



सत्यमेव जयते

# MIZORAM LOKAYUKTA

THE THIRD  
ANNUAL REPORT  
2021 - 2022



## 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)



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**Presented to,**

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**With Best Compliments From,**

*Mizoram Lokayukta*

*Diktaka lalin ro a rêl chuan ram a phuisuia,  
Thamna a lâk chuan ram a chhe thîn  
Thufingte 29:4*





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Website : [www.lokyukta.mizoram.gov.in](http://www.lokyukta.mizoram.gov.in)

*The 1<sup>st</sup> Hon'ble Chairperson, Pu C. Lalsawta presenting the Second Annual Report (2020-2021) to Hon'ble Governor of Mizoram Dr. Hari Babu Kambhampati*





*The Mizoram Lokayukta  
Presents  
its Third 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 2021 to 31<sup>st</sup> March, 2022

- 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*







**C. Lalsawta,  
Chairperson**



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



## **FOREWORD**

**We have come to the 3<sup>rd</sup> edition of our Annual Report (2021-22), one wonders how three years have passed and what our achievements were during the period- a mixture of desperation and a ray of hope for the future.**

**We still do not have Enquiry/Investigation Wing and Prosecution Wing of our own for want of personnel. We have to depend on the services of Anti Corruption Bureau controlled by the State Government and the CBI which have been denied permission by the State except in one case. Preliminary Enquiry Reports have been received in few cases from the ACB and further follow-up actions have been taken, by conducting Preliminary Hearings and some speaking orders have been passed for registering regular cases and regular investigations. But not a single Investigation has been completed up to the reporting period. (The details are incorporated towards the later portion of this Report)**

**We continue functioning with a skeleton staff comprising of a part-time officer, a few temporary deputationists, a contract employee and mainly provisional employees, who are being given on the job trainings.**

**Our existing accommodation, which is a private rented building, is not quite sufficient to accommodate our requirements. Equipments, facilities and resources will be required to strengthen the organization and make it effective.**

***Dated 30<sup>th</sup> November, 2022***

**(C. LALSAWTA)**

## **Profile of the Chairperson, Mizoram Lokayukta**

Pu C. Lalsawta was born and brought up in a humble family of a cultivator in a small village of Reiek which has now become a tourist destination. 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 retired as head of Vigilance set up in the State of Bihar in 2015 after reaching the IAS Apex Scale in the grade of Chief Secretary/ Secretary to Govt. of India.

He underwent trainings in accounting, financial management and auditing in the IA&AS Staff College, Shimla and in various facet of administration and public management in the LBS National Academy of Administration, Mussoorie. Besides, he also attended various aspects of higher management in top notch training institutes in India some of which are: IPE in Hyderabad, XLRI in Jamshedpur, NIRD at Hyderabad, IIM at Bangalore, IIM Ahmedabad, ASCI at Hyderabad, ISBM at Hyderabad, NIFM at Faridabad etc.

He also undertook a course of Advanced Studies in Public Administration in Syracuse University, USA, 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 at Harvard University, Cambridge etc.

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 to pass orders in quasi-judicial proceedings. As Commissioner of various Divisions for more than 10 years, 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.

He also functioned, one after another, as Chairman of Regional Transport Authorities, Command Area Development Authorities and Managing Boards of various Medical Colleges and Bihar Institute of Technology at Sindhri and MIT at Muzaffarpur. He also acted as Vice Chancellor of two Universities.

In his tenure as Principal Secretary/ Vigilance Commissioner of Bihar, he coordinated preliminary enquiries and investigations of corruption cases conducted by Vigilance Investigation Bureau, Special Vigilance Unit, by the Technical Examination Cell & by CVOs of all Departments and Vigilance Squad of all the 38 Districts of the State. In course of implementing Prevention of Corruption Act and Special Court Act, he had to pass orders for confiscation of illegally acquired properties and coordinated prosecutions. He however took care not to harass honest public servants and dynamic officers who took decisions in good faith. He thus acquired extensive experiences in the field of public administration, vigilance, finance, banking, law, management etc.

He was recommended for the office of Chairperson, Mizoram Lokayukta by a Search Committee consisting of a High Court Judge, Chief Secretary and other high officials and was selected by the Selection Committee consisting of the Chief Minister, the Speaker, Leader of Opposition and Chief Justice of the High Court and ultimately was administered oath of office by the Hon'ble Governor of Mizoram on 11.03.2019.



## **Integrity Pledge for Citizens**

I believe that corruption has been one of the major obstacles to economic, political and social progress of our country. I believe that all stakeholders such as Government, citizens and private sector need to work together to eradicate corruption.

I realise that every citizen should be vigilant and commit to highest standards of honesty and integrity at all times and support the fight against corruption.

I therefore, pledge:

- To follow probity and rule of law in all walks of life;
- To neither take nor offer bribe;
- To perform all tasks in an honest and transparent manner;
- To act in public interest;
- To lead by example exhibiting integrity in personal behaviour;
- To report any incident of corruption to the appropriate agency.

Note:- Integrity Pledge for Citizens as published by the Central Vigilance Commission.

# MIZORAM CORRUPTION



# LOKAYUKTA DOTUTE

*Address: A/89, F. Kapsanga Building, Temple Square, Aizawl-796001*

*Ph. No. 0389-2313477/2326454/2316454/2313454*

*Website: lokayukta.mizoram.gov.in, Email: mizoramlokyukta@gmail.com*

## LOKAYUKTA HI....

- ❖ Corruption do tura mipuite tana din, independent statutory body a ni.
- ❖ Chak taka hna a thawh theih nan Civil Court thuneihna pek tel a ni.
- ❖ Mipui rawngbawltu Politician-te, Sorkar hnathawkte leh Sorkar tanpuina dawng- Body/NGO/AMC/LC/VC hotute eirukna a inhnamhnawiha puhte chhuitu a ni.
- ❖ Corruption hmanga bungrua, in leh lo neihte chhuhsak tura thu pe theitu a ni.
- ❖ Sorkar hnathawkte transfer, suspend emaw hrem tur a Sorkar thurawn pe theitu a ni.

## CORRUPTION CHU....

- ❖ Mipui/Sorkar sum eiruk, tih chingpen leh a titu te thurualpui.
- ❖ Thamna ngiat, lak leh pek.
- ❖ Contract hna khat tur semsawm te leh Tender chhuah lova Contract hna pek leh dawn.
- ❖ Hnathawh tur duan sa (Estimate Designs & Specifications) phak lova contract hnâ thawh leh Bill/Sum lak.
- ❖ Quotation ko lova Sorkar thil lei leh hralh.
- ❖ Sorkar bungrua/assets dah tawl, a hmanna tur ni lova hman sual.
- ❖ Land Aquisition Act hmang lova mahni State chhunga mimal ram Sorkar sum hmanga a lei a lei.
- ❖ Advertisement chhuah lo a hna lak leh a dang te.

## LOKAYUKTA MIPUI TAN

- Ram/Veng hmasawn nan eirukna/hlemhletna do tute thawhpui turin Mizoram Lokayukta chu a in peih reng a ni.
- Corruption-a mi in hnamhnawih hria chuan lehkha thawn in emaw, Lokayukta Office-a kalin emaw online/Lokayukta Website-ah man chawi lovin report a thehlut thei
- Corruption report-tu leh thuhretute venhghim turin thu pek a siam thei.
- Ram hmelma corruption do turin Lokayukta hi i hmang tangkai ang u.

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

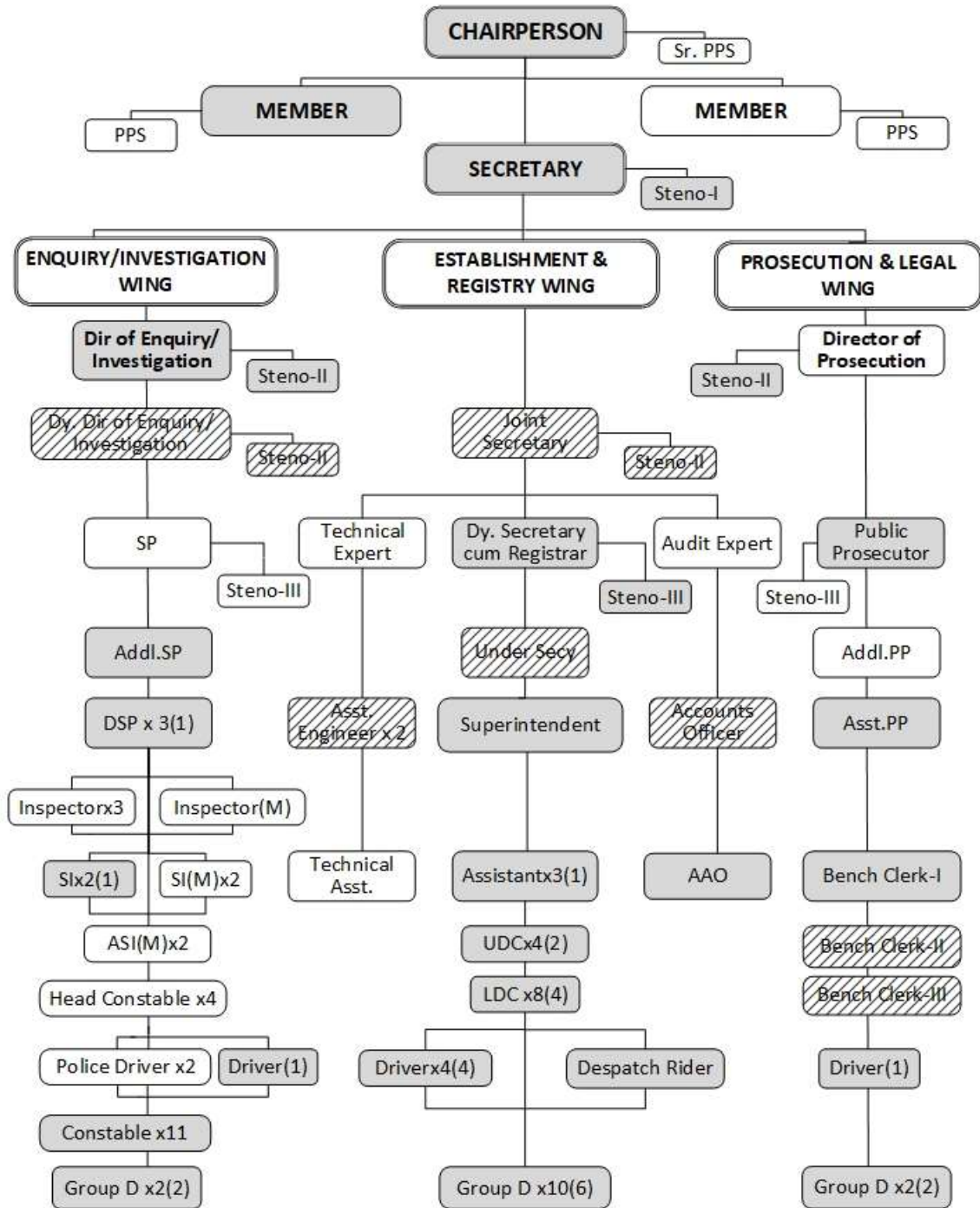
SN	Post/Designation	Pay Matrix Level	Existing Sanctioned Posts	Addl. Requirement	Total Requirement
<b>A. STATUTORY POSTS</b>					
1	Chairperson	18	1	0	1
2	Member(s)	17	1	1	2
	<b>SUB-TOTAL</b>		<b>2</b>	<b>1</b>	<b>3</b>
<b>B. ESTABLISHMENT</b>					
1	Secretary	14	1	0	1
2	Deputy Secretary	12	0+(1)	1-(1)	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>



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



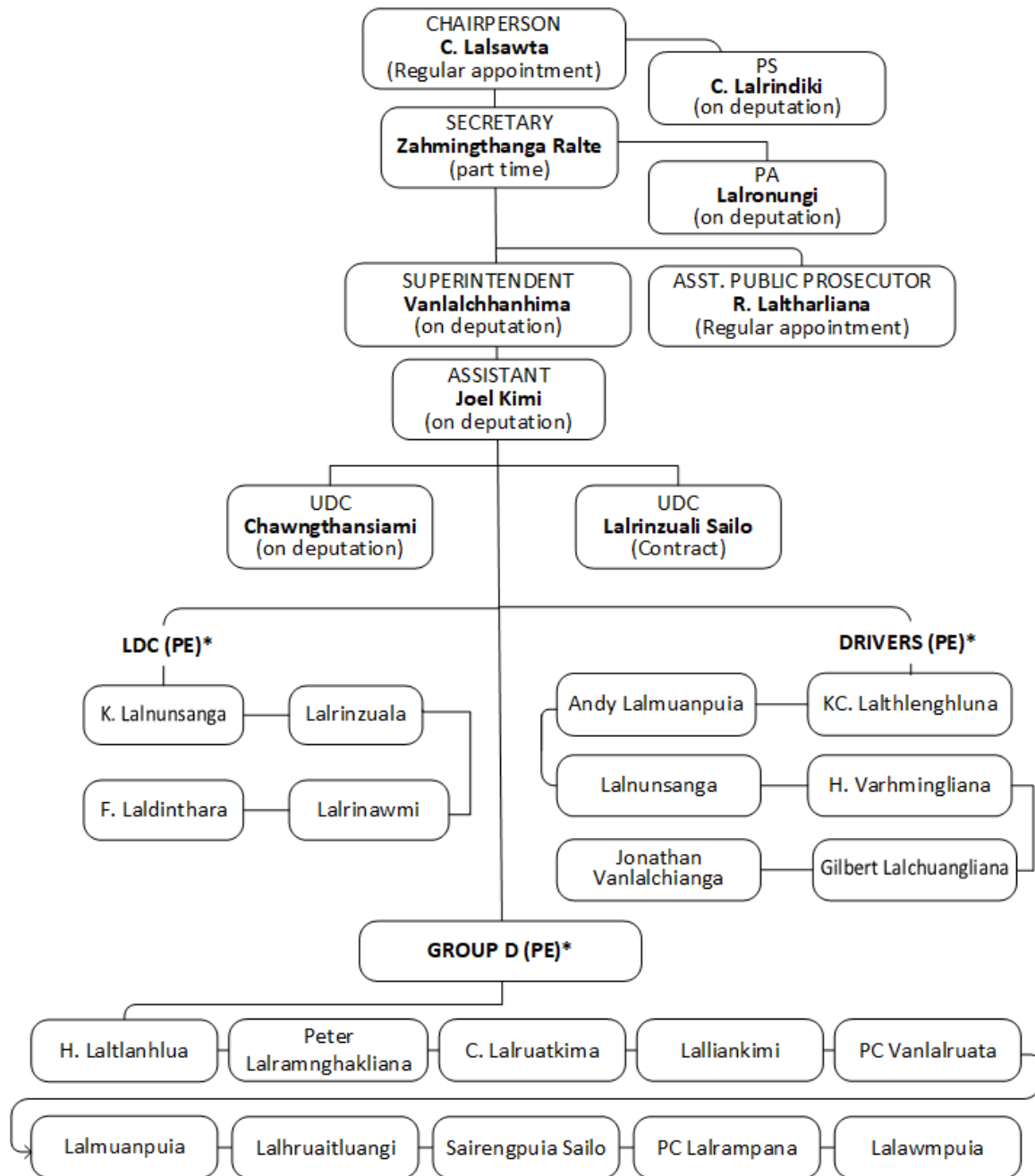
**Explanatory note: 1. Designations in shaded boxes indicate posts which are already sanctioned.**

**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

# MIZORAM LOKAYUKTA

## THE THIRD ANNUAL REPORT

### 2021-2022

(1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022)

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## **CHAPTER-I**

### **INTRODUCTION**

#### **1. Prologue:**

The Mizoram Lokayukta Bill was drafted as Section 63 of the Lokpal and Lokayuktas Act, 2013 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, 2013 which became effective vide Gazette Notification No. S.O.119(E) Dt. 16.01.2014. The bill was passed by the Mizoram Legislative Assembly and received assent of the Hon'ble Governor of Mizoram on the 28<sup>th</sup> November, 2014. The Mizoram Lokayukta Act, 2014 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 Act was amended in 2016. Main intention of the amendment was to facilitate a single incumbent to perform the entire tasks of the Lokayukta in lieu of mandatory 3 members including the Chairperson considering the small population, fewer No. of cases relating to corruption within the state and also due to financial hardships faced by the govt. The Mizoram Lokayukta (Amendment) Act, 2016 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 by the Mizoram Lokayukta Rules, 2016 which was 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 extra-ordinary, Vol.-XLIX Issue No. 588 dated 25.09.2020. A minor amendment to the rules 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.

## **2. Selection and Appointment of Chairperson:**

The first meeting of Search Committee which was constituted under section 4(3) of the Mizoram Lokayukta Act, 2014 was held on 5.12.2016 comprising of nine members. The committee decided nomination for Chairperson and Members by submitting bio-data and allowing self-nomination (last date for submission-31.1.2017). Invitation was communicated to the public as news item and local newspaper through I&PR. Second meeting of Search Committee was held on 14.2.2017. The committee received 12 nominations (3 were self-nominated and 7 were without bio-data). Second Search Committee revised format for submission with last date fixed as 28.2.2017 fixed. On its third meeting, only 7 persons were found eligible for forwarding to Selection Committee.

On 23.6.2015, Government constituted selection committee under sub-section (i) if section 4 of the Mizoram Lokayukta Act, 2014 comprising of:-

**Chairman-** Pu Lal Thanhawla, Chief Minister of Mizoram.

**Members-** (i) Pu Hiphei, Speaker of the Legislative Assembly of Mizoram,  
(ii) Pu Vanlalzawma, Opposition Group Leader and  
(iii) The Chief Justice of the Gauhati High Court or any Judge nominated by him.

On 29.5.2018, a meeting of Selection Committee again appoints Search Committee which supersedes the previous notification i.e. Notification No.H.12017/130/2014-LJD, dt. 3.11.2016 and the Search Committee was reconstituted vide Notification No. H.12017/13/2016-LJE, Dt. 4.7.2018 comprising of the following personnel: -

**Chairperson-**Justice Mr. Ujjal Bhuyan, Hon'ble Judge, Gauhati High Court, Guwahati.

**Members-** (i) Chief Secretary, Govt. of Mizoram,  
(ii) Principal Secretary, Finance Department,  
(iii) Inspector General of Police (Intelligence, L&O), Govt. of Mizoram,  
(iv) Secretary, Law &Judicial Department, Govt. of Mizoram.

On 18.8.2018, the Search Committee in its first meeting proposed names of three individuals for Chairperson. In second meeting of the reconstituted Search Committee on 15.9.2018, names for Chairperson, Administrative Member and Judicial Member

were shortlisted. On this meeting, Mr. Arvind Ray was the Chief Secretary, Mr. Lalnunmawia Chuaungo the then Principal Secretary, Finance Department recused himself from the meeting. On 21.9.2018, Secretary, L&JD submitted panel of names recommended by the Search Committee for Chairperson, Administrative Member, Judicial Member to Hon'ble Chief Minister cum Chairman, Selection Committee.

On 3.12.2018, the Selection Committee considered names recommended by the Search Committee which proposed a panel of 3 individuals for Chairperson, 2 persons each for Administrative Member and Judicial Members respectively. However, due to General Elections to the Mizoram Legislative Assembly, the Selection Committee was kept in abeyance till the end of election process. After election, the new Selection Committee under its new Chairman, Mr. Zoramthanga, Chief Minister of Mizoram held its meeting through video conferencing on 8&9.2.2019. The Committee Selected Mr. C. Lalsawta, IAS (Rtd.) as Chairperson from the recommended list. Due to financial constrains only Chairperson was considered for appointment at that stage.

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*. Under *section 3(3)* of the Mizoram Lokayukta Act, 2014, 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.

### **3. Powers and Functions:**

#### **a) 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:-

- (i) any person who is or had been a Chief Minister, Speaker or Deputy Speaker;
- (ii) any other person who is or had been a Minister of the State;
- (iii) any person who is or had been a Member of the State Legislature;
- (iv) 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;
- (v) 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;
- (vi) 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;
- (vii) 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 of 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.

### **b) 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 [ss13 & 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] and for prosecuting the accused.

### **c) 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 s27]

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].

***Anti-Corruption Awareness Campaign with KTP, Zonum East Branch***



***Anti-Corruption Awareness Campaign with PYD, Salem veng***



## CHAPTER-II

### ACHIEVEMENTS/ ACTIVITIES

#### 1. Registration of Complaint Cases:

During the year 2021-22, a total of 12 complaint cases were registered, including 2 cases transferred by the ACB after completion of Preliminary Enquiry and 2 FIRs transferred by Vigilance Department. 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. Details of complaint cases can be seen at Chapter-IV.

#### 2. Recruitments:

The MPSC conducted written examination and viva voice for recruitment of APP on regular basis under Mizoram Lokayukta in the previous year. On the recommendation of MPSC, Pi R. Zothantluangi joined the post of APP under Mizoram Lokayukta on 1.4.2021. As she has been selected for the post of Law Officer, Mizoram Legal Service under Law & Judicial Department, Govt. of Mizoram, she submitted her resignation with effect from 1.10.2021. On request of Mizoram Lokayukta, the MPSC provided eligible list of panels for appointment of APP. In exercise of power conferred under Section 10(3) of the Mizoram Lokayukta Act, 2014, Pu R. Laltharlhiana, S/o R. Hmingthanzuala was appointed as Assistant Public Prosecutor under Mizoram Lokayukta vide notification No. A-35020/1/2019-ML dt. 5.10.2021. In pursuance of the afore mentioned seven additional sanctioned posts, the post of UDC was filled by deputation from another department and she joined office of the Mizoram Lokayukta on 1.11.2021, Government has not taken decision to fill up the remaining sanctioned posts. As the establishment section of the Mizoram Lokayukta mostly comprises of employees recruited on PE basis, one LDC submitted her resignation on 30.11.2021 for a better job.

In pursuance of Section 3 of the Mizoram Lokayukta Act, 2014 and in supersession of the previous notification, Appointment Committee is constituted vide Office Order No. A.20015/3/2020-ML, dt 1.9.2021 for the appointment/engagement/retention of employees under Mizoram Lokayukta consisting of the following officers:

1. Pu Zahmingthanga Ralte, Secretary, Mizoram Lokayukta - Chairman
2. Pi R. Zothantluangi, APP, Mizoram Lokayukta - Member
3. Pu Vanlalchhanhima, Superintendent, Mizoram Lokayukta - Member

### **3. Awareness Campaign:**

The Central Vigilance Commission has decided that this year the Vigilance Awareness Week would be observed from **26<sup>th</sup> October to 1<sup>st</sup> November, 2021** with the theme '*dependent India @75: Self Reliance with Integrity*'. Vigilance Department, Govt. of Mizoram scheduled a programme for observation of the same through video conferencing from the Chief Secretary's Video Conference room on 26.10.2021 which was expected to be joined by all secretaries, ACB and Mizoram Lokayukta from their respective offices. Due to convenience, the scheduled video conferencing was replaced with a pledge taking ceremony presided over by Pu Lalnunmawia Chuaungo, Chief Vigilance Officer at New Secretariat Complex. The programme was attended by Officers and Staff from various Departments. The Officers and staff of Mizoram Lokayukta also attended the Programme.

In order to bring about a corruption-free state, making the public vigilant of corruption is necessary. The Mizoram Lokayukta therefore hosted and sponsored various anti-corruption awareness campaign to make the public vigilant. ZONET cable network display a video of Chairperson's speech as an advertisement clip at their channel 'Zonet Khawthlir' programme. Anti-Corruption Awareness Campaigns were held at various places among various NGO's such as with Salvation Army Youth, Bethel Corps on 18.10.2021, with KTP, Zonuam East Branch on 23.11.2021. Pentecostal Youth Department, Hqrs., Mizoram UPC with theme 'Kohhran ho ten Eirukna in chhungkua leh khawtlang a tihchhiat theih dan leh nakin lawka ram hruaitu la ni mai tur thalaite eirukna laka fihlim tura in zirtirna', and with Pentecostal Youth Department, Mizoram UPC, Salem Veng Kohhran with its theme as 'Eirukna leh kaihhnawih dangte chungchang zirtirna leh inhrilhhriatna'. Apart from these KTP, Sairang Pastor Bial

display Mizoram Lokayukta advertisement on their Golden Jubilee Souvenir,2022 and ‘Consumer Rights Bu’ prepared by Pu Lallunghnema, consumer activist also display placard prepared by Mizoram Lokayukta in his book to make the readers aware of Mizoram Lokayukta and its functions. Besides these, banner and hoarding advertisements were installed at several public places by YMA, Tlangnuam West Branch, by Tuikhuahtlang Futsal Club at (i) Tuikhuahtlang Veng, (ii) Bethlehem Veng and (iii) Saikhamakawn, by Mizoram Broom Grass Cultivation cum Traders Association at (i) World Bank Road, Melthum-Hualngohmun, (i) Prayer Point,Tuirial Road, and at (iii) Lengpui Airport Road.

***Anti-Corruption Awareness Campaign with the Salvation Army Youth, Bethel Corps***



***Anti-Corruption Awareness Campaign with PYD, General Hqrs.***



## **CHAPTER-III**

### **ADMINISTRATION & PERSONNEL**

#### **1. 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

#### **2. Sanction of Posts:**

Out of fifty-six posts proposed during the previous financial year, seven posts were allowed by the Govt. of Mizoram. The Vigilance Department vide notification No. A.11013/2/2019-VIG, dt. 26.4.2021 with the approval of DP&AR(ARW) and Finance Department issue a notification for sanction of seven temporary posts under Mizoram Lokayukta. The posts sanctioned were Deputy Secretary, Assistant Accounts officer, Stenographer Grade-II&III, Bench Clerk, UDC and Despatch Rider. The existing staffing pattern does not yet meet the envisaged organizational structure for the office of the Mizoram Lokayukta. In order to strengthen Lokayukta, creation of separate establishment wing, enquiry wing and prosecution wing is still under process as the state has not yet provided the required personnel.

#### **3. Personnel:**

Besides 35 posts already sanctioned, the 7 additional sanctioned posts make it to total of 42 sanctioned posts. Out of these, only two posts of regular appointment have been made, which are the Chairperson and Assistant Public Prosecutor (APP). The existing staff strength consist of 28 officers and staff including Chairperson and Secretary (Part-time) with their respective PS (Deputation) and PA (Deputation), APP, Superintendent (Deputation), 1 Assistant (Deputation), 2 UDC (Contract & Deputation), 3 LDC (PE), 6 Drivers (PE), 10 Group-D (PE).



The Mizoram Lokayukta continues to utilize the service of Pu Joseph Lalfakawma, Special P.P. in the court of Special Judge, P.C. Act as appointed in the previous year to perform functions of Special Public Prosecutor in respect of Lokayukta cases. However, as the Investigating Agencies have not completed any investigation assigned by the Lokayukta, he has virtually no work to perform for the Mizoram Lokayukta. The post of *Bench Clerk* was sanctioned by the government vide memo No.A.11013/2/2019-VIG dt.26.4.2021. *However, filling up of the post has not taken place yet.* Currently the Prosecution & Legal Wing of Mizoram Lokayukta consists of only of the Assistant Public Prosecutor. Since a full-fledged Prosecution Wing has not been constituted and a sole Assistant Public Prosecutor represents the whole Wing under the office of the Mizoram Lokayukta, its function is limited to few cases. The state government has not given permission to recruit Bench Clerk, Stenographer-III and Despatch Rider.

#### **4. Observance of Sadbhavana Day:**

The Office of Mizoram Lokayukta on 20.8.2021 held a pledge taking ceremony on the 'Sadbhavana Diwas' also called "Harmony Day' in order to promote harmony and integration among workers at government offices anywhere in the country. This day is observed every year on 20<sup>th</sup> August,2021 to encourage and strengthen national integration among the citizens.

The Sadbhavana Day Pledge, 2021 includes, "I take this Solemn Pledge that I will work for the emotional Oneness and harmony of all the people of India regardless of caste, region, religion or language, I further pledge that I shall resolve all differences among us through dialogue and constitutional means without resorting to violence."

#### **5. Allotment of Colours to the Mizoram Lokayukta:**

The Govt. of Mizoram General Administration Department (Protocol & Hospitality Wing) under their Office Memorandum No.F.11017/7/2019-PRO(GAD), dt.10.2.2022 allotted colours for writing names of department on vehicles, designations, notice boards etc. to various departments under Govt. of Mizoram. The Mizoram Lokayukta is allotted with a letter of 'Gold' colour and 'Maroon' as background colour.

## **6. Training:**

The Vigilance Department organized ‘One Day Training on the Mizoram Lokayukta Act, 2014’ for Officers of Anti-Corruption Bureau (ACB) on 16.9.2021 at ACB Conference Hall. Pi R. Zothantluangi, Assistant Public Prosecutor, Mizoram Lokayukta attended the training as resource person for the afternoon session.

The Mizoram Lokayukta conducted ‘One Day Training on Office Procedures & Conduct Rules’ for its employees of Group-B, C&D under Mizoram Lokayukta. The training was held on 24.3.2022 (Thursday) at Conference Hall, Mizoram Lokayukta. Two resource persons, Pu Lalrinpuia Ralte, Superintendent and R. Lalrinzuali, Junior Analyst from DP&AR (ARW) were invited, due to unforeseen circumstances Pu Lalrinpuia Ralte could not attend the training as scheduled and the training is conducted with Pi R. Lalrinzuali, Junior Analyst, DP&AR (ARW) as resource person. The training was attended by all group of employees mentioned above. With interaction among trainees and resource person, the training provided beneficial information and knowledge about the functioning of office, office management, office procedures and conduct rules.

### ***One Day Training on Office Procedures & Conduct Rules under Mizoram Lokayukta***



## CHAPTER-IV

### CORRUPTION CASES

#### 1. Complaints:

Under the Mizoram Lokayukta Act, 2014 and Rules, 2016, no complaint forms or Fees or Affidavit has been prescribed. Even then, very few complaints have been filed before the Lokayukta. During the year 2021-22, a total of 12 complaint cases were registered, including 2 cases transferred by the ACB after completion of Preliminary Enquiry and 2 FIRs transferred by Vigilance Department.

#### Details of Complaint Case Registered during 2021-2022

Sl.No	Case No.	Complaints In Re	Status	Remarks
1	2	3	4	5
1	MLC No. 31/2021	Fraud in Serchhip Branch, Mizoram Rural Bank	Enquiry pending with CBI	FIR Transferred from Vigilance Deptt.
2	MLC No. 32/2021	Embezzlement of funds in Mizoram Rural Bank (Bungzung, Keifang, Vaivakawn, Lawngtlai Chanmari Branch)	P.E. pending With ACB	FIR Transferred from Vigilance Deptt.
3	MLC No. 33/2021	Unjust action of Mizoram Public Service Commission in the recruitment of Tourist Officer	Case Closed for lack of evidence	Complaint petition received online on Mizoram Lokayukta official website

4	MLC No. 34/2021	Misappropriation of Govt. money in DC Office, Siaha	Preliminary Hearing held and pending for further order	P.E report Transferred from ACB
5	MLC No. 35/2021	Malpractices in the release of SDRF in DC Office, Saitual	Clarification sought from DC, Saitual and reply awaited	Complaint received directly at Mizoram Lokayukta
6	MLC No. 36/2021	Embezzlement of MNREGA wages in Jamensury, Lawngtlai District, Mizoram	Complainant is directed to address the matter to BDO, Chawngte Block	Complaint received directly at Mizoram Lokayukta
7	MLC No. 37/2021	Irregularities in the construction of Durtlang-Chaltlang Ropeway and Sakawrhmutuai Skywalk	Enquiry pending with ACB	Complaint received directly at Mizoram Lokayukta
8	MLC No. 38/2022	Misappropriation of fund under CSS & SMS in DIET, Kolasib	Investigation pending with ACB	P.E report Transferred from ACB
9	MLC No. 39/2022	Irregularities in the construction of Ropeway and Skywalk	P.E. pending with ACB	Complaint received directly at Mizoram Lokayukta
10	MLC No. 40/2022	Misappropriation of public money in the construction of Ngaizawl Road under PMGSY	Clarification sought from Engineer-in Chief, PWD regarding the issue and reply awaited	Complaint received directly at Mizoram Lokayukta

11	MLC No. 41/2022	Misappropriation of NABARD loan for construction/renovation of schools in Mizoram	Clarification sought from Director, School Education Deptt. And Secretary, Finance Department regarding the issue and reply awaited	Complaint received directly at Mizoram Lokayukta
12	MLC No. 42/2022	Mismanagement in the renovation works of Lengpui Airport	Letter sent to Secretary, GAD, Govt. of Mizoram regarding the issue and reply awaited	Complaint received directly at Mizoram Lokayukta

## 2. 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 the 12 cases which were registered under Mizoram Lokayukta, 2 cases were received as PE Reports from ACB as mentioned above and 1 case was disposed of without conducting PE. 3 cases were referred to the ACB, and 1 case viz. MLC-31/2021 was sent to the CBI for PE. For the remaining 5 cases, responses were awaited from other departments/individuals. In the absence of its own Enquiry Wing, other agencies such as the Anti-Corruption Bureau (ACB) and the Central Bureau of Investigation (CBI) were entrusted to conduct the Preliminary Enquiries (P.E). With the aforementioned 2 PE Reports, the ACB submitted a total of 11 PE Reports to the

Mizoram Lokayukta during 2021-2022. The agency could not complete any enquiries for the cases ordered for PE during the reporting year, and the PE Reports received are those cases for which PE orders were passed in the previous years.

### **3. 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 case. Order and notice for hearing was issued for 8 cases during 2021-2022. However, hearing for some cases were re-scheduled and held in the following month which falls under the next financial year. Hence, during 2021-2022 hearing for 5 cases was conducted by the Lokayukta by giving the opportunity of being heard to the respondents.

Among the cases for which hearing was conducted, Orders for full investigation were passed for 2 complaint cases- MLC-16/2020 and MLC-38/2022, and 3 cases- MLC-34/2021, MLC-1/2019 and MLC-12/2020 remain pending for further orders as on 31.3.2022.

#### **List of Preliminary hearings conducted during 2021-2022 under Mizoram Lokayukta.**

<b>Sl. No.</b>	<b>Case No.</b>	<b>Hearing date</b>
1	MLC-16/2020	25.11.2021
2	MLC-34/2021	19.1.2022; 23.3.2022
3	MLC-1/2019	21.3.2022
4	MLC-38/2022	23.2.2022
5	MLC-12/2020	29.3.2022

### **4. 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, 2 complaint cases were referred for regular investigation.

## **5. 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 arises out of any Preliminary Enquiry or Investigation in the Special Court, the Lokayukta is equipped to take up such matter with the appointment of Pu Joseph Lalfakawma, Special Public Prosecutor to take up such cases on behalf of the Mizoram Lokayukta.

## **6. Court Cases:**

During the reporting year, two writ petitions were filed before the Hon'ble Guwahati High Court, Aizawl Bench in which the Mizoram Lokayukta was arraigned as one of the respondents. The two cases are:

**(i) WP (Crl.)No. 1/2021, J. Lalhmingliana Vs. Mizoram Lokayukta & Ors:** On 24.5.2021, the Mizoram Lokayukta received the paper book of writ petition filed by Shri J. Lalhmingliana challenging the Investigation Order dt. 24.3.2021 passed by the Mizoram Lokayukta in Mizoram Lokayukta Case No. MLC-3/2019 along with the forwarding letter signed by the Secretary, Mizoram Lokayukta Vide No. C.13017/3/2019-ML dt. 25.3.2021. Shri J. Lalhmingliana is the respondent in Mizoram Lokayukta Case No.MLC-3/2019. After submission of affidavit-in opposition by the Mizoram Lokayukta and the CBI, the petitioner Shri J. Lalhmingliana withdrew the writ petition on 3.3.2022. The CBI, New Delhi had sought permission from the Govt. of Mizoram for taking up investigation against Pu J. Lalhmingliana as provided U/S 6 DSPE.

**(ii) WP (C) No. 39/2022 Bhupesh Chaudhury, IAS Vs. State of Mizoram & Ors:** Shri Bhupesh Chaudhary, IAS who had been charged with misappropriation of fund, filed the writ petition (on 19.4.2022) challenging the proceedings and preliminary report primarily on the ground of violation of principles of Natural Justice as well as violation of Section 19(1) and (2) of the Mizoram Lokayukta Act, 2014 which is pending in the Hon'ble Gauhati High Court, Aizawl Bench. The petitioner in this writ case is the respondent in Mizoram Lokayukta Case No.34/2021.

## 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 11 cases out of which 3 cases- Case No. MLC-20/2020, MLC-33/2021 and MLC-7/2019 were closed during 2021-2022. These closed cases during 2020-2021 include complaint cases received from the reporting year as well as complaint cases received in the previous years. Orders for closure of cases are shown in **Annexure (p33)**.

## 8. Status of Complaint Cases:

Brief information of Corruption Cases during **2021-2022** under Mizoram Lokayukta is as under:

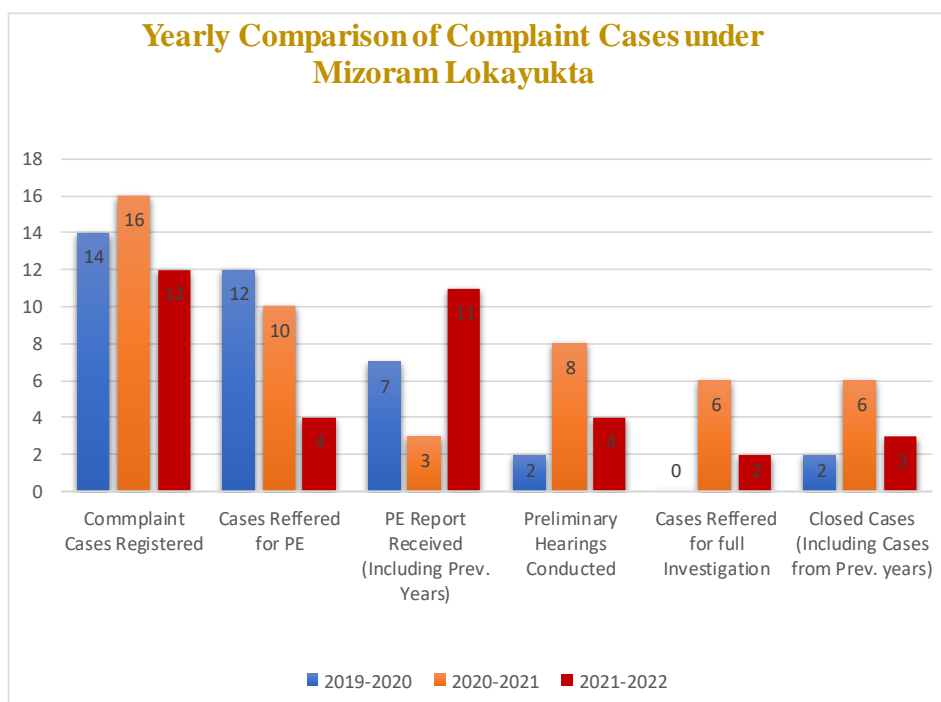
Sl. No.	Status of Complaint Cases	No. of Cases
<i>1</i>	<i>2</i>	<i>3</i>
1	No. of Complaint Cases registered (including 2 complaint cases received as PE Reports from ACB)	12
2	No. of cases referred for Preliminary Enquiry (P.E.)	4
3	No. of cases closed without PE	1
4	Cases for which clarifications from different departments/ individuals are awaited	5
5	Total no. of cases closed during 2021-2022	3
6	No. of P.E. Reports received (for cases ordered for PE during 2021-2022)	0
7	No. of P.E. Reports received during 2021-2022 (including cases ordered for PE in previous years)	11
8	No. of cases for which hearing was conducted	4
9	Cases referred for Investigation	2

The Mizoram Lokayukta registered a total of 42 complaint cases since its inception till the end of the reporting period. The summary of complaints (*As on 31.3.2022*) is as under:



Sl. No.	Nature of Cases	No. of Cases
<i>1</i>	<i>2</i>	<i>3</i>
1.	Cases registered	42
2.	Cases disposed of without PE	3
3.	(i) Cases ordered for Preliminary Enquiry	24
	(ii) Preliminary Enquiry Reports received (PE ordered by Lokayukta + PER transferred from ACB)	24 (15+9)
	(iii) Pending Preliminary Enquiries (with ACB/CBI)	9
4.	Cases for which clarifications from different departments/ individuals are awaited before PE Order	6
5	Cases closed/disposed of	11
6	Notice issued for Preliminary Hearing	16
7.	Cases dropped after hearing	2
8.	Cases referred for Regular Investigation	8
9.	Regular Investigation Report Received	Nil
10.	Cases dropped after Regular Investigation	Nil
11.	Cases sent for Prosecution	Nil
12.	Cases dropped/disposed of (after Prosecution)	Nil
13.	Cases of Acquittal	Nil
14.	Cases of Conviction	Nil

**Note:** The list of corruption cases containing the gist of status of the case is uploaded in the office website and updated on a regular basis.



## CHAPTER-V

### 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.

The Purchase Committee of Mizoram Lokayukta decided to dispose old and unused materials from the previous rented building at Bungkawn when it shifted to the current building at F. Kapsanga Building, Temple Square. In this regard, a tender notice was issued and published in *The Morning Post*. Responses for the tender was received from four (4) people and items such as commode, wash basin, duratuff and slide door were disposed to the bidders at reserved prices. A total amount of ₹ 23,500/- was received from the sale of the materials. The amount was deposited in Government account on 15.4.2021.

#### 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 is Rs. 194.38 lakh, apart from these additional 2 lakh rupees was allocated at Medical Treatment (06) and some object heads were re-appropriated.

Proposal for Revised Estimate 2021-2022 and Budget Estimate 2022-2023 under Mizoram Lokayukta was sent to Vigilance Department on 18.11.2021. For BE 2022-2023, budget for 2 object heads which were not allotted in BE 2021-2022 was proposed viz. (41) -Secret Service Expenditure and -(52) Machinery and Equipment. (41) -Secret Service Expenditure is proposed for obtaining secret/confidential information on corruption and (52) -Machinery and Equipment is proposed for procurement of investigation aids and equipments which cannot be specified precisely and may be needed on emergent basis.

As per the Demands for Grant of Govt. of Mizoram, the Budget provisions and expenditures for the Lokayukta during 2022-22 and Budget provisions for 2022-2023 are as follows:

### 3. Budget Provisions and Expenditures for FY 2021-2022:

Head of Account	B.E	R.E	Re-Appropriation	Total Expenditure	Balance
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
(01)- Salaries	11139000	11139000	10969000	9315110	1653890
(02)- Wages	3389000	3389000	3559000	3494200	64800
(06)- Medical Treatment	135000	335000	335000	160440	174560
(11)- Domestic Travel Expenses	450000	450000	450000	55109	394891
(13)- Office Expenses	900000	900000	900000	898929	1071
(14)- Rents, Rates and Taxes	600000	600000	600000	600000	0
(16)- Publications	200000	200000	200000	102000	98000
(20)- Other Administrative Expenses	500000	500000	500000	435412	64588
(26)- Advertisement & Publicity	200000	200000	200000	199040	960
(27)- Minor Works	500000	500000	500000	463596	36404
(28)- Professional Services	1000000	1000000	1000000	253600	746400
(50)- Other Charges	425000	425000	425000	421012	3988
<b>TOTAL</b>	<b>19438000</b>	<b>19638000</b>	<b>19638000</b>	<b>16398448</b>	<b>3239552</b>

#### 4. Budget Provisions for the coming FY 2022-2023:

Controlling Officer: Secretary, Mizoram Lokayukta

Major Head: 2062-Vigilance

Sub-Major Head: 00

Minor Head: 103-Lokayukta

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

Detailed Head: 00

(₹ in lakh)

Head of Accounts Object Head:	Proposed	BE	Shortfall	Actuals
(01)- Salaries	115.00	99.00	16.00	
(02)- Wages	38.00	38.00	-	
(06)- Medical Treatment	2.00	1.50	0.50	
(11)- Domestic Travel Expenses	5.00	4.50	0.50	
(13)- Office Expenses	10.00	9.00	1.00	
(14)- Rent, Rates & Taxes	6.00	6.00	-	
(16)- Publications	2.00	2.00	-	
(20)- Other Administrative Expenses	5.00	5.00	-	
(21)- Supplies and Materials	5.00	-	5.00	
(26)- Advertising and Publicity	2.00	2.00	-	
(27)- Minor Works	5.00	5.00	-	
(28)- Professional Services	12.00	10.00	2.00	
(41)- Secret Service Expenditure	10.00	-	10.00	
(50)- Other Charges	5.00	4.25	0.25	
(52)- Machinery and Equipment	2.00	-	2.00	
<b>Total of 103(01) (Charged)</b>	<b>224.00</b>	<b>186.25</b>	<b>37.75</b>	
<b>TOTAL OF MAJOR HEAD: 2062 (CHARGED)</b>	<b>224.00</b>	<b>186.25</b>	<b>-</b>	

## CHAPTER-VI

### RIGHT TO INFORMATION

The Mizoram Lokayukta, in order to promote transparency and accountability has a separate Appellate Authority and State Public Information Officer (SPIO) in its office to provide information as and when needed by the citizens and to address their grievances under the Right to Information Act, 2005. The report on the implementation of the provisions of the Right to Information Act, 2005 for the year 2020-2021 under Mizoram Lokayukta was submitted to the vigilance department on 13.7.2021 with reference to letter No.B.12018/3/2017-VIG dt 1.7.2021 and No. C.31016/1/14-MIC dt 16.4.2021 for the purpose of compilation of Mizoram Information Commission Report of Implementation of the RTI Act, 2005 for the year 2020-2021.

#### **1. Application and Disposal:**

Mizoram Lokayukta received a total of 4 RTI applications under Section 6(1) of the Right to Information Act, 2005 which were submitted directly under the Mizoram Lokayukta.

Among the 4 RTI applications received, 2 applications could not be furnished within the stipulated time-frame due to Covid-19 pandemic lockdown and restrictions imposed within Mizoram during the period of information sought. In this regard, with verbal information and mutual understanding and consent with the applicants, queries were replied as early as possible and rest of the applications were promptly furnished to the applicants by office of the SPIO in compliance with the Right to Information Act, 2005 and the Mizoram Lokayukta Act, 2014. So far, no appeal against RTI reply was submitted to the Appellate Authority under Mizoram Lokayukta.

Brief information regarding RTI applications received under Mizoram Lokayukta and the application details in tabular form are provided here under:

- |   |   |        |
|---|---|--------|
| 1. Total No. of RTI applications Received | : | 4      |
| 2. Mode of Submission                     | : | Direct |

3. Mode of Payment	:	By Cash
4. Amount of fees collected	:	₹ 40/-
5. No. of BPL Applicants	:	Nil
6. No. of RTI Appeal Received	:	Nil

Details of RTI Application (2021-2022) under Mizoram Lokayukta are as follows:

Sl. No.	Date	Applicant Name	Subject matter of Queries	Date of furnishing information
1	2	3	4	5
1	22.04.2021	Jonathan L. Sailo	Enquiry Report and related documents submitted by the ACB to the Mizoram Lokayukta in MLC-3/2019	13.07.2021
2	05.05.2021	Jonathan L. Sailo	Furnishing of information regarding Mizoram Lokayukta Case No. MLC-3/2019	13.07.2021
3	16.08.2021	Lalruatpuia Sailo	Copy of Order passed in MLC-19 of 2020	23.08.2021
4	18.08.2021	C. Lalhriatpuui	Order dated 3.3.2021 on Case No. MLC-2/2013	16.09.2021

## 2. Fees:

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. An amount of ₹40/- was received as an application fee for obtaining information under Rule 3(1) of the Mizoram Right to Information Rules, 2010. Since the total amount of RTI fee collected during the reporting year sums up a little amount of money, it will be deposited to the treasury accounts, govt. of Mizoram along with the fees collected for the upcoming financial year.

## CHAPTER-VII

### VISIT OF DIGNITARIES

During the year under Report, Hon'ble Mr. Justice Babu Mathew P. Joseph, Upa Lokayukta, Kerala and former Judge of Supreme Court of India and Member of Armed Forces Tribunal visited Mizoram during 29.11.2021-3.12.2021 and had discussion on various issues with Hon'ble Chairperson at his place of stay at HQ 23 Sector, Assam Rifles, Khatla, Aizawl.

The Hon'ble Chairperson, Mizoram also paid a visit to Arunachal Pradesh Lokayukta in April, 2021. During his visit, he had useful discussions and other social engagements with the Hon'ble Chairperson and Member of Arunachal Pradesh Lokayukta.

*Memento presented to  
Mr. Justice Babu Mathew P Joseph, Hon'ble Upa Lokayukta, Kerala*



*Hon'ble Mr. Justice Prasanta Kumar Saikia, the Hon'ble Chairperson and Hon'ble Shri Yeshi Tsering, IAS (Retd), former Chief Secretary of Meghalaya & Hon'ble Member of Arunachal Pradesh Lokayukta exchanging Mementos with Mr. & Mrs. C. Lalsawta*





## **CHAPTER-VIII**

### **CITIZEN'S CHARTER**

A Citizen's Charter for the Office of Mizoram Lokayukta was formulated to generate public awareness and participation. Any person can file his grievances before the Lokayukta if he has sustained injustice or undue hardships in consequence of maladministration.

**1. VISION: "Clean and corruption free state of Mizoram"**

**2. MISSION: "To combat corruption and to promote probity in public life"**

**3. MAIN SERVICES:**

**1) Services delivered by the office to citizens or other offices/organisations including non-governmental organisations:**

Accepting/ Entertaining of complaint from citizens, NGOs and Govt. against corruptions.

**2) Responsible Official with designation and contact No.:**

(i) Pu C. Lalsawta, IAS (Rtd.) Hon'ble Chairperson, Mizoram Lokayukta,

Mb. 9431216000

(ii) Pu Zahmingthanga Ralte, Secretary, Mizoram Lokayukta, Mb. 9436158069

(iii) Pu Vanlalchhanhima, Superintendent, Mizoram Lokayukta, Mb. 9615648813

(iv) Pu R. Laltharlana, Asst. Public Prosecutor, Mizoram Lokayukta,

Mb. 9818198602

**3) Process for delivery of service within the office:**

(i) Receiving complaints from any individual.

(ii) Order of Preliminary Enquiry by the Lokayukta against the accused for conducting inquiry/ investigation before prosecution on the merit of the case

**4) Documents, if any, required for obtaining the service to be submitted by citizen/client: Nil**

**5) Fees, if any, for the service with amount: Nil**

#### 4. SERVICE DELIVERY STANDARD:

**1) Services delivered by the office to citizens or other offices/organisations including non-governmental organisations:**

Accepting/Entertaining of complaint from citizens whether Govt. or NGO or individual

**2) Stipulated time limit for delivery of service (days/weeks/months):**

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.

#### 5. GRIEVANCE REDRESS MECHANISM:

**1) Name of the responsible officer to handle public grievance in the office:**

Vanlalchhanhima, Superintendent, Mizoram Lokayukta

**2) Contact No.:**0389-2316454/ 9004323525

**3) Email:**[Mizoramlokyukta@gmail.com](mailto:Mizoramlokyukta@gmail.com) / [machhana000@gmail.com](mailto:machhana000@gmail.com)

#### 6. EXPECTATIONS OF THE OFFICE FROM CITIZENS/ SERVICE RECIPIENTS:

To reduce corruption from the State and also to reduce corruption by promoting a fear of engaging in corruption in a society.

*Mizoram Lokayukta Hoarding advertisement at World Bank Road by Mizoram Broom Grass Cultivation cum Traders Association*



## CHAPTER-IX

### CONCLUDING SUMMARY

There has been gradual progress in the working of Mizoram Lokayukta since its establishment. However, the much-required pillars for the organization such as Enquiry & Investigation Wing and Prosecution Wing are yet to be constituted. For an effective fight against corruption, a well-structured and well-organized institution is the primary need of the hour. The mismatched organizational structure has been mentioned in the previous report. Hopefully, complete wings under Mizoram Lokayukta could be constituted in the near future. The proposed new building for the office encompasses these wings based on the organizational chart. With the approval of the building plan, it is expected that the construction will take place soon.

In order to create a corruption free State as envisaged, co-operation and active participation of the public are necessary as without the trust of public, the Lokayukta will be a mere forum for venting grievances by few individuals. To make the public vigilant on corruption and the functioning of Mizoram Lokayukta, several public awareness campaigns were hosted and hoarding advertisements were also installed at some places as well.

The office has been maintaining its own website - <https://lokayukta.mizoram.gov.in/> created by Department of Information & Communication Technology, Mizoram. Online portal for submitting complaint has been created in which anyone can submit his/her complaint by using online forms or it can also be submitted through email: [mizoramlokayukta@gmail.com](mailto:mizoramlokayukta@gmail.com).

Dated Aizawl, the 30<sup>th</sup> November, 2022

The Mizoram Lokayukta

**Pledge taking on the occasion of Sadbhavna Diwas**



**ORDERS ON COLSURE OF CASES (2021-2022)****Order-1****MIZORAM LOKAYUKTA***(Constituted under the Mizoram Lokayukta Act, 2014)***ORDER****Case No. MLC- 20/2020**

In the matter of:

**Prodip Kumar Chakma,**

President, Village Council/Court,

CADC, Lawngtlai District

: Petitioner/Complainant

**Versus****Doya Ranjan Chakma & Ors.,**

Chotapansury, Lawngtlai District

: Respondent/OP

Date: 19.8.2021

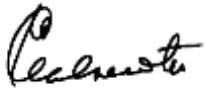
The Mizoram Lokayukta received a written complaint from Shri Prodip Kumar Chakma, residence of Chotapansury, CADC, Lawngtlai District, Mizoram on 16.7.2020 to the effect that Shri Doya Ranjan Chakma s/o Maya Dhan Chama, former Village Council Administrator, Shri Kina Moni Chakma s/o Punya Rattan Chakma, former VC Secretary and Shri Loki Ram Chakma S/o Jalanta Kumar Chakma, former Village Crier misused Rs 1,63,000/- meant for construction of masonry footsteps which was released in two installments from the Local Administration Department (LAD). The complainant alleged that instead of construction of the masonry footsteps they repaired only 20 footsteps. **MLC Case No.-20/2020** was registered and the Mizoram Lokayukta ordered Preliminary Enquiry vide No.C.13017/20/2020-ML dt. 22.07.2020. The SP, ACB then requested permission of Vigilance Department to conduct preliminary enquiry vide NO ACB/CON-22/2020/105 dt 5.8.2020 which was granted. A preliminary enquiry (LOK) No 6/2020 dt 5.8.2020 was registered and the case was endorsed to SI Lalnunmawia. The Preliminary Enquiry Report was submitted to the Mizoram Lokayukta on 4.6.2021.

The Enquiry Officer visited the place of occurrence at Chotapansury, and he examined the complainant and the accused persons. Their statements were recorded. Statement of the Engineer-in-Charge was also recorded. The enquiry revealed that the allotted amount for construction of masonry footsteps was Rs 1,16,000/-. The first expenditure sanction order was accorded by the Executive Committee, CADC to Village Councils by Notification issued vide Memo No. A.28010/27/2019-

20/CADC(LAD)/VC/477 dt. K/Nagar 4.7.2019 in which Rs 58,000/- was allotted for construction of Masonry footsteps at Chhotapansury. The second expenditure sanction was accorded vide Notification Memo No. A.28010/27/2019-20/CADC (LAD)/VC/55 dated K/Nagar on 14.11.2019 in which Rs 58,000/- was allotted for construction of masonry Footsteps. Detailed Estimate for the Construction of masonry footsteps was also prepared. i.e. (i) Earth work in excavation over area (exceeding 30cm in depth, 1.5 m in width as well as 10 m<sup>2</sup> on estimate) including disposal of excavated earth. (ii) 87 number of steps (iii) 15 mm cement plaster (iv) 35 m length of steps. The Enquiry Officer states that the constructed cement works over the masonry was 25.4 cm to 27.94 cm deep, and 0.98 m to 1.2 m wide and of the constructed steps was about 37.8 m long which was longer than the estimated length by about 2.8 m. The total number of footsteps was also 62 steps.

The work commenced on 3.09.2020 but due to Covid-19 pandemic, the border gate of Bangladesh was closed by BSF and Bangladesh Police, and the implementing agency could not collect raw materials like sand and stone chips from Theka which is the only place for importing sand and stone chips in Chhotapansury. Therefore, the construction work was put on halt. However, after a hard effort of getting raw material from Theka at night time, they continued the construction work and completed the masonry footstep construction on 25.9.2020. Verification and measurement was done by an Asst. Engineer, LAD, CADC at the spot and completion Certificate was issued accordingly. The statement of the complainant during PE revealed that the allocated amount of Rs 1,63,000/- from LADC Dept, CADC written in the FIR was a mistake, and he later found that the actual amount was Rs 1,16,000/-. He further stated that he is appreciative of the construction of masonry footsteps by the implementing agency. Moreover the complainant wishes to withdraw the FIR as the construction of masonry footstep was utilized by the public of Chhotapansury in its true sense. The Enquiry Report could not establish misappropriation of fund. I go by the findings of the Enquiry.

Hence, the case is hereby closed.

  
(C. LALSAWTA)  
Chairperson  
Mizoram Lokayukta

**Order-2****MIZORAM LOKAYUKTA***(Constituted under the Mizoram Lokayukta Act, 2014)***ORDER****Case No. MLC- 33/2021**

In the matter of:

**Shri Jainendra Kumar**

Amberhai Extension

Dwarka, New Delhi

:

Petitioner/Complainant

**Versus****Concerned Officials**

Mizoram Public Service Commission

:

Respondent/OP

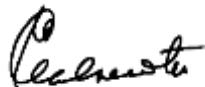
Date: 9.9.2021

Shri Jainendra Kumar submitted a complaint petition dt. 10.8.2021 via the office website wherein he stated that he had applied for the post of Tourist Officer in the examination conducted by Mizoram Public Service Commission. As per the advertisement, he has all the qualifications they sought and knowledge of Mizo language was not mandated. According to his complaint letter, as per the Guidelines of Mizoram Public Service Commission, 2013 minimum marks in personal interview should not be less than 40 while maximum marks should not generally be more than 80. He was given 38 marks and the selected candidate was given more than the maximum marks, i.e., 89.5. The Lokayukta perused the complaint and the case is registered as **MLC Case No-33/2021**.

Letter dt. 23.8.2021 seeking clarifications regarding the allegation was sent to the Secretary, Mizoram Public Service Commission to which a reply letter dt. 27.8.2021 was received from the Controller of Examinations, MPSC with a clarification that there is no new amendment to Guideline 31 of the Mizoram Public Service Commission (Conduct of Examinations) Guidelines, 2013 except the amendment notified vide No.A-2/9/2001-MPSC dt.4.6.2014 which states that the third sentence of Para 4 of the said Guideline shall be substituted as- “Marks awarded in the Personal Interview shall not be less than 30% and not more than 90%.”

Based on this Notification, there appears to be no violation of any rules as alleged by the complainant. If, however the complainant is not satisfied, he may approach other appropriate agency as the matter does not amount to corruption and does not come under the purview of Mizoram Lokayukta.

Hence, the case is hereby closed.

  
(C. LALSAWTA)  
Chairperson  
Mizoram Lokayukta



**Order-3****MIZORAM LOKAYUKTA***(Constituted under the Mizoram Lokayukta Act, 2014)***ORDER****Case No. MLC- 7/2019**

In the matter of:

**Pu Lalhriatrenga Chhangte**

New Serchhip, Serchhip

:

Petitioner/Complainant

**Versus****Pu Lal Thanhawla**

Zarkawt, Aizawl

:

Respondent/OP

Date: 12.11.2021

1. This case emanates from an FIR dt.21.5.2018 filed by Pu Lalhriatrenga Chhangte, Serchhip before the Director, Anti-Corruption Bureau (ACB) against Pu Lal Thanhawla, the then Chief Minister of Mizoram alleging that Pu Lal Thanhawla acquired assets disproportionate to his known legitimate sources of income. After a year, the complainant filed a petition dt. 28.5.2019 before the new Chief Minister complaining that as no action was taken on his complaint, he approached the CVO on 8.8.2018 to expedite the matter but no action was taken and no reply was given neither by the CVO or the ACB. Sometime after the complainant sent his grievance letter, the Government transferred the FIR to the Mizoram Lokayukta on 17.6.2019 for information and necessary action. Thus, apparently nothing was done for more than a year.

2. On receipt of the FIR from the Government, the Chairperson, Lokayukta perused and considered it, prima facie, a fit case for preliminary enquiry. The Lokayukta therefore passed an Order on 9.7.2019 for Preliminary Enquiry u/s 19(1) of the Mizoram Lokayukta Act, 2014 and directed the Anti-Corruption Bureau to conduct the Preliminary Enquiry. Accordingly, case No. MLC-7/2019 was registered. The ACB obtained permission of the Government to register a case vide Memo No. C.31016/81/2018-VIG dt. 16.8.2019 and registered PE (LOK) No.13/2019 dt. 20.8.2019 and appointed Pu B. Lalnghakliana, Dy. SP, ACB as Enquiry Officer.

3. As per the Act, the Preliminary Enquiry was to be completed within a period of 45 days. The ACB took a little more than 2 years to conduct the Preliminary Enquiry and to submit the PE Report before the Lokayukta. In pursuance of the directions of Vigilance Department vide letter No.C.31016/81/2019-VIG dt. 19.8.2021, the ACB submitted its Preliminary Enquiry Report along with the annexures to Mizoram Lokayukta on 25.8.2021.

4. The PE Report was examined and the date for hearing to afford an opportunity of being heard to the parties concerned was under consideration in the midst of Covid-19 pandemic, lockdown/ home-quarantine, etc. The PE Report did not suggest a criminal case against the respondent. In the meantime, the complainant Pu Lalhriatrenga Chhangte submitted an application to withdraw his complaint before the Lokayukta. Therefore, there was no need to conduct the hearing. Hence, the hearing was dispensed with.

5. The Enquiry Officer assessed the income of the respondent and his spouse for a period of 10 years from 2008-2018. The income for different periods from various sources as assessed by the Enquiry Officer is as follows:

- (i) Rent of properties, quarry, salary and pension during 2008-2009: ₹ 69,08,028/-
- (ii) Rent of properties, quarry, salary and pension during 2009-2013: ₹ 90,44,028/-
- (iii) Rent of properties, quarry, salary and pension during 2014-till date: ₹ 1,15,01,148/-

Annual income of Pu Lal Thanhawla and Pi Lalriliiani- ₹ 1,10,62,620/- of Pu Lal Thanhawla and his wife for a period of 10 years as follows from various sources to the tune of ₹ 9,21,885/- per month. The respondent stated that as he was under the discretionary quota of the Chairman of West Bengal Housing Infrastructure Development Corporation Ltd. (HIDCO), he acquired a plot of land at New Town, North 24 Parganas District, Kolkata and spent ₹ 17,61,700/- for sales deed of conveyance dated 30.8.2013 and registration. He further stated that he took housing loan amounting to ₹ 50,00,000/- from Vijaya Bank, Aizawl Branch in 2016 for construction of G+4 building in the said plot of land. The respondent constructed G+4 building at the said plot and Pi B. Vanlalhruii, EE submitted assessment report. According to the EE, the probable

expenditure of the said building is ₹ 98,21,603/-. As per the record submitted by Enquiry Officer, a total amount of ₹ 1,15,83,303/- was spent for the purchase and construction of the said building. A prima facie case to substantiate the allegation of minimum expenditure incurred by the respondent for his property i.e, ₹ 4,27,04,292/- is not established in the Preliminary Enquiry.

6. Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than 4 years but which may extend to 10 years and shall also be liable to fine. Section 13 of The Prevention of Corruption Act, 1988 discusses criminal misconduct as follows:

A public servant is said to commit the offence of criminal misconduct –

- (a) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control as a public servant or allows any other person so to do; or
- (b) if he intentionally enriches himself illicitly during the period of his office

*Explanation 1-* A person shall be presumed to have intentionally enriched himself illicitly if he or any person on his behalf, is in possession of pecuniary resources or property disproportionate to his known sources of income which the public servant cannot satisfactorily account for

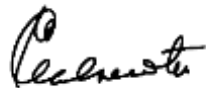
*Explanation 2-* The expression “known sources of income” means income received from any lawful sources.

7. The oft repeated Disproportionate Asset (DA) cases relate to this section of the Prevention of Corruption Act, 1988. If a person or any person on his behalf is in possession of pecuniary resources or property disproportionate to (i.e. more than his lawfully acquired income) his known sources of income which he cannot satisfactorily explain, he is considered to own disproportionate asset. In order to find out whether a person owns disproportionate assets, his entire income received from lawful sources has to be first calculated, then the normal maintenance expenditure of the family such as food, rent, electricity charges, water charges, clothing, maintenance of health, assets, wages of maids and household helpers, educational fees, travel expenses, etc. have to be set off and the remaining money/asset has to be compared with the assets acquired

during the relevant period. If the sum thus arrived is more than the asset, DA case cannot be sustained and on the other hand, if the sum thus arrived at after giving allowance of 10% or so is still less than the value of assets acquired during the same period, that person is said to have acquired disproportionate asset beyond his known sources of income and DA case has to be carried on to the logical conclusion.

8. However, the Enquiry Officer did not appear to follow the set pattern of enquiry into disproportionate asset cases. He did not go into the sources of income as well as the sources of fund for creation of assets which generates income and also expenditures for maintenance of assets, etc. For example, rent from shops (about ₹ 7 lakh per month) constitute the main source of the income which is considered to be legitimate but the sources of income from which the shop buildings were constructed or acquired were not taken into consideration. At the same time, acquisition of any other asset during the period under consideration (i.e., 10 years) if any, is kept out of purview. The EO also confined himself to see whether the figures given by the complainant is correct or not. Therefore, the Enquiry Report cannot be, strictly speaking, treated as PE Report of DA case. Besides these, the Sr. Superintendent of Police, ACB with the approval of Director, ACB suggested that the Enquiry may be closed without proceeding further enquiry. As the Mizoram Lokayukta still does not have an Enquiry Wing as provided under the Mizoram Lokayukta Act, 2014, there is hardly any option for the Lokayukta other than closure of the case.

Hence, the case is hereby closed.

  
(C. LALSAWTA)  
Chairperson  
Mizoram Lokayukta