



सत्यमेव जयते

MIZORAM LOKAYUKTA

THE FOURTH
ANNUAL REPORT
2022 - 2023



OFFICE OF THE MIZORAM LOKAYUKTA

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Presented to

with best compliments from
Mizoram Lokayukta

*Dik taka lalin ro a rêl chuan ram a phuisui a,
Thamna a lâk chuan ram a chhe thîn
Thufingte 29:4*

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

**MIZORAM
CORRUPTION**



**LOKAYUKTA
DOTUTE**

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LOKAYUKTA HI.....

- Corruption do tura mipuite tana din, independent statutory body a ni.
- Chak taka hna a thawh theihnan 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 inhnamhnawih a puh te chhuitu a ni.
- Corruption hmanga bungrua, in leh lo neihte chhuhsak tura thupe theitu a ni.
- Sorkar hnathawkte transfer, suspend emaw hrem tura Sorkar/thuneitu te thurawn pe theitu a ni.

CORRUPTION CHU.....

- Mipui/Sorkar sum eiruk, tihchingpen leh a titute thurualpui.
- Thamna ngiat, lak leh pek.
- Contract hna khat tur semsawm te leh Tender chhuah lova Contract hna pek leh dawn.
- Hnathawhtur duansa (Estimate Designs & Specifications) phak lova contract hnâthawh leh Bill/sum lak.
- Quotation ko lova Sorkar thil lei leh hralh.
- Sorkar bungrua/assets dahtawl, a hmanna tur ni lova hman sual.
- Land Acquisition Act hmang lova mahni State chhunga Sorkar sum hmanga mimal ram a leia lei.
- Advertisement chhuah lova hna lak/hna pek leh adangte.

LOKAYUKTA MIPUI TAN

- Ram/Veng hmasawn nan eirukna/hlemhletna do tute thawhpui turin Mizoram Lokayukta chu a inpeih reng ani.
- Corruption-a mi in hnamhnawih hria chuan lekhathawn in emaw, Lokayukta Office-a kalin emaw online in Lokayukta Website-ah man chawi lovin report a theh lut thei.
- Corruption report-tu leh thuhretute venghim turin thupek a siam thei.
- Ram hmelma corruption do turin Lokayukta hi i hmang tangkai ang u.



MIZORAM LOKAYUKTA



The Fourth ANNUAL REPORT

(1st April 2022 - 31st March 2023)

OFFICE OF THE MIZORAM LOKAYUKTA

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

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The 1st Hon'ble Chairperson, Pu C. Lalsawta presenting the Third Annual Report (2021-2022) to Hon'ble Governor of Mizoram Dr. Hari Babu Kambhampati

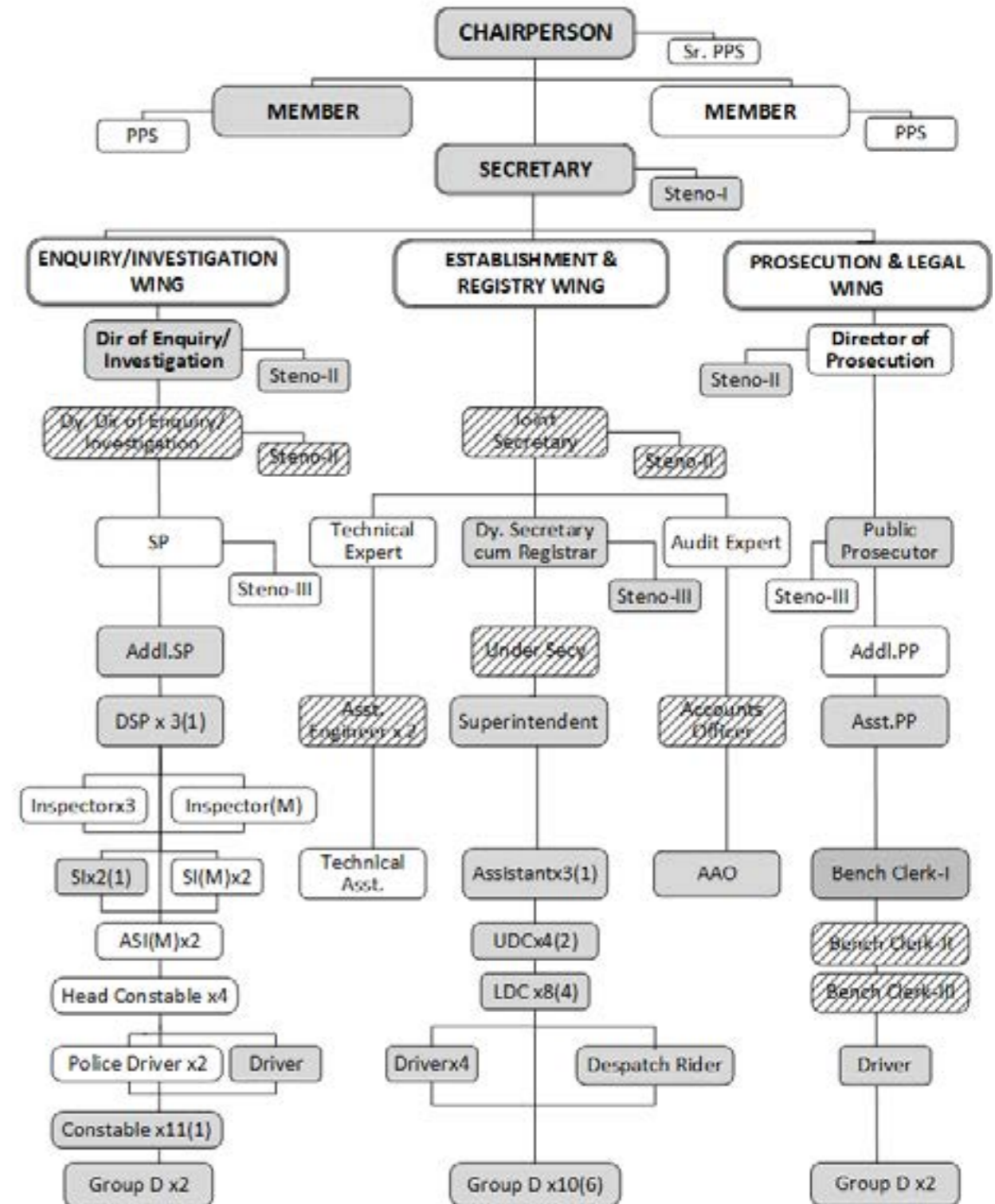




*The Mizoram Lokayukta
Presents
the Hon'ble Governor of Mizoram
The Fourth Annual Report
as required under Section 47 of the
Mizoram Lokayukta Act, 2014*

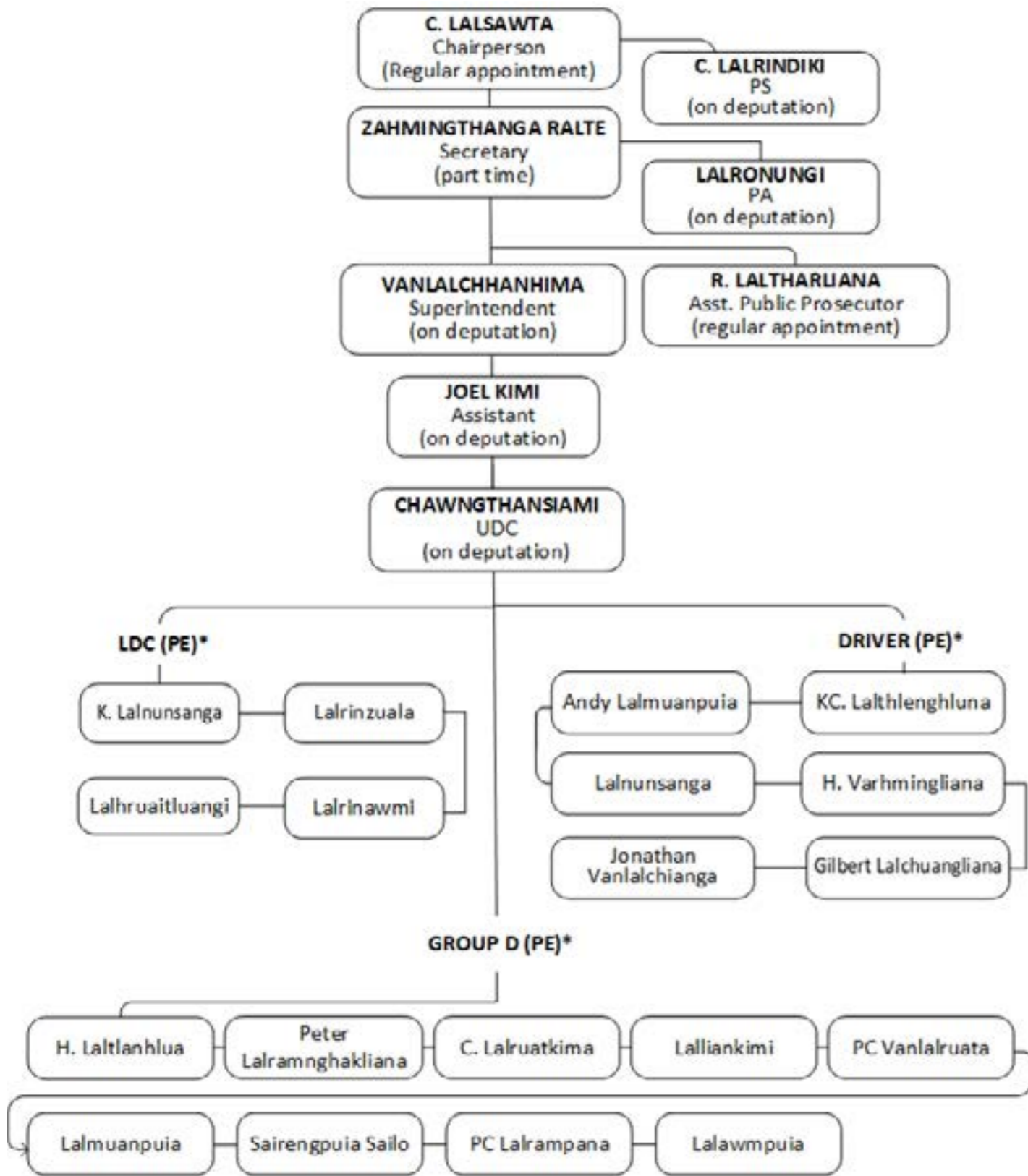
This Report covers the period from
1st April 2022 to 31st March, 2023

**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 post and figures within bracket represent no. of sanctioned post.

Incumbency Chart of Mizoram Lokayukta



*PE: Provisional Employee formerly known as Muster Roll employee

SANCTIONED POSTS AND PROPOSED ADDITIONAL REQUIREMENTS UNDER MIZORAM LOKAYUKTA

A. STATUTORY POSTS					
SN	Post/Designation	Pay Matrix Level	Existing Sanctioned Posts	Addl. requirement	Total requirement
1	Chairperson	18	1	0	1
2	Member(s)	17	1	1	2
	SUB-TOTAL		2	1	3
B. ESTABLISHMENT					
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
	SUB-TOTAL		19+(5)	22-(5)	42

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	Inspector	8	0	3	3
6	Inspector (M)	8	0	1	1
7	Sub Inspector	7	1	1	2
8	Sub Inspector (M)	7	0	2	2
9	Steno-II	7	1	0	1
10	Steno-III	6	0	1	1
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
	SUB-TOTAL		9	29	38
D. PROSECUTION WING					
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
7	Bench Clerk	7	0+(1)	1-(1)	1
8	Driver	2	1	0	1
9	Group D	1	2	0	2
	SUB-TOTAL		5+(2)	5-(2)	10
	GRAND TOTAL		42	49	93

C. Lalsawta,
Chairperson



Mizoram Lokayukta
A/89, F. Kapsanga Building
Temple Square, Tuikual 'S'
Aizawl, 796001

PROLOGUE

We have come to the fourth edition of this Report and it is a pleasure to realize that this skeletal structure of the Lokayukta establishment somehow survives this far. The required posts are either not sanctioned or those sanctioned cannot be filled up due to various technical defects and impediments. The creation of posts is neither based on the actual need and requirement.

The construction of combined office complex building proposed for the use of Mizoram Lokayukta, Mizoram Law Commission, the Advocate-General, the Registrar General of Marriages has not started during the last 4 years and is not likely to be taken up too soon. Consequently the Mizoram Lokayukta continues to function in a private rented building in a congested area without parking space and other amenities.

With outside help of the Anti Corruption Bureau, in the absence of own Investigating Wing, the Lokayukta continues to follow up complaints of corruptions received from various sources against public servants of various descriptions with a view to prosecute them before the Special Court and secure convictions of the guilty accused in order to reduce the incidence of corruptions.

Dated Aizawl, the 5th September, 2023

(C. LALSAWTA)

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Profile of our first Chairperson

Pu C. Lalsawta was born and brought up in a small village of Reiek, in a humble family. Just after his graduation, he appeared for the Civil Services Examinations and in his first attempt, he was selected for Central Service viz IA&AS and in his subsequent attempt, he got selected for the All India Service viz IAS in 1981.

He had been a head of Vigilance set up in the State of Bihar. He retired from service in 2015 after reaching the IAS Apex Scale in the rank/ grade of Chief Secretary/ Secretary to Govt. of India. He had more than 40 years of public service including about 4 years as a Clerk/LDC while still pursuing college education, about 2 years in IA&AS and 34 years in the IAS.

He attended training courses in many top notched institutions in India and abroad and also undertook Advanced Studies in Public Administration in Syracuse University, USA. He also attended an International Training Programme in Financial Management in UN sponsored Institute of Public Enterprises, Ljubljana, Slovenia, and also a course of PPP in Infrastructure Development in Harvard University, Cambridge, USA.

He had practical experiences in Government Accounting & Auditing as AAG, development administration as DDC, banking as Administrator of DCC Bank and Director in the Board of RR Bank and in Management as MD of IADA.

During his long career in the IAS, he was mostly given such assignments which required him to exercise statutory powers and functions independently and pass orders in quasi-judicial proceedings. He presided over Courts of Appeal/Revision in Revenue, Criminal and Service matters etc.

In addition, he also held additional charges of Chairman of Governing Boards of a few Medical Colleges, Engineering College as well as Regional Development Agency, Command Area Development Agencies, Regional Transport Authorities etc. He also functioned as Vice Chancellor in 2 Universities. After his retirement, the Bihar Government also appointed him as Administrative Member of the Appellate Tribunal for the Real Estate Regulatory Authority, which he declined to take up.

CHAPTER-I

INTRODUCTION

1. Nature of Corruption:

Corruption is a deep-rooted societal issue, it continues to plague governments, organizations, and even individuals across the globe. This unethical practice involves the abuse of power, bribery, fraud, and other illicit activities for personal gain or advantage. It undermines principles of fairness, transparency, and moral integrity, leading to considerable negative impacts on economies, social development, and overall trust in institutions.

Corruption can take various forms, ranging from petty bribery on a small scale to grand corruption involving high-ranking officials embezzling public funds. The consequences of corruption are severe and far-reaching. It distorts the allocation of resources, hindering economic growth and exacerbating poverty. Funds that should be invested in essential services like healthcare, education, and infrastructure are siphoned off, depriving citizens of their basic rights and impeding progress. Furthermore, corruption erodes public trust, creating a breeding ground for social unrest and political instability. It undermines the legitimacy and credibility of governments, weakening the social contract between citizens and their elected representatives. The lack of accountability and transparency in decision-making processes hampers the effective functioning of public institutions, hindering good governance and hindering sustainable development.

2. International Movements against Corruption:

Way back in 1809, i.e. more than 200 years ago, the concept of Ombudsman originated in Sweden. Other Scandinavian and littoral countries such Finland (in 1919), Denmark (in 1955) and Norway (in 1961) followed suit in creating the institution. Ombudsman is a Scandinavian word which means an officer or commissioner. In its special sense, it means a commissioner who has the duty of investigating and reporting to Parliament on citizens'

complaints against the Government. The main object of the institution of Ombudsman is to safeguard the citizens against misuse of the powers of the administration. Some countries such as New Zealand and Great Britain used the term Parliamentary Commissioner. (Incidentally these countries are considered to be amongst the least corrupt countries in the world.)

Various civil Societies and organizations have launched movements to fight against corruption in different countries. One of them is Transparency International (TI) which is an international non-governmental organization based in Berlin, Germany, and was founded in 1993. Its purpose is to take action to combat global corruption with civil societal anti-corruption measures and to prevent criminal activities arising from corruption. Transparency International is the global civil society organization leading the fight against corruption. It brings people together in a powerful worldwide coalition to end the devastating impact of corruption on societies around the world. TI is associated with UNESCO and United Nations Global Compact and shares the goals of peace, justice, strong institutions and partnerships of the United Nations Sustainable Development Group (UNSDG). Transparency International's mission is to create change towards a world free of corruption. Its most notable publications based on multi-country research and advocacy initiatives include the Global Corruption Barometer and the famous Corruption Perceptions Index.

3. The Corruption Perceptions Index (CPI):

The 2022 Corruption Perceptions Index (CPI) by Transparency International shows that most countries are failing to stop corruption. The ranks 180 countries and territories around the world by their perceived levels, scoring on a scale of 0 (highly corrupt) to 100 (very clean). Transparency International launched the index in 1995, and in 2022 it scores 180 countries and territories. The CPI is published annually. The latest CPI of 2022 rates Denmark as the least corrupt country with a score of 90 points and is ranked at serial number 1, whereas Somalia scores 12 points and is ranked at Sl. No. 180 as the most corrupt country. India scores 40 points and is ranked at Sl. No. 85. India stands at the same score i.e 40 points in three consecutive years since 2020.

CHAPTER-II

EMERGENCE OF LOKAYUKTA

1. Anti-Corruption Movements in India:

India took about 43 years and 8 Lokpal Bills in Parliament before the Lokpal and Lokayuktas Act, 2013 became a reality. The first Administrative Reforms Commission (1966) headed by Morarji Desai recommended creation of Ombudsman like Institutions (like Lokpal and Lokayuktas) to tackle the menace of corruption. The second Administrative Reforms Commission (2005) recommended creation of National Lokayukta by amending the constitution. Although the Lokpal & Lokayuktas Bill, 1978 was introduced in Parliament, no concrete action could be taken for a long time. Public awareness was not sufficient to compel Parliament to pass the legislation. However by 2011, a powerful social movement erupted in the form of campaign on 'India Against Corruption (IAC)' led by a group of social activists such as Anna Hazare, Arvind Kejriwal, Swami Agnivesh and many other social activists. Anna Hazare, a follower of Gandhian principles, decided to go fasting unto death; demanding enactment of the long pending Jan Lokpal Bill. This and the prevailing circumstances ultimately compelled Parliament to act.

2. Lokpal and Lokayuktas:

The Lokpal and the Lokayuktas are anti-corruption ombudsmen organizations. These Sanskrit words were coined by an eminent jurist Laxmi Mall Singhvi, MP during the Lok Sabha debates in 1963. The word Lokpal was derived from the Sanskrit words "Lok" (people) and "Pala" (protector/caretaker) meaning Caretaker of People or Guardian of the People. Similarly Lokayukta is derived from Lok (people) and Ayukta (commissioner) meaning Public Commissioner or Commissioner of the People. The Lokpal and Lokayuktas Bill, 2011 was introduced for the establishment of Lokpal for the Union and Lokayuktas for States to look into corruption charges against public servants. The Bill was tabled in the Lok Sabha on 22nd December, 2011

and was passed by the House on 27th December, 2011 as The Lokpal and Lokayuktas Bill, 2011. It was passed in the Rajya Sabha on 17th December 2013 after making certain amendments to the Bill including deletion of detailed provisions of the Lokayuktas due to reservations by some States. The amended Bill was again passed by the Lok Sabha the next day on 18th December, 2013 and it received assent from President on 1st January, 2014 and came into force from 16th January 2014. However, for the next 5 years, the Lokpal remained dormant as the Chairperson and other Members of the Lokpal were not appointed. After a lapse of 5 years, Mr. Justice Pinaki Chandra Ghose, a retired Supreme Court Judge was appointed as the first Chairperson of Lokpal of India on 17th March 2019. The Lokpal consists of the Chairperson and 8 Members- 4 Judicial Members who is or had been Chief Justices of High Courts/Judges of the Supreme Court and 4 Members who had been members of All India Services and Central Services.

The Lokpal and Lokayuktas Act, 2013 also mandates that every State shall establish a body to be known as the Lokayukta for the State, if it had not been so established, constituted or appointed under law made by the State Legislature, to deal with complaints relating to corruption against certain public functionaries, within a period of one year from the date of commencement of this Act. Some states had already instituted Lokayuktas beforehand and the Karnataka Lokayukta was considered to be an example. All the remaining states also enacted their respective state's Lokayukta Act, generally following the pattern of Lokayuktas setup in the original Lokpal and Lokayukta Bill, resulting in certain level of similarities/uniformity amongst the states.

3. History of Mizoram Lokayukta:

Establishment of Lokayukta in Mizoram was initiated in the later part of 2008 and the process of drafting the Bill was started. Certain interested groups and NGOs even submitted draft Mizoram Lokayukta Bill. Meanwhile the Central Government introduced the Lokpal and Lokayuktas Bill in Parliament hence the Government of Mizoram had put drafting of the bill in the back-burner. However, after it was passed by the Lok Sabha, when the Bill was under consideration in the Rajya Sabha some MPs questioned the

propriety of including Lokayuktas for the States as this could impinge the autonomy of the States, hence the detailed provisions relating to Lokayuktas were deleted and retained only Section 63 which provides that the State Legislature shall make a law for establishment of Lokayukta within a period of one year from the date of commencement of the Lokpal and Lokayuktas Act, 2014.

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

The Mizoram Lokayukta Rules, 2015 was framed but was repealed when 'the Mizoram Lokayukta Rules, 2016' was framed and published in the Mizoram Gazette Extraordinary Vol- XLV Issue No. 539 dated 14.12.2016. It came into retrospective effect from the date of publication in the Mizoram Gazette (i.e.14.12.2016) vide Notification No. 12017/1/2020-VIG dated 22.09.2020 and published in Mizoram Gazette extra-ordinary, Vol.-XLIX Issue No. 588 dated 25.09.2020. A minor amendment to facilitate appointments of staff was also incorporated in the Rules in 2019 vide Notification No.H.12017/130/2014-LJD dated 14.5.2019 and came into immediate effect. However, for the next 4-5 years, the State could not establish its own Lokayukta Institution. It was after repeated pressures by the Supreme Court that the State could establish the Mizoram Lokayukta by appointing its first Chairperson, who was sworn in on 11.03.2019 after a lapse of more than 4 years since the Mizoram Lokayukta Act, 2014 was passed.

CHAPTER-III

ESTABLISHMENT OF THE LOKAYUKTA

1. Commencement:

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

2. Nodal Department:

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

3. Amendment of the Mizoram Lokayukta Act, 2014:

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

Government to be laid before the Legislative Assembly.

4. Chairperson and Members of Mizoram Lokayukta:

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

(1) CHAIRPERSON:

(i) A person who is or has been a Chief Justice of the High Court or a Judge of the High Court, or

(ii) A person qualified to be a High Court Judge, or

(iii) A person who has a vast knowledge of law and experience in judicial matters or courts, or

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

(2) JUDICIAL MEMBER:

(i) A person who is qualified to be a High Court Judge or

(ii) A person who has vast knowledge of law and experience in judicial matters or courts.

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

(3) THE SALARY, ALLOWANCES AND OTHER CONDITIONS OF SERVICE OF -

(i) The Chairperson shall be the same as those of a Chief Justice of the High Court;

(ii) Other Members shall be the same as those of a Judge of the High Court.

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

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

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

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

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

(1) The Chief Minister as Chairman,

(2) The Speaker of the Legislative Assembly as Member,

(3) The Leader of Opposition/Opposition Group as Member,

(4) The Chief Justice of Gauhati High Court or a Judge nominated by him as Member.

The Selection Committee selects the Chairman/ Member(s) of the Lokayukta from the panel of names prepared by the Search Committee and send its recommendation(s) to the Governor for appointment. The first

constituted Selection Committee could not finalize its selection from the panel of names recommended by the first Search Committee; and the next constituted Selection Committee finally made its selection from the panel of names recommended by the second Search Committee.

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

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

**“When corruption is the priority, honesty becomes evil.”
— Kangoma Kindembo**

CHAPTER-IV

POWERS AND FUNCTIONS OF LOKAYUKTA

1. Jurisdiction for Enquiry & Investigation:

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

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

(a) any person who is or had been a Chief Minister, Speaker or Deputy Speaker;

(b) any other person who is or had been a Minister of the State;

(c) any person who is or had been a Member of the State Legislature;

(d) all officers and employees of the State, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of Section 2 of the Prevention of Corruption Act, 1988 when serving or who had served, in connection with the affairs of the State;

(e) all officers and employees referred to in clause (d) or equivalent in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or of a State Legislature or wholly or partly financed by the State Government or controlled by it when serving or who had been such officer or employee;

(f) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether

registered under any law for the time being in force or not), by whatever name called, wholly or partly financed or aided by the State Government and the annual income of which exceeds such amount as the State Government may, by notification, specify;

(g) any person who is or has been a Director, Manager, Secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from the public and the annual income of which exceeds such amount as the State Government may by notification specify or from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakhs rupees in a year or such higher amount as the Central Government may, by notification, specify;

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

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

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

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

Provided that no prosecution under this Act shall be initiated against the

person serving under the Central Government without obtaining approval from competent authority of Central Government.

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

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

2. Powers to Supervise and Prosecute:

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

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

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

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

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

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

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

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

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

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

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

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

3. Powers of Civil Court and Contempt of Court.

(1) For the purpose of any preliminary inquiry and investigation, the

Lokayukta shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, in respect of the following matters, namely: –

(i) Summoning and enforcing the attendance of any person and examining him on oath;

(ii) Requiring the discovery and production of any document or article

(iii) Receiving evidence on affidavits;

(iv) Requisitioning any public record or copy thereof from any court or office;

(v) Issuing commissions for the examination of witnesses or documents/articles

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

(vi) Such other matters as may be prescribed.

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

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

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

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

4. Removal of Chairperson and Members:

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

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

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

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

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

5. Bar from Re-employment and Contesting Elections:

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

CHAPTER-V

ADMINISTRATION & PERSONNEL

1. 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.

2. 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). During the reporting period 1 UDC resigned for better job & one LDC joined through direct recruitment. The existing staff strength consist of 27 officers and staff including Chairperson and Secretary (Part-time) with their respective PS (Deputation) and PA (Deputation), APP (Regular Appointment), Superintendent (Deputation), 1 Assistant (Deputation), 1 UDC (Deputation), 4 LDCs (PE), 6 Drivers (PE), 9 Group-Ds (PE).

3. Recruitments:

The Mizoram Lokayukta conducted written examination on 24.9.2022 and viva voice for recruitment of LDC (PE) on 11.10.2022. On the recommendation of Appointment Committee under Mizoram Lokayukta, Pu Lalchhuanawma was selected for the said post but due to personal reason he

declined. Hence, Pu F. Laldinthara, who secured first position in panel list, has been selected for the post and he joined office of the Mizoram Lokayukta on 17.10.2022.

4. Administrative Functions:

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

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

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

5. Observance of National Important Days:

On 31.10.22, the office held a pledge taking ceremony in observance of Vigilance Awareness Week, 2022 with the theme “Corruption free India for a developed Nation”.

The Government of Mizoram Decided to observe Fire Service Week from 6th-10th February, 2023. Fire Safety Slogan may be read out in all Government Offices and Education Institution throughout the State on 10th February, 2023. In this connection, on 10th February, 23 the office of Mizoram Lokayukta held a pledge taking ceremony on the Fire Service Week in order to promote the importance of Forest and harmful effects of Wildfire. The pledge taking includes, ‘I am a citizen of India as well as owner of Mizoram, I am committed to protect the trees, soil and wildlife of Mizoram’.

CHAPTER-VI

ESTABLISHMENT & REGISTRY WING

Roles and Functions of Establishment & Registry:

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

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

“Where do the evils like corruption arise from? It comes from the never-ending greed. The fight for corruption-free ethical society will have to be fought against this greed and replace it with ‘what can I give’ spirit”.

- A. P. J. Abdul Kalam

CHAPTER-VII

ENQUIRY/INVESTIGATION WING

Director of Enquiry/Investigation:

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

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

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

CHAPTER -VIII

LEGAL & PROSECUTION WING

Director of Prosecution:

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

Hence, proposal was sent to the Government to create the posts of Director of Prosecution and Additional Public Prosecutor which have not been fulfilled. Meanwhile the Lokayukta appointed Pu JC Lalnunsanga, Special P.P. in the court of Special Judge, P.C. Act to perform the functions of Special Public Prosecutor in respect of Lokayukta. Hence a full-fledged Prosecution Wing has not been constituted under the Mizoram Lokayukta.

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

The Mizoram Lokayukta continues to utilize the services of Pu JC Lalnunsanga Special P.P. and Pu C. Lalrinchunga Addl. P.P in the court

of Special Judge, P.C. Act to function as Special Public Prosecutor in respect of Lokayukta cases. However, as the Investigating Agencies have not completed any investigation assigned by the Lokayukta, their roles for Mizoram Lokayukta were somewhat circumscribed. The post of Bench Clerk was sanctioned by the government vide memo No.A.11013/2/2019-VIG dt.26.4.2021 but could not be filled up due to pending amendment of rules etc.

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.

“Corruption is the enemy of development, and of good governance. It must be got rid of. Both the government and the people at large must come together to achieve this national objective”.

- Pratibha Patil.

CHAPTER-IX

SPECIAL COURT

Section 34 (1) of the Mizoram Lokayukta Act, 2014 provides that the State Government shall constitute such number of Special Courts as recommended by the Lokayukta, to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under this Act. Accordingly, the Lokayukta requested the Government in the Vigilance Department to constitute a Special Court in consultation with the High Court. The Vigilance Department in turn wrote to the Law & Judicial Department to take necessary action for constitution of a Special Court or re-designation of the present Special Court as Special Lokayukta Court. The Government of Mizoram in consultation with Gauhati High Court issued a Notification No. A.45011/1/2015-LJE dt.9.6.2020 authorizing the Special Court under Prevention of Corruption Act 1988.

The Special courts constituted under sub-section (1) shall ensure completion of each trial within a period of 12 (Twelve) months from the date of filing of the case in the Court. If in the case, the trial cannot be completed within a period of 12 (Twelve) months, the Special Court shall record reasons thereof and shall make all efforts to complete the trial within another period of 6 (Six) months. The Adjournments should not be given without sufficient and reasonable cause.

CHAPTER-X

CORRUPTION CASES

1. Complaints:

Under the Mizoram Lokayukta Act, 2014 and Rules, 2016, no application forms or Fees or Affidavit has been prescribed. Even then, very few complaint cases have been filed before the Lokayukta. During the year 2022-23 only 6 complaint cases were filed. 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.

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.

In the absence of its own Enquiry Wing, the Anti-Corruption Bureau, Government of Mizoram was entrusted to conduct the Preliminary Enquiries (P.E). The ACB submitted P.E Reports on 9 complaint cases during the reporting year 2022-23. So, the total P.E received by Mizoram Lokayukta is 28 (P.E ordered by Mizoram Lokayukta is 19 and Preliminary Enquiry report transferred from ACB is 9).

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 proceedings against the accused before proceeding with Regular Investigation. Hearings on 12 cases were conducted by the Lokayukta during the reporting year by giving an opportunity of being heard to the parties concerned.

List of Preliminary hearings Conducted on Complaint Cases under Mizoram Lokayukta		
Sl. No	Case No.	Date of Preliminary Hearings Conducted
1	MLC- 1/2019	08.04.2022
2	MLC-12/2020	04.04.2022
3	MLC-13/2020	18.10.2022
4	MLC-21/2020	05.04.2022
5	MLC-24/2020	07.06.2022
6	MLC-25/2021	11.10.2022
7	MLC-26/2021	20.04.2022 & 04.05.2022
8	MLC-28/2021	21.06.2022 & 28.06.2022
9	MLC-29/2021	11.04.2022
10	MLC-32/2021	05.07.2022

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, 8 (eight) complaint cases were further referred for regular investigation. They were:

Sl. No	Case No.	Date of order
1.	MLC-1/2019	18.05.2022
2.	MLC-13/2020	04.11.2022
3.	MCL-24/2020	07.06.2022
4.	MLC-25/2021	01.11.2022
5.	MLC-26/2021	29.08.2022
6.	MLC-28/2021	28.07.2022
7.	MLC-29/2021	09.06.2022
8.	MLC-32/2021	13.07.2022

5. Prosecution:

Prosecution stage comes after full investigation is over. During the reporting period, full investigation was completed in respect of one case viz. MLC -17/2020. Prosecution has been launched in the Court of Special Judge for Lokayukta. The Mizoram Lokayukta has taken the services of Pu JC Lalnunsanga as Special Public Prosecutor and Pu Lalrinchhunga Addl. Public Prosecutor assisted by Pu R. Laltharlina Assistant Public Prosecutor. Trial is in progress.

6. 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 19 cases out of which 5 cases such as Case No. MLC-12/2020, MLC No. 14/2020, MLC-21/2020, MLC- 30/2021, MLC-36/2021 were closed during 2022-2023. These closed cases during 2022-2023 includes complaint cases received from the previous year. They recorded in the Appendix.

7. Status of Complaint Cases:

Brief Information of Corruption Cases during 2022-2023 under Mizoram Lokayukta are as under.

Total No. of Complaint Case Registered - 6

Total No. of case referred for Preliminary Enquiry (P.E.) - 6

Total No. of P.E Report received (including past referred cases - 9

Disposed Cases - 5

So far, the Mizoram Lokayukta registered a total of 48 complaint cases from its inception till date as on (31.3.2023). The Summary of Complaints are as under:

Summary of Complaints (As on 31.3.2023)		
Sl. No	Case No.	Date of order
1	2	3
1.	Cases registered	48
2.	Cases disposed of without PE	5
3.(i)	Cases for Preliminary Enquiry	30
(ii).	Preliminary Enquiry Reports received	33
(iii)	Pending PE	9
4	Cases closed/disposed off	16
5	Notice issued for Preliminary Hearing	28
6	Cases dropped after hearing	5
7	Cases referred for Regular Investigation	16
8	Regular Investigation Report Receivedw	4
9	Cases dropped after Regular Investigation	1
10	Cases sent for Prosecution	1
11	Cases dropped/disposed of (after Prosecution) Cases of Acquittal/ Cases of Conviction / Cases dropped/ disposed of (after Prosecution)	*Nil

CHAPTER-XI

VIGILANCE AWARENESS

1. Importance of Vigilance:

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

2. Vigilance Awareness Campaign

The Central Vigilance Commission has decided that this year the Vigilance Awareness Week would be observed from 31st October to 6th November, 2022 with the theme “Corruption free India for a developed Nation”. National Institute of Technology, Mizoram organized Vigilance Awareness programme on 29th November, 2022 in which the Hon’ble Chairperson was supposed to deliver a speech, in this connection Mizoram Lokayukta held a pledge taking ceremony on 31.10.2022 for the observance of Vigilance Awareness Week.

The Mizoram Lokayukta realizes that majority of people are not aware of Mizoram Lokayukta and its functions in combatting corruption. Therefore at this stage, Anti-corruption awareness campaign as extensive as possible is a key to have a better co-operation and to make the people vigilant. Mizoram

Lokayukta during the reporting year has co-operated with 24 NGOs within the state by conducting several anti-corruption awareness campaigns, installing of hoarding advertisement at public places and by sponsoring programme for banner advertisement and anti-corruption slogan to be read out during programme intervals.

Awareness Campaign Programmes were held in collaboration with 12 NGOs Viz.:

1. .KTP-Vaivakawn Branch
2. KTP-Melriat Branch
3. SAY-Vaivawn Corps
4. YRPS-ITI Corps
5. KTP-Khatla Branch
6. KTP-Vaivakawn Vengthlang Branch
7. Chaltlang Kohhran Pavalai Pawl
8. SAY-Tuikual South Corps
9. TKP-Chaltlang Unit
10. SAY-Ramthar North Corps
11. PYD Bethlehem Vengthlang
12. Chanmari West Branch, Khuangchera Section- Aizawl.

Hoarding Advertisements were installed at several places by Mizoram Taxi Owner Association, General PYD-Mizoram UPC, KTP-Kulikawn Vengthlang Branch, Darlung Village Council and KTP-Bungkawn Branch.

Banner Advertisements were sponsored for the Programmes organized by Pang Zirlai Pawl, Rimawi Khawvel Music Magazine, Fashion Designing School-Sikulpuikawn, MZI- Reiek Branch, Joint YMA-North Vanlaiphai and Go Green Adventures who held street campaign as well along their tour journey.

Apart from working with NGOs, the Mizoram Lokayukta also installed hoarding banner at three places such as Maubuang, Sairang and Kawnpui.

Picture(s): Glimpses of Anti- Corruption Awareness Campaign sponsored by Mizoram Lokayukta held at various places in Mizoram.





PYD Bethlehem Vengthlang



YMA Chanmari West Branch, Khuangchera Section, Aizawl



Go Green Adventures with Govt. Vaphai high School students

On 31.10.22, Mizoram Lokayukta Officers and Staff had a sincere Pledge taking Ceremony at Court room cum Conference Room.



Hoarding Board at Maubuang installed by Mizoram Lokayukta, which is useful for passers-by of this National Highway at the cross-road at Tropic of Cancer.



CHAPTER-XII

RIGHT TO INFORMATION

1. SPIO and Appellate Authority:

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

2. Disposal of Applications:

A total of nine RTI applications were directly received under Mizoram Lokayukta during 2022-2023. All information sought for under RTI Act, 2005 have been furnished to the applicants. There are no BPL applicants as well as appeal regarding RTI reply to the appellate authority.

The application form for use of obtaining information under Section 9 of the RTI Act, 2005 is available for download at website i.e. Lokayukta.mizoram.govt.in for convenience of the applicants.

Details of RTI Application (2022-2023) under Mizoram Lokayukta are as follows:

Sl. No.	Date	Applicant Name	Subject	Mode of Payment
1	2	3	4	5
1.	26.4.2022	Vanlalruata	Multiple question about the condition of Cases	Cash
2.	23.5.2022	Vanlalruata	Regarding Complaint cases on : i) MLC-3/2019 & ii)MLC-19/2020	"
3.	30.5.2022	C.Laltlanthianghlina	Regarding the complaint cases of MLC-38/2022	"
4.	6.12.2022	Lalthafeli	Subject matter of MLC-1/2019	"
5.	1.12.2022	Zodinpuia	Multiple question regarding the condition of Cases	"
6.	9.12.2022	Ashutosh Kumar Mishra	Multiple question regarding the condition of Cases	"
7.	28.2.2023	Nohro (Chakma)	Regarding MLC-44/2022	"
8.	28.2.2023	Jakob Kiangte	Multiple question regarding the condition of Cases	"
9.	2.3.2023	Lalhruaitluanga Bawitlung	Multiple question regarding the condition of Cases	"

3. Fees:

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

CHAPTER-XIII

BUDGET AND ACCOUNTS

1. Charged Expenditures for Lokayukta:

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

2. Finance and Accounts:

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

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

The total budget allocated for the Mizoram Lokayukta during the reporting year is Rs. 2,33,25,000 out of which Rs. 2,16,46,076 (92.80%) is incurred as expenditure, leaving a balance of Rs. 1678924 (7.19%).

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

3. Budget provisions and expenditures for FY 2022-2023:

Sl. No.	Head of Account	BE/RE	Reappropriation	Total Expenditure	Balance
1	2	3	4	5	6
1	(01)- Salary	12400000	12460000	12447377	12623
2	(02)- Wages	3800000	3740000	3547390	192610
3	(06)- Medical Treatment	2350000	2450000	2284246	165754
4	(11)- Domestic Travel	450000	450000	17300	432700
5	(13)- Office Expenses	900000	900000	899847	153
6	(14)- Rent	600000	600000	600000	0
7	(16)- Publications	200000	200000	199980	20
8	(20)- Other Administrative Expenses	500000	500000	492794	7206
9	(26)- Advertisement & Publicity	200000	500000	485740	14260
10	(27) Minor Works	500000	400000	0	400000
11	(28) Professional Service	1000000	700000	255200	444800
12	(50) Other Charges	425000	425000	416202	8798
		23325000	23325000	21646076	1678924

4. Budget provisions for the coming FY 2023-2024:

Controlling Officer: Secretary, Mizoram Lokayukta
 Major Head : 2062 -Vigilance
 Sub Major Head : 00
 Minor Head : 103-Lokayukta
 Sub Head : (01)-Mizoram Lokayukta (Charged)
 Detail Head : 00

Head of Accounts Object Heads:	Proposed (Rs in Lakh)	BE (Rs in Lakh)	Shortfall (in Rs)	Actuals (in Rs)
(01)- Salaries	134.00	133.74	0.26	
(02)- Wages	40.00	38.40	1.6	
(06)- Medical Treatment	2.00	1.65	0.35	
(11)- Domestic Travel Expenses	5.00	4.50	0.5	
(13)- Office Expenses	10.00	9.00	1	
(14)- Rent, Rates, Taxes	6.00	6.00	-	
(16)- Publications	2.00	2.00	-	
(20)- Other Administrative Expenses	7.00	5.00	2	
(26)- Advertisement & Publicity	5.00	2.00	3	
(27)- Minor Works	5.00	5.00	-	
(28)- Professional Services	10.00	10.00	-	
(50)- Other Charges	5.00	4.25	0.75	
(21)- Supplies and Materials	3.00	-	-	
(41)- Secret Service Exp.	2.00	-	-	
952)- Machinery & Equipment	5.00	-	-	
Total of Major head: 2062 (CHARGED)	241.00	221.54	-	

CHAPTER-XIV

LAND AND OFFICE BUILDING

1. Temporary Office Accommodation(s):

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

2. Land Allotment:

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

3. Construction of Office Building:

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

CHAPTER-XV

CITIZEN'S CHARTER

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

Citizens' Charter for Office of the Mizoram Lokayukta

VISION AND MISSION

VISION : "Clean and corruption free state of Mizoram"

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

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

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.

Grievance Redressal 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

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.

CHAPTER -XVI

VISIT OF DIGNITARIES

The Secretary, Mizoram Lokayukta had a meeting with officials of Meghalaya Lokayukta and also paid a visit to Meghalaya State Law Commission to interact with officials concerned during 18.1.2023-23.1.2023

The Hon'ble Chairperson of Mizoram Lokayukta paid a visit to Meghalaya Lokayukta from 27.3.2023. During his visit, he had useful discussions, exchange of information on various activities and explored possibilities of a more effective functioning in the prevention of corruption.

Shri Ashok Kumar Gupta, IAS(Rtd), Chairperson, Competition Commission of India visited Mizoram and called on the Lokayukta for discussion

Bah Bhalang Dhar, IAS (Rtd), Hon'ble Chairperson, Meghalaya Lokayukta receiving Pu C. Lalsawta, IAS (Rtd), Chairperson, Mizoram Lokayukta at his office



Shri Ashok Kumar Gupta, IAS (Rtd), Hon'ble Chairperson, Competition Commission of India visited Mizoram during the period and exchanged views and ideas with the Chairperson of Mizoram Lokayukta.



CHAPTER-XVII

CONCLUDING SUMMARY

This Annual Report aims to provide a comprehensive summary and analysis of the activities and efforts of the Mizoram Lokayukta over the previous year. Its primary objective is to identify, investigate, prevent, prosecute and raise awareness about corrupt practices within Mizoram. The body should be equipped with Investigation Wing and Prosecution Wing, unfortunately till today these wings are under process. Hopefully, full-fledged wings under Mizoram Lokayukta could be constituted in some future.

The Mizoram Lokayukta has spent 3 (Three) years without much inconvenience since its establishment but as mention time and time again the absence of two wings have made the work limited capabilities. The Mizoram Lokayukta has not convicted any person to this date. However it has sent 1 (one) case for prosecution stage.

Amendments for the Acts under Mizoram Lokayukta are underway. For this purpose, the Govt. has set up study group and even visited other states Lokayukta. The intended purpose for amendment is to reconstruct the prosecution/Inquiry Wings and to figure out the hindrances of Mizoram Lokayukta Acts.

The Mizoram Lokayukta has not been able to get hold of a full time Secretary, presently the Additional Secretary, Law & Judicial Department, Govt. of Mizoram has been functioning as part-time Secretary.

Dated the 31st March, 2023

The Mizoram Lokayukta.

Order - 1

ORDERS ON CLOSURE OF CASES (Up to 31.3.2023)

MIZORAM LOKAYUKTA
(Constituted under the Mizoram Lokayukta Act, 2014)
Case No. MLC- 12/2020

In the matter of:

Pu Lalrosiem,
President,
Hmar People's Convention (HPC) : Petitioner/Complainant
Gen. Hqrs, Sakawrdai, Mizoram

Versus

1. Pu Lalthlamuana Hmar,
Chief Executive Member, Sinlung Hills Council, : Respondent/Opp.
Sakawrdai, Mizoram Party,
2. Lalremlien Faihriem,
Junior Engineer, Sinlung Hills Council, : Respondent/Opp. Party
Sakawrdai, Mizora

ORDER

Date 26.4.2022

1.As per the provision of Section 19(3) of the Mizoram Lokayukta Act, 2014, opportunities of being heard was afforded to the parties concern on 29.03.2022 vide Order dated 15.03.2022. In the meantime, the respondent No. 1 submitted an application to the Mizoram Lokayukta stating that due to the Session of Sinlung Hills Council being summoned at Sakawrk dai between 29th to 30th

March 2022, he would not be able to appear and requested adjournment of the hearing and on prayer made by the respondent, hearing was rescheduled and notice was served to the parties concern and hearing was held accordingly on 4.4.2022 in Court Room No. 1 of Mizoram Lokayukta wherein the petitioner/complainant was absent, the respondent No.1 & 2 were present and were heard and they submitted documents related in their defense. The Enquiry Officer was also heard and he explained how the PE was conducted and stated that he collected the relevant documents pertaining to the allegations.

2. A brief summary of the case is that First Information Report /Complaint Petition was submitted on 10.04.2019 to the Superintendent of Police, Anti-Corruption Bureau (ACB) by Pu Lalrosiem, President, Hmar People's Convention (HPC) Gen. Head Quarters, Sakawrdai, Mizoram against Pu Lalthlamuana Hmar, Chief Executive Member, Sinlung Hills Council (SHC) for alleged misappropriation of fund under NEDP amounting to Rs. 50 lakhs under Sinlung Hills Development Council which was sanctioned vide No. D. 13023/6/2018-GAD dated 3.10.2018.

3. The Superintendent of Police, ACB then forward the complaint petition to Vigilance Department requesting to grant permission for registration of Preliminary Enquiry as per clause-23 of ACB Manual,2012. The Vigilance Department, in pursuance of the complaint, sent a letter to the Secretary, Sinlung Hills Development Council requesting to furnish the factual and detail information on the expenditure made along with supporting documents vide No. C. 31016/94/2019-VIG on 1.05.2019. In reply to this letter, Development Officer, Sinlung Hills Council submitted the comments of utilization of funds under NEDP 2018-2019 for Sinlung Hills Council along with photo pictures on utilization of Rs. 50 lakhs. On receiving the said information, the Vigilance Department requested Deputy Secretary, Public Works Department vide I.D. No. 31016/95/2019-VIG dated 13.09.2019 for cross verification and examination by technical experts so as to give a clear-cut opinion with justification. PWD through its Under Secretary(T) sent the comments on utilization of funds to Vigilance Department which was endorsed to Deputy Director(Admn.) and Sr. Executive Engineer, P.W.D., Project Division-II, Aizawl stating that for evaluation of work done, the rates adopted in the preparation of estimates is S.O.R. 2016 (PWD Building) for

building works and S.O.R. 2014 for road works.

4. The Mizoram Lokayukta received the complaint from the Vigilance Department along with subsequent correspondences with SHC and PWD for necessary action. The Mizoram Lokayukta after perusing the complaint petition decided to proceed further with the case and subsequently passed an Order dated 24.2.2020 directing the ACB to conduct preliminary enquiry into the allegations against the public servant to decide further course of actions. The Vigilance Department through its Under Secretary conveyed Government approval to conduct Preliminary Enquiry u/s 17A of the PC Act, 198 and the ACB Preliminary Enquiry No. 1/2020 dated 17.03.2020 was registered and Inspector George Lalhmingzauva Chinzah, ACB was appointed as Enquiry Officer.

5. The ACB submitted Preliminary Enquiry Report along with Executive Summary to Mizoram Lokayukta on 25th February 2022. The points of allegations in the complaint petition submitted by Pu Lalrosiem, the Preliminary Enquiry Report, and the observations based on documents and hearing conducted can be summed up as follows:

6. The complaint petition, alleged that the Sinlung Hills Council (SHC) had received Rs. 50 lakhs under NEDP for various developmental works at different villages viz. Saipum, Khawlian, Mauchar, Tinghmun, Vaitin, Sakawrdai, Khawlek, Khawdungsei, and Saiphai, for the year 2018-2019, but the amount was misused and misappropriated by Pu Lalthlamuana Hmar, Chief Executive Member (CEM), Sinlung Hills Council (Interim Council, 2019).

7. According to the Preliminary Enquiry Report, the Enquiry Officer visited the site of all the works and took photographs of each worksite and collected documents relevant to the enquiry. The enquiry reveals that during the year 2018-2019, SHC has received a fund of Rs. 50 lakhs for execution of twelve minor works for nine (9) villages under NEDP fund and the works were departmentally executed.

8. Regarding the allegations, the respondent vehemently denied the allegation and stated that the complainant was executive member during the interim

period. He stated that the decision regarding the work was made by the council and not solely by him. The earlier interim council made a decision for the said work and according to the said decision it was acted upon by the present council. He stated that there was no misused nor misappropriation of fund as alleged.

9. The Enquiry conducted by the Anti- Corruption Bureau (ACB) reveals that Sinlung Hills Council under the Chairmanship of Pu Lalthlamuana Hmar, CEM (Interim period) had executed 8 (eight) minor works (out of 9 works) as per the sanction order but diverted one of the minor works namely, Construction of road from Vaitin Village to Sikpui Tourist Spot amounting to Rs 7 lakhs to 4 (four) other minor works without getting prior approval from the concern authority (Govt. of Mizoram, Finance and GAD Department) and also without getting approval from Executive Committee, Sinlung Hills Council, which is against Rule 10(5) (i) of Delegation of Financial Rules 1978 and Government of Mizoram Notification No. G.17012/1/2010-F. Est dated 18th November, 2019 and that the approval was not obtained before execution due to ignorance of rules and regulations by the Chief Executive Member.

10. The respondent denied the allegation and stated that in pursuance of their letter GAD obtained approval from Finance Department. The respondent in his defense submitted a letter No. D. 13023/6/2018-GAD dated 3.10.2018 issued by Under Secretary, General Administration Department wherein an administrative approval and expenditure sanctioned of Rs. 50 lakhs for the construction of developmental works under Sinlung Hills Council are reflected and as per the letter, the department was advised to execute the work departmentally. Further, as per the letter sent to the Under Secretary, GAD, Govt. of Mizoram by the Development Officer, SHC vide letter No.21014/1/2018-SHC dated 31.01.2022, the Council had sought for ex-post-facto approval for diversion of work which was eventually approved vide No. D.13023/6/2018-GAD dated 31.3.2022.

11. Another allegation is that several works, some of them costing Rs. 5 lakh or more were executed without floating tenders which is a violation of GFR 2017, the Mizoram Transparency in Public Procurement Act, 2008,

and the Mizoram Public Procurement Rules, 2020. These works were claimed to have been taken up as departmental works but without employing any departmental officials. The works were allotted to political party and village council.

The respondent stated that any developmental work for the council is sought through General Administration Department and file is put up accordingly and that without the approval of Finance Department, no work can be executed. In order to substantiate his defense, the respondent submitted relevant document issued by GAD vide No. D. 13023/6/2018-GAD dated 31.3.2022 wherein ex-post facto approval for diversion of work was granted to Sinlung Hills Council. The respondent also stated that the officials from the Council did not have any monetary benefit regarding the works and stated that under the jurisdiction of Sinlung Hills Council, there are 31 villages. It is also submitted that the concerned Village Councils supervised the work.


12. The concerned engineer Pu Lalremlien Faihriem, JE, SHC is in-charge for execution of most of the developmental works and civil works under Sinlung Hills Council. All the utilization certificates, details on expenditures and assessment reports were certified and prepared by him. As per the findings of the Enquiry Report, most of the works were executed departmentally and the works were taken up departmentally by utilizing the services of labourers on payment of daily wages. The VC lend their support by helping the JE in supervision of the work.

13. The respondent at the time of hearing stated that for execution of developmental works under Sinlung Hills Council, technical expertise was required and that only one person having the required knowledge is the JE who is arrayed as respondent No. 2. As most of the work is civil in nature and JE is entrusted for the works. The respondent no. 2 Pu Lalremlien Faihriem stated that the area covered by the council includes parts of three districts viz. Aizawl district, Saitual district and Kolasib district. He further stated that he had supervised all the work which required technical knowledge and stated that all the plan and estimate was prepared by him. He also stated that he did not have any monetary benefit in the work entrusted to him.

14. The documents produced by the respondents at the time of hearing

reveals that the Government of Mizoram granted administrative approval and expenditure sanctioned of Rs. 50 lakhs for developmental works vide no. D. 13023/6/2018-GAD dated 3.10.2018 and also granted ex-post facto approval for diversion of works. It appears there is no violation of rules by the respondents as alleged in the complaint petition. As per the Enquiry Report, the work done also seems to be commensurate with the allotted fund. Hence there is no evidence to establish any criminal act and there is no justification to continue investigating the case without prima facie evidence.

15. Accordingly, in terms of Section 19(3)(c) of the Mizoram Lokayukta Act, 2014, I consider the facts and circumstances of the case and I hereby decide to close the case. Accordingly, the case stands closed.


(C. LALSAWTA)
Chairperson
Mizoram Lokayukta

Order - 2

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

ORDER

Case No. MLC- 14/2020

In the matter of:

Er. Rustom Chakma,
President, United Chakma Alliance (UCA),
Lawngtlai, Mizoram : Petitioner/Complainant

Versus

Shri Buddha Dhan Chakma,
MLA, 36-Tuichawng Constituency,
Mizoram Legislative Assembly : Respondent/OP
Date: 12.7.2022

I. A brief history of the case is that the Mizoram Lokayukta received a complaint petition dt. 19.3.2020 from Er. Rustom Chakma, President, United Chakma Alliance (UCA) against Shri Buddha Dhan Chakma, presently MLA from Tuichawng Constituency for alleged misuse and embezzlement of MLA-LAD funds in his constituency. After perusal of the complaint petition, **MLC Case No. 14/2020** was registered and the Lokayukta ordered the Anti-Corruption Bureau (ACB) to conduct Preliminary Enquiry (PE) vide No.C.13017/14/2020-ML dt. 4.5.2020. In pursuance of the Mizoram Lokayukta Order, the ACB registered Preliminary Enquiry (LOK) No.3/2020 dt.22.5.2020 and appointed Inspector Vanlalhruaia as Enquiry Officer to conduct the PE. The PE Report was submitted to the Mizoram Lokayukta on 14.7.2021.

II. According to the complaint petition, Er. Rustom Chakma alleged that despite release of funds in Tuichawng Constituency, many projects were not initiated and even though most of the projects were sanctioned in the name

of various departments under CADC, they were executed by the relatives of Shri Buddha Dhan Chakma, MLA. The complainant alleged that the following development plans were not executed:

- | | |
|--|-----------------|
| (i) Construction of Recreation Hall at Borapansury | - Rs 15.00 lakh |
| (ii) Purchase of Tata Sumo Ambulance for Borapansury PHC | -Rs 7.50 lakh |
| (iii) Construction of Community Water Ponds at Borapansury | - Rs 5.00 lakh |
| (iv) Repairing of Staff Quarters at Borapansury PHC | - Rs 7.50 lakh |
| (v) Infrastructure Development of Borapansury PHC | - Rs 5.00 lakh |
| (vi) Improvement of Borapansury PHC Road | - Rs 7.50 lakh |

III. As per the PE Report submitted, the report on each allegation is as under:

1) Construction of Recreation Hall at Borapansury: Dr. BD Chakma, MLA proposed construction of Recreation Hall at Borapansury with an estimate amount of Rs 15 lakh under MLA LAD Fund and the Local Administration Officer (LAO), CADC was selected as implementing agency during 2017-2018. The Hall is constructed in the vicinity of Bhujayanti Bana Mandir. The construction is almost complete during the time of enquiry except for the room partition and inner furnishing, and is found to be commensurate with the sanctioned amount, i.e., Rs 15 lakh.

As per the statement of the LAO, CADC, the implementing agency did not execute the work, but was executed by a cement mistiri. The MLA stated that due to huge work load and limited man power, the LAO could not supervise the works.

2) Purchase of Tata Sumo Ambulance for Borapansury PHC: Purchase of Tata Sumo Ambulance was included in proposed work schedule submitted by MLA Dr. BD Chakma under MLA LAD Fund for the year 2014-2015 vide DO No. MOS/PB/SERI/FISH/13/5/7 dt.30.4.2014. This proposed work schedule was superseded by new proposals for work schedule vide DO No.MOS/PB/SERI/FISH/13/5/8 dt.2.6.2014 and vide DO No. MOS/PB/SERI/FISH/13 dt.11.3.2015. In these new proposals, purchase of Tata Sumo Ambulance was excluded but it did not mention whether the fund proposed for purchasing Tata Sumo was diverted. Hence, the allegation on purchase of Tata Sumo Ambulance requires no further enquiry.

3) Construction of Community water ponds at Borapansury: Dr. BD Chakma, MLA allocated Rs 5.00 lakh for construction of community water pond under MLA-LAD Fund for 2015-2016 vide DO No.MOS/PB/SERI/FISH/13/5 dt.7.12.2015 and the implementing agency is PWD, CADC. The work was supervised by the District Agriculture Officer (DAO), CADC as requested by the MLA. According to the Work Supervisor, the construction work was done by hiring JCB and completed in January 2016, and it was meant for water harvesting pond. After 2 or 3 months of completion, heavy down pour of rain damaged and washed away the newly constructed earthen dam.

According to PE Report, the construction site is now merely a mild gorge covered with wild plants and no sign board displayed, and it is improbable to assess the quality of the work as the construction took place 5 years back and the earthen dam was washed away by flood.

4) Repairing of Staff Quarters at Borapansury PHC: Dr. BD Chakma allocated MLA-LAD Fund amounting to Rs 7.50 lakh for repairing Staff Quarters at Borapansury PHC for the year 2014-2015 and the implementing agency was the Medical Officer, Borapansury PHC. Repairing of staff quarters was executed by the then VCP of Borapansury-I and the brother of the MLA Dr. BD Chakma, and the then Medical Officer, Dr. Lauva Chakma was satisfied with the repairing works as per the deposition submitted by him to the Enquiry Officer.

5) Infrastructure Development of Borapansury PHC: Infrastructure Development of Borapansury PHC was included in proposed work schedule submitted by Dr. BD Chakma under MLA-LAD Fund for the year 2014-2015 vide DO No. MOS/PB/SERI/FISH/13/5/7 dt. 30.4.2014. This proposed work schedule was superseded by new proposals for work schedule vide DO No. MOS/PB/SERI/FISH/13/5/8 dt. 2.6.2014 and vide DO No. MOS/PB/SERI/FISH/13 dt. 11.3.2015. In these new proposals, infrastructure development of Borapansury PHC was excluded.

The new proposal did not mention whether the said proposed work was diverted or not or whether it had been utilized for some other work was not enquired into. The Enquiry Officer thus reported that the allegation on

Infrastructure Development of Borapansury requires no further enquiry.

6) Improvement of Borapansury PHC Approach Road: Dr. BD Chakma allocated MLA-LADS Fund amounting to Rs 7.50 lakh for improvement of Borapansury PHC Road for the year 2014-2015. The implementing agency was VC Borapansury-1, and Shri Mongadhan Chakma, VCP of Borapansury-I executed the work. According to the Enquiry Report, improvement of Borapansury PHC Road was done and the Enquiry Officer visited the spot. And it was found out that the Plain Cement Concrete (PCC) was about 200-250 metres. As per the report, it is impossible to assess the quality of the work as repairing was done 5 years back. Both President, YCA and vice-VCP stated that the repairing of road was satisfactory.

IV. Apart from the points of allegations, the Enquiry Officer enquired into the following points:

(i). Construction of RCC Water Reservoir at Sadarsuk (Kamalanagar-IV) capacity of 80,000 litres: Under MLA-LAD Fund for the year 2014-2015, Dr. BD Chakma allocated Rs 7.50 lakh for the construction of RCC Water Reservoir at Sarasuk (Kamalanagar- IV) with a capacity of 80,000 litres. The work site is in VC Kamalanagar-IV, and the water reservoir is being utilized by mandir communities.

(ii). Purchase of college bus: During financial year 2018-2019, Dr. BD Chakma allocated Rs 17.00 lakh under MLA-LADS Fund for purchase of bus for Govt. Kamalanagar College. It is found that bus bearing registration No. MZ07-5249 was purchased from dealer Zothan Auto Works, Aizawl, and it is being utilized by the College. The operation costs and maintenance costs may have to be borne by the college as the Report did not mention how it is operated and maintained.

(iii). Visit of the Office of DC Lawngtlai: The Enquiry Officer visited the office of the DC Lawngtlai and examined the dealing clerk of MLA LADS Fund. She stated that each MLA submit work schedule proposal indicating name of work, work site, amount and implementing agency. As per the proposal of MLA, work order is issued requesting the implementing agency to submit plan and estimate. After submitting plan and estimate,

50% of sanctioned amount is released as 1st installment. 2nd installment/ final installment is released after submission of UC enclosing photos of the work duly certified by the concerned MLA or BDO. The UC is then carefully scrutinized and approved before releasing the final bill. She further stated that on some occasions, report of the concerned BDO is demanded for releasing 2nd installment/final bill and the final bill is kept pending for long period while awaiting the report of BDO. The concerned BDO requests TA/DA for his staff for inspecting the works under MLA-LAD Fund as BDO jurisdiction covers a large area. DC Lawngtlai is not in a position to provide TA/DA for BDO staff. To avoid long period of pending bill, UC duly certified by the concerned MLA is accepted for release of final bills. She further stated that under MLA-LAD Funds, 1% of sanctioned amount is deducted for making plan and estimate and also another 1% is deducted out of the sanctioned amount for labour cess.

(iv). Examination of Dr. BD Chakma, MLA: The Enquiry Officer examined the MLA Dr. BD Chakma who stated that he was fully satisfied with the execution of all works. He stated that unless there are serious complaints during execution of works, he relied on three photographs of the works- before, during and after the execution of works. He further stated that DC Lawngtlai Office demanded extra 1% of estimate amount for preparation of Plan & Estimate and another 1% for labour cess from the implementing/ executing agencies.

The Enquiry Officer concluded that all allegations were enquired into and the enquiry reveals that all works were executed but the exact quality of works could not be assessed as some of the works were executed 5 years back, and impossible to collect sufficient evidences to substantiate the allegations.

V. On receipt of the PE Report and its enclosures, letter dt.1.9.2021 seeking clarifications was sent to the Chief Executive Member, Chakma Autonomous District Council. After a long delay, letter vide No.C.13011/03/2021/ CADC(LAD) dt. 25.1.2022 was received from the Executive Secretary, CADC stating that the CADC is not the nodal department for implementation of MLA LAD Fund, and that the required information may be sought from the Deputy Commissioner, Lawngtlai District, Lawngtlai. Thus, letter dt.27.1.2022

was sent to the DC, Lawngtlai. The different queries requiring clarifications and the reply received vide letter No.B.17013/4/2016-DC(LTI) dt.8.6.2022 may be summed up as under:

(1) As it transpired from the Preliminary Enquiry Report, Local Administrative Officer, CADC was selected as the Implementing Agency during the year 2017-2018 vide memo No. MOS/PB/SERI/FISH/13/5/500 dt. 26.7.2017. However, the construction of Recreation Hall was executed by one cement mistiri. On what basis did the mistiri execute the work? Whether the prescribed procedure for execution of work with reference to Rule 136, Rule 139 of GFR 2017 is followed may be clarified along with relevant documents.

As per the reply received, the Implementing Agency was Local Administrative Officer, CADC. It was the discretion of the Implementation Agency to engage mistiri/skilled labour as per their requirement and DC office has no role in this regard. Further, the final bill was released only after Implementation Agency produced Utilization Certificate duly countersigned by the concerned MLA.

(2) Whether the construction of Recreation Hall has been carried out in conformity with Sl. No. 5/5.03, 6/5.11, 9/16.01, 14/6.09, 15/9.05 in the Detailed Estimate may be clarified.

According to the reply received, some files containing MLA LADS w.e.f. 2014-2018 financial year which have been stored in the Office store room/archive were unfortunately damaged due to heavy rain, and the damaged files containing Plan & Estimate were disposed of around 2017. So, it could not be ascertained whether the work was carried out in conformity with Sl.No. 5/5.03, 6/5.11, 9/16.01, 14/6.09, 15/9.05 in the Detailed Estimate.

(3) With respect to the construction of Community Water Pond at Borapansury under MLA LAD fund for 2015-2016 vide DO No.MOS/PB/SERI/FISH/13/5 dt. 7.12.2015, whether the excavation of earth work was carried out as per estimate has to be verified. Though the Enquiry Report reveals that it is not possible to assess the quality of work as the construction was done 5 years ago and the earthen dam was washed away by flood,

whether the Measurement Book was filled up, checked and maintained to assess the quality of work done may be clarified.

As per the letter, Measurement Book (MB) has to be maintained for every work as per CPWD manual. However, in case of MLA LADS the practice has not been adopted till date.

(4) Rule 139 (IV, V) of GFR, 2017 mandates calling of open tenders for work costing Rs 5 lakhs to Rs 30 lakhs and limited tender for works costing less than Rs 5 lakhs. Particulars of tender may be checked and verified with respect to works under the MLA LAD Fund.

As per the reply received, since tendering process had not been adopted for MLA LADS, particulars of tender could not be checked and verified.

(5) With respect to repairing of Staff Quarter at Borapansury PHC which was allocated from MLA LAD fund amounting to Rs 7.50 lakh for the year 2014-2015, whether contract agreement and work order as required under Rule 139 (V) of GFR 2017 may be clarified. Whether there is detailed estimate with regard to this work, and whether tender as required under Rule 139 of GFR 2017 was floated may also be clarified.

According to the reply received, the closed files damaged by heavy rain were already disposed of.

(6) Whether there is detailed estimate with respect to improvement of Borapansury PHC Approach Road as proposed in the work schedule submitted under MLA LAD fund for the year 2014-2015 may be clarified.

According to the reply received, closed files pertaining to implementation of MLA LADS for financial year 2014-2015 could not be traced as it was damaged due to heavy rain and the then dealing clerk had passed away.

(7) Whether there are technical and administrative sanctions accorded of the works under the said scheme may also be clarified.

As per the reply, closed files for financial year 2014-2018 could not be traced, but it is likely that technical & administrative sanctions were accorded for the said works.

VI. I have gone through relevant materials connected with the case and have come to the conclusion that the evidence collected during Preliminary Enquiry was not sufficient to sustain the allegations against the respondent. Where the allegations made in the complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out any criminal case against the respondent., there is no sufficient ground to proceed further with the case hence the only option is to close the case. It is also suggested by the ACB that Enquiry may be closed without further investigation. I consider the facts and circumstances of the case and I hereby decide to close the case. Accordingly, the case stands closed.



(C. LALSAWTA)
Chairperson
Mizoram Lokayukta

Order - 3

ORDER

Case No. MLC- 21/2020

In the matter of:

1. Shri Onish Moy Chakma,
Kamalanagar-I, Chawngte,
Lawngtlai, Mizoram : Petitioner/Complainant

Versus

1. Shri Rasik Mohan Chakma
Kamalanagar-III, Chawngte : Respondent/OP No.1
Lawngtlai, Mizoram.

2. Shri S.R. Zokhuma
Former Commissioner and Secretary: Respondent/OP No.2
Mizoram Legislative Assembly
r/o Zotlang, Aizawl

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 concern 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.

13. 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.

Order - 4

APPENDIX - A4

ORDER

Case No. MLC- 30/2021

In the matter of:

Pi Lalremsangi Fanai,

Falkawn, Mizoram

: Petitioner/Complainant

Versus

The Chief Executive Officer,

Aizawl Smart City Ltd.,

Urban Development & Poverty Alleviation Department,

Govt. of Mizoram

: Respondent

Date: 25.10.2022

1. The Mizoram Lokayukta received a complaint petition dt. 26.3.2021 from Pi Lalremsangi Fanai, Falkawn, Mizoram against the Chief Executive Officer, Aizawl Smart City Ltd., Urban Development & Poverty Alleviation Dept., Govt. of Mizoram for alleged irregularities committed in the procurement of machines under Aizawl Smart City Ltd. The case was registered as **MLC-30/2021**. In the complaint petition, the complainant stated that with reference to Aizawl Smart City Ltd. invitation for bids vide No.B.11030/144/(Proc-Gen)/2018-ASCL dt. 20.1.2021 was issued by Pu Lalrothanga, Chief Executive Officer (CEO), Aizawl Smart City Ltd., and tender was floated for the procurement of sanitary napkin vending machine and incineration by the Mizoram Government. However, the terms and conditions mentioned in the tender do not seem to conform to rules and appear to violate MSME Order 2012, and opens a gateway for corruption.

2. On perusal of the complaint, letter vide memo No. C.13017/30/2021-ML dt. 12.7.2021 was sent to the CEO, Aizawl Smart City Ltd. in which their

comment(s) along with factual position report were sought. Reply vide letter No. F.23016/34/2020/CEO/ASCL/47 dt. 9.9.2021 from the CEO, ASCL was received in which it was stated that the Aizawl Smart City Ltd. observes all sound procurement process of procurement of all items. Further, in order to get more participants and more competitive rate, tender for the package of Sanitary Napkin Vending Machines was advertised in National Newspapers and Local Newspapers, and the tender was open to all manufacturers and suppliers having experience. As per the letter, qualifications in the Bidding Document were framed considering the technical requirement for installation and Operation & Maintenance for 3 years. Hence, it was considered that best results in the implementation of the machines may only be seen if the contract was awarded to those firms/person(s) who have experience in the field.

3. The Secretary, Mizoram Lokayuktathensenta letter vide No. C.13017/30/2021-ML dt. 23.9.2021 to the CEO, ASCL stating that the General Financial Rules, 2017 as adopted by the Govt. of Mizoram, the Mizoram Transparency in Public Procurement Act, 2008, the Mizoram Public Procurement Rules, 2020, Manuals and Procedures, prescribed by the Government mandate the adoption to two envelope bidding procedure for procurement of goods and services. Hence, the CEO, ASCL was requested to furnish clarifications on the various points. After a reminder dt. 5.1.2022 was sent to the CEO, ASCL, a reply was received vide letter No. F.23016/34/2020/CEO/ASCL/50 dt. 28.1.2022. The main points of query and reply received may be summed up as under:

i). Details of bidders in the Envelope No. 1 (Technical bid) and whether Envelope No. 2 (Financial bid) were opened only in respect of those who qualified the technical bid.

As per the reply received, the details of bidders in Envelope No. 1 (Technical bid) who submitted the bids are provided. The names of the firms are (i) M/s Mehar Agencies Pvt. Ltd- M/s 6th Sense Innovations JV and (ii) M/s Vidur's-M/s Cecon Pollutech Systems Pvt. Ltd. JV.

ii). List of bidders who qualified the technical bids along with the particular of their financial bids.

As per the reply, M/s Mehar Agencies Pvt. Ltd. - M/s 6th Sense

Innovations JV is the lone technically qualified bidder with Financial Bid amounting to `2,03,81,940/-.

iii). The names/particulars of bidders finally selected with justifications.

According to the reply received, the Bid Evaluation Committee decided to accept the bid of the lone technically qualified bidder M/s Mehar Agencies Pvt. Ltd.- M/s 6th Sense Innovations JV for the Contract Package, as- (i) The tender was floated with satisfactory advertisement and publicity. Further, the submission time was extended for 13 days giving enough time for any perspective bidders. (ii) The package is new technology and there are only few manufacturers in the country at present and re-tendering may not result in more participation, (iii) Re-tendering may result in delaying the project implementation as the project is implemented in a mission mode with time bound manner, and (iv) The quoted price of M/s Mehar Agencies Pvt. Ltd.- M/s 6th Sense Innovations JV is within the range of the estimated cost.

iv). Names and particulars of members of the Committee and those who participated in the meeting.

As per the reply received, the details of names and particulars of members of the Bid Evaluation Committee are listed. The Committee consisted of 7 personnel from Aizawl Smart City Ltd., UD&PA Dept. and Aizawl Municipal Council.

v). The attested copy of proceeding of the tender Committee.

The CEO, ASCL has enclosed the attested copy of the Bid Evaluating Committee.

4. After thorough perusal of the reply received from the CEO, ASCL, a letter dt. 1.3.2022 was again issued to which a reply letter was received vide letter No. F.23016/34/2020/CEO/ASCL/55 dt. 9.3.2022. The points of clarifications sought and the explanations received are summed up as follows:

i) The reason as to why incinerator was not listed in the items in the advertisement floated in the local and national newspapers as it can lead to mismatch in the item desired and item supplied.

As per the reply received, incinerator was not mentioned in the advertisement because the name of the project is “Procurement of Sanitary Vending Machine.” However, the project encompasses sanitary vending machine from where sanitary napkins can be procured and also incinerator for the disposal of used sanitary napkins. The detailed requirements are clearly spelled out in the bidding documents. Further, the advertisement for invitation for bids was a short notice, wherein it was clearly mentioned that details could be obtained from the Office of the Chief Executive Officer, Aizawl Smart City Ltd., and ASCL website.

ii) The details of bid documents submitted by M/s Mehar Agencies Pvt. Ltd. and other agencies/bidders.

The CEO, ASCL has enclosed the detailed Bid Documents submitted by (a) M/s Mehar Agencies Pvt. Ltd., Kolkata-M/s 6th Sense Innovations JV and (b) M/s Vidur’s-M/s Cecon Pollutech Systems Pvt. Ltd. JV, Guwahati.

iii) Have any other items been supplied to ASCL by M/s Mehar Agency? Is there any other supply/contract work executed by the Proprietor, M/s Mehar Agency in the name of other agencies?

According to the reply received, no other item has been supplied by M/s Mehar Agencies Pvt. Ltd. or the Proprietor of M/s Mehar Agencies Pvt. Ltd. under ASCL.

5. The Secretary, Mizoram Lokayukta then sent a letter to the complainant vide letter No.C.13017/30/2021-ML dt. 24.3.2022 stating therein all the actions taken by the Mizoram Lokayukta based on the complaint petition and that the complainant is free to send more queries on the matter if necessary, and enclosed every copy of the communication letters between Mizoram Lokayukta and Aizawl Smart City Ltd. The reply/comment of the complainant was awaited for some time for further proceedings of the case. Since no reply was received from the complainant, a letter dt. 10.8.2022 was against issued to the complainant reminding her to provide comment(s) on the matter in the interest of justice. The complainant replied via Whatsapp on 10.8.2022 stating that she was grateful for providing her with more time to write her comments and that she would be writing soon. However, no

response has been received from the complainant till date.

6. The Lokayukta carefully scrutinized the issue and studied all the documents submitted by ASCL and there seems to be no irregularities. The Aizawl Smart City Ltd. has responded to our queries well and seemed to follow prescribed rules and regulations in the project “Procurement of Sanitary Vending Machine.” Further, though sufficient opportunity was afforded to the complainant to submit comments on the explanation furnished by the respondent, the complainant has not done so even after a lapse of six months. It is assumed that she accepts the clarifications and explanations provided by ASCL. The complaint could not bring evidence showing Irregularities committed by the respondent and the explanation furnished by the respondent was neither challenged. Based on the documents available on record, there does not seem to be any negligence or partiality by the respondents in selecting the qualified bidder. Accordingly, in terms of Section 19(1) of the Mizoram Lokayukta Act, 2014 and considering the facts and documents available on record, it is a fit case for closure of further proceedings. Hence, the case is hereby closed.



(C. LALSAWTA)

Chairperson
Mizoram Lokayukta

Order – 5

APPENDIX - A5

ORDER

Case No. MLC- 36/2021

In the matter of:

Shri Kala Uda Chakma s/o Bali Dhan Chakma,
Jamersury, Lawngtlai District

Mizoram : Petitioner/Complainant

Versus

1. Shri Awnga Joy Chakma,
VCP, Jamersury,
Lawngtlai District, Mizoram

: Respondent/OP

2. Shri Sukra Sen Chakma,
VLA i/c Jamersury,
Lawngtlai District, Mizoram

: Respondent/OP

Date: 26.10.2022

1. The Mizoram Lokayukta received a complaint petition dt. 16.9.2021 from Shri Kala Uda Chakma, Jamersury, Lawngtlai District against Shri Awnga Joy Chakma, VCP, Jamersury and Shri Sukra Sen Chakma, VLA i/c Jamersury for alleged embezzlement of MNREGA Wages in Jamersury, Lawngtlai District. The case was registered as MLC Case No. 36/2021. In the complaint petition, the complainant stated that there have been a number of corrupt practices regarding MNREGA Wages in Jamersury villages such as deletion of job card holder's name from the list of job card holders in Jamersury, addition of a person who is not from the village in the list, etc., and he requested the Lokayukta to investigate the matter.

2. Letter vide memo No. C.13017/36/2021-ML dt. 13.10.2021 was issued to Shri Kala Uda Chakma wherein it was stated that as provided under Sl. No. 9(iii) of the Mizoram Mahatma Gandhi Rural Employment Guarantee Schemes, 2014 Notification dt. 20.3.2014 by Rural Development, Govt. of Mizoram, the Programme Officer at each Block level will function to ensure social audit, dispose complaints and redress grievance in connection to MNEGRS, and hence suggestion was given that the matter be addressed to the concerned ombudsman, or the Block Division Officer, Chawngte Block in the interest of justice and for speedy redressal of the grievances.

3. As per the notification stated above, the issue may come under the jurisdiction of Ombudsman constituted under the provision of Mizoram (Establishment of Independent Local Body) Ombudsman Act, 2011. Although it was felt that the complaint is not within the purview of Mizoram Lokayukta, nevertheless in the interest of justice, a communication from the complainant was awaited. In the meantime, the complainant was called telephonically through his mobile number and was provided explanation regarding the matter and was told to approach the concerned authority for redressal of his grievances. It is also pertinent to mention that the Mizoram Lokayukta has done the needful on its part and has provided necessary information to the complainant. After perusal of the facts and circumstances of the complaint, I have come to the opinion that the complaint has been well taken care of. For the above mentioned reason, the matter should be referred to the concerned authority for passing appropriate orders and avail remedies as per procedure laid by law. Hence, the case is hereby closed.


(C. LALSAWTA)

Chairperson
Mizoram Lokayukta