



MIZORAM LOKAYUKTA
(Constituted under the Mizoram Lokayukta Act, 2014)

Case No. MLC- 46/2022

In the matter of:

1. Pu Vanlalruata,
B-13/1, Tuikual South,
Aizawl, Mizoram : Petitioner/Complainant

Versus

- 1. Pu R. Lalrammawia**
Director, Transport Department
Govt. of Mizoram : Respondent/OP
- 2. Pu Dawngliana**
Former Director, Transport Department
Govt. of Mizoram
Zemabawk, Aizawl : Respondent/OP
- 3. Pu Thlamuana**
Former Director, Transport Department
Govt. of Mizoram
Dinthar, Aizawl : Respondent/OP
- 4. Pu H. Darzika**
Former Secretary, Transport Department
Govt. of Mizoram
Leitan South, Durtlang : Respondent/OP
- 5. Pu Hmingthantluanga**
Diakkawn, Kolasib. : Respondent/OP
- 6. Pu J. Lalchhuanawma**
Zohlun Veng, Bairabi : Respondent/OP
- 7. Pu Vanlalzuiliana**
Dawrpui Vengthar, Aizawl. : Respondent/OP
- 8. Pu Dina Tlau**
Mission Veng, Aizawl. : Respondent/OP
- 9. Zonunsangi**
D/o Pu Rotluanga Fanai (L), Chief Consultant (NE)
Engineers India Research Institute (EIRI)
Vaivakawn, Aizawl. : Respondent/OP

ORDER

Date: 14.12.2023

Pu Vanlalruata, Tuikual South, Aizawl, Mizoram lodged a written complaint to the Chairperson, Mizoram Lokayukta on 24th June, 2023 stating that the Transport Department, Mizoram submitted Utilization Certificate to the Ministry of Shipping during the year 2009-2012 under Tlawng Inland Water Transport Project with the amount of Rs. 527.93 lakhs as the work under this scheme was fully completed as per RTI reply received from the Transport Department. He alleged that there was embezzlement/mismanagement in taking up the Central Sector Scheme for NER in respect of a project for development of Inland Water Transport in Tlawng River and requested to enquire into the matter to enable to give necessary punishment to the responsible person.

2. After examining the complaint, the case was registered as MLC-46/2022. The Lokayukta directed the Anti-Corruption Bureau (ACB) to conduct Preliminary Enquiry (PE) by passing Order dt.01.07.2022. Thus, ACB conducted PE and submitted its Report to the Lokayukta on 13.06.2023.

3. Points of allegation:

- i) Transport Department, Mizoram submitted Utilization Certificate to the Ministry of Shipping during the year 2009-2012 under Tlawng Inland Water Transport Project amounting to Rs. 527.93 lakhs as the works under this scheme was fully completed as per RTI reply received from the Transport Department.
- ii) The construction of Go-down at Sairang under Tlawng Inland Water Transport Project amounting to Rs. 90.64 lakhs was reported complete, but the RTI reply mentioned as not constructed.
- iii) Construction of Terminal building at Sairang and Bairabi Village were reported complete, but the photograph/picture of this building could not be provided in the RTI reply.
- iv) Construction of 42 Nos. of Groynes and channel bed improvement in Tlawng River with huge amount of fund which were enquired into.

4. The points of preliminary findings are as follows:

- i) The enquiry reveals that on 02.06.2005, Pu Rotluanga Fanai, Chief Consultant, Engineers India Research Institute (EIRI) submitted an application to the Director, Transport Department, Mizoram, to allot preparation work for Detailed Project Report (DPR) of Tlawng Inland Water Transport Project which was accepted by The Director, Transport Department. Accordingly, on 16.08.2005, Pu Rotluanga Fanai submitted DPR on Tlawng Inland Water Transport Project (Phase-I) amounting to Rs. 4.91 Crores to the Director, Transport Department.

- ii) On 31.03.2009, the Govt. of Mizoram had sanctioned Rs. 4.00 lakhs for consultancy fee for preparation of DPR on Tlawng River as requested by the Director, Transport Department.
- iii) On 23.12.2009, Govt. of India, Ministry of Shipping had sanctioned Rs. 527.93 lakhs for Tlawng Inland Water Transport Project under Central Sector Scheme for North East Region. First Installment amounting to Rs. 105.60 lakhs was released.
- iv) Based on the decision of the meeting of Transport Officers under the Chairmanship of the then Hon'ble Minister of Transport, Inland Water Transport Project at Tlawng River was executed departmentally. As such, no tender quotation was invited.
- v) On 29.01.2010, M/S Engineers India Research Institute (EIRI) who prepared the DPR was appointed as works supervisor by the Director, Transport Department without preparation of 'Terms of Reference'.
- vi) Under the supervision of EIRI, working agents were appointed based on the following criteria–
 - a) Contractors with adequate experience in Inland Water Transport Projects.
 - b) Contractors with adequate financial resources and man power.
 - c) Contractors which are familiar with River Tlawng.
- vii) As instructed by Pu Zoramsangliana, the then Minister i/c Transport Department, appointment order of 66 Nos. of departmental work agents were issued by Directors of Transport as –
 - a) Pu Dawngliana – 32 Nos., b) Pu Thlamuana – 13 Nos. and c) Pu H. Darzika – 21 Nos.
- viii) On 01.07.2010, Ministry of Shipping, Govt. of India released 2nd Installment amounting to Rs. 105.60 lakhs for Tlawng Inland Water Transport Project.
- ix) On 01.11.2010, the Govt. of Mizoram constituted Inland Water Transport Wing in the Transport Department for Co-ordination with Inland Waterways Authority of India to execute IWT Projects sanctioned under CSS by Ministry of Shipping.
- x) On 31.03.2011, Ministry of Shipping, Govt. of India released 3rd Installment amounting to Rs. 59.40 lakhs for Tlawng Inland Water Transport Project.
- xi) On 30.03.2012, Ministry of Shipping, Govt. of India released 4th and Final Installment amounting to Rs. 257.30 lakhs for Tlawng Inland Water Transport Project.

- xii) On 29.05.2012, expenditure sanction of Rs. 234.26 lakhs was received from Govt. of Mizoram for continuation of works under development of Inland Water Transport in Tlawng River during 2012 – 2013.
- xiii) On 10.09.2012, expenditure sanction of Rs. 23.04 lakhs was received from Govt. of Mizoram, for continuing Development on Inland Water Transport at Tlawng River during 2012-2013.
- xiv) Pu Rotluanga Fanai, Works Supervisor & Chief Consultant, Engineers India Research Institute (EIRI) submitted Completion Report of Tlawng Inland Water Transport Project to the Transport Department on 30.06.2012 and stated that they had received payment in full.
- xv) As stated in the Completion Report submitted by Pu Rotluanga Fanai, Works Supervisor & Chief Consultant, EIRI, Sanction from the Ministry was based on recommendation of field visit report of officers from Inland Waterway Authority of India. But, no copies of their inspection reports were received by Transport Department.
- xvi) Unfortunaltely, Pu Zoramsangliana, the then Minister i/c Transport, Pu Rotluanga Fanai, Works Supervisor & Chief Consultant, Engineers India Research Institute (EIRI), Pu Lalrinawma, Jt. Secretary, Transport Department & Chairman, Inland Water Transport Wing, Pu Lalchungnunga, Dy. Commissioner (STA) & Member Secretary, Inland Water Transport Wing who had approved all work bills and signed for payments passed away, and could not be examined during enquiry. Also, M/S EIRI closed down their business office at Aizawl and already stops their business activity within Mizoram.
- xvii) The Enquiry Officer visited the site of construction of Terminal building at Sairang and Bairabi and found out that the structures of building only remained as Tlawng River flood damaged most of the walls and roofs which was buried with huge amount of sand after more than 10 years. As such, assessment of probable expenditure could not be taken by the Enquiry Officer.
- xviii) The Enquiry Officer visited the construction of Go-down at Hortoki. The building was constructed at a site donated by Hortoki Village Council adjacent to public play ground, the construction was found commensurate with the drawing and estimate and the building is presently used for Hortoki Badminton Hall as the Transport Department did not utilize as Go-down.
- xix) Other works under Tlawng Inland Water Transport Project were clearance of big rocks in river between Sairang to Bairabi using dynamite to enable free passage for boats, construction of groynes and channel bed improvements at Tlawng River. As ten years have already passed and the river in most places changed due to floods, assessment to works could not be done by the Enquiry Officer.

5. After receiving the PE Report, the Lokayukta sought clarification from the Principal Accountant General on 6.9.2023 regarding sanction of the Mizoram State Government's project proposal for development of Inland Water Transport in Tlawng River under Central Sector Scheme for NE Region and reply was received on 26.9.2023.

6. As per the provision of Section 19(3) of the Mizoram Lokayukta Act, 2014, the opportunity of being heard was afforded to the parties concerned on 12.12.2023 vide order dated 27.10.2023. Accordingly, hearing was held on 12.12.2023 in Court Room No.1 of the Mizoram Lokayukta. The Enquiry Officer Pu Zosangliana, ACB was present. The Complainant Pu Vanlalruata was present. Respondent No. 3 Pu Thlamuana had prayed for exemption and submitted Written Statement. Respondent No. 7 Pu Vanlalzuiliana was represented by Pi C. Lalngaihsaki who reported that Pu Vanlalzuiliana had passed away in the month October, 2023. All other respondents were present including the daughter of Respondent No. 5.

7. During hearing, the Enquiry Officer stated that he had visited the construction site at Sairang, Hortoki and Bairabi. He briefly reported about the condition of the terminal building and go-down as mentioned in the PE Report. The complainant also explained how complaint was lodged to the Mizoram Lokayukta. Respondent No. 1, Pu R. Lalrammawia, the incumbent Director, Transport Department stated regarding allegation pt. no. 2 that Go-down was constructed at Hortoki instead of Sairang since there was no fund allotted for purchase of land at Sairang. The construction of go-down at Hortoki was not included in DPR. He also stated that there is no fund allocated under Transport Department for maintenance of the construction and that Inland Water Transport Project had been allocated to PWD, Mizoram since 2019. He also stated regarding allegation pt. no. 3 that since the construction was 10 years back, the photograph/picture of this building could not be provided. He further stated that Tlawng River was recently declared as National Waterways 102 which started from Khamrang area and that in all new projects taken up by Transport Department, all tenders were floated openly by using e-tender. He prayed to close the case as the case is old and that there is no value addition to the department. Respondent No. 2 and No. 4, who were former Director of Transport Department, stated that they had no involvement in the project. They also stated that during their time all work orders were signed by them with the instruction of Pu Zoramangliana (L), the then Minister i/c Transport Department. They had also prayed to close the case. Respondent No. 7 also stated that he had worked under Pu Rotluanga Fanai (L), Chief Consultant, EIRI but he had no involvement regarding selection of work agents, project costs. He also stated that he had visited the construction side and found the work was satisfying during the construction of the work. The complainant also agreed to close the case as there is improvement in the department and that some of the accused person had already passed away.

8. Accordingly, in terms of Section 19(3)(c) of the Mizoram Lokayukta Act, 2014, after considering all the facts and circumstances of the case and materials available on record, we hereby decide to close the case. Accordingly, the case stands closed.

Sd/-LALSANGLURA
Member
Mizoram Lokayukta

Sd/-C. LALSAWTA
Chairperson
Mizoram Lokayukta