



MIZORAM LOKAYUKTA

(Constituted under the Mizoram Lokayukta Act, 2014)

ORDER

Case No. MLC- 21/2020

In the matter of:

Shri Onish Moy Chakma,
Kamalanagar-I, Chawngte,
Lawngtlai, Mizoram

:

Petitioner/Complainant

Versus

1. Shri Rasik Mohan Chakma
Kamalanagar-III, Chawngte
Lawngtlai, Mizoram.

:

Respondent/OP No.1

2. Shri S.R. Zokhuma
Former Commissioner and Secretary
Mizoram Legislative Assembly
r/o Zotlang, Aizawl

:

Respondent/OP No.2

Date: 7.4.2022

1. As per the provision of Sec. 19(3) of the Mizoram Lokayukta Act, 2014, an opportunity of being heard was afforded to the parties concerned on 5.4.2022 vide order dated 16th March, 2022. Accordingly, hearing was held on 5.4.2022 in the Court Room No.1 of the Mizoram Lokayukta. The Enquiry Officer Pu Zosangliana was present, the petitioner and the respondent 1&2 were absent.

The respondent No.2 in his defense, submitted a written statement on 5th April, 2022 vide No.LA/ESTT.21/2002/123. The respondent authorized Pi Lalhmingmuani, Under Secretary, Mizoram Legislative Assembly and the said written statement was received by the Mizoram Lokayukta. The respondent No.2 in his reply stated that the allegation is a fact and need no reply. He also submitted the findings except the statement made in Para 7 by Rasik Mohan Chakma.

2. A brief summary of the case is that the Mizoram Lokayukta received a complaint from Shri Onish Moy Chakma, Member of District Council, CADC against Shri Rasik Mohan Chakma, present Chief Executive Member, CADC on 15.10.2020 regarding commitment of offence of criminal misconduct by intentionally enriching himself by illicitly receiving MLA pension which he is not entitled to. **MLC Case No.-21/2020** was registered and the Mizoram Lokayukta ordered Preliminary Enquiry vide No.C.13017/21/2020-ML dt.21.10.2020. The Sr. SP, ACB then requested permission of Vigilance Department to conduct preliminary enquiry vide No.ACB/Complt.No.8/2020/136 dt.23.10.2020 which was granted vide No.C.31016/113/2020-VIG dt.16.11.2020. Hence, a preliminary enquiry **ACB PE No. 7/2020 dt 19.11.2020** was registered and Pu Zosangliana, Dy. S.P, ACB was appointed as Enquiry Officer to conduct Preliminary Enquiry. The Preliminary Enquiry Report was submitted to the Mizoram Lokayukta on 24.2.2022.

3. During the course of enquiry, the Enquiry Officer (EO) visited Chakma Autonomous District Council Office and collected relevant documents. He examined the complainant, the alleged person and other relevant witnesses and recorded their statements. The enquiry revealed that Pu Rasik Mohan Chakma was holding a dual post i.e. Member of Legislative Assembly in the 5th Mizoram Legislative Assembly (2003-2008) and Chief Executive Member (CEM) of 7th Chakma Autonomous District Council (CADC) (2003-2008). In the year 2006, the 5th Mizoram Legislative Assembly passed a new bill (called the Mizoram Union Territory Legislature Members (removal of Disqualification Act) (Amendment) Bill, 2006). As per this bill, a person could not be simultaneously a member of Legislative Assembly as well as a member of Autonomous District Council. As such, Pu Rasik Mohan Chakma resigned as a member of the Legislative Assembly on 10.5.2006 and continued as the Chief Executive Member of CADC. He was getting the salary and financial benefits of the CEM, CADC.

4. Pu Rasik Mohan Chakma was again elected as a member of Chakma Autonomous District Council (CADC) during 2008-2013. In the year 2013, he again contested Autonomous District Council (CADC) elections from Barapansury-I Constituency, but lost the election and he started to get the MLA Pension as he was no longer a member of the Chakma Autonomous District Council (CADC).

5. In May 2018, Pu Rasik Mohan Chakma was again elected as a member of CADC and his MLA pension payment was stopped by the Mizoram Legislative Secretariat as per order dated 16.3.2020 from the month of May, 2018. The stoppage of payment of MLA pension to Pu Rasik Mohan Chakma from the Account Section was not communicated to the Establishment Section within the Legislative Secretariat itself. As such, when the normal date of increment of Pu Rasik Mohan Chakma approached, the sanction order for

5% increment of MLA pension to Pu Rasik Mohan Chakma was not initiated and finalized from the Establishment Section which was signed by Pu S.R.Zokhuma, the then Commissioner & Secretary (now Retired), Mizoram Legislative Secretariat. The sanction order was forwarded to Accounts & Treasuries, Mizoram for authorization of payment which resulted in the illegal continued payment of MLA pension to Pu Rasik Mohan Chakma.

6. When the authorization for payment was received from Accounts & Treasuries, Mizoram, the payment of MLA pension to Pu Rasik Mohan Chakma was continued for 11(eleven) months w.e.f. April 2019 to February 2020. (Rs. 26000x10 months) + (Rs. 40000x1 month) with the total amount of Rs. 3,00,000/- (Rupees Three Lakhs) only.

7. The illegal payment of MLA pension to Pu Rasik Mohan Chakma was detected by the Legislative Secretariat when they were preparing a reply to the RTI question submitted by BD Chakma, MLA on 26.2.2020 regarding whether or not an incumbent MDC/EM/Chairman/CEM can draw MLA Pension, which was confirmed from the list of elected MDCs of Autonomous District Councils vide District Council & Minority Affairs Department No.A.27014/2/2005-DC(A) dt.9.3.2020. as such, an office order for stopping of payment of MLA pension to Pu Rasik Mohan Chakma w.e.f. 4.5.2018 was issued retrospectively by the Commissioner & Secretary, Legislative Assembly Secretariat vide No.LA/ESTT.21/2017/330 dt.16.3.2020.

8. The Mizoram Legislative Assembly Secretariat requested Pu Rasik Mohan Chakma for refund of MLA Pension paid for the period of April, 2019 – February, 2020 vide No. LA/ESTT.21/2020/42 dt.10.7.2020 and No.LA/ESTT.21/2020/60 dt.11.2.2021. MLA Pension paid amounting to Rs.3,00,000/- was fully refunded by Pu Rasik Mohan Chakma and subsequently deposited into Government Account vide Challan No.15011 of 22.1.2021 and No.16436 of 17.2.2021.

9. The MLA pension payment to Pu Rasik Mohan Chakma during April, 2019 to February 2020 was made in an e-payment mode by crediting it into his SBI account. Pu Rasik Mohan Chakma stated that he was not aware of this payment before the Legislative Assembly Secretariat informed him.

10. The enquiry concluded that the complaint submitted by Pu Onish Moy Chakma could not be substantiated against Pu Rasik Mohan Chakma, Ex-MLA due to his ignorance of the fact that his pension was being deposited into his Bank account.

11. At the time of hearing, it was pointed out that the Assembly Secretariat may have acted negligently by including Pu Rasik Mohan Chakma's name in the list of those entitled to receive MLA pension. It appears there was a communication gap between the Establishment branch and the Account branch.

12. When the matter was conveyed to the respondent, it seems he did not hesitate to return the money which was credited to his account for 11(eleven) months.

Though the Account branch of Assembly Secretariat may have acted negligently and have not acted with intelligent care, there does not appear to be ill-intention to commit fraud by the respondents.

Therefore, further investigation by the Mizoram Lokayukta into the allegation is not required, hence, I find no reason to proceed further with the case and the case is hereby closed.



(C. LALSAWTA)
Chairperson
Mizoram Lokayukta