



MIZORAM LOKAYUKTA

(Constituted under the Mizoram Lokayukta Act, 2014)

Case No. MLC- 5/2019

In the matter of:

SL Ngursailova Sailo

General Secretary, PRISM

:

Petitioner/Complainant

Versus

Dr. Louis Hauhnar,

Principal, Mizoram Hindi Training College

:

Respondent/OP

ORDER

25.2.2021

A brief history of the case is that on 18.6.2019, a complaint petition was received at Mizoram Lokayukta from PRISM regarding alleged misappropriation of fund by Dr. Louis Hauhnar, Principal, Mizoram Hindi Training College. After the case was registered as MLC-5/2019, the Anti- Corruption Bureau was directed to conduct Preliminary Enquiry. ACB Enquiry (LOK) No. 12/2019 dt. 08.08.2019 was registered and Inspr. C. Zonunmawia, ACB was appointed as Enquiry Officer to conduct the PE. The Preliminary Enquiry Report along with the Executive Summary of the SP was submitted to Mizoram Lokayukta on 13.02.2020.

After careful examination of the Preliminary Enquiry Report, the Enquiry Officer was requested to furnish more information regarding the case, and the same was received on 31.07.2020. On 22.1.2021, the parties were given the opportunity of being heard, wherein the Petitioner/Complainant was absent; the Respondent/OP was present and heard. Apart from appearing in the hearing, Dr. Louis Hauhnar also submitted a written statement along with documents on dt. 8.2.2021.

The points of allegations in the complaint petition submitted by PRISM, the Preliminary Enquiry Report, and the observations based on documents and hearing conducted can be summed up as follows:

1). As per the allegation regarding the misappropriation of tour fund, a total amount of ₹2,90,750/- was sanctioned in two installments for travelling expenses for the training of the students of Mizoram Hindi Training College in Central Institute of Hindi, Agra and New Delhi,.

For the 2nd Year Hindi Shikshan Paragat 2018-19, a batch of 35 Teacher-trainees were supposed to be paid ₹ 2,690/- but were paid ₹ 1,500/- only, leaving a balance of ₹ 1,190/- each. Thus, Dr. Louis Hauhna, the Principal of MHTC misappropriated ₹ 1,190x35= ₹ 41,650/-. Similarly for the 2nd Year Hindi Shikshan Praveen and 2nd Year Hindi Shikshan Diploma 2018-19, a batch of 54 Teacher-trainees were to be paid ₹ 2,690 each but were actually paid ₹ 1,500/-. Thus ₹ 1,190x54 = ₹ 64,260/- was misappropriated. The total misappropriated fund amounts to ₹1,05,910/-.

However, according to the Preliminary Enquiry Report, MHTC had sent 76 students to Agra and Delhi in 2018. For the expenditure of those 76 students, Higher & Technical Education Department had sanctioned a total amount of ₹ 2,90,750/-. The college had disbursed ₹ 1,500/- each to the 76 students on their journey to Agra, (i.e., ₹ 1,14,000/-) and ₹ 8,000/- was disbursed to Tour Guide. On their return, ₹ 1,190/- each was again disbursed to 7 students (₹ 1,190/- x 7= ₹ 8,330/-). The remaining 69 students refused to receive the remaining ₹ 1,190/- due to agitation raised at the college by students. The total amount of money disbursed was ₹ 1,14,000/- + ₹ 8,000/- + ₹ 8,330/- = ₹ 1,30,330/-. The balance amount ₹ 1,60,420/- (i.e., ₹ 2,90,750 - ₹ 1,30,330 = ₹ 1,60,420) is found kept at Mizoram Hindi Training College office iron safe/chest for future disbursement.

Regarding the allegation, Dr. Louis Hauhna claimed that in the past years, they had instances where the students, when given tour funds in full at once, tend to use up all the money before the end of the tour, and even borrowed money from the teachers. So, to prevent that situation, the students were informed that they could take the money after the tour. After the tour, there was agitation regarding this and only 7 students came to take the remaining money. As per the written statement filed, the respondent further stated that the money has since been kept in the office chest due to ongoing enquiries, and after consulting with the concerned Department, it has been deposited into Govt. account vide Challan No. 10089, dt. 5.2.2021, Aizawl North Treasury.

In course of hearing, the respondent claimed that they later came to know that authorities of Central Institute of Hindi provided the students with T.A. Hence payment of T.A from two sources for the same journey appears to be abnormal/irregular. Hence, the state government may take appropriate measures on this score. The balance amount drawn was also kept in the chest of the college instead of returning it to the government as they could not receive instruction as sought for, which however has since been belatedly deposited in the government treasury.

2). (a). The second point of allegation is that while being the Principal of MHTC, Dr. Louis Hauhna also ran Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya in MHTC, in addition to owning LH Hindi School at Chanmari.

The PE Report states that during enquiry, it was revealed that MGAHV was run at MHTC with the permission of Govt. of Mizoram, Higher & Technical Education Department vide Memo No. E.12021/1/2011-HTE dt. 23.08.2017. The ownership of LH Hindi School, Chanmari was verified at Mizoram Hindi Prachar Sabha and it was verified that the owner of LH Hindi School was Reuben Lalrosiama, and later the ownership was transferred to Robinson Sailo, the brother-in-law of Dr. Louis Hauhna, and she has no official ownership of LH Hindi School.

On scrutiny of the Enquiry Report, the Lokayukta requested the Director, ACB to furnish information on certain points, and as per the comments prepared by the Enquiry Officer, the Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya (MGHAV) was established as an Act of Parliament in 1997, and Dr. Louis Hauhnar is the Principal of MGHAV.

Hence, no evidence was found to pin the respondent on violation of rules/regulations or irregularities.

(b). It was also alleged that Dr. Louis Hauhnar misused her position by submitting Tribal Scholarship applications to the Secretary, Mizoram Scholarship Board, in respect of 15 students who were not students of MHTC. Furthermore, 3 of the names on the applicant list were non-tribal students and 2 of them claimed that they did not apply for the said scholarship.

According to the Enquiry Report, the Enquiry Officer visited the Mizoram Scholarship Board Office and it was found that 15 students applying scholarship in the name of Mizoram Hindi Training College were distance course learners at MHTC, and the alleged scholarship applications of the non-tribal students namely Noorjahan Khaton, Martha Gosh and Vinod Gurung were not found in the list of scholarship applications received by Mizoram Scholarship Board.

The respondent, Dr. Louis Hauhnar clarified the allegation by stating that in 2018, the Scholarship Board had asked for the scholarship applications of trainees at Mizoram Hindi Training College. The College submitted the applications in haste and instead of submitting only the applicants list, the list of all trainees were submitted. Hence, the inclusion of the 3 non-tribal students was clearly a mistake on their part, and not due to ill-intention. The 15 students applying scholarship in the name of MHTC were actually students of MGHAV. In any case, in the final list of the Scholarship Awardees, the 3 non-tribal students are not included. The inclusion of the 3 non-tribal students in the Tribal Scholarship Applicants list appears to be a genuine mistake without ill motive. There might have been some sort of carelessness and negligence which do not amount to corruption.

3). The third point of allegation is that during 2018-19, MHTC received SPP Fund amounting to ₹24.90 lakhs for the development of the college, but the work carried out was insignificant compared to the amount sanctioned. Hence, there appeared to be huge corruption in the works.

According to the PE Report, during 2018-2019, the Govt. of Mizoram had sanctioned ₹30.00 lakhs vide Sanction Order No.D.11011/6/2016-DTE(THE) dt 3.9.2018. However, ₹24.9 lakhs only was withdrawn by MHTC due to insufficient LOC. With this amount sanctioned, MHTC had constructed retaining wall at Bus parking place near MHTC office, and repaired hostel and staff quarters. The value of work done for construction of retaining wall was assessed by Mizoram PWD at ₹12.05 lakhs, and other minor works such as repair and renovation at different places of the college was calculated at ₹12.89 lakhs. Hence, it can be concluded that the works done are commensurate with the amount sanctioned.

4). The last point of allegation is regarding accounts maintenance which was alleged to be defective and suspicious. In response to RTI query, it was stated that admission fee, absence fine, college bus fare etc were booked as the common pool fund in the Subsidiary Cash book

which was started only from 15.4.2019. Further, the admission fees, hostel and tuition fees, etc. for 2018-2019 were deposited into Govt. account only on 14th March, 2019, while it appeared that it should have been deposited in June/July, 2018.

The Enquiry Report stated that Subsidiary Cash Book was maintained at MHTC since 28.3.2017, in which students' fine, college bus fares, students' admission fees and monthly fees, etc. are entered and disbursement of cash had all been entered. There was a balance of ₹ 1,45,820/- as on 29.3.2019. Out of ₹ 1,56,253/- sanctioned by the Government in 2018 for purchase of library books, ₹ 63,223/- was spent and the balance of ₹ 93,030/- was found kept in the office iron safe/chest for future utilization instead of surrendering it to the government.

During hearing, the respondent and the staff confidently claimed that Subsidiary Cash Books were maintained for different heads of receipts and expenditures besides the General Cash Book. They also testified that the fund for Library has now been fully utilized for purchase of library books.

As the Preliminary Enquiry did not find any evidence of corruption as supported during hearing, there is no justification to continue investigating the case without prima facie evidence. The Department may, however keep vigil on the functioning of the College, especially on few aberrations mentioned in this Order.

Hence, with this observation, the case before the Lokayukta is hereby closed.


(C. LALSAWTA)
Chairperson
Mizoram Lokayukta