



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

Complaint No. : **MLC- 47/2022**

Date : **20.12.2024**

Coram : **Lalmalsawma**
Chairperson

Lalsanglura
Member

Joel Joseph Denga
Member (Judicial)

In the matter of:

- 1. Pu Zorammawia,**
President,
Tuipuiral Zirlai Pawl, General Hqtrs, Aizawl : Petitioner/Complainant
- 2. Pu K.R.Lalmuankima,**
General Secretary,
Tuipuiral Zirlai Pawl, General Hqtrs, Aizawl : Petitioner/Complainant

Versus

- 1. Pi Maria CT Zuali**
The then DC Champhai : Respondent/OP
- 2. Pu J. Lalhmachhuana,**
EE, Power Project Division, Champhai : Respondent/OP
- 3. Pu Lalthankima**
JE, DRDA, Champhai : Respondent/OP
- 4. Pu Ngursailova**
Director, ZEDA : Respondent/OP
- 5. Pu J.H. Laldinliana**
President, YMA Samthang Branch : Respondent/OP
- 6. Pu C. Lalrintluanga**
Village Council President, Samthang
Contractor of Homestay : Respondent/OP

- 7. Pu Lalrosanga,**
President, MNF Unit, Samthang : Respondent/OP
- 8. Pu P.C Lalruatkima**
S/o Lalchungnunga, Samthang
Contractor of Homestay : Respondent/OP
- 9. Pu T.Lalchhuanmawia**
S/o Laithangmung (L), Samthang
Contractor of Homestay : Respondent/OP
- 10. Pu Lalrosanga**
S/o Lalrinmawia (L), Samthang
Contractor of Homestay : Respondent/OP
- 11. Pu PC Lalhlimpuia**
S/o Ngursiama, Samthang
Contractor of Homestay : Respondent/OP
- 12. Pu C.Lalh mangaihthuanga**
S/o C.lalthanga, Samthang
Contractor of Homestay : Respondent/OP
- 13. Pi Zothankimi,**
D/o Lalruatsangi, Samthang
Contractor of Homestay : Respondent/OP
- 14. Pu P.C. Laldawngsanga**
S/o Pu P. C. Lalhlimpuia
Mual Veng, Samthang
Training Incharge/Supervisor : Respondent/OP

ORDER

A complaint petition Dt. 26.9.2022 was filed by Shri. Zorammawia, President, Tuipuiral Zirlai Pawl, General Headquarters, Aizawl and, Shri. K.R.Lalmuankima, General Secretary, Tuipuiral Zirlai Pawl, General Headquarters, Aizawl to the Chairperson, Mizoram Lokayukta, Aizawl, Mizoram on 26.9.2022 alleging irregularities in the execution of the ‘Samthang Zo Phulpui Nature Park, Mizoram’ Project, and on receipt of the complaint, MLC-47/2022 was registered. Letter Dt. 7.10.2022 seeking clarifications was sent to (i) DC Champhai, ii) Environment, Forests & Climate Change Department, (iii) Public Works Department (PWD), (iv) Planning and Programme Implementation Department and (v) Zoram Energy Development Agency (ZEDA) and replies thereto were received from (i) PWD Dt. 28.10.2022 (ii) ZEDA Dt. 11.11.2022 (iii) DC Champhai Dt. 16.1.2023 and (iv) Planning and Programme Implementation Department Dt. 9.2.2023. Meanwhile, additional points of complaint on the same subject matter were submitted again by the complainants on 31.1.2023. On perusal of the complaints and replies received, the Mizoram Lokayukta directed the Anti-Corruption Bureau (ACB), Mizoram to conduct a Preliminary Enquiry (PE) by passing Order Dt. 16.02.2023. Thus, the ACB registered ACB PE No.2/2023 Dt. 17.3.2023 and appointed Pu R. Lalnunmawia, Dy. SP, ACB as Enquiry Officer to conduct the PE. ACB submitted the PE Report to the Lokayukta on 18.09.2024.

During the course of the enquiry, the Enquiry Officer (EO) examined the Complainant, officials concerned, village leaders of Samthang as well as other relevant witnesses and recorded their statements. The EO carefully studied all the connected documents furnished by Mizoram Lokayukta and the relevant documents collected in the course of the Enquiry. He also visited the P.O. i.e., Samthang village and Samthang Zo-Phulpui Nature Park and inspected all works undertaken under the Samthang Zo Phulpui Nature Park, Mizoram' project. The E.O. examined witnesses who were acquainted with the facts and circumstances of the Project and recorded their statements.

Following are the points of allegations and findings as per the enquiry:

1. Issuance of Completion Certificate before completion of scheduled works and availability of equipments/articles.

Pi Maria CT Zuali, the then Deputy Commissioner, Champhai District issued a 'Certificate of Completion' on 2.2.2022, stating that the project 'Samthang Zo Phulpui Nature Park' which received Administrative Approval from the NEC on 30.3.2021 at an amount of Rs. 359.21 lakhs had been successfully completed and that all the funds received for the project had been utilized as per budget allocations. She also submitted a completion certificate and other related reports to the Principal Adviser-cum-Addl. Secretary, Planning and Programme Implementation Department, Aizawl, Mizoram on 25.2.2022. Further, a 'Certificate of Handover of Assets of Samthang Zo-Phulpui Nature Park to the Village Level Samthang Zo-Phulpui Nature Park Management Committee', duly signed by all concerned, was issued on 25.2.2022. The Ministry of Development of North Eastern Region, North Eastern Council, Govt. of India thereafter issued an Office Memorandum declaring the Samthang Zo Phulpui Nature Park, Mizoram as closed.

2. Non-obtaining of Forest Clearance.

As per 'Additional information for PE in MLC-47/2022' furnished by the Mizoram Lokayukta vide No.C13017/47/2022-ML Dt.21.3.2023, the Divisional Forest Officer, Champhai Forest Division clarified that "the land (Samthang Zo-Phulpui Nature Park) is not a notified forest or deemed forest and negligible number of trees were damaged due to earth work such as, improvement of existing road, construction of log cabin, cafeteria and dam. In view of the above, obtaining of clearance under the Forest (Conservation) Act, 1980 is considered unnecessary".

No evidence to suggest major damage of trees as a result of the said project was found by the EO during spot visit of the area/land.

3. As per C/MPWD Manual/norms, DC Office, Champhai is not the competent authority to act as the Implementing Agency as the Project Cost amounts to Rs. 359.21 lakhs.

As per the Concept Note and DPR on "Samthang Zo Phulpui Nature Park, Mizoram", the Deputy Commissioner, Champhai District was proposed as the Implementing agency. This was duly accepted by the State government and accordingly forwarded to the NEC for approval and it was approved.

Administrative Approval for "Samthang Zo Phulpui Nature Park, Mizoram" at an estimated cost of Rs. 359.21 lakhs was accorded by the Secretary, NEC in exercise of financial powers delegated by the Govt. of India, Ministry of DoNER. The project was to be implemented by the Office of the Deputy Commissioner, Champhai District and funded by NEC under the scheme "Schemes of North Eastern Council" under MH-2552 OH-35. As per the Release of

Grants-in-Aid (Plan/Non-Recurring) to the Office of the Deputy Commissioner, Champhai District for “Samthang Zo Phulpui Nature Park, Mizoram”, the Grant released was to be utilized by Office of the Deputy Commissioner, Champhai District.

The statement of Pi Maria CT Zuali, the then Deputy Commissioner, Champhai District, and Concept Note revealed that the DC is the Implementing Agency in over 40 (forty) Centrally Sponsored Schemes/Central Sector Schemes at the District level. Further, the “Samthang Zo Phulpui Nature Park, Mizoram” project was intended to be implemented in convergence with other related CSS/CS, viz., MGNREGS, NRLM, PMKVY, DDU etc.

4. As per the NEC Administrative Approval Letter and reply received from RTI query, works under the project cannot be modified/alterd, yet plans were changed without completing the scheduled works resulting in sub-standard work execution.

As per the terms and conditions set forth in the Administrative Approval for “Samthang Zo Phulpui Nature Park, Mizoram” and Release of Grants-in-Aid (Plan/Non-Recurring) to the Office of the Deputy Commissioner, Champhai District for “Samthang Zo Phulpui Nature Park, Mizoram”, the fund should be utilized only for the purpose for which it has been approved. No diversion of fund for any other purpose would be allowed.

During the course of enquiry, physical verification of all works executed under the project was conducted. It was found that several works were executed which were not included in the proposed budget estimates of the DPR. Some items work, such as, Homestay, Fencing, Market Shed etc were not executed as per the DPR. As per the statement of Pi Maria CT Zuali, the then Deputy Commissioner, Champhai District, savings from the Project were utilized for creating assets considered to be valuable for the success of the project, such as construction of Log Cabin, Hawkers/Vendor Stalls, Roof Painting etc.

5. Trainings were not conducted at the venue/place shown in the DPR and NEC Approval Letter. All the trainings were conducted in Samthang village and trainings were not imparted by assigned trainers. Trainees did not gain requisite skills for meaningful employment and no certificates were issued to them. No TA/DA was received by the trainees.

As per the DPR, training and skilling of local youths and women in various skills was proposed to be undertaken at an estimated cost of Rs. 20 lakhs.

During the Preliminary Enquiry it was found that trainings were conducted on Spoken Hindi & English, Food & Beverages and Orchid Propagation. Thereafter, youths of Samthang and its surrounding villages were also made to visit tourist hotspots of Meghalaya so as to have firsthand knowledge about tourism. Savings from Budget Estimates on Trainings was reported to be have been utilized to visit Meghalaya and for creating certain assets. Pi Maria CT Zuali, the then DC Champhai, stated that trainings were conducted in Samthang village and not as per the budget estimates due to inter-district travel restrictions imposed by reason of the Covid-19 pandemic, night curfews, etc.

6. A lot of equipments/articles were missing despite claim of completion of works:

All available equipments/articles were carefully inspected, counted and they are found, by and large to tally with the DPR.

Equipments/articles found at various locations were carefully inspected and recorded by the EO as shown in the Physical Inspection Report.

7. Works under the project were not executed as per the DPR :

- a) **Approach Road:** As per the DPR, the existing 3.4 kms length road was to be widened with a proper sub-base and black topping. Proper sub-base was not made and the road was in a dilapidated state (muddy & slippery) even before the lapse of 1 (one) year after its completion despite allocation of Rs. 100 lakhs.
- b) **Eco Toilet:** 2 (two) Nos. of Eco Toilet were to be constructed as per drawings available in the DPR and the actual work executed is not commensurate with the fund allocated.
- c) **Eco Cafeteria:** The work executed is not as per the drawing in the DPR.
- d) **Dam for Lake Extension:** A 60 meter long Dam is to be constructed for lake extension as per the DPR merging the 3 (three) existing lakes into one lake. Spot visit revealed that the Dam constructed is only 60 feet in length and there is leakage with no water-retention capacity.
- e) **Landing Huts and Docks:** They were not constructed as per DPR specifications and it is clear that they will not serve the desired purpose even if there is water in the lake.
- f) **Fencing, Security Building:** Fencing was to be constructed with a Retaining Wall but there is no Retaining Wall on the ground. No Security Building was constructed on the ground.
- g) **Market Shed:** As per the DPR, a separate building was to be constructed at a cost of Rs. 15 lakhs. However, as per information received from the Management Committee, 5 (five) numbers of Hawkers'/Vendors' Sheds were constructed instead. DC Office, Champhai also submitted the picture of an Orchid Propagation Centre in place of the Market Shed to the Planning Department.
- h) **Orchid Propagation Centre:** As per the DPR, 2 (two) Units of Orchid Propagation Centre were to be constructed with allocated fund for the purpose of Rs. 20 lakhs, but only 1 (one) unit was constructed by way of renovating the existing old Community Bazar shed structure; the DPR was not followed.
- i) The following irregularities were found from the works stated to have been undertaken by the Management Committee:

a) Though Rs.8 lakhs was said to have been spent for installation of Transformer, Profoma Bill received from ZEDA was only for Rs. 2 lakhs for Installation & Commission.

The enquiry revealed that the Electric Transformer at Zopui Phul was not installed by ZEDA; it was done by P&E Department, Champhai.

Pu J.Lalhmachhuana, EE, PWD, Champhai prepared and submitted 'Estimate for Power Supply to Zopui Phul, Samthanga (Samthang Nature Park)' with an estimated amount of Rs. 6,84,500.00. Utilization Certificate for Rs. 4,62,720.00 prepared by Executive Engineer, Power Project Division, Champhai, Dated 2nd November, 2021 and Completion Certificate for Rs. 4,62,720.00 under the name 'Power Supply to Zopui ZPhul, Samthang, Dated 2nd November 2021 was also obtained during the course of enquiry.

As per the statement of Pi Maria CT Zuali, the then Deputy Commissioner, Champhai District, Rs. 8 lakhs was spent for the overall installation of Electric Transformer, such as site development, fencing, vehicle hiring charges, laying of wires, installation of electric poles, etc.

b) Rs.3 lakhs was claimed to have been given to 1 (one) family as Compensation but information received from the said family showed that they received only Rs. 1.5 lakh.

Statement of Pu C.Lalrintluanga (55), VCP Samthang, revealed that Rs. 1.5 lakhs was spent for purchasing a small hillock from Pi Kaptluangi of Samthang for construction of one Eco-Toilet.

As per the statement of Pi Maria CT Zuali, the then Deputy Commissioner, Champhai, there was a mistake in the calculation as expenses incurred for waiting shed on the approach road to Lianchhiari Lunglen Tlang and for one Handloom Unit at Khawbung were mistakenly added.

c) Rs. 3 lakhs was said to have been expended by MNF Unit for construction of Retaining Wall near the approach road of Zophulpui Nature Park. However, as per information received from MNF Unit, only Rs. 1.5 lakhs was received for the said work.

Statement of witness revealed that MNF Unit received Rs.3,00,000.00 from Zopui Phul Project for construction of Approach Road Gate, Retaining Wall and PCC flooring

d) Although Rs. 3 lakhs was said to have been spent for Roadside Dressing Work undertaken by the MNF Youth, yet information received from them stated that they received only Rs. 1 lakh.

As per statement of PC Vanthuama, Samthang MNF Youth received Rs.1,20,000/Rs.1,30,000 (exact figure not certain due to absence of record) for roadside dressing work for beautification of Samthang. Pi Maria CT Zuali claimed that they received Rs. 3 lakhs for the said purpose.

e) The reason as to why GST was not paid and the purpose for which it was expended?

As per the direction of the Ministry of DoNER, Govt. of India, the work was executed by the Office of Deputy Commissioner, Champhai and no Contractor was engaged. All required GST payments were paid when materials were purchased, such as Cement, Iron Rod, etc.

f) No tender was floated for the project and no separate Contractor took up the work, so for what purpose the Contractor Profit as per the PWDSOR was utilized?

As per the direction of the Ministry of DoNER, Govt. of India, the work was to be executed by the Office of Deputy Commissioner, Champhai and there is no provision for employment/engagement of a Contractor in the terms and conditions set forth for implementation of the Scheme/Project. As per the statement of Pi Maria CT Zuali, the then Deputy Commissioner, Champhai, the Contractor's profit as per the PWDSOR was utilized for creating additional assets so as to make the Project more successful in terms of tourist attraction. Various works were undertaken through manual labors performed by MNF Unit, MHIP, YMA etc.

8. Homestays: 6 nos. of Homestay were to be constructed with the budget estimate of Rs.42,00,000.00. The E.O. visited all the 6 homestays and thoroughly inspected on the spot.

The E.O. re-visited approach road of Zophulpui Nature Park and found that the road is not up to the mark, the construction being substandard quality. The enquiry revealed that the estimate prepared by the Junior Engineer, DRDA, Champhai was not enough for construction of the approach road.

During the enquiry, a copy was collected of a document, 'Pawisa Inhlanna' and photographs were taken in which Rs. 1.5 lakh was shown being paid to Pi Kaptluangi of Samthang for land compensation. The enquiry revealed that while from the records Rs. 3 lakhs was shown as paid to Pi Kaptluangi of Samthang for land compensation, only Rs 1.5 lakh was actually paid to her and the remaining Rs. 1.5 lakh was spent for the construction of waiting shed on the approach road to Lianchhiari Lunglen Tlang and for a Handloom Unit at Khawbung.

In compliance with the provision of Section 25(2) of the Mizoram Lokayukta Act, 2014, opportunity of being heard was afforded to the respondents on 18th, 21st & 22nd October, 2024 in Court Room No. 1 of Mizoram Lokayukta. The complainants and respondents were present, and the Enquiry Officer Pu R. Lalnunmawia, ACB was also present. The parties were heard. Order Dt. 23.10.2024 was passed giving the respondents time to submit written statements and accordingly written statements were submitted to the Lokayukta by respondent Nos. 1, 3, 4, 11 and 14.

In summary, it is found that the matter on record does not make out definitively a case under the Prevention of Corruption Act, 1988, the ingredient of "undue advantage" not being established by the Preliminary Enquiry, but it would nevertheless show quite clearly that the Public Servant concerned, i.e. Pi Maria CT Zuali, the then Deputy Commissioner, Champhai, who had control of the public funds sanctioned for the Project, acted in contravention of the Rules relating to the expenditure of such monies, specifically Rule 26(ii) GFR 2017, in allowing expenditure to be incurred for purposes other than that for which the funds had been provided. This is evident from her own signed written statement which shows as "Project Pawnlam Khawih Belh Te" the following items of non-project expenditure having been allowed by her with Project funds:

"Project chhung a awm zawng zawng hnate thawh zawh a nih hnuah pawisa la chuang bang te insem ral lo in heng a hnuai tarlan te hi khawtlang tana tangkai tur leh pawimawh anih avangin thawh chhonzawm a ni.

- (i) Khawchhung in tin chung hnawih hrin vek a ni a, a bang pawh a var a hnawih a ni.*
- (ii) Zopui transformer atana sen belh zat chu Rs. 6.00 lakhs a ni.*
- (iii) Culvert 3 siam a ni (Rs. 3.00 lakhs)*
- (iv) Tuikhur cheithat niin a bul vel Park nuam ang chei a ni (Rs. 3.28 lakhs)*
- (v) PCC flooring of Zopui Phul entrance (Rs. 3.00 lakhs)*
- (vi) Zopui phul tlang a RCC Water Tank leh pipe/Accessories/Water pump (Rs. 2.05 lakhs)*
- (vii) Children's Park Landscaping (Rs. 0.6 lakhs)*
- (viii) Retaining wall below Zopui Phul approach Road (Rs. 3.00 lakhs)*
- (ix) Khawchhung kawng lungrem/picket fences leh Zopui Phul Luhna kawngchhak lungrem (Rs. 3.00 lakhs)*

- (x) Pu Zoramthanga chawimawina Lungdawh (Rs. 1.00 lakh)
- (xi) Furnishing of Cafeteria (Rs. 2.322 lakhs)
- (xii) Furnishing of Log Cabin (Rs. 5.26 lakhs)
- (xiii) Compensation to one family (Rs. 1.50 lakhs)
- (xiv) Weeding/mowing of grasses at Zopui Phul (Rs. 0.78 lakh)
- (xv) Cobbled Stone at Log Cabin front yard (Rs. 1.10 lakhs)
- (xvi) Fridge (Rs. 0.12 lakh)
- (xvii) Water intake near log Cabin/Pipe/water pump/incinerator (Rs. 0.75 lakhs)"

However well-intentioned these departures from the Rules may have been, they cannot be regarded as acceptable. Every officer incurring or authorizing expenditure from public funds should be guided by the highest standards of propriety, and must conform without exception, strictly to the express rules and principles governing the process. Notions of what is best in the public interest are subjective, and if an officer fails to abide by established rules, the entire financial system would go awry

In view of these findings, the Lokayukta recommends that departmental proceedings be initiated against the government official responsible for the lapses and irregularities.

It is further directed that the complainants be given an opportunity to adduce evidence during the departmental proceedings, if they so desire. The department concerned is also directed to submit a report before the Lokayukta, detailing the outcome of the departmental proceedings action taken against the official responsible, if any.

Sd/-LALMALSAWMA
Chairperson

Sd/-LALSANGLURA
Member

Sd/-JOEL JOSEPH DENGA
Member (Judicial)

Memo No. C.13017/47/2022-ML

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Dated, Aizawl the 20th December, 2024

Copy forwarded for information to:

1. The Chief Secretary/Chief Vigilance Officer, Aizawl, Mizoram.
2. The Secretary, General Administration Department for necessary action.
3. The Director, Anti Corruption Bureau (ACB), Mizoram.
4. Pu Zoramawia, President & Pu K.R.Lalmuankima, General Secretary, Tuipuiral Zirlai Pawl, General Hqtrs, Aizawl.
5. All respondents.
6. Guard File.



(R. LALTHARLIANA)
Assistant Registrar
Mizoram Lokayukta