



MIZORAM LOKAYUKTA

(Constituted under the Mizoram Lokayukta Act, 2014)

No. C-13017/11/2020-ML

Dated Aizawl, the 28th January, 2021

ORDER

Case No. MLC- 11/2020

In the matter of:

Noli Nakyo Chakma,

Member, Village Council, Chhotapansury,
Chawngte, Lawngtlai District

: Petitioner/Complainant

Versus

Kalapaar Chakma,

President, Village Council, Chhotapansury,
Chawngte, Lawngtlai District

: Respondent/OP

Date: 21.1.2021

Date: 28.1.2021

The Petitioner/Complainant was absent. The Enquiry Officer was present during hearing and clarified contentious issues. The Respondent/OP was present.

Heard.

A brief summary of the case is that the complainant, Noli Nakyo Chakma submitted a written FIR to the Superintendent of Police, Anti-Corruption Bureau, Aizawl on 1st July, 2019. The SP, ACB then requested permission of the Vigilance Department to conduct Preliminary Enquiry vide No. ACB/Complt.No/2019/112 dt. 2nd July, 2019 which was granted. **ACB Enquiry No. 10/2019 dt. 10.07.2019** was registered and **Inspr. Vanlalhraia, ACB** was appointed as Enquiry Officer to conduct the Preliminary Enquiry. The PE Report along with the Executive Summary of the SP was submitted to the Chief Secretary-cum-Chief Vigilance Officer, Mizoram on 16th December, 2019. As mandated under Section 14 of Mizoram Lokayukta Act 2014, the related documents of ACB PS/PE/No.10/2019 dt. 10.7.2019 were

transferred to Mizoram Lokayukta on 14th January, 2020 and the case was registered as **MLC-11/2020**.

In the FIR received by the ACB, the complainant Noli Nakyo Chakma, Village Council Member, Chotapansury stated that Kalapaar Chakma, Village Council President Chotapansury had misused the fund amounting to Rs 94,500/- which was sanctioned for the construction of Group Work Shed at Chotapansury, and further alleged that Kalapaar Chakma had used the money for building his house, instead of constructing the Work Shed for which he received the money. Hence, he requested the ACB to immediately investigate the case.

The Preliminary Enquiry Report revealed that the Ministry of Textiles, Government of India approved proposal for implementation of Cluster Development Project (CDP) under North East Region Textile Project Scheme (NERTPS) for which Commerce & Industries Department, Government of Mizoram released fund for the 3 district councils in installments for each cluster. Under Chawngte Handloom Cluster under CADC, there are 10 Self Help Groups including Chotapansury for which the estimated cost for construction of Group Work Shed is ₹3,00,000/-. ₹1,62,000/- (Rupees one lakh sixty two thousand) was sanctioned by Industry Department, CADC in two equal installments, which was collected by the previous Chairman of Self Help Group (SHG), Shanti Kumar Chakma. He constructed the Group Work Shed up to skirting level on a piece of land purchased by him from the fund. Later, the Self Help Group was reconstituted, and Kalapaar Chakma became the new Chairman. For the continuation of the Group Work Shed construction, ₹ 94,500/- was released, and was collected by Kalapaar Chakma.

Kalapaar Chakma was unable to continue the construction of the Group Work Shed, initiated by the previous Chairman due to land dispute and strong objection by the land owner. So, he constructed a new Work Shed at a separate location at Chotapansury. The Enquiry Officer found the constructed Work Shed commensurate with the small amount of money involved. Further, as per the witness statement in the PE Report, the complainant Noli Nakyo Chakma acknowledged that Kalapaar Chakma had constructed the Work Shed, after he submitted the FIR.

The Mizoram Lokayukta requested The Director, Commerce & Industries Department, Govt. of Mizoram to provide the detailed report on the implementation of the Cluster Development Project and the remedial measures taken by the department to ameliorate the aberrations specifically concerning the change of construction site, ways to recover the expenditure incurred, etc., to which a reply from the Chief Executive Member, CADC was received, enclosing a written statement from the land owner of the previously constructed site- Gyana Ranjan Chakma stating that he had refunded the compensation amounting to ₹8000/- that he received, and gave the permission to Shri Kalapaar Chakma to dismantle and use whatever materials that the previous Chairman had used for the construction.

The Enquiry Report does not corroborate the main point of allegation. The respondent, Kalapaar Chakma and his translator, W. Vanlalnghaka attended the hearing; and the complainant, Noli Nakyo Chakma filed a written statement wherein he claimed that he was satisfied with the work executed by Kalapaar Chakma. Further, Kalapaar Chakma claimed that he had even used his own money for the completion of the Group Work Shed. The Enquiry Officer, Inspr. Vanlalhruaia who attended the hearing, affirmed that the photo of the completed Group Work Shed brought by the respondent was the one that he had visited, and he did not find any illegality. Although the respondent/opposite party might not have acted with intelligent care, there does not appear to be ill-intention or mens rea in the case. In conclusion, both the complainant and the respondent agreed that the work was carried out as best as possible in the circumstances. Hence, I find no reason to proceed with the case.

The case is hereby closed.



(C. LALSAWTA)
Chairperson
Mizoram Lokayukta