on 31.07.2020. On 22.1.2021, the parties were given the opportunity of being heard, wherein the Petitioner/Complainant was absent; the Respondent/OP was present and heard. Apart from appearing in the hearing, Dr. Louis Hauhnaar also submitted a written statement along with documents on dt. 8.2.2021.

The points of allegations in the complaint petition submitted by PRISM, the Preliminary Enquiry Report, and the observations based on documents and hearing conducted can be summed up as follows:

1) As per the allegation regarding the misappropriation of tour fund, a total amount of ₹2,90,750/- was sanctioned in two installments for travelling expenses for the training of the students of Mizoram Hindi Training College in Central Institute of Hindi, Agra and New Delhi. For the 2<sup>nd</sup> Year Hindi Shikshan Paragat 2018-19, a batch of 35 Teacher-trainees were supposed to be paid ₹ 2,690/- but were paid ₹ 1,500/- only, leaving a balance of ₹ 1,190/- each. Thus, Dr. Louis Hauhnar, the Principal of MHTC misappropriated ₹ 1,190x35= ₹ 41,650/-. Similarly for the 2<sup>nd</sup> Year Hindi Shikshan Praveen and 2<sup>nd</sup> Year Hindi Shikshan Diploma 2018-19, a batch of 54 Teacher-trainees were to be paid ₹ 2,690 each but were actually paid ₹ 1,500/-. Thus ₹ 1,190x54 = ₹ 64,260/- was misappropriated. The total misappropriated fund amounts to ₹1,05,910/-.

However, according to the Preliminary Enquiry Report, MHTC had sent 76 students to Agra and Delhi in 2018. For the expenditure of those 76 students, Higher & Technical Education Department had sanctioned a total amount of ₹ 2,90,750/-. The college had disbursed ₹ 1,500/- each to the 76 students on their journey to Agra, (i.e., ₹ 1,14,000/-) and ₹ 8,000/- was disbursed to Tour Guide. On their return, ₹ 1,190/- each was again disbursed to 7 students (₹ 1,190/- x 7= ₹ 8,330/-). The remaining 69 students refused to receive the remaining ₹ 1,190/- due to agitation raised at the college by students. The total amount of money disbursed was ₹ 1,14,000/- + ₹ 8,000/- + ₹ 8,330/- = ₹ 1,30,330/-. The balance amount ₹ 1,60,420/- (i.e., ₹ 2,90,750 - ₹ 1,30,330 = ₹ 1,60,420) is found kept at Mizoram Hindi Training College office iron safe/chest for future disbursement.

Regarding the allegation, Dr. Louis Hauhnar claimed that in the past years, they had instances where the students, when given tour funds in full at once, tend to use up all the money before the end of the tour, and even borrowed money from the teachers. So, to prevent that situation, the students were informed that they could take the money after the tour. After the tour, there was agitation regarding this and only 7 students came to take the remaining money. As per the written statement filed, the respondent further stated that the money has since been kept in the office chest due to ongoing enquiries, and after consulting with the concerned Department, it has been deposited into Govt. account vide Challan No. 10089, dt. 5.2.2021, Aizawl North Treasury.

In course of hearing, the respondent claimed that they later came to know that authorities of Central Institute of Hindi provided the students with T.A. Hence payment of T.A from two sources for the same journey appears to be abnormal/irregular. Hence, the state government may take appropriate measures on this score. The balance amount drawn was also kept in the chest of the college instead of returning it to the government as they could not receive instruction as sought for, which however has since been belatedly deposited in the government treasury.

2) (a) The second point of allegation is that while being the Principal of MHTC, Dr. Louis Hahnar also ran Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya in MHTC, in addition to owning LH Hindi School at Chanmari.

The PE Report states that during enquiry, it was revealed that MGAHV was run at MHTC with the permission of Govt. of Mizoram, Higher & Technical Education Department vide Memo No. E.12021/1/2011-HTE dt. 23.08.2017. The ownership of LH Hindi School, Chanmari was verified at Mizoram Hindi Prachar Sabha and it was verified that the owner of LH Hindi School was Reuben Lalrosiama, and later the ownership was transferred to Robinson Sailo, the brother-in-law of Dr. Louis Hahnar, and she has no official ownership of LH Hindi School.

On scrutiny of the Enquiry Report, the Lokayukta requested the Director, ACB to furnish information on certain points, and as per the comments prepared by the Enquiry Officer, the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya (MGHAV) was established as an Act of Parliament in 1997, and Dr. Louis Hahnar is the Principal of MGHAV.

Hence, no evidence was found to pin the respondent on violation of rules/regulations or irregularities.

(b) It was also alleged that Dr. Louis Hahnar misused her position by submitting Tribal Scholarship applications to the Secretary, Mizoram Scholarship Board, in respect of 15 students who were not students of MHTC. Furthermore, 3 of the names on the applicant list were non-tribal students and 2 of them claimed that they did not apply for the said scholarship.

According to the Enquiry Report, the Enquiry Officer visited the Mizoram Scholarship Board Office and it was found that 15 students applying scholarship in the name of Mizoram Hindi Training College were distance course learners at MHTC, and the alleged scholarship applications of the non-tribal students namely Noorjahan Khatoon, Martha Gosh and Vinod Gurung were not found in the list of scholarship applications received by Mizoram Scholarship Board.

The respondent, Dr. Louis Hauhnar clarified the allegation by stating that in 2018, the Scholarship Board had asked for the scholarship applications of trainees at Mizoram Hindi Training College. The College submitted the applications in haste and instead of submitting only the applicants list, the list of all trainees were submitted. Hence, the inclusion of the 3 non-tribal students was clearly a mistake on their part, and not due to ill-intention. The 15 students applying scholarship in the name of MHTC were actually students of MGHAV. In any case, in the final list of the Scholarship Awardees, the 3 non-tribal students are not included. The inclusion of the 3 non-tribal students in the Tribal Scholarship Applicants list appears to be a genuine mistake without ill motive. There might have been some sort of carelessness and negligence which do not amount to corruption.

3) The third point of allegation is that during 2018-19, MHTC received SPP Fund amounting to ₹24.90 lakhs for the development of the college, but the work carried out was insignificant compared to the amount sanctioned. Hence, there appeared to be huge corruption in the works.

According to the PE Report, during 2018-2019, the Govt. of Mizoram had sanctioned ₹30.00 lakhs vide Sanction Order No.D.11011/6/2016-DTE(THE) dt 3.9.2018. However, ₹24.9 lakhs only was withdrawn by MHTC due to insufficient LOC. With this amount sanctioned, MHTC had constructed retaining wall at Bus parking place near MHTC office, and repaired hostel and staff quarters. The value of work done for construction of retaining wall was assessed by Mizoram PWD at ₹12.05 lakhs, and other minor works such as repair and renovation at different places of the college was calculated at ₹12.89 lakhs. Hence, it can be concluded that the works done are commensurate with the amount sanctioned.

4) The last point of allegation is regarding accounts maintenance which was alleged to be defective and suspicious. In response to RTI query, it was stated that admission fee, absence fine, college bus fare etc were booked as the common pool fund in the Subsidiary Cash book which was started only from 15.4.2019. Further, the admission fees, hostel and tuition fees, etc. for 2018-2019 were deposited into Govt. account only on 14<sup>th</sup> March, 2019, while it appeared that it should have been deposited in June/July, 2018.

The Enquiry Report stated that Subsidiary Cash Book was maintained at MHTC since 28.3.2017, in which students' fine, college bus fares, students' admission fees and monthly fees, etc. are entered and disbursement of cash had all been entered. There was a balance of ₹ 1,45,820/- as on 29.3.2019. Out of ₹ 1,56,253/- sanctioned by the Government in 2018 for purchase of library books, ₹ 63,223/- was spent and the balance of ₹ 93,030/- was found kept in the office iron safe/chest for future utilization instead of surrendering it to the government.

During hearing, the respondent and the staff confidently claimed that Subsidiary Cash Books were maintained for different heads of receipts and expenditures besides the General Cash Book. They also testified that the fund for Library has now been fully utilized for purchase of library books.

As the Preliminary Enquiry did not find any evidence of corruption as supported during hearing, there is no justification to continue investigating the case without prima facie evidence. The Department may, however keep vigil on the functioning of the College, especially on few aberrations mentioned in this Order.

Hence, with this observation, the case before the Lokayukta is hereby closed.



**(C. LALSAWTA)**  
Chairperson  
Mizoram Lokayukta



Order - 8

Case No. MLC- 15/2020  
**MIZORAM LOKAYUKTA**  
(Constituted under the Mizoram Lokayukta Act, 2014)

**ORDER**

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  
Mizoram Lokayukta