



Presented to,

With Best Compliments From,

Mizoram Lokayukta

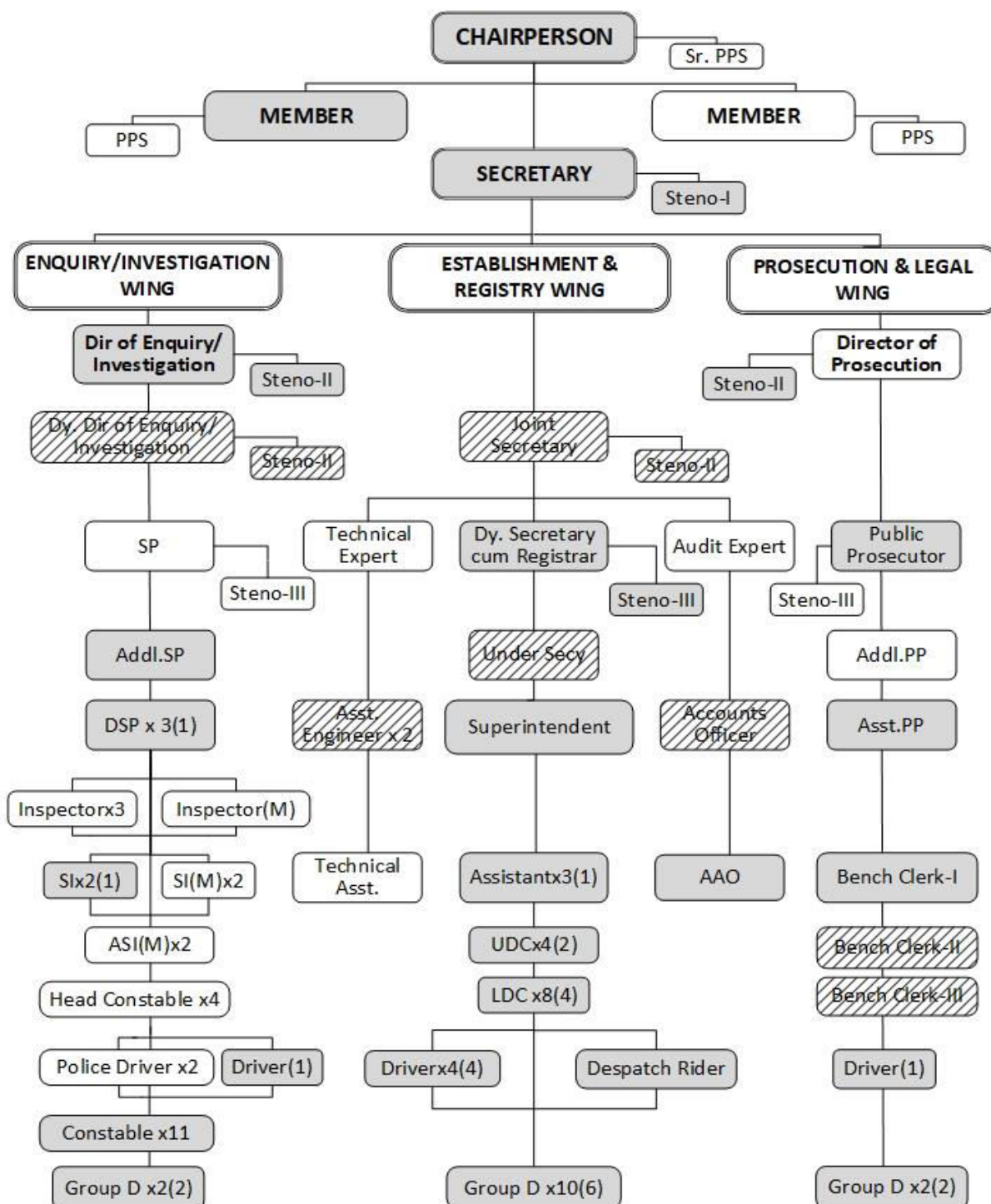


*The Mizoram Lokayukta
Presents
The Fifth Annual Report
as required under Section 47 of the
Mizoram Lokayukta Act, 2014
to the
Honourable Governor of Mizoram*

This Report covers the period from
1st April 2023 to 31st March, 2024

Our Motto	:	<i>Ethical Values and Integrity a way of public life</i>
Our Vision	:	<i>Clean and corruption free state of Mizoram</i>
Our Mission	:	<i>To combat corruption and to promote probity in public life</i>
Our Ethos	:	<i>Principle of Natural Justice and Fair Play</i>

ORGANISATIONAL STRUCTURE OF MIZORAM LOKAYUKTA
(as envisaged)



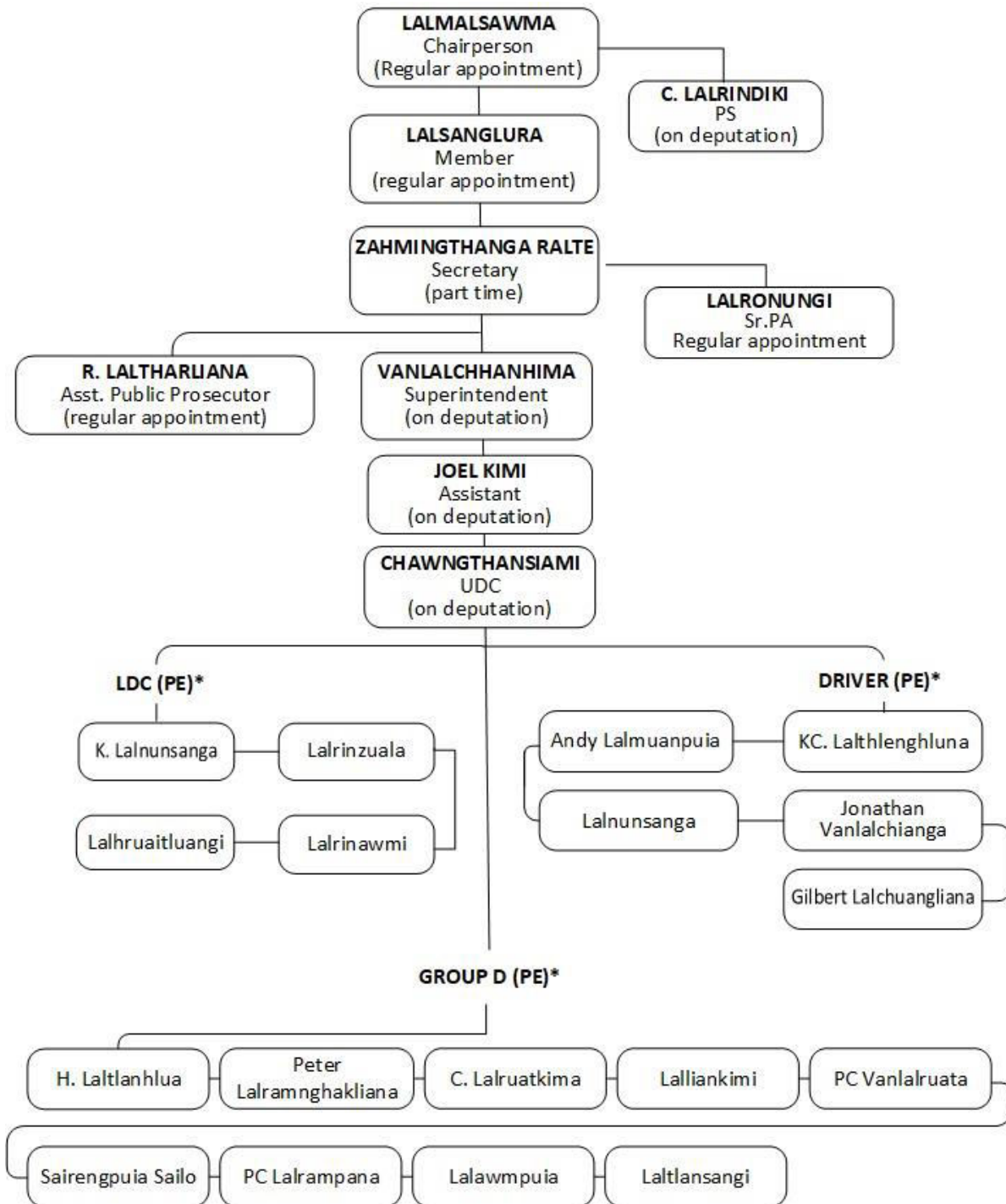
Explanatory note: 1. Designations in shaded boxes indicate posts which are already sanctioned.

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 posts proposed and figures within bracket represent No. of posts sanctioned/filled up.

INCUMBENCY CHART



*PE: Provisional Employee formerly known as Muster Roll employee

SANCTIONED POSTS AND PROPOSED ADDITIONAL REQUIREMENTS UNDER MIZORAM LOKAYUKTA

SN	Post/Designation	Pay Matrix Level	Existing Sanctioned Posts	Addl. Requirement	Total Requirement
A. STATUTORY POSTS					
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	1	0	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	1	0	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	1	0	1
13	UDC	6	2	2	4
14	LDC	4	4	4	8
15	Driver	2	4	0	4
16	Despatch Rider	2	1	0	1
17	Group D	1	6	4	10
	SUB-TOTAL		26	18	44

C. INQUIRY / 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	Steno-II	7	1	0	1
6	Steno-III	6	0	1	1
7	Inspector	8	0	3	3
8	Inspector (M)	8	0	1	1
9	Sub Inspector	7	1	1	2
10	Sub Inspector (M)	7	0	2	2
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	1	0	1
6	Steno-III	6	0	1	1
6	Bench Clerk	7	1	0	1
9	Driver	2	1	0	1
10	Group D	1	2	0	2
	SUB-TOTAL		7	3	10
	GRAND TOTAL		42	50	92

Lalmalsawma
Chairperson



MIZORAM LOKAYUKTA
A/89, F. Kapsanga Building,
Temple Square, Aizawl,
Mizoram - 796001

Foreword

I consider it a privilege to present the Fifth Annual Report of the Mizoram Lokayukta covering the achievements, activities and progress of the Lokayuktya for the period between 1st April 2023 and 31st March 2024. As the 2nd Chairperson of the Mizoram Lokayukta, I am fortunate to have inherited a stable structure of Mizoram Lokayukta for which my predecessor Pu Lalsawta IAS (Rtd), the first Chairperson of the body, had worked so much. Yet, there are many areas in which the Lokayukta needs to progress and improve, like having a strong inquiry/investigation wing, filling up of vacant posts and having a building of its own where the requirements and staff of Mizoram Lokayukta can fit in.

In the absence of our own Inquiry/Investigating Wing, the Mizoram Lokayukta mostly relies on the help and service of the Anti-Corruption Bureau, Mizoram along with other Agencies to follow up on complaints of corruption received from various sources. It is imperative for a strong and independent anti-corruption body like the Mizoram Lokayukta that all its functionary wings work actively to effectively combat corruption in the State. I hope that with the support of the Government of Mizoram the Mizoram Lokayukta will have all its three wings established and functioning in the near future.

Any citizen can freely approach Mizoram Lokayukta to submit complaints of corruption through online and offline means to tackle corruption effectively.

Sd/-LALMALSAWMA

PROFILES OF CHAIRPERSON & MEMBER



Lalmalsawma, IAS (Rtd.)

Pu Lalmalsawma IAS (Rtd) was born on 1st March, 1958 at Gaya, Bihar. He joined the Union Territories (present day Arunachal Pradesh-Goa-Mizoram-Union Territories) Cadre of the Indian Administrative Service in 1983. He served in various capacities in Delhi, Goa, Mizoram and the Central government holding important portfolios in different departments such as finance, education, health, SC/ST/OBC welfare, general administration and many more. Being an efficient administrator, he held the posts of Director in the Ministry of Human Resource Development from 1996-2000, President of Mizoram Board of School Education, Registrar of Copyright for India. He was also a member of Board of Governors and Society of the IIM, Bangalore from 2004-2009 and was on the Boards of Governors of IIT, Delhi. He held several key posts including serving as Chief Electoral Officer, Mizoram for more than 8 years. As CEO, he was actively involved in the delimitation of Assembly Constituencies in Mizoram in 2005. His work during his service was not confined nationally but extended to the international level as well. He was appointed as one of the four International Observers deputed from India during the Palestine elections in January, 2005.

He had also served as the Chief Secretary, Mizoram from 1st November, 2014 to 28th February, 2018. He was voted the most upright officer in Mizoram in a state-wide poll taken in 2015 by Mizo Zirlai Pawl (MZP), the main student body in Mizoram. After 35 years of service, he retired from the Indian Administrative Service (IAS) on 28th February, 2018, concluding a distinguished career marked by integrity and commitment to public service. As he assumes his new role as Chairperson of Mizoram Lokayukta on 18th March 2024, his leadership pledges to uphold the principles of accountability and justice within the state.



Lalsanglura, MPS (Rtd.)

He was born in Lucknow (UP) on 20th October, 1963 and brought up at Hnahthial, Mizoram. He graduated from college with degrees in both Science and Arts. After working in the Education Department, Economics & Statistics Department and Department of Personnel & Administration Reforms, he joined the Junior Grade of the Mizoram Police Service in 1996. Having completed 27 years of service in the Police Department, he took voluntary retirement in the rank of Sr. S P. On 5th October, 2023 he was sworn in as the first member of the Mizoram Lokayukta.

During his service in the Police Department, besides being posted at different posts, he was also posted as Deputy SP, SP and Sr. SP in the Anti Corruption Bureau, Mizoram on deputation which made him familiar with Anti-Corruption Policies. He was a member invitee in the drafting committee body of the Mizoram Lokayukta Act 2014 Amendments, 2022-2023.

During his tenure in the Police Department, he was awarded a number of rewards (commendations) from his Department for outstanding performance of his official duties. He was also awarded the Police Meritorious Service Medal from the President of India in recognition of his meritorious service.

He attended in-door trainings in the field of laws, forensics, banking laws and financial rules and also attended trainings at ATI, Aizawl.

In 2007, he was on deputation to United Nations Police Service and was posted in Timor Leste where he learnt different kinds of Police works under the United Nations Mission.



The 1st Hon'ble Chairperson, Pu C. Lalsawta presenting the Fourth Annual Report (2022-2023) to Hon'ble Governor of Mizoram Dr. Hari Babu Kambhampati

MIZORAM LOKAYUKTA FIFTH ANNUAL REPORT

2023-2024

(1st April 2023 to 31st March 2024)

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CHAPTER-I INTRODUCTION

1. Mizoram Lokayukta and its composition:

The Mizoram Lokayukta Bill 2014 was passed by the Mizoram Legislative Assembly on 13th November 2014 and it received the assent of the Governor of Mizoram on 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, as per Sec 3 of the Mizoram Lokayukta Act 2014 consists of – (a) Chairperson

(b) Members, not exceeding three including the Chairperson, out of whom one shall be Judicial member.

During the reporting year, Mizoram Lokayukta has its new Chairperson and Member:

1. Lalmalsawma IAS (Rtd) Chairperson
2. Lalsanglura MPS (Rtd) Member

2. Evolution of Mizoram Lokayukta:

Movement for establishment of Lokayukta in Mizoram was initiated in the later part of 2008 and the process of drafting the Bill was started. Civil society and some NGOs actively participated in calling for establishment of the Lokayukta in the State and certain interest groups particularly the Mizo Zirlai Pawl (MZP), 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, detailed provisions relating to Lokayuktas were deleted and it was decided to retain only Section 63, which provided that the State Legislatures should make laws for establishment of Lokayuktas 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 in provisions for the States Lokayukta 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 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 passed to facilitate a single incumbent performing all the tasks of the Lokayukta ; and the amending 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 were framed but were repealed by the '*Mizoram Lokayukta Rules, 2016*' which were published in *the Mizoram Gazette Extraordinary Vol- XLV Issue No. 539 dated 14.12.2016*. The Mizoram Lokayukta Rules, 2016 came into force 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 which was published in the 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 few years, the State did not have its own Lokayukta and it was only after repeated pressure by the Supreme Court that the Mizoram Lokayukta was established by appointing its first Chairperson, who was sworn in on 11.03.2019 more than 4 years after the Mizoram Lokayukta Act, 2014 was passed.

“Corruption is paid by the poor” — Pope Francis

CHAPTER–II

ESTABLISHMENT OF THE MIZORAM 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 has administrative, financial and functional independence from the government (vide Section 3(1) of the Act) to inquire into allegations of corruption against certain public functionaries (vide the Preamble), such as high public servants (CM, Speaker, Ministers, Deputy Speaker, MoS, MLAs), Government Servants, Officers & Employees of any Body, Board, Corporation, Authority, Company, Society, Trust, Autonomous Body etc that is owned, controlled or aided by the Government of Mizoram (Section 13).

2. Nodal Department:

The Law & Judicial Department, Government of Mizoram was the Nodal Department for Mizoram Lokayukta at the initial stage, having been entrusted with the tasks of framing the Mizoram Lokayukta Act and Rules, and of paving the ground for appointments of the Chairperson/Members and office staff, and arranging office accommodation etc. However, the State Government then 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 the Nodal Department to act as a link between the Government of Mizoram and the Lokayukta.

If a country is to be corruption free and become a nation of beautiful minds, I strongly feel there are three key societal members who can make a difference. They are the father, the mother and the teacher.

-A.P.J Abdul Kalam

3. Chairperson and Members of Mizoram Lokayukta:

According to the Act, the Lokayukta must 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.

(3) *Member (Administration):*

- (i) 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.

(4) *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.

4. Procedure for Selection of Chairperson and Member(s):

(A) Search Committee: In pursuance to Sub-Section (3) of Section 4 of the Mizoram Lokayukta Act 2014, a Search Committee was constituted by a Selection Committee for preparing a panel of names to be considered for appointment of the Chairperson and Member(s). The Search Committee was to 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 with the former Secretary of the 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 the 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 of the Hon'ble High Court, another Search Committee was constituted with Hon'ble Mr. Justice Ujjal Bhuyan, Judge, (now Judge, Hon'ble supreme Court) Gauhati High Court as its Chairman and consisting of top officials of the State as Members (vide No.H.12017/131/2016-LJE Dt. 4.7.2018). 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 sends its recommendation(s) to the Governor for appointment. The 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 Chairperson and Member(s) of the Lokayukta, and appoints them on the basis of the recommendation(s) of the Selection Committee.

5. Swearing-in Chairperson, Mizoram Lokayukta:

On the recommendation of the Selection Committee, the Hon'ble Governor of Mizoram, Shri Hari Babu Kambhampati, appointed Pu Lalmalsawma, IAS (Rtd.) as Chairperson of Mizoram Lokayukta, *vide Notification No. A.11013/16/2017- LJE dt. 28.2.2019*. Governor, Dr Hari Babu Kambhampati, administered the oath and inducted Pu Lalmalsawma, a retired Indian Administrative Service (IAS) officer as the new Chairperson of Mizoram Lokayukta on 18th March 2024. The swearing-in ceremony was held at Durbar Hall, Raj Bhavan, in the evening. After the warrant of appointment was read out by the Chief Secretary, Dr. Renu Sharma, the new Chairperson Pu Lalmalsawma subscribed the oath in the presence of the Governor. Chief Minister of Mizoram, Pu Lalduhoma, led a congregation of high level dignitaries of the State, that included Speaker Pu Lalbiakzama, Council of Ministers and Ministers of State, at the ceremony.

6. Swearing-in Member, Mizoram Lokayukta:

On 5th October, 2023 the Hon'ble Governor of Mizoram Shri Hari Babu Kambhampati administered the oath and inducted Pu Lalsanglura, a retired MPS officer as the 1st Member of Mizoram Lokayukta in a swearing-in ceremony that was held at Durbar Hall, Raj Bhavan. After the warrant of appointment was read out by the Chief Secretary, Dr. Renu Sharma, the Member of the Lokayukta subscribed the oath in the presence of the Governor. The then Chief Minister, Pu Zoramthanga, led a congregation of high level dignitaries that included the Deputy Chief Minister, Cabinet Ministers and Ministers of State, at the ceremony.

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



2nd Chairperson, Mizoram Lokayukta Oath taking



Member, Mizoram Lokayukta Oath taking

CHAPTER-III

ADMINISTRATION & PERSONNEL

1. Administrative Functions:

The Administration of Mizoram Lokayukta is designed to function basically with three Wings, namely:

(I) Establishment & Registry Wing

(II) Inquiry/Investigation Wing

(III) Prosecution and Legal Wing

A Technical Examiners Unit and Audit Experts Unit as and when they are established, may be attached to the Establishment & Registry Wing so that experts can be deployed to the other Wings for investigation and prosecution whenever needed. The proposed Inquiry/Investigation Wing, however, has not yet been established till the time of the reporting period.

2. Personnel:

The staff strength of the Mizoram Lokayukta during the reporting period consists of 28 officers and staff including the Chairperson, Member and Secretary (Part-time), PS to Chairperson (Deputation) and PA to Secretary (Regular), APP (Regular Appointment), Superintendent (Deputation), 1 Assistant (Deputation), 1 UDC (Deputation), 4 LDC (PE), 5 Drivers (PE), 1 Despatch rider, 9 Group-D employees (PE). During the reporting year, 1 Despatch rider and 1 Group-D joined Mizoram Lokayukta while 1 Driver and 1 Group-D resigned to join other service.

3. Recruitments:

The Mizoram Lokayukta, during the reporting period and on the recommendation of Appointment Committee, appointed Pu C.Lalruatfela for the post of Despatch Rider after a Written Examination and Viva Voce. On 6.3.2024, Personal Interview for one post of Group D (PE) was conducted and Laltlansangi was selected.

4. Farewell to 1st Chairperson, Mizoram Lokayukta:

The first Chairperson of the Mizoram Lokayukta Pu. C. Lalsawta, retired from his position on 8th March, 2024 after serving the institution with dedication and commitment. During his tenure as Chairperson, Pu C.Lalsawta, IAS (Rtd) played a crucial role in establishing a solid foundation for Mizoram Lokayukta, promoting transparency by publicizing details of cases finalized and complaints received through the Mizoram

Lokayukta website, ensuring accountability and good governance. Under his leadership, the Lokayukta disposed numerous cases of corruption and took decisive action against those found guilty. He brought with him a wealth of experience and expertise having served in various capacities in the Government.

CHAPTER–IV CORRUPTION CASES

1. Complaints:

Under the Mizoram Lokayukta Act, 2014 and Rules, 2016, no specific complaint forms or affidavits have been prescribed and no fees are payable. However, very few complaint cases have been filed before the Lokayukta so far. During the year 2023-24 only 8 complaint cases were filed. As per Section 19(1) of the Act, all complaints received are first examined by the Lokayukta to determine whether there is substance in the allegations on which to proceed, or to drop the case *ab initio* if it clearly lacks merit, or call for clarifications if the information is vague or inadequate. The Lokayukta may order a Preliminary Inquiry by its Inquiry Wing or any other Agency.

2. Preliminary Inquiries :

The Mizoram Lokayukta has the power to direct any investigating agency to conduct a Preliminary Inquiry under section 19(1) of the Mizoram Lokayukta Act, 2014 if it is satisfied that there are *prima facie* grounds to do so, passing a speaking order to convey its decision. For lack of its own Inquiry Wing during the reporting period, the Anti-Corruption Bureau, Government of Mizoram was entrusted to conduct the necessary Preliminary Inquiries (P.I.). The ACB submitted P.I. Reports in 7 complaint cases during the reporting year 2023-24. The total number of P.I. reports received by Mizoram Lokayukta from its inception till the end of the reporting period was 39.

3. Preliminary Hearings:

Section 19(3) of the Mizoram Lokayukta Act, 2014 mandates that the Lokayukta provide an opportunity to the defence of being heard after the Preliminary Inquiry and the Lokayukta can thereafter make an order for full investigation, or make a recommendation for any appropriate departmental action against the concerned public servant by the competent authority, or it can pass an order for closure of the case against the accused.. Hearings in 8 cases were conducted by the Lokayukta during the reporting year by giving an opportunity of being heard to the accused.

List of Preliminary hearings Conducted on Complaint Cases under Mizoram Lokayukta

Sl. No.	Case No.	Date of Preliminary Hearings Conducted
1	MLC-27/2021	23.05.2023
2	MLC-35/2021	19.04.2023
3	MLC-37/2021	05.04.2023
4	MLC-41/2022	06.02.2024
5	MLC-42/2022	21.11.2023 & 16.02.2024
6	MLC-43/2022	13.02.2024
7	MLC-46/2022	12.12.2023
8	MLC-48/2023	20.06.2023

4. Regular Investigations:

Regular/Full investigations are conducted by the designated Investigating Agency only after Preliminary Inquiry Reports are received and examined, and the accused is given an opportunity of being heard. During the reporting period, 5 complaint cases were further referred for regular investigation as shown below:

Sl.No.	Case No.	Date of Order
1.	MLC-27/2021	22.06.2023
2.	MLC-37/2021	30.05.2023
3.	MCL-41/2022	13.02.2024
4.	MLC-43/2022	19.02.2024
5.	MLC-48/2023	28.06.2023

5. Prosecution:

During the reporting period, 5 cases were sent up to Court for prosecution. The Mizoram Lokayukta engaged the services of Pu JC Lalnunsanga as Special Public Prosecutor and Pu C. Lalrinchhunga as Addl. Public Prosecutor. They were assisted by Pu R. Laltharlana, Assistant Public Prosecutor in the Court of the Special Judge, Prevention of Corruption Act, 1988 and in the Aizawl Bench of the Gauhati High Court.

Sl. No.	Case No.	Date of sending for Prosecution
1.	MLC-02/2019	11.05.2023
2.	MLC- 10/2020	31.07.2023
3.	MLC- 18/2020	22.05.2023
4.	MLC- 32/2021	09.08.2023
5.	MLC- 38/2022	23.11.2023

6. Conviction Cases:

Complaint/suo-motto cases undergo a number of stages, i.e. Preliminary Inquiries, Investigations and Prosecutions. During the reporting period two cases reached finality the accused being convicted by the Special Court, Lokayukta. The following cases went through the various stages up to conviction/sentencing (see appendix for details)

Sl.No	Case No.	Date of Judgments Order
1.	MLC-16/2020	04.09.2023
2.	MLC -17/2020	04.09.2023

7. Disposal of Complaint Cases:

The Lokayukta may close a case at various stages, i.e. at the initial stage without formal inquiry, or after a preliminary inquiry, after a preliminary hearing, or after examination of the investigation report, if the case lacks merit or is barred by law. So far, the Lokayukta has disposed a total of 23 cases out of which 5 cases (Case No. MLC-1/2019, MLC No. 24/2020, MLC- 26/2021, MLC- 29/2021, MLC-46/2022) were closed during 2023-2024. These complaint cases closed during 2023-2024 include complaint cases received from the previous year.

8. Status of Complaint Cases:

Brief Information on Corruption Cases during **2023-2024** under Mizoram Lokayukta are as under.

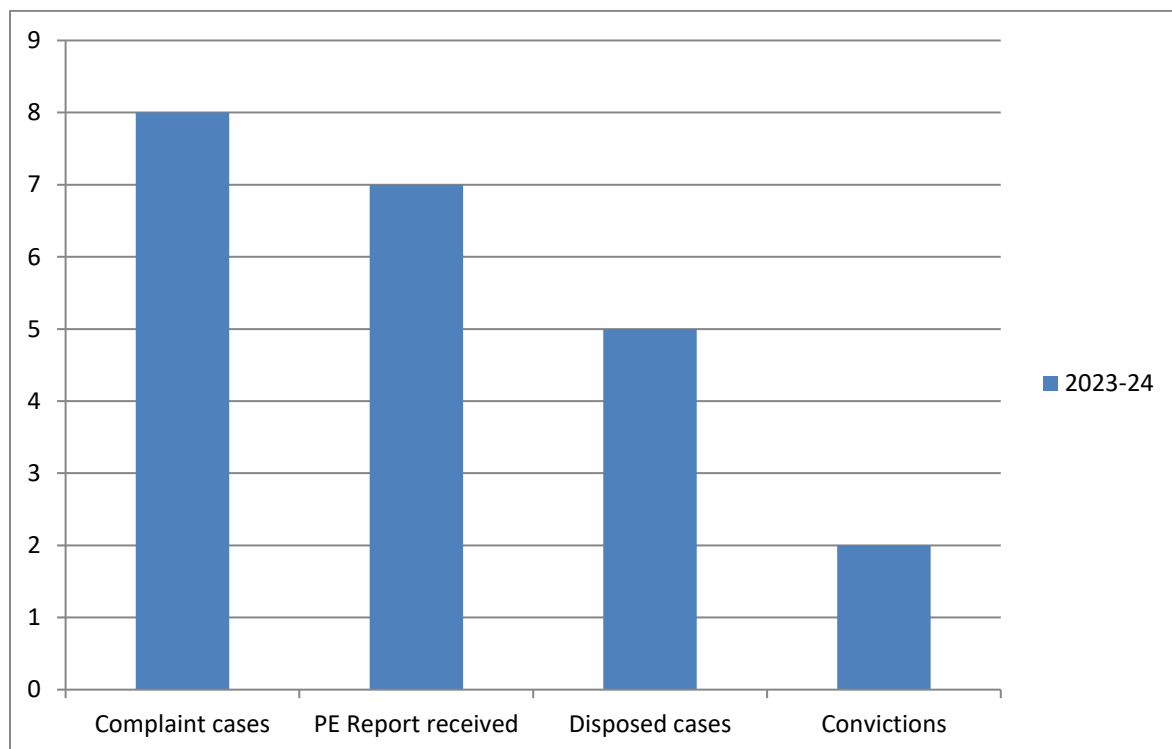
Total No. of Complaint Cases Registered	8
Total No. of cases referred for Preliminary Inquiry	8
Total No. of Preliminary Inquiry Reports received	7
Disposed Cases	5
Convicted	2

So far, the Mizoram Lokayukta has registered a total of 56 complaint cases from its commencement till date as on (31.3.2024). The Summary of Complaints is as under:

Summary of Complaints (As on 31.3.2024)

Sl. No.	Nature of Cases	No. of Cases
1	2	3
1.	Complaint received	56
2.	Cases disposed of without Preliminary Inquiry	5
3.(i)	Cases for Preliminary Inquiry	40
(ii)	Preliminary Inquiry Reports received	39
(iii)	Pending Preliminary Inquiry	8
4.	Complaint closed/disposed off	23
5.	Notices issued for Preliminary Hearing	28
6.	Complaint dropped after hearing	5
7.	Complaint referred for Regular Investigation	21
8.	Regular Investigation Reports Received	13
9.	Cases dropped after Regular Investigation	4
10.	Cases sent for Prosecution	5
11.	Cases dropped/disposed of (after Prosecution)	Nil
12.	Cases of Acquittal	Nil
13.	Cases of Conviction	2

Insert Chart: Status of Complaint Cases (2023-2024) under Mizoram Lokayukta.



CHAPTER-V AWARENESS CAMPAIGNS

1. Importance of Vigilance Awareness:

Anti-corruption awareness initiatives are crucial for addressing the issue of corruption and promoting integrity-based principles. It is a useful means to boost public confidence and enhance adherence to anti-corruption rules and laws. It is clear that corruption is an important issue that can harm an organization's integrity and reputation. Although awareness campaigns are sometimes undervalued, they have a crucial role in raising awareness, influencing attitudes, and motivating people to take action in the fight against corruption. Anti-corruption awareness initiatives can give vital knowledge about the risks and consequences of misconduct. People may learn more about the topics from such programs than they were previously aware of. A person who possesses greater knowledge will be able to identify circumstances that can include corruption and will be more alert to the telltale indicators of the malice. They can also inculcate sensitivity to the detrimental effects that dishonest behavior can have.

2. Vigilance Awareness Campaigns:

The Mizoram Lokayukta realizes that the majority of people are not aware of Mizoram Lokayukta and its functions in combatting corruption. Therefore, at this stage Anti-corruption awareness campaigns, as extensively as possible, are the key to obtaining better co-operation from the public and to make the people more vigilant. During the reporting year, Mizoram Lokayukta coordinated with 34 NGOs/Associations within the State in conducting several anti-corruption awareness campaigns, installing of hoardings advertisements at public places, sponsoring programmes for banner advertisements, and for anti-corruption slogans to be read out during intervals in public functions.

Awareness Campaign Programmes were held in collaboration with 26 NGOs Viz.:

1. KPP, New Capital Complex
2. YMA, Armed Veng Branch
3. KTP, Bethlehem Venglai
4. SAY, Hermon Corps
5. SAY, Tuikual South
6. KTP, Ramhlun Vengchhak Branch
7. PYD, Chaltlang
8. KTP, Sesawng Branch
9. YMA, Kulikawn Vengthlang Branch

10. SAY, Chaltlang North Corps
11. KTP, Samlukhai Branch
12. KTP, Ramthar Tlangveng Branch
13. KTP, Hualngohmun Branch
14. KTP, Bawngkawn Branch
15. KTP, Tuikual North Branch
16. Govt. Zemabawk HSS
17. Govt. Saitual College
18. YMA, Sailam Branch
19. KTP, Maubawk Branch
20. KTP, Ramthar Tlang Veng Branch
21. KTP, Chaltlang 'S' Branch
22. KTP, Mamit Field Veng Branch
23. KTP, Tuikual Branch
24. KTP, Electric Vengthlang Branch
25. KPP, Zonuam East
26. NCC 1st Mizo Air Squadron

A Hoarding Advertisement was installed at the Center for Consumer Education. The Mizoram Lokayukta, as part of its publicity campaign and anti-corruption awareness measures, supported programmes organized by the MZP Gen. Headquarter, Tuipuiral Zirlai Pawl, YMA Durtlang Branch, KTP Model Veng Branch and Hmuifangtlang Group. It also assisted in the publication of a magazine brought out by the Student Bar Council, and a book authored by Pu C. Lalrinchhunga.

Glimpses of Awareness Campaign sponsored by Mizoram Lokayukta



Mizoram Lokayukta Awareness Campaign launched with Salvation Army Youth Hermon Corps



Mizoram Lokayukta Awareness Campaign launched with Mizoram UPC, PYD Bethlehem Vengthlang



Mizoram Lokayukta Awareness Campaign launched with Saitual Govt. College



Mizoram Lokayukta Awareness Campaign launched with KTP, Hualngohmun Branch



Mizoram Lokayukta Awareness Campaign launched with KTP , Bawngkawn Branch



Mizoram Lokayukta Awareness Campaign launched with KTP, Tuikual North Branch



Mizoram Lokayukta Awareness Campaign launched with YMA, Sailam Branch



*Mizoram Lokayukta Awareness Campaign launched with Armed Veng Branch
YMA*



Mizoram Lokayukta Awareness Campaign launched with KTP, Bethlehem Venglai Branch



Mizoram Lokayukta Awareness Campaign launched with KTP, Sesawng Branch

CHAPTER-VI 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 as the State Public Information Officer (SPIO) to provide information to persons applying for it from 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 at Mizoram Lokayukta during 2023-2024. All information sought for under RTI Act, 2005 has been furnished to the applicants. There are no pending RTI applicants or appeals to the appellate authority regarding RTI replies.

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

Details of RTI Application (2023-2024) under Mizoram Lokayukta are as follows:

Sl. No.	Date	Applicant Name	Subject	Mode of Payment
1	2	3	4	5
1.	24.4.2023	Johny Lalrammawia	Regarding recruitment by Govt. of Mizoram	In Cash
2.	6.6.2023	Pma Colney	Regarding PE report on Rope way & sky walk	”
3.	19.6.2023	R.Lalpekhlua	Regarding the complaint cases on Mizoram Lokayukta	”
4.	20.6.2023	Rustom Chakma	Queries on MLC No 26/2021	”

5.	19.10.2023	H.Varhmingliana	Queries on Despatch Rider Recruitment answer paper	”
6.	22.10.2023	Kim	Regarding Mizoram Lokayukta Chairperson & queries on ML cases	”
7.	21.11.2023	J.Lalronghinglova	Regarding MLC No 1/2019	”
8.	3.1.2024	Lalnunmawia Pachuau	Multiple question on ML Cases	”
9.	21.1.2024	Lalhruaitluanga Bawitlung	Multiple question regarding the condition of Cases	”
10.	26.1.2024	Lalhruaitluanga Bawitlung	Queries on some cases referred to CBI	”
11.	24.1.2024	Laldingngheta	Regarding multiple cases under ML	”
12.	12.2.2024	Malsawmtluanga	Regarding multiple cases under ML	”
13.	25.2.2024	C.Tlanthianghlina	Regarding Complaint Case on MLC 38/2022	

3. Fees:

An amount of Rs. 50/- was received as application fees for obtaining information under Rule 3(1) of the Mizoram Right to Information Rules, 2010 and it was deposited in 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 a receipt prepared by the Mizoram Lokayukta SPIO office is issued against the RTI fees collected.

CHAPTER-VII

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, are charged upon the Consolidated Fund of the State and any fees or other moneys received by the Lokayukta form part of that Fund vide section 12 of the Act.

2. Finance and Accounts:

Section 40 of the Mizoram Lokayukta Act, 2014 provides that 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.

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

The total budget allocated for the Mizoram Lokayukta during the reporting year was Rs. 22,154,000/- against which expenditure of Rs. 22,154,000/- was incurred, leaving no balance.

As per the Demands for Grant of Govt. of Mizoram, the Budget provisions and expenditure for the Lokayukta during 2023-2024 was follow:

3. Budget and Expenditure for FY 2023-2024 (Rs in lakh):

Sl.No.	Head of Account	BE/RE	Total Expenditure	Balance
1.	(01)- Salary	133.74	133.74	0
2.	(02)- Wages	38.40	38.40	0
3.	(06)- Medical Treatment	1.65	1.65	0
4.	(11)- Domestic Travel	4.50	4.50	0
5.	(13)- Office Expenses	9.00	9.00	0
6.	(14)- Rent	6.00	6.00	0
7.	(16)- Publications	2.00	2.00	0
8.	(20)- Other Administrative Expenses	5.00	5.00	0
9.	(26)- Advertisement & Publicity	2.00	2.00	0
10.	(27) Minor Works	5.00	5.00	0
11.	(28) Professional Service	10.00	10.00	0
12.	(50) Other Charges	4.25	4.25	0
	TOTAL	221.54	221.54	0

4. Budget Provisions for the coming FY 2024-2025 (Rs in lakh):

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

Rupees in lakh

Heads of Account Object Heads:	Proposed	BE	Shortfall	Actual
(01)- Salaries	227.26	227.26	-	227.26
(02)- Wages	41.00	41.00	-	41.00
(04)- Pensionary Charge	22.00	22.00	-	22.00
(06)- Medical Treatment	2.25	2.25	-	2.25
(11)- Domestic Travel Expenses	4.50	4.50	-	4.50
(13)- Office Expenses	15.00	13.00	2.00	13.00
(14)- Rent, Rates, Taxes	6.00	6.00	-	6.00
(16)- Printing & Publications	2.00	2.00	-	2.00
(21)- Supplies and Materials	3.00	3.00	-	3.00
(26)- Advertising & Publicity	3.00	3.00	-	3.00
(27)- Minor Works	5.00	5.00	-	5.00
(28)- Professional Services	10.00	5.00	5.00	5.00
(29)- Repair & Maintenance	0	2.00	-	2.00
(41)- Secret Service Exp.	2.00	1.00	1.00	1.00
(49)- Other Revenue Expenditure	0	4.50	-	4.50
(52)- Machinery & Equipment	2.00	2.00	-	2.00
Total of Major Head : 2062 (CHARGED)		343.51		343.51

CHAPTER-VIII

LAND AND OFFICE BUILDING

1. Temporary Office Accommodation(s):

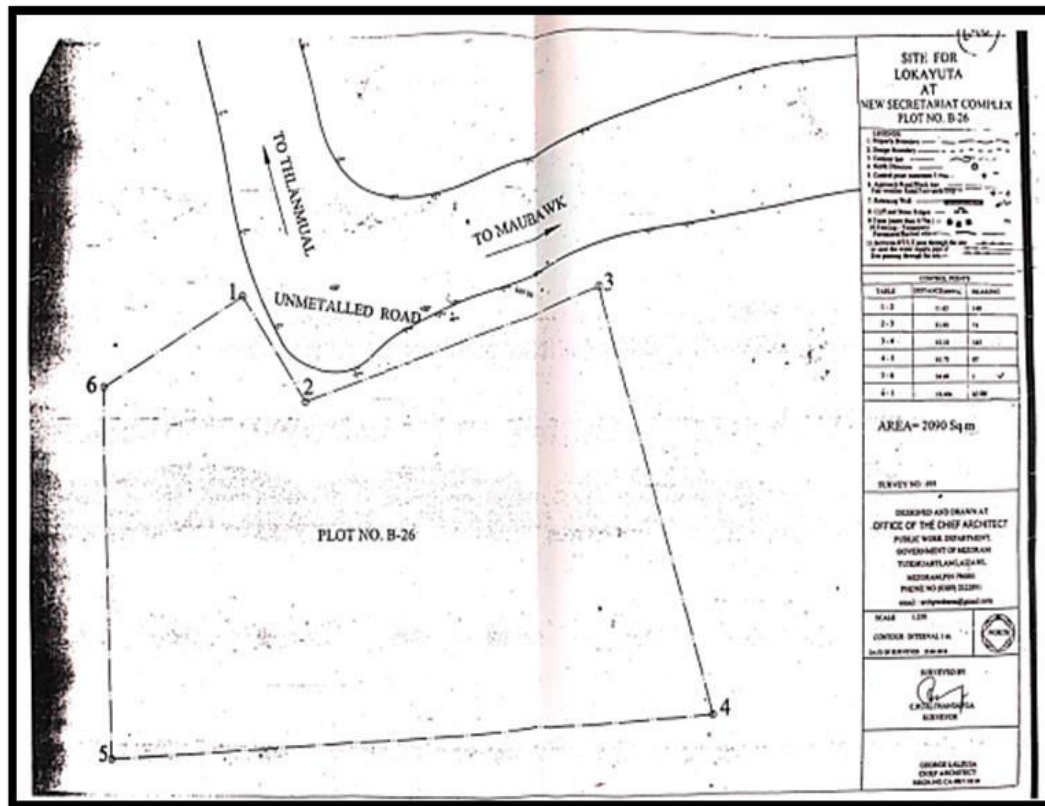
The Office of the Mizoram Lokayukta is presently accommodated in a private rented building at A/89, F Kapsanga Building, Temple Square, Tuikual South, Aizawl-796001 which has been the position since 1st July, 2020.

2. Land Allotment:

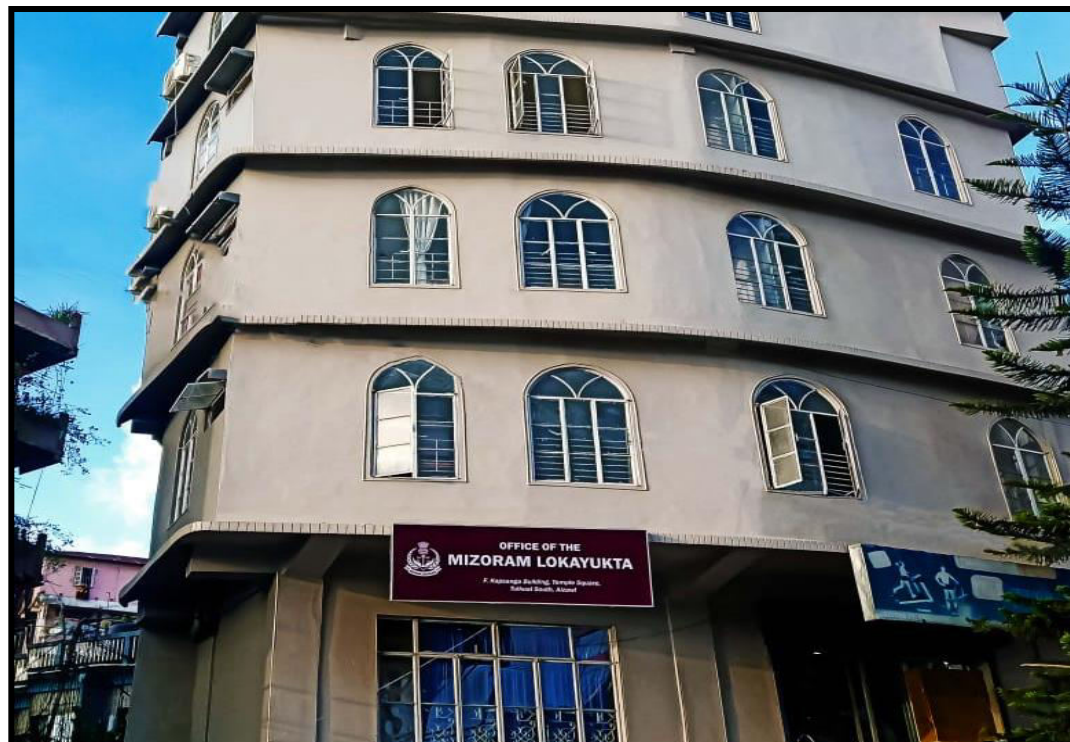
The Government allotted Plot No. B.26 within the area of MINECO for construction of a combined office building to house Mizoram Lokayukta, Mizoram Law Commission, Advocate General and Registrar General of Marriages, with a rider that if the land was not utilized within a specified period, the allotment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

3. Construction of Office Building:

Draft Architectural Design was prepared by the State PWD. The Lokayukta conducted a consultation meeting with the Engineer-in-Chief, Mizoram Public Works Department, and a team of architects. Several drawbacks in the planned sharing of the same floors by different organizations were pointed out. It was decided that the architects would prepare a revised draft architectural plan and would submit it to the Lokayukta and other stakeholders. As requested, the latest copy of Revised Preliminary Drawings was provided to the Mizoram Lokayukta by the PWD, Mizoram on 9.2.2021. Since the proposal for funding the construction of the combined office building was rejected last year, funding was sought from the NEC during the reporting period to support the project. However, the requested funds have not yet been allocated.



Plot No. B.26- Land Allotment for The Mizoram Lokayukta



Present Building Of Mizoram Lokayukta, Temple Square, Tuikual South

CHAPTER –IX VISIT OF DIGNITARIES

The Hon'ble Chairperson of Mizoram Lokayukta paid a visit to Nagaland Lokayukta from 9.10.2023 - 14.10.2023. During his visit, he had meetings and extensive discussions with Lokayukta, Nagaland.

The Hon'ble Member also paid a visit and studied the functioning of the Lokpal of India, New Delhi and Delhi Lokayukta from 4.12.2023 – 9.12.2023, and had beneficial discussions with officials.

Secretary, Mizoram Lokayukta had a meeting with officials of Tripura Lokayukta on 11.5.2023, and interacted with officials of the institution during his visit to Tripura Lokayukta.



Hon'ble Chairperson Tour at Nagaland Lokayukta



Pu Lalsanglura, Member went on Tour at Lokpal of India, New Delhi



Pu Lalsanglura, Member Tour at Delhi Lokayukta and met Hon'ble Justice Harish Chandra Mishra, Chairperson, Delhi Lokayukta

CHAPTER X

CONCLUDING SUMMARY

The Mizoram Lokayukta persists in its commitment to upholding accountability, encouraging openness, and battling corruption. The Mizoram Lokayukta appreciates the support of Government of the day and of the public in our efforts to create a Mizoram free of corruption. The public's cooperation and active engagement is indispensable to achieve the goal of a corruption-free State, as the Lokayukta will only serve as a venue for a select few people to air their grievances in the absence of popular trust.

During the reporting period, the tenure of the 1st Chairperson of Mizoram Lokayukta came to an end and the new Chairperson was inducted. Prior to this, Mizoram Lokayukta had its first member for a stronger Mizoram Lokayukta, in addition to recruiting staff in accordance with vacant posts. For the fifth consecutive year, awareness campaigns were launched smoothly, the same being a useful tool for public knowledge about corruption and how it affects society, and thus a valuable tool for prevention of corruption. Hoarding advertisements were placed in strategic locations in an effort to raise public awareness of corruption and the Mizoram Lokayukta's functions. The resources persons came from within the department, i.e. Superintendent and Assistant Public Prosecutor, who unstintingly gave their time and energy. The Mizoram Lokayukta Amendment Act 2024 was passed in the 9th Legislative Assembly and efforts will be made continuously to evolve to meet the aspirations of the people.

Achieving convictions in two cases was a significant achievement made possible by cooperation from the community and we will strive to strengthen the system and carry out our mandate.

Dated the 31st March, 2024

The Mizoram Lokayukta.

ORDERS ON CLOSURE OF CASES (UP TO 2023-2024)



MIZORAM LOKAYUKTA

(Constituted under the Mizoram Lokayukta Act, 2014)

Case No. MLC- 1/2019

In the matter of:

Pu P.C. Chuahhnuna

Darngawn Veng, Khawzawl

: Petitioner/Complainant

Versus

1. Pu John Rotluangliana

Former Tourism Minister

Dawrpui Veng, Aizawl

: Respondent/OP

2. Pu Biakthanmawia Pautu

Former Director, Tourism Department

Mission Veng, Aizawl

: Respondent/OP

ORDER

Date: 01.12.2023

A brief history of the case is that the Mizoram Lokayukta received a complaint from Pu P.C. Chuahhnuna, Khawzawl regarding alleged misappropriation of Government money for the construction of tourist lodge at Khawzawl, under Product/Infrastructure Development for Destination and Circuits (PIDDC) Scheme. After examining the complaint, Case No. MLC-1/2019 was registered and the Lokayukta directed Anti-Corruption Bureau (ACB) to conduct Preliminary Inquiry vide letter No.C.13017/1/2019-ML dt.28.5.2019. The ACB then requested permission of Vigilance Department to conduct preliminary inquiry which was granted vide No.C.31016/99/2019-VIG dt.6.6.2019. Hence, ACB registered preliminary enquiry (LOK) No.8/2019 Dt.10.6.2019 and appointed Pu B. Lalnghakliana, Dy. SP, ACB as Enquiry Officer to conduct the enquiry. The Preliminary Enquiry Report was submitted to the Mizoram Lokayukta on 4.2.2020.

2. The main point of allegations is that, out of the total sanctioned amount of Rs. 304.08 lakhs under NEDP for completion of delink PIDDC Scheme, Rs. 67.49 lakhs for completion of Tourist Lodge construction at Khawzawl was not spent for the purpose of its sanction and was apparently misappropriated by some unnamed persons.

3. As per the findings of the first Enquiry Report, expenditure sanction of Rs 304.08 lakhs for completion of project delink PIDDC Scheme under NEDP during 2018 was diverted to clear liabilities of Tourism Department in delink PIDDC 7 (seven) projects as per collective decision made on 11.10.2018 in the office chamber of the then Tourism Minister Pu John Rotluangliana. No misappropriation of Government money was established. Further, North Eastern Council accorded administrative approval for support to project under PIDDC scheme in Mizoram and sanctioned Rs 278.05 lakhs for completion of 5 (five) PIDDC Project, in which construction/ completion of Tourist Lodge at Khawzawl was also included with the amount of Rs 67.49 lakh. The Enquiry Officer suggested that there was no reason to proceed on into the case as no criminal Act was made out.

4. After a thorough scrutiny of the Enquiry Report, the Lokayukta passed a Review Order, making several points that need to be examined and enquired. The Order was forwarded to the ACB on 3.3.2020. Pu B. Lalnghakliana was directed by the ACB to continue the Enquiry. The second report of the Preliminary Enquiry was submitted to the Mizoram Lokayukta on 10.2.2022.

5. As per the second PE Report, during the course of enquiry, the Enquiry Officer (EO) had collected documents relevant to the enquiry. He examined the complainant, officials of concerned Departments and contractors to whom NEDP fund amounting to Rs.304 lakhs was disbursed and their statements were recorded. The enquiry revealed that Govt. of India, Ministry of Tourism sanctioned Rs. 337.47 lakhs and released Rs. 269.98 lakh for construction of Tourist Lodge, Khawzawl to MTDA (Royal Engineering & Architectural Consultant, Thuampui). Before completion of the project under PIDDC Scheme, the Central Govt. delinked the project and stopped to sanction subsequent installment w.e.f 2015-2016. However, the PE further reveals that the contract amount for this particular scheme was Rs. 324,66,200/- against which sanctioned amount released to the contractor amounts to Rs. 269,24,703/- leaving liabilities amounting to Rs. 55,41,497/-.

6. Further, the Govt. of Mizoram sanctioned Rs. 304.08 lakh under New Economic Development Programme (NEDP) with Administrative Approval issued vide No.D.21018/35/2016-TOUR Dt.5.10.2018 for completion of project delink PIDDC Scheme under NEDP during 2018-19. This includes sanctioned amount of Rs. 67.49 lakh against the shortfall/pending liabilities of the delinked project of Rs. 55,41,497/- relating to construction of Tourist Lodge at Khawzawl, meaning there was excess sanction of Rs. 12.07 lakh over the liabilities/requirements.

7. The second enquiry further reveals that Meeting of Officers under Tourism Department held in the office chamber of the then Minister of Tourism, Pu John Rotluangliana on 11.10.2018 decided to utilize the entire sanctioned amount i.e. Rs. 304.08 lakh to clear liabilities of pending bills which include construction/completion of Tourist Lodge at Khawzawl with an amount of Rs. 67.49 lakh. List of Projects for which bills are to be cleared did not include Tourist Lodge, Khawzawl, which means that the sanctioned amount of Rs. 67.49 lakh was diverted for some other schemes without obtaining fresh administrative approval and was not utilized for the scheme for which it was sanctioned.

8. On 23.10.2018, Pu John Rotluangliana, the then Tourism Minister wrote a D.O. letter to Pu Biakthanmawia Pautu, Director, Tourism Department instructing to release NEDP fund amounting to Rs 3,04,08,000/- to the contractors/sub-contractors to clear liabilities of the 7 Projects. Accordingly, the Director, Tourism Department disbursed the fund.

9. In some projects, construction works was split into several parts to pave the way for entry of sub-contractors/party workers to engage in the construction work. No proper tender was floated. However, they invited their favorite consultancy firm to submit tender/ expression of interest.

10. As per the provision of Section 19(3) of the Mizoram Lokayukta Act, 2014, opportunities of being heard was afforded to the parties concerned on 21.03.2022 vide Order dated 28.02.2022. Pu Lalnghakliana, Dy.SP who is the Enquiry Officer was present. Pu Raphael Vanlalringama appeared on behalf of the respondents 1 & 2 while the petitioner was absent. The learned counsel for the respondent No. 1 and respondent No. 2 prayed for time to file written statements which was allowed on the next date of hearing on 8th April 2022. In the meantime, an application for obtaining photocopies of

Preliminary Enquiry was submitted on 21.03.2022 by Pu J.H Ramneihmawia, the counsel for the respondents. The Mizoram Lokayukta through its Assistant Registrar replied stating that the gist of allegations and findings enclosed in the Order and Notice dated 28.02.2022 was based on the Preliminary Enquiry Report. Hearing was held on 8.4.2022 in Court Room No. 1 of Mizoram Lokayukta wherein the petitioner/complainant was present, the learned counsel for the respondents No.1 & 2 submitted written statements and the Enquiry Officer Pu B. Lalnghakliana was also heard and he explained how the PE was conducted.

11. During hearing, it was clarified that under the Ministry of Tourism, Government of India there was one scheme named Product Infrastructure Development at Destinations and Circuits (PIDDC) in which funding was given upto Rs. 5.00 crore for one destination and upto Rs.8.00 crore for more than three (3) circuits. In Mizoram, the Tourism Department had received a fund under the scheme of PIDDC in which several tourist lodges and tourist infrastructures were constructed. However, this PIDDC scheme was delinked in the year 2015 by the Central Government without informing the State Government. Due to this delink, all the contracts which was already granted under the PIDDC scheme suffered financial constraint and Tourism Department had a huge amount of liabilities amounting to Rs. 4223.87 lakh to finish the constructions under PIDDC Scheme. In respect of the sanction of Khawzawl Tourist Lodge under the scheme of PIDDC, the Ministry of Tourism had accepted the cost of construction for the said Tourist Lodge amounting to Rs. 337.47 lakh, in which 80% of the sanction amount i.e, Rs. 269.98 lakh had already been released by Ministry of Tourism. It is pertinent to mention here that, when the PIDDC scheme was delinked by the Central Government, 20% of the sanction amount for the said tourist lodge remained to be released by the Central Government for the said construction. As per the documents available on record, the contract work for Khawzawl Tourist Lodge was done by the Royal Engineering and Architectural Consultant (RE&AC) and the said contractor was directed not to continue the said construction works since the scheme under the said construction work was delinked. On 11.10.2018, a meeting was held at the office chamber of the then Minister Tourism Department in which it was reported that sanction for Seven (7) PIDDC delinked scheme amounting to Rs. 304.08 lakh was received under NEDP and in the said meeting it was stated that under the PIDDC scheme the Tourism Department has a liability of Rs. 40.15

crore to the contractors for which works have already been executed and some of which have been completed and at last, it was decided that the amount sanctioned under NEDP may be used to clear liabilities of pending bills. The said meeting was attended by the concerned officials of the Tourism Department, Government of Mizoram. According to the decision of this said meeting, all the liabilities of the Department under PIDDC scheme were cleared and liquidated.

12. As per the PE Report the respondents did not follow the proper procedure in the diversion of works and also in awarding of the contract as laid down in the General Financial Rules. In order to address issues and also matters relating to instances of financial and administrative irregularities, the financial and administrative approval was to be obtained but no such approval was obtained by the respondents during the relevant time. The process of awarding the works and the procedure adopted by the respondent is contrary to the General Financial Rules and violation of The Mizoram Transparency in Public Procurement Rules. It is pertinent to mention here that the State, its corporations, instrumentalities and agencies have the public duty to be fair to all concerned but non-observance of financial rules, improper maintenance of accounts, award of contracts without floating of tenders in violation of the provisions of GFR etc. were observed.

13. Despite the respondents' denying liability regarding the allegations, the Lokayukta directed the Anti-Corruption Bureau (ACB) to conduct Full Investigation by passing Order dt.13.5.2022. In pursuance of the said Order, the ACB conducted Full Investigation and submitted the Report to the Lokayukta on 23.3.2023.

14. During the course of investigation, it is established that construction of Tourist Lodge, Khawzawl was completed by utilizing Rs. 67.49 lakhs sanctioned by North Eastern Council and not from NEDP, Government of Mizoram.

15. The IO visited the work site and found that the construction work was completed.

16. The IO also found from the examination of Pu Saitluanga, Director, Pi Lalrinchhani, Deputy Director and Pi Esther Laldusaki, Project Engineer, all of Tourism Department revealed that the remaining amount of fund for construction of Tourist Lodge, Khawzawl i.e. $\text{Rs.}3,24,66,200.00 - \text{Rs.}3,20,51,340.00 = \text{Rs.}4,14,860.00$ is still safely kept in official

account of Tourism Department.

17. The investigation found that Pu John Rotluangliana, the then Tourism Department instructed Pu Biakthanmawia Pautu, Director, Tourism Department to release NEDP fund amounting to Rs.304.08 lakhs to the contractors to clear liabilities of Tourism Dept. in the 7 projects. Pu Biakthanmawia Pautu, then disbursed Rs.304.00 lakhs as per the direction of Pu John Rotluangliana, the then Minister of Tourism, and the remaining Rs.8,000/- is safely kept by the Treasurer, Mizoram Tourism Development Authority.

18. Accordingly, in terms of Section 19(3)(c) of the Mizoram Lokayukta Act, 2014, after considering all the facts and circumstances of the case and materials available on record, we hereby decide to close the case since there is no proof of misappropriation of Government's money. Accordingly, the case stands closed. The ACB may file appropriate report to the Special Court.

Sd/-LALSANGLURA
Member
Mizoram Lokayukta

Sd/-C.LALSAWTA
Chairperson
Mizoram Lokayukta



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

Case No. MLC- 26/2021

In the matter of:

Pu Bog Bono Kumar : Petitioner/Complainant
Kamalanagar-III, CADC
Lawngtlai District, Mizoram

Versus

1. Pu Hriday Chakma, : Respondent/Opp. Party
District Industry Officer,
Industry Department, CADC,
Kamalanagar-III, Lawngtlai District, Mizoram
2. Pu Kali Kumar Tongchangya, : Respondent/Opp. Party
the then Chief Executive Member, CADC
Kamalanagar-III, Lawngtlai District, Mizoram
3. Pu Purnendu Bikash Chakma, : Respondent/Opp. Party
the then Executive Secretary, CADC,
Kamalanagar-II, Lawngtlai District, Mizoram
4. Pu Ronnie Zolianngura Chhakchhuak : Respondent/Opp. Party
Chawlhmun, Aizawl

ORDER

Date: 28.6.2023

A brief summary of the case is that a complaint petition dt. 22.1.2021 regarding alleged misappropriation of Government money in the ‘Commercialization and Bottling of Duichuani’ was submitted before the Chairperson, Mizoram Lokayukta by Pu Bog Bono Kumar, of Kamalanagar-III. After perusal of the complaint, the Lokayukta registered the case as MLC-26/2021 and directed the Anti-Corruption Bureau (ACB) to conduct Preliminary Enquiry (PE) by passing Order dt.18.2.2021. The ACB conducted PE and submitted the Report to the Lokayukta on 18.2.2022.

2. As per the provision of Section 19(3) of the Mizoram Lokayukta Act, 2014, an opportunity of being heard was afforded to the parties concerned on 20.4.2022, the Enquiry Officer Pu Joseph Lalremmawia, ACB was present. Respondent No.4, Pu Ronnie Zolianngura Chhakchhuak attended the hearing and submitted a written statement. One of the respondents telephonically informed that he did not receive the Hearing Notice. As prayed by the respondents and as per agreement of the parties who were present, hearing was re-scheduled to be held on 4.5.2022. Accordingly, hearing was held on 4.5.2022 in Court Room No.1 of the Mizoram Lokayukta. The Complainant and Respondents 1 & 2 appeared in person and were heard. Respondent No.3, Pu Purnendu Bikash Chakma was represented by learned Counsel Mr. B. Lalramenga. The respondents prayed time to file written statements and accordingly written statements were received on 2.6.2022.

3. The findings of Enquiry Officer in the PE are as follows:

- i. The fund amounting to ` 1,22,24,000/- was sanctioned for ‘Commercialization and Bottling of Duichuani’ vide Memo.No.L/No.G24014/3/2013/DCA/C/Pt dt.26/3/2016 under NITI AAYOG (2015-2016). Pu Hriday Chakma, District Industry Officer, CADC submitted Utilization Certificate for the fund amounting to ` 1,22,24,000/- even though only ` 1,10,00,000/- has been utilized as under:

i)	Site development	` 6,27,000/-
ii)	Purchase of computer	` 80,000/-
iii)	Internal electrification	` 3,00,000/-
iv)	Sanitary installation/Water connection	` 2,81,130/-
v)	Furniture and fittings	` 2,04,600/-
vi)	Payment to Ronnie Zolianngura (consultant)	` 94,20,000/-
vii)	Consistency expenditure	` 87,270/-
	Total	` 1,10,00,000/-

There was a deficit of ` 12,24,000/- only which was alleged to be misappropriated

by Pu Kali Kumar Tongchangya, the then Chief Executive Member, CADC and Pu Purnendu Bikash Chakma, the then Executive Secretary, CADC.

ii. Notice inviting tender was not published by Industry Department, CADC for:-

- (i) Procurement of machines with an estimated amount of ` 72 lakhs
- (ii) Construction of Factory shed with an estimated amount of ` 32.1 lakhs.

iii. The following items which are supposed to be placed in Duichuani Factory building are found at different locations as shown below:

- (i) Furniture costing ` 2,04,600/- is found in the godown of Industry Department Office at Kamalanagar-II.
- (ii) Computer, printer, cartridge and computer table costing ` 80,000/- are found in the Office of Industry Department at Kamalanagar-II.
- (iii) Aqua Guard (RO) water filter costing ` 29,000/- is found inside the Office of Industry Department at Kamalanagar-II.
- (iv) Water Submersible Pump costing ` 18,000/- is found inside the Office Industry Department at Kamalanagar-II.

iv. Pu Ronnie Zoliangnura Chhakchhuak who was entrusted by CADC did not execute the following items of works which are included in the approved list of Machines and equipments, etc:

Sl. No.	Description of Machines/ Works	Amount (in `)
1	S.S. 304 Quantity Storage Tank (300 ltrs.) with distributing nozzles- 1 No.	2,00,000
2	Chiller- 1 No.	2,40,000
3	ISI standard Laboratory equipment	3,00,000
4	Ceiling of factory building	90,720
5	Interior wall painting of factory building	25,625
		8,56,345

Pu Ronnie Zoliangnura Chhakchhuak claimed that he would have finished these works if

he had received ` 13,11,270/- out of the total estimated amount of works which he did not received till date.

4. The complainant submitted additional documents on 6.6.2022 which stated that the project 'Commercialization and Bottling of Duichuani' has been successfully implemented, while several works which were incomplete when the ACB conducted the enquiry, and requested the Lokayukta not to draw any further proceeding in the case.

On receipt of the said documents, the Secretary, Mizoram Lokayukta sent a letter dt.16.6.2022 to the ACB requesting spot verification of the said project to cross-check the veracity of the statement of the complainant. The spot verification report along with photographs was received on 4.8.2022 wherein the Enquiry Officer stated that he found items such as furniture, computers, printers, filters, etc. inside the factory building which were found at different locations during the previous enquiry. Different works such as Storage tank, chiller, ceiling of the factory building, interior wall painting of factory building, etc. which were not executed by Ronnie Zoliangura during the previous enquiry are now present as shown in the report of spot verification conducted by the ACB.

5. On perusal of the PE Report and spot verification reports, it appears there was divergence in the findings/recommendations. Hence, ACB was again addressed for their suggestion regarding further proceeding of the case vide letter No. C.13017/26/2021-ML dt. 12.8.2022. The suggestion received from ACB may be summed up as under:

- i. Registration of criminal case may be initiated against Mr. Kali Kumar Tongchangya, the then CEM, CADC and Mr. Purnendu Bikash Chakma, the then Executive Secretary, CADC for misappropriation of `12.24 lakhs out of the fund for the said project.
- ii. Initiation for departmental proceeding against Mr. Hriday Chakma, District Industry Officer, CADC for submission of Utilization Certificate for the fund amounting to ` 1,22,24,000/- even though ` 1,10,00,000/- was utilized for the said project and for non-publication of notice inviting tender for procurement of machines and construction of factory shed.

6. Therefore, the Lokayukta directed the Anti-Corruption Bureau (ACB) to conduct Full Investigation by passing Order dt.29.8.2022. In pursuance of the said Order, the ACB conducted Full Investigation and submitted the Report to the Lokayukta on 7.6.2023.

7. During the course of investigation, the Investigating Officer visited the site for ‘Commercialization and Bottling of Duichuani Factory’ which was located at Udalthana road, Kamalanagar-IV and carefully checked machineries and materials present at the site of Duichuani Factory and seized relevant documents from the office of the District Industry Officer, Chakma Autonomous District Council.

The investigation reveals that the amount of ` 12,24,000/- (Rupees twelve lakhs twenty four thousand) only which was alleged to be misappropriated by the officials of the Chakma Autonomous District Council was spent as under:

Sl. No.	Name of items	Qty.	Rate	Amount (in `)	Bill/ Voucher No.	Executed by
1	SS 304 Quantity Storage Tank 300 ltrs distributing nozzle	1 No.		200000		Deptt.
2	Chiller	1 No.		240000		Deptt.
3	ISI Standard Laboratory Equipments	1 No.		300000		Deptt.
4	Interior wall painting (primer, paint panel door)			27600	10	Deptt.
5	Bricks for internal wall	2600 Nos.	20	52000	36	Deptt.
6	Construction of ceiling (58500+196850)			255350	35 & 38	Deptt.
7	Iron gate	1 No.		36550	41	Deptt.
8	Labour cost for internal wall, ceiling etc.			112500		
Total				1224000		

The Investigating Officer have verified that the machineries and materials mentioned in the above table are present at the factory shed of Duichuani Factory and also cross checked with the documents/receipts and cash memos seized and found to be correct.

Hence, the investigation reveals that the amount sanctioned i.e. ` 1,22,24,000 (Rupees one crore twenty two lakhs and twenty four thousand) only was spent for ‘Commercialization and Bottling of Duichuani Factory at Udalthana road Kamalanagar-IV and misappropriation on the part of the alleged officials is not found.

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

Sd/-C. LALSAWTA
Chairperson
Mizoram Lokayukta



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

Case No. MLC- 24/2020

In the matter of:

1. Pu H.C. Lalthakima

Chairman, All NGO- N. Vanlaiphai,

N. Vanlaiphai, Serchhip District : Petitioner/Complainant

2. Pu K. Lalroluahpuia

Secretary, All NGO- N. Vanlaiphai,

N. Vanlaiphai, Serchhip District : Petitioner/Complainant

Versus

1. Pu T.C. Zoremawia

Former VCP cum N.Vanlaiphai College Managing Board Chairman,

N. Vanlaiphai, Serchhip District : Respondent/OP

2. Pu Lalhmingsanga

Former VC Vice-President cum N.Vanlaiphai College Managing Board Treasurer,

N. Vanlaiphai, Serchhip District : Respondent/OP

ORDER

Date: 4.8.2023

A brief history of the case is that a complaint petition dt.25.11.2020 regarding alleged misappropriation of fund for the establishment of N. Vanlaiphai College was lodged before the Mizoram Lokayukta by Pu H.C. Lalthakima, Chairman, All NGO, N. Vanlaiphai and Pu K. Lalroluahpuia, Secretary, All NGO, N. Vanlaiphai. After examining the complaint, the Lokayukta registered the case as MLC-24/2020 and directed

Anti-Corruption Bureau (ACB), Mizoram to conduct Preliminary Enquiry (PE) by passing Order dt.18.12.2020. Thus, ACB conducted PE and submitted the Report to the Lokayukta on 25.8.2021. The Mizoram Lokayukta, on scrutinizing the Report and documents, sent a letter dt.24.9.2021 to the Director, ACB seeking clarifications and more information. The required information was submitted to Mizoram Lokayukta vide Memo No. ACB/PE No.1/2021/57 dt. 11.4.2022.

2. The main points of findings based on the enquiries are as follows:
 - i. The Gram Shabha (public) meeting of N. Vanlaiphai decided to deduct certain amount of money since August, 2015 from MGNREGS sanction money. After the Village Council election in 2020, the former Village Council members handed over only `8,60,000/- to the new elected Village Council members. It was suspected that there might be embezzlement of public money in the N. Vanlaiphai College Managing Board Fund.
 - ii. The enquiry and scrutiny of bank account indicate that `24,92,969/- was credited in the N. Vanlaiphai College Managing Board bank account in which `8,27,000 was VC Fund which was credited by the Board Treasurer-cum-VC Vice President, while his VC colleagues were on tour. Hence, the total fund deposited for N. Vanlaiphai College Managing Board Fund was `16,65,969/-, out of which `7,80,000/- only was reportedly credited amount from VC Members who borrowed College Fund. The total Saving Bank Interest was `25,969/-. The remaining `8,60,000/- was reportedly the actual fund deposited in the account for N. Vanlaiphai College Managing Board Fund.
 - iii. N. Vanlaiphai College Managing Board Chairman and Treasurer managed the College Board fund without maintaining records. As per the College Board Bank Pass Book and as per statement of Pu Lalhminganga, the amount credited in the College Bank account was `8,60,000/- .

3. The information provided by the ACB based on clarifications sought by the Lokayukta are as follows:

- i. MNREGA wage component work orders from 2015-2020 were collected from the concerned BDO. But the amount of donation made by each job card holder could not be ascertained as the College managing Board did not maintain any cash book.
- ii. As per the statement provided by ACB, Pu TC Zoremawia had borrowed `2,00,000/- from the College fund by withdrawing `15,000/- using the account of T. Zairemmawii. He also transferred `50,000/- to T.C. Zosangliani's account, and the rest `1,35,000/- was borrowed in cash from the Board Treasurer. He further stated that he repaid his borrowings by transferring `1,50,000/- on 1.9.2020 and `50,000/- on 3.9.2020 to the College account.
- iii. As per information provided by ACB, Pu Lalhminganga stated that on 15.9.2017, he borrowed `12,953/- of College Fund and transferred to his account for liquidation of his loan from N. Vanlaiphai College Management Board account.
- iv. As per the statement of Pu Lalhminganga, the College fund was borrowed by his VC colleagues. He also transferred `50,000/- on 25.9.2017 and `10,000/- on 23.3.2018 from the College Account to his personal account. In addition to this, he transferred `8,000/- on 25.6.2018 and `6,000/- on 20.8.2018 from the College Account to his son's account. He then withdrew `2,73,047/- from the College Account to borrow the sum. Pu Lalhminganga further stated that he repaid `3,12,576/- of his borrowings by transferring the amount to the College Account.
- v. According to ACB, the source of fund was only from MGNREGS and the account was mixed up with VC Fund.

vi. As per information provided by ACB, Board Treasurer Pu Lalhminganga could not clarify the credit transaction of `8,60,000/- which they borrowed from College Fund as they did not maintain cash book.

4. As per the provision of Section 19(3) of the Mizoram Lokayukta Act, 2014, opportunities of being heard was afforded to the parties concerned on 7.6.2022 vide Order No. C/13017/24/2020-ML dated 13.5.2022 and hearing was held in Court Room No. 1 of Mizoram Lokayukta. The Enquiry Officer Pu R. Lalnunmawia, Deputy SP, ACB was present. All parties were present and heard.

5. During hearing, the complainants stated the main reason for lodging the complaint. They further stated that without maintaining separate records for Village Council Fund and College Fund, the respondents lent money to individuals. And that the money/funds collected for construction of College could have been mismanaged and misappropriated by the respondents. The respondents stated that they have submitted their deposition to the Enquiry Officer which is available on record. The respondents in their defense stated that they did not misappropriate any money and have no monetary benefits and all the transaction could be seen in the passbook. They stated that it was a genuine mistake on their part for not maintaining separate accounts and that there was no ill intention for any misappropriation of money. The transactions of VC fund to individual account have already been repaid. It was also pointed out that if there is a dereliction of duty, the people and the whole village will suffer such consequences. The Enquiry Officer stated that if VC fund and MGNREGS fund was maintained separately, any mismanagement or misappropriation could have been easily traced.

6. Therefore, the Lokayukta directed the Anti-Corruption Bureau (ACB) to conduct Full Investigation by passing Order dt.7.6.2022. In pursuance of the said Order, the ACB conducted Full Investigation and submitted the Report to the Lokayukta on 21.7.2023.

7. During the course of investigation, the Investigating Officer visited the PO i.e. North Vanlaiphai and East Lungdar and seized relevant documents. He also seized relevant

Documents from the office of the Block Development Officer Office (BDO) East Lungdar.

8. During the course of investigation, requisition letter to the Chief Manager, Mizoram Rural Bank for the statement of North Vanlaiphai College Managing Board bank account was sent and the statement sought by IO was also received during the stipulated time, the analysis of the fund credited and withdrawn into the bank account of North Vanlaiphai College Managing Board as per the statement of alleged accused, witnesses, Bank Pass book and statement of Bank account are as follows:-

SUMMARY OF NORTH VANLAI PHAI COLLEGE BANK ACCOUNT Vide NO.A/C
No.97005269490

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
1	Opening balance	Nil	1	Opening balance	Nil
2	VC Fund deposited	8,27,000	2	Withdrawn from bank (VC fund deposited into the College bank Account being withdrawn)	8,27,000
3	Aggregated college fund deposited	8,60,000	3	Withdrawn from bank (college fund borrowed by VC member N. Vanlaiphai	7,80,000
4	Interest credited	25,969	4		
5	Deposited By VCs (being repayment of borrowed money)	7,80,000	5	(closing balance (to be handed over to new VCs)	8,85,969
	Total	24,92,969			24,92,969

From the analysis of above summary of the North Vanlaiphai College Managing Board Bank account, it is clear that

(1) VC Fund of `8,27,000/- (Rupees Eight Lakhs, twenty seven thousand) only was wrongly credited into the account College Managing Board account.

(2) Total fund deposited for the College Managing Board was `8,60,000/- (Rupees Eight

Lakhs, sixty thousand) only.

(3) Total interest credited into the account of College Managing Board account was ` 25,969/-.

(4) Total repayment of fund/money and deposited into the account of College Managing Board account which they borrowed from College Managing Board fund/Money was `7,80,000/-.

(5) After deducting the Village Council Fund, borrowed money from college fund, the remaining balance which is to be handed to the new Village Council (2020-2025) was ` 8,85,969/- (Rupees eight lakhs eighty five thousand nine hundred and sixty nine) only.

9. During the course of investigation, the IO visited the Place of occurrence (i.e. North Vanlaiphai and East Lungdar) and inspected the work constructed by the North Vanlaiphai Village Council from the MGNREGS wages component fund, took the photographs. Examined and recorded the statement of the alleged accused and witnesses. From the statement of accused persons and the witnesses, the fund which they received from MGNREGS wages component was used for construction of works by the Village Council members in the following manner. Gram Shabha meeting decided and approve deduction of `100 on every working days from each persons (supposed the fund is for 10 days at the rate of `194 per day, the total money which they have to pay to the job card holder is `100} \times 10 = \text{`1000 and the remaining balance i.e. `94} (194 - 100) \times 10 \text{ days} = \text{`940 was used for the construction of that particulars works). The works commensurate with the actual fund of the works as almost half of the funds only were used for the construction of works. Here, it is pertinent to mention that after deducting `100 on each man day, the remaining balance was used for the construction of that particulars works and if there is any balance, the remaining balance was kept for the College Managing Board fund. Therefore, the College fund collected so far is quite acceptable.

10. On further questioning of the alleged accused persons on the management of the college fund, they all accepted that they did not keep proper records of fund and they also accepted that they did not maintain proper record of expenditure.

Hence, the investigation reveals that though both the alleged accused had managed the North Vanlaiphai College fund improperly with improper records yet criminal misconduct and undue advantage without considerations was not found against Pu TC Zoremawia, Ex-VCP and Pu Lalhminga, Ex-Treasurer, Village Council, N. Vanlaiphai College as alleged in the FIR submitted by Pu HC Lalthakima, Chairman, All NGO, N. Vanlaiphai and Pu K. Lalroluahpuia, Secretary, All NGO, N. Vanlaiphai.

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

Sd/- C. LALSAWTA
Chairperson
Mizoram Lokayukta



MIZORAM LOKAYUKTA

(Constituted under the Mizoram Lokayukta Act, 2014)

Case No. MLC- 29/2021

In the matter of:

1. Pu Vanlalsiama,
Chairman, Chawlhmun Tlangveng Welfare
Chawlhmun, Aizawl : Petitioner/Complainant
2. Pu C. Rohnuna,
Secretary, Chawlhmun Tlangveng Welfare
Chawlhmun, Aizawl : Petitioner/Complainant

Versus

1. Pu C. Malsawma,
Executive Engineer, UD & PA Department
Govt. of Mizoram : Respondent/OP
2. Pu Laldinsanga Hnamte,
Assistant Engineer, UD & PA Department,
Govt. of Mizoram : Respondent/OP
3. Pu Rualthankhuma,
Junior Engineer, UD & PA Department,
Govt. of Mizoram : Respondent/OP
4. Pu Vanlalruatsanga,
Draftsman, UD & PA Department,
Govt. of Mizoram : Respondent/OP
5. Pu Lalramhluna (Contractor) s/o R. Thangbuanga,
Zotlang, Aizawl : Respondent/OP

ORDER

Date: 11.12.2023

A brief summary of the case is that the Mizoram Lokayukta received a complaint petition from Pu Vanlalsiama, Chairman and Pu C. Rohnuna, Secretary, Chawlhmun Tlangveng Welfare against the concerned officials of UD&PA Department on 8.1.2021 regarding mismanagement of government money for the construction of RCC Road at Chawlhmun Tlangveng, and alleged that the contractor appointed for the said construction did not carry out the construction works as per design and estimate. Letter No.C.13019/1/2019-ML dt.12.1.2021 was sent to the EE, UD&PA Dept. seeking specifications for the Road construction and reply was received vide letter No.D.24013/2/2019-DTE(UD&PA) dt.5.2.2021. After perusal of the documents received, another letter was sent to UD&PA Dept. vide letter No. C.13019/1/2019-ML dt. 10.2.2021. The EE, UD&PA sent a reply vide No.D.24013/2/2019-DTE (UD&PA) dt.26.3.2021. The Lokayukta perused the documents and **Case No. MLC-29/2021** was registered.

2. The Mizoram Lokayukta passed an Order dt.3.5.2021 for Preliminary Enquiry (PE) and directed the Anti-Corruption Bureau (ACB) to conduct PE. Hence, ACB registered **ACB PE No.8/2021dt 26.8.2021** and appointed Inspr. Jerry Lalrinsanga, ACB as Enquiry Officer to conduct the enquiry. The Preliminary Enquiry Report along with its enclosures was submitted to the Mizoram Lokayukta on 23.2.2022.

3. The points of preliminary findings are as follows:

- i) The complaint relates to RCC flooring on the internal approach road of Chawlhmun Tlangveng. Plan and estimate was prepared by the Junior Engineer, checked by the Assistant Engineer and countersigned by the Executive Engineer. The work costing `6,80,000/- was allotted to Pu Lalramhluna, s/o R. Thangbuanga, Zotlang, Aizawl without inviting any tender as required under GFR 2017 and Mizoram Transparency in Public Procurement Act, 2008, etc.
- ii) The contractor, Pu Lalramhluna executed the work, but not in accordance with the plan and estimate. He had neither removed nor excavated stone rubbles nor earth nor removed them, and reportedly claimed payment of Rs. 9514.80 + Rs. 11,324.48 = Rs.

20,839.28 as earmarked in the plan & estimate. The stone rubbles were claimed to be cleared by the local people residing in the area and even after completion of construction, as the stone rubbles were not disposed by the contractor, the local people used the stone rubbles for constructing retaining wall for the road on their own expense.

- iii) The contractor, as per the direction of the Engineer/officials of UD& PA Department and without having any prior order superseding the original plan & estimate, laid RCC about 5 inch/0.127 m which is much less than what the plan & estimate provided, i.e., $0.08\text{m} + 0.12\text{m} = 0.20\text{ m}/7.87\text{ inch}$ at once in a proportion of 1:3:6 (M10) placing the iron rod on the sandy floor. He put a few stone aggregates to raise those iron rod about 2 inch high but were crushed by heavy vehicle carrying cement mixture, while the plan & estimate provides for laying of PCC in 1:3:6 proportion or M10 grade upto a height of 0.08 m, and to lay RCC in proportion of 1:1:5:3 or M20 grade of 0.12m high, i.e., $0.08\text{m} + 0.12\text{m} = 0.20\text{m}/7.87\text{ inch}$. But, Pu Laldinsanga, Asst. Engineer in his statement stated that laying of RCC was done at once in M20, which is found to be contradictory to the statement of the contractor.
- iv) Length of the road as per plan & estimate is 86 mtrs, while the enquiry reveals that the length of the road measured along the middle of the road is 83.82 mtrs. Width was supposed to be 3.20 m but on measurement it was much smaller, viz. 2.94 m, 3 m, 2.99m, 2.79m, 2.6m, etc.
- v) Pu Rualthankhuma, Junior Engineer prepared unrealistically high specification and high cost and he was negligent in supervision of the work to ensure fulfillment of specifications.
- vi) Pu Laldinsanga Hnamte, Assistant Engineer and Pu Vanlalruatsanga, Draftsman, both of UD&PA Department submitted a site inspection report of the work-construction of RCC flooring at ChawlhmunTlangveng that this work is executed as per the specification of the plan & estimate: -
 - (a) The contractor did not excavate stone rubbles or earth which were provided by the plan & estimate
 - (b) Under their guidance, the contractor laid RCC much thinner in height/ thickness than what the plan & estimate had specified.

(c) They also reported that measurement was taken at the spot with length=86 mtrs and width=3.20 mtrs. While the length of the road as per plan & estimate is 86 mtrs, measurement taken during enquiry in the presence of reliable witnesses is 83.82 mtrs only.

vii) Pu C. Malsawma, the Executive Engineer, as Technical Wing head is responsible for the supervision and implementation of the works and acted negligently in implementing and monitoring of the road construction.

4. As per the provision of Section 19(3) of the Mizoram Lokayukta Act, 2014, the opportunity of being heard was afforded to the parties concerned on 11.4.2022 vide order dated 23rd March, 2022. Accordingly, hearing was held on 11.4.2022 in Court Room No.1 of the Mizoram Lokayukta. The Enquiry Officer Inspector Jerry Lalrinsanga, ACB, the petitioners and all respondents were present, including the wife of Respondent No.5. The respondents prayed time to submit related documents. Thus, the Executive Engineer, UD&PA submitted information including documents to the Lokayukta vide No.C.30010/5/2021-Tech/DTE(UD&PA) dated 2.5.2022.

5. During hearing, it was clarified that there are more than 800 works which is under the supervision of only 4 (Four) Junior Engineer. It was difficult for the technical experts to supervise all the works. The works were to be executed within a financial year in different districts in Mizoram. Since the numbers of employees in UD&PA were few in number, the engineers were unable to inspect the work properly. The works also include housing for all schemes in different districts and the scheme is sometimes taken up by co-terminus staff. The respondent no. 1 stated that though agreement is not signed yet the contractors are expected to work as per the specifications. The respondent No. 2 also stated that they could not visit the site of the works all the time. They visited the site only when there arose problems in execution of the work. That regarding the issue in the instance case, the concern officials visited the work site and took measurements. The respondent no.1 also stated that they did not demand any money from the contractors/sub-contractors. There are many cases where the works are not commensurate with the contract amount. The respondent No. 5 stated that the work is done as per the specification and they tried their best in executing the work.

6. Considering the facts and circumstances of the case, the Lokayukta directed the ACB, Mizoram to conduct Full Investigation by passing Order dt.9.6.2022. In pursuance of the said Order, the ACB conducted Full Investigation and submitted the Report to the Lokayukta on 16.3.2023.
7. Following are the points of Investigation Findings:
- i) The investigation reveals that RCC flooring at Chawlhmun Tlangveng was to be originally constructed at the estimated cost of Rs.6.8 lakhs and the construction work was awarded to Mr. R. Lalramhluna of Zotlang, Aizawl. The work of the construction was awarded under SEDP Scheme of UD&PA Department and that the construction was supervised by Mr. Laldinsanga Hnamte, Assistant Engineer and Mr. Vanlalruatsanga, Draftsman, both of UD&PA Department, Government of Mizoram.
 - ii) According to assessment report on probable expenditure on the work construction of RCC flooring at Chawlhmun Tlangveng (SEDP 2019-2020) under UD&PA Department executed by Mr. R. Lalramhluna s/o R. Thangbuanga of Zotlang, Aizawl, which was received from the Engineer-In-Chief, Public Works Department, Mizoram, Aizawl, the construction work was assessed at the value of Rs.4,99,500/-.
 - iii) The investigation also reveals that after the construction work had been completed by the contractor, measurement on the work was re-conducted by Engineers of UD&PA Department, Government of Mizoram and as per the new measurement, estimate of the cost of construction was re-fixed at Rs.5,27,000/- instead of the original Rs.6,80,000/- and after deduction of security deposit of Rs.26,350/- the net amount payable to the contractor becomes Rs.5,00,650/-
 - iv) On comparison of the amount received by the contractor Pu R. Lalramhluna i.e. Rs.5,00,650/- and the probable expenditure amount assessed by PWD, Mizoram i.e. Rs.4,99,500/-, the difference is Rs.1,150/0 only.
8. After receiving the Investigation Report, the Lokayukta sought clarification from the ACB, Mizoram on 3.4.2021. Based on the clarification sought from ACB, the contractor was appointed from the higher authority by nomination and the contractor's qualification

is a Class-IV contractor registered under Aizawl Road South Division, MPWD (Reg. No. 24/ARSD/IV/2017-2022 and renewal is under process).

9. The Lokayukta again sought clarifications to the ACB that arise out of the PE Reports and Investigation Report on 25.8.2023 and the ACB clarified that

- i) The findings regarding violation of GFR 2017 and Mizoram Transparency in Public Procurement Act 2008 has been done away with at the time of investigation because the Department (UD&PA) received a written instruction from higher Authority for allotment of various works to specified contractors. Accordingly, the Department had processed the instruction urgently and then work order was issued to various appointed contractors as per the written instruction.
- ii) The construction work has been executed as per plan and estimate as far as practicable. However, minor re-arrangement had been made in consultation with Local Welfare Committee.
- iii) There was no conspiracy committed by the Supervising Engineer and the contractor as the final bill was paid to the contractor as per work done measured, and that there was no wrongful gain to the official or the contractor as the amount released to the contractor is as per the work done measured.

10. The ACB also sent result of testing of concrete sample to ascertain the composition of cement sand and stone aggregate of RCC flooring at Chawlhmun, Tlangveng.

11. Accordingly, in terms of Section 19(3)(c) of the Mizoram Lokayukta Act, 2014, after considering all the facts and circumstances of the case and materials available on record, we hereby decide to close the case. Accordingly, the case stands closed. The ACB may now file a report seeking required Order from the Special Court.

Sd/- LALSANGLURA
Member
Mizoram Lokayukta

Sd/- C. LALSAWTA
Chairperson
Mizoram Lokayukta



MIZORAM LOKAYUKTA

(Constituted under the Mizoram Lokayukta Act, 2014)

Case No. MLC- 46/2022

In the matter of:

1. Pu Vanlalruata,

B-13/1, Tuikual South,
Aizawl, Mizoram

:

Petitioner/Complainant

Versus

1. Pu R. Lalrammawia

Director, Transport Department
Govt. of Mizoram

:

Respondent/OP

2. Pu Dawngliana

Former Director, Transport Department
Govt. of Mizoram
Zemabawk, Aizawl

:

Respondent/OP

3. Pu Thlamuana

Former Director, Transport Department
Govt. of Mizoram
Dinthar, Aizawl

:

Respondent/OP

4. Pu H. Darzika

Former Secretary, Transport Department
Govt. of Mizoram
Leitan South, Durtlang

:

Respondent/OP

5. Pu Hmingthantluanga

Diakkawn, Kolasib.

:

Respondent/OP

6. Pu J. Lalchhuanawma

Zohlun Veng, Bairabi

:

Respondent/OP

7. Pu Vanlalzuiliana

Dawrpui Vengthar, Aizawl.

:

Respondent/OP

8. Pu Dina Tlau

Mission Veng, Aizawl.

:

Respondent/OP

9. Zonunsangi

D/o Pu Rotluanga Fanai (L), Chief Consultant (NE)

Engineers India Research Institute (EIRI)

Vaivakawn, Aizawl.

:

Respondent/OP

ORDER

Date: 14.12.2023

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

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

3. Points of allegation:

- i) Transport Department, Mizoram submitted Utilization Certificate to the Ministry of Shipping during the year 2009-2012 under Tlawng Inland Water Transport Project amounting to Rs. 527.93 lakhs as the works under this scheme was fully completed as per RTI reply received from the Transport Department.
- ii) The construction of Go-down at Sairang under Tlawng Inland Water Transport Project amounting to Rs. 90.64 lakhs was reported complete, but the RTI reply mentioned as not constructed.

- iii) Construction of Terminal building at Sairang and Bairabi Village were reported complete, but the photograph/picture of this building could not be provided in the RTI reply.
- iv) Construction of 42 Nos. of Groynes and channel bed improvement in Tlawng River with huge amount of fund which were enquired into.

4. The points of preliminary findings are as follows:

- i) The enquiry reveals that on 02.06.2005, Pu Rotluanga Fanai, Chief Consultant, Engineers India Research Institute (EIRI) submitted an application to the Director, Transport Department, Mizoram, to allot preparation work for Detailed Project Report (DPR) of Tlawng Inland Water Transport Project which was accepted by The Director, Transport Department. Accordingly, on 16.08.2005, Pu Rotluanga Fanai submitted DPR on Tlawng Inland Water Transport Project (Phase-I) amounting to Rs. 4.91 Crores to the Director, Transport Department.
- ii) On 31.03.2009, the Govt. of Mizoram had sanctioned Rs. 4.00 lakhs for consultancy fee for preparation of DPR on Tlawng River as requested by the Director, Transport Department.
- iii) On 23.12.2009, Govt. of India, Ministry of Shipping had sanctioned Rs. 527.93 lakhs for Tlawng Inland Water Transport Project under Central Sector Scheme for North East Region. First Installment amounting to Rs. 105.60 lakhs was released.
- iv) Based on the decision of the meeting of Transport Officers under the Chairmanship of the then Hon'ble Minister of Transport, Inland Water Transport Project at Tlawng River was executed departmentally. As such, no tender quotation was invited.
- v) On 29.01.2010, M/S Engineers India Research Institute (EIRI) who prepared the DPR was appointed as works supervisor by the Director, Transport Department without preparation of 'Terms of Reference'.
- vi) Under the supervision of EIRI, working agents were appointed based on the following criteria—
 - a) Contractors with adequate experience in Inland Water Transport Projects.
 - b) Contractors with adequate financial resources and man power.
 - c) Contractors which are familiar with River Tlawng.

- vii) As instructed by Pu Zoramsangliana, the then Minister i/c Transport Department, appointment order of 66 Nos. of departmental work agents were issued by Directors of Transport as –
- a) Pu Dawngliana – 32 Nos., b) Pu Thlamuana – 13 Nos. and c) Pu H. Darzika – 21 Nos.
- viii) On 01.07.2010, Ministry of Shipping, Govt. of India released 2nd Installment amounting to Rs. 105.60 lakhs for Tlawng Inland Water Transport Project.
- ix) On 01.11.2010, the Govt. of Mizoram constituted Inland Water Transport Wing in the Transport Department for Co-ordination with Inland Waterways Authority of India to execute IWT Projects sanctioned under CSS by Ministry of Shipping.
- x) On 31.03.2011, Ministry of Shipping, Govt. of India released 3rd Installment amounting to Rs. 59.40 lakhs for Tlawng Inland Water Transport Project.
- xi) On 30.03.2012, Ministry of Shipping, Govt. of India released 4th and Final Installment amounting to Rs. 257.30 lakhs for Tlawng Inland Water Transport Project.
- xii) On 29.05.2012, expenditure sanction of Rs. 234.26 lakhs was received from Govt. of Mizoram for continuation of works under development of Inland Water Transport in Tlawng River during 2012 – 2013.
- xiii) On 10.09.2012, expenditure sanction of Rs. 23.04 lakhs was received from Govt. of Mizoram, for continuing Development on Inland Water Transport at Tlawng River during 2012-2013.
- xiv) Pu Rotluanga Fanai, Works Supervisor & Chief Consultant, Engineers India Research Institute (EIRI) submitted Completion Report of Tlawng Inland Water Transport Project to the Transport Department on 30.06.2012 and stated that they had received payment in full.
- xv) As stated in the Completion Report submitted by Pu Rotluanga Fanai, Works Supervisor & Chief Consultant, EIRI, Sanction from the Ministry was based on recommendation of field visit report of officers from Inland Waterway Authority of

India. But, no copies of their inspection reports were received by Transport Department.

- xvi) Unfortunaltely, Pu Zoramsangliana, the then Minister i/c Transport, Pu Rotluanga Fanai, Works Supervisor & Chief Consultant, Engineers India Research Institute (EIRI), Pu Lalrinawma, Jt. Secretary, Transport Department & Chairman, Inland Water Transport Wing, Pu Lalchungnunga, Dy. Commissioner (STA) & Member Secretary, Inland Water Transport Wing who had approved all work bills and signed for payments passed away, and could not be examined during enquiry. Also, M/S EIRI closed down their business office at Aizawl and already stops their business activity within Mizoram.
- xvii) The Enquiry Officer visited the site of construction of Terminal building at Sairang and Bairabi and found out that the structures of building only remained as Tlawng River flood damaged most of the walls and roofs which was buried with huge amount of sand after more than 10 years. As such, assessment of probable expenditure could not be taken by the Enquiry Officer.
- xviii) The Enquiry Officer visited the construction of Go-down at Hortoki. The building was constructed at a site donated by Hortoki Village Council adjacent to public play ground, the construction was found commensurate with the drawing and estimate and the building is presently used for Hortoki Badminton Hall as the Transport Department did not utilize as Go-down.
- xix) Other works under Tlawng Inland Water Transport Project were clearance of big rocks in river between Sairang to Bairabi using dynamite to enable free passage for boats, construction of groynes and channel bed improvements at Tlawng River. As ten years have already passed and the river in most places changed due to floods, assessment to works could not be done by the Enquiry Officer.

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

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

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

was satisfying during the construction of the work. The complainant also agreed to close the case as there is improvement in the department and that some of the accused person had already passed away.

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

Sd/-LALSANGLURA
Member
Mizoram Lokayukta

Sd/-C. LALSAWTA
Chairperson
Mizoram Lokayukta

APPENDIX – II

THE MIZORAM LOKAYUKTA ACT, 2014

[Act No. 11 of 2014 as amended by the Mizoram Lokayukta (Amendment) Act, 2016 (Act No. 3 of 2016), the Mizoram Lokayukta (Amendment) Act, 2024 (Act No. 2 of 2024), and the Mizoram Lokayukta (Amendment) Act, 2024 (Act No. 13 of 2024)]

An Act to provide for the establishment of a body of Lokayukta for the State of Mizoram to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India established a Democratic Republic to ensure justice for all;

WHEREAS the Government's commitment to clean and responsive governance has to be reflected in effective bodies to contain and punish acts of corruption;

NOW, THEREFORE, it is expedient to enact a law to provide for prompt and fair investigation and prosecution in cases of corruption.

It is enacted by the Mizoram Legislative Assembly in the Sixty-fifth Year of the Republic of India as follows, namely:—

CHAPTER – I **PRELIMINARY**

1. *Short title, extent and commencement—*

- (1) This Act may be called the Mizoram Lokayukta Act, 2014.
- (2) It extends to the whole of Mizoram.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.¹

2. *Definitions: (1) In this Act unless the context otherwise requires,—*

- (a) “Action” means any action including administrative action taken by way of decision, recommendation or finding or in any other manner and includes willful failure or omission to act and all other expressions relating to such action shall be construed accordingly.
- (b) “Bench” means a Bench of the Lokayukta;
- (c) “Chairperson” means the Chairperson of the Lokayukta;
- (d) “Competent authority”, in relation to—
 - (i) the Chief Minister, means the Governor of Mizoram;
 - (ii) a member of the Council of Ministers and Parliamentary Secretaries means the Chief Minister;
 - (iii) a member of State Legislature other than a Minister means the Speaker;
 - (iv) an officer in the Department of the State Government means the Minister in charge of the Department under which such Officer is serving;
 - (v) a Chairperson or Members of any body, or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of Parliament or of a State Legislature or wholly or partly financed by the Government of Mizoram or controlled by

¹ The Act is deemed to have come into force from 1.10.2016 vide Notification No. H.12017/130/2014-LJD dated 17.1.2019.

- it, means the Minister in charge of the administrative Department of such body, or Board or corporation or authority or company or society or autonomous body;
- (vi) an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of Parliament or of a State Legislature or wholly or partly financed by the State Government or controlled by it, means the head of such body or Board or corporation or authority or company or society or autonomous body;
 - (e) “Complaint” means a complaint, in a plain paper alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;
 - (f) “Corruption” includes anything made punishable under Prevention of Corruption Act, 1988 or under the ²[Bharatiya Nyaya Sanhita, 2023];
 - (g) “Government” means the Government of Mizoram
 - (h) “Investigation” means an investigation defined under ³[clause (l) of section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023];
 - (i) “Judicial Member” means a Judicial Member of the Lokayukta appointed as such;
 - (j) “Lokayukta” means the body established under section 3;
 - (k) “Member” means a Member of the Lokayukta;
 - (l) “Minister” means Minister of the State Government of Mizoram but does not include the Chief Minister;
 - (m) “Notification” means notification published in the Official Gazette and the expression “notify” shall be construed accordingly;
 - (n) “Preliminary inquiry” means an inquiry conducted under this Act by the Lokayukta before proper investigation;
 - (o) “Prescribed” means prescribed by rules made under this Act;
 - (p) “Public servant” means a person defined as such in the Prevention of Corruption Act, 1988; but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957 and the Coast Guard Act, 1978;
 - (q) “Rules” means rules made under this Act;
 - (r) “Regulations” means regulations made under this Act;
 - (s) “Schedule” means a schedule appended to this Act;
 - (t) “Search Committee” means a body of persons constituted under sub-section (3) of section 4 of this Act.
 - (u) “Special Court” means the court of a Special Judge appointed under sub-section (1) of section 3 of the Prevention of Corruption Act, 1988;
 - (v) “State” means the State of Mizoram or any other State;
 - (w) “Whistleblower” means any person who provides factual information with substance about corruption in a public authority or is a witness or victim in a case of corruption before the Lokayukta or who faces the threat of
 - (i) Professional harm, including but not limited to illegitimate transfer, denial of promotion, denial of appropriate perquisites, departmental proceedings, discrimination, or
 - (ii) physical harm, or
 - (iii) is actually subjected to any harm; because of either making a complaint to the Lokayukta under this Act, or by any other legal action aimed at preventing or exposing corruption.
 - (2) The words and expressions used herein and not defined in this Act but defined in the

² Subs. for “Indian Penal Code (Act 45 of 1860)” by Act No. 13 of 2024.

³ Subs. for “clause (h) of section 2 of the Code of Criminal Procedure, 1973” by Act No. 13 of 2024.

Prevention of Corruption Act, 1988 and the ⁴[Bharatiya Nyaya Sanhita, 2023] shall have the meanings respectively assigned to them in that Act.

CHAPTER - II

ESTABLISHMENT OF LOKAYUKTA

3. *Body of Lokayukta:*

- (1) As from the commencement of this Act, there shall be established in the State of Mizoram, by notification in the Official Gazette, a body to be called the “Lokayukta” who would have administrative, financial and functional independence from the government.
- (2) The Lokayukta shall consist of—
 - (a) a Chairperson, who is or has been a Chief Justice of the High Court or a Judge of the High Court or a person qualified to be a High Court Judge or a person who fulfils the eligibility specified in clause (a) or (b) of sub-section (3) of this section; ⁵ [and/or, if appointed,]
 - (b) such number of members, not exceeding three including the Chairperson, out of whom one shall be Judicial Member:
- (3) ⁶ [A person shall be eligible to be appointed,—
 - (a) as a Chairperson or as a Member other than a Judicial Member, if he is a person of impeccable integrity, outstanding ability having special knowledge and expertise of not less than twenty years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law, and management.
 - (b) as Chairperson or as a Judicial Member if such person
 - (i) is qualified to be a High Court Judge, or
 - (ii) has a vast knowledge of law and expertise in judicial matters or courts.]
 - ⁷ [(c) A person appointed as chairperson or member of Lokayukta shall, before entering upon his office, make and subscribe before the Governor, an oath or affirmation in the form as prescribed/set out in the Schedule].
- (4) The Chairperson or a Member shall not be—
 - (i) a member of Parliament or a member of the Legislature of any State or Union Territory;
 - (ii) a person convicted of any offence involving moral turpitude;
 - (iii) a member of any Autonomous District Council, Village Council or Municipality;
 - (iv) a person who has been removed or dismissed from service of the Union or a State, and shall not hold any office of trust or profit (other than his/her office as the Chairperson or a Member hereof) or been affiliated with any political party or carry on any business or practice any profession and accordingly, before he/she enters upon his office, a person appointed as the Chairperson or a Member, as the case may be, shall, if—
 - (a) he holds any office of trust or profit, resign from such office; or
 - (b) he is carrying on any business, sever his connection with the conduct and management of such business; or
 - (c) he is practicing any profession, cease to practice such profession.

⁴ Subs. for “Indian Penal Code (Act 45 of 1860)” by clause (3) of section 2 of Act No. 13 of 2024.

⁵ Subs. for, “and”, by Act No. 3 of 2016.

⁶ Subs. by Act No. 3 of 2016.

⁷ Ins. by Act No. 2 of 2024.

4. Constitution of Selection and Search Committee:

- (1) ⁸[The Lokayukta] shall be appointed by the Governor after obtaining the recommendations of a Selection Committee consisting of—
 - (a) the Chief Minister - Chairman;
 - (b) the Speaker of the Legislative Assembly - Member;
 - (c) the Leader of Opposition or Leader of Opposition Group in the Legislative Assembly - Member;
 - (d) the Chief Justice of the Gauhati High Court or any Judge nominated by him - Member
- (2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee.
- (3) The Selection Committee shall for the purposes of selecting the Chairperson and Members of the Lokayukta and for preparing a panel of persons to be considered for appointment as such, constitute a Search Committee consisting of at least five 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 in any other matter which, in the opinion of the Selection Committee, may be useful in making selection of the Chairperson and Members of the Lokayukta.

Provided that not less than fifty percent of the Members of the Search Committee shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women as the case may be;

⁹ [Provided further that the Selection Committee may also consider any person other than the persons recommended by the Search Committee].
- (4) ¹⁰ [The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chairperson and Members of the Lokayukta].
- (5) The term of the Search Committee referred to in sub-section (3), the fees and allowances payable to its members and the manner of selection of panel of names shall be such as may be prescribed.

5. ¹¹ [Appointment of Chairperson and Members:

- (1) The Governor shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and/or Members at least three months before the expiry of the term of such Chairperson or Members, ¹²[***] as the case may be, in accordance with the procedure laid down under this Act.
- (2) If the office of the Chairperson falls vacant due to the reasons specified in such vacancy in accordance with the provisions of the said section, the Governor may, by notification, appoint a new Chairperson in accordance with the procedure laid down under this Act:

⁸ Subs. for the words, “The Chairperson and Members”, by Act No. 3 of 2016.

⁹ Ins. by Act No. 2 of 2024.

¹⁰ Subs. by Act No. 2 of 2024 for sub-section 4: “The Selection Committee shall follow the procedure prescribed in the Rules for selecting the Chairperson and Members of the Lokayukta.”

¹¹ Subs. by Act No. 3 of 2016.

¹² The words, “if there are any Member(s),” were omitted by Act No. 2 of 2024.

Provided that the office of the Chairperson shall not be vacant for a period longer than one year comprising of twelve months from the date of such vacancy.]

6. Term of the Chairperson and Members:

The ¹³[Chairperson and Members] shall, on the recommendations of the Selection Committee, be appointed by the Governor by warrant under his hand and seal and hold office as such for a term of five years or till attaining the age of 70 years whichever is earlier from the date on which he enters upon his office;

Provided that he may—

- (a) by writing under his hand addressed to the Governor, resign his office; or
- (b) be removed from his office in the manner provided under this Act.

7. Salary and Allowances of Chairperson and Members:

The salary, allowances and other conditions of service of—

- (i) the Chairperson shall be the same as those of the Chief Justice of the High Court;
- (ii) other Members ¹⁴ [***] shall be the same as those of a Judge of the High Court:

Provided that if the Chairperson or a Member ¹⁵[***] is, at the time of his/her appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Chairperson or, as the case may be, as a Member, be reduced—

- (a) by the amount of that pension; and
- (b) if he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:

Provided further 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.

8. Chairperson and Members –Bar from re-employment:

- (1) On ceasing to hold office, ¹⁶[the Chairperson and any Member ¹⁷[***]] shall be ineligible for—
 - (i) re-appointment as the Chairperson or a Member of the Lokayukta;
 - (ii) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the Governor by warrant under his hand and seal;
 - (iii) further employment to any other office of profit under the Government of India or the Government of a State;
 - (iv) contesting any election of President or Vice President or Member of either House of Parliament or Member of a State Legislature or Autonomous District Council or Municipality or Village Council or Panchayat within a period of five years from the date of relinquishing the post.

¹³ Subs. for the word, “Lokayukta”, by Act No. 2 of 2024.

¹⁴ The words, “if so appointed,” were omitted by Act No. 2 of 2024.

¹⁵ The words, “if any,” were omitted by Act No. 2 of 2024.

¹⁶ The words, “the Chairperson and every Member,” were substituted by the words, “the Chairperson and any Member, if so appointed,” by Act No. 3 of 2016.

¹⁷ The words, “if so appointed,” were omitted by Act No. 2 of 2024.

- (2) Notwithstanding anything contained in sub-section (1), a Member shall be eligible to be appointed as a Chairperson, if his total tenure as Member and Chairperson does not exceed five years.

Explanation.— For the purposes of this section, it is hereby clarified that where the Member is appointed as the Chairperson, his/her term of office shall not be more than five years in aggregate as the Member and the Chairperson.

9. Member taking Charge of Chairperson:

- (1) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his/her death, resignation or otherwise, the Governor may, by notification, authorize the senior-most Member to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy ¹⁸[***].
- (2) When the Chairperson is unable to discharge his/her functions owing to absence on leave or otherwise, the senior-most Member available, as the Governor may, by notification, authorize in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his/her duties.

10. Appointment of Secretary to the Lokayukta, ¹⁹[Chief Inquiry Officer and Public Prosecutor], Officers and Staff of Lokayukta:

- (1) There shall be a Secretary to the Lokayukta in the rank of Secretary to the State Government, who shall be appointed by the Chairperson from a panel of names sent by the Government.
- (2) There shall be a ²⁰[Chief Inquiry Officer and a Public Prosecutor not below the rank of the Deputy Secretary] to the State Government or equivalent, who shall be appointed by the Lokayukta.
- (3) The appointment of officers and staff of the Lokayukta shall be made by the Lokayukta.

Provided that the Governor may by rule require that the appointment in respect of any post or posts as may be specified in the rule, shall be made after consultation with the State Public Service Commission.

- (4) Subject to the provisions of any law made by the State Legislature, the conditions of service of secretary and other officers and staff of the Lokayukta shall be such as may be specified by regulations made by the Lokayukta for the purpose:

Provided that the regulations made under this sub-section shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor.

²¹[**CHAPTER - III**
CONSTITUTION OF INQUIRY WING AND
PROSECUTION WING]

11. Constitution of Wings:

- (1) The Lokayukta shall, by notification, constitute an Inquiry Wing and a Prosecution Wing headed by the Chief inquiry officer and a Public Prosecutor respectively for the

¹⁸ The words, “if there are any Members,” were inserted by Act No. 3 of 2016 and then omitted by Act No. 2 of 2024.

¹⁹ Subs. for “Director of Inquiry and Prosecution” by Act No. 2 of 2024.

²⁰ Subs. for “Director of Inquiry and Prosecution not below the rank of the Additional Secretary” by Act No. 2 of 2024.

²¹ Vide Act No. 2 of 2024 Section 11 was replaced by sections 11, 11.A and 11.B constituting Chapter – III.

purpose of inquiry and prosecution of public servants in relation to any complaint before the Lokayukta under this Act:

11.A Inquiry Wing:

- (1) The Lokayukta shall, by notification, constitute an Inquiry Wing headed by the Chief Inquiry Officer for the purpose of Inquiry of public servants in relation to any complaint before the Lokayukta under this Act :

Provided that till such time the Inquiry Wing is constituted by the Lokayukta, the State Government shall make available such number of officers and other staff from such of its Department as may be required by the Lokayukta, for conducting preliminary inquiries under this Act.

- (2) For the purposes of assisting the Lokayukta in conducting a preliminary inquiry under this Act, the officers of this Wing shall have the same powers as are conferred upon the Lokayukta under section 27(1) of this Act.

11.B Prosecution Wing

- (1) The Lokayukta shall, by notification, constitute a Prosecution Wing headed by the Public Prosecutor for the purpose of prosecution of public servants in relation to any case filed by the Lokayukta under this Act.
- (2) The Public Prosecutor shall, after having been so directed by the Lokayukta, file a case in accordance with the findings of the investigation report, before the Special Court. All necessary steps shall be taken by the Public Prosecutor appointed by Lokayukta for Prosecution of the offence punishable under the Prevention of Corruption Act, 1988 or any other relevant laws.
- (3) The case referred to under sub-section (2) shall be deemed to be a report, filed on completion of investigation, referred to in ²²[section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023.]]

CHAPTER – IV
EXPENSES OF LOKAYUKTA

12. Expenses of 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.

CHAPTER – V
JURISDICTION IN RESPECT OF INQUIRY

13. Jurisdiction in respect of Inquiry:

- (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:—

²² Subs. for “section 173 of the Code of Criminal Procedure, 1973” by Act No. 13 of 2024.

- (a) any person who is or had been a Chief Minister, ²³[Deputy Chief Minister, Minister or Minister of State];
- (b) any other person who is or had been a ²⁴[Speaker or Deputy Speaker];
- (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 of 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):

²³ Subs. for the words “Speaker or Deputy Speaker” by Act No. 2 of 2024.

²⁴ Subs. for the words “Minister of State” by Act No. 2 of 2024.

²⁵[Provided that no action under this Act shall be initiated against the person serving under the Central Government or any other Authority/Organization 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.

14. Pending cases:

Any matter or proceeding relating to allegation of corruption under the Prevention of Corruption Act, 1988 pending before any agency or authority prior to commencement of this Act shall stand transferred to the Lokayukta excepting cases pending before the court.

²⁶[Provided that any complaint filed before any Special Agency or Authority other than the Lokayukta subsequent to commencement of this Act shall be continued before such Agency or Authority.]

15. Constitution of Bench:

- (1) Subject to the provisions of this Act,—
- (a) the jurisdiction of the Lokayukta may be exercised by benches thereof;
 - (b) a bench may be constituted by the Chairperson consisting of such number of Members as the Chairperson may deem fit;
 - (c) where a bench consists of the Chairperson, such bench shall be presided over by the Chairperson;
 - (d) where a bench consists of a Judicial Member, and a non-Judicial Member, not being the Chairperson, such bench shall be presided over by the member who is senior to the other;
 - (e) the benches of the Lokayukta shall ordinarily sit at Aizawl and at such other places as the Lokayukta may decide.
- (2) Notwithstanding anything contained in sub-section (1), the Chairperson shall have the power to constitute or reconstitute benches from time to time.
- (3) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such nature that it ought to be heard by a bench consisting of all the Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him for transfer, to such bench as the Chairperson may deem fit.

16. Distribution of Business:

Where benches are constituted, the Chairperson may, from time to time, by notification, make provisions as to the distribution of the business of the Lokayukta amongst the benches and also provide for the matters which may be dealt with by each bench.

²⁵ Subs. for the words, “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,” by Act No. 2 of 2024.

²⁶ Ins. by Act No. 2 of 2024

17. *Transfer of pending case:*

On an application for transfer made by the complainant or the public servant, the Chairperson, after giving an opportunity of being heard to the complainant or the public servant, as the case may be, may transfer any case pending before one bench for disposal to any other bench.

18. *Reference to Chairperson:*

If the Members of a bench consisting of an even number of Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson who shall either hear the point or points himself and such point or points shall be decided by him.

CHAPTER-VI
PROCEDURE IN RESPECT OF
PRELIMINARY INQUIRY AND INVESTIGATION

19. *Procedure in respect of Preliminary Inquiry and Investigation:*

- (1) The Lokayukta shall, on its own motion or on receipt of a complaint, first decide whether to proceed in the matter or close the same and if the Lokayukta decides to proceed further, it shall order the preliminary inquiry against any public servant by its Inquiry Wing or any agency (including any special investigation agency) to ascertain whether there exists a prima facie case for proceeding in the matter.
- (2) During the preliminary inquiry referred to in sub-section (1), the Inquiry Wing or any agency shall conduct a preliminary inquiry and on the basis of material, information and documents collected, submit within ²⁷[90 (ninety) days] from the date of receipt of the reference, a report to the Lokayukta.
- (3) A bench consisting of at least two Members of the Lokayukta shall consider every report received under sub-section (2) from the Inquiry Wing or any agency and after giving an opportunity of being heard to the public servant, decide as to whether there exists a prima facie case, and ²⁸[take a decision] to proceed with one or more of the following actions, namely:—
 - (a) investigation by any agency (including any special investigation agency);
 - (b) ²⁹[recommend] any appropriate action against the concerned public servants by the competent authority;
 - (c) closure of the proceedings against the public servant.
- (4) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ³⁰[90 (ninety) days and for reasons to be recorded in writing, within a further period of 60 (sixty)] days from the date of receipt of the complaint.
- (5) In case the Lokayukta decides to proceed to investigate into the complaint, it shall direct any investigation agency (including any special agency) ³¹[subject to the provisions of section 17A of the Prevention of Corruption Act, 1988 and section 6 of the Delhi Special Police Establishment Act, 1946,] to carry out the investigation as

²⁷Subs. for “45 (forty five) days” by Act No. 2 of 2024.

²⁸Subs. for “make recommendations” by Act No. 2 of 2024.

²⁹Ins. by Act No. 2 of 2024.

³⁰Subs. for “45 (forty five) days” by Act No. 2 of 2024.

³¹Ins. by Act No. 2 of 2024.

expeditiously as possible and complete the investigation within a period of six months from the date of its order:

Provided that the Lokayukta may extend the said period by a further period not exceeding ³²[six months] at a time for the reasons to be recorded in writing.

- (6) Notwithstanding anything contained in ³³[section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023], any investigation agency (including any special agency) shall, in respect of cases referred to it by the Lokayukta, submit the investigation report to the Lokayukta.
- (7) A bench consisting of at least two Members of the Lokayukta shall consider every report received by it under sub-section (6) from any investigation agency (including any special agency) and may, decide as to—
 - (a) file charge-sheet or closure report before the Special Court against the public servant;
 - (b) ³⁴[recommend] any appropriate action against the concerned public servants by the competent authority.
- (8) The Lokayukta may, after taking a decision under sub-section (7) on the filing of the charge-sheet, direct—
 - (a) its Prosecution Wing to initiate prosecution in the Special Court in respect of the cases investigated by the investigation agency (including any special agency); or
 - (b) any other agency in respect of the cases investigated by such agency on the direction of Lokayukta to obtain its approval and thereafter initiate prosecution in the Special Court and forward a copy of charge-sheet filed by it under this clause to the Lokayukta for the purposes of superintendence.
- (9) The Lokayukta may, during the preliminary inquiry or the investigation, as the case may be, pass appropriate orders for the safe custody of the documents relevant to the preliminary inquiry or, as the case may be, investigation, as it deems fit.
- (10) The Lokayukta may retain the original records and evidences, which are likely to be required in the process of preliminary inquiry or investigation or conduct of a case by it or by the Special Court.
- (11) Save as otherwise provided, the manner and procedure of conducting a preliminary inquiry or investigation (including such material and documents to be made available to the public servant) under this Act, shall be such as may be specified by regulations.

20. Inquiry into the conduct of person other than the accused:

If, at any stage of the proceeding, the Lokayukta—

- (a) considers it necessary to inquire into the conduct of any person other than the accused; or
- (b) is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry, the Lokayukta shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice.

³² Subs. for “three months” by Act No. 2 of 2024.

³³ Subs. for “section 173 of the Code of Criminal Procedure, 1973” by Act No. 13 of 2024.

³⁴ Ins. by Act No. 2 of 2024.

21. *Furnishing of Information and Documents:*

Subject to the provisions of this Act, for the purpose of any preliminary inquiry or investigation, the Lokayukta or the investigating authority, as the case may be, may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such preliminary inquiry or investigation, to furnish any such information or produce any such document.

22. *Sanction not necessary:*

- (1) No sanction or approval of any authority shall be required by the Lokayukta for conducting investigation by any agency in respect of the cases investigated by such agency on the direction of the Lokayukta, under ³⁵[section 218 of the Bharatiya Nagarik Suraksha Sanhita, 2023] or section 19 of the Prevention of Corruption Act, 1988, as the case may be, for the purpose of making preliminary inquiry by the Inquiry Wing or investigation by any agency into any complaint against any public servant or for filing of any charge-sheet or closure report on completion of investigation in respect thereof before the Special Court under this Act.
- (2) A Special Court may, notwithstanding anything contained in ³⁶[section 218 of the Bharatiya Nagarik Suraksha Sanhita, 2023] or section 19 of the Prevention of Corruption Act, 1988, on filing of a charge-sheet on completion of investigation, by the Lokayukta or any officer authorized by it in this behalf, take cognizance of offence committed by any public servant.
- (3) Nothing contained in sub-sections (1) and (2) shall apply in respect of the persons holding the office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such person has been specified therein.
- (4) The provisions contained in sub-sections (1), (2) and (3) shall be without prejudice to the generality of the provisions contained in article 311 and sub-clause (c) of clause (3) of Article 320 of the Constitution.

23. *Filing of Case:*

Where after the conclusion of the investigation by any agency, the findings of the Lokayukta disclose the commission of an offence under the Prevention of Corruption Act, 1988 and ³⁷[Bharatiya Nyaya Sanhita, 2023] relating to corruption by a public servant referred to in clause (a) or clause (b) or clause (c) or clause (d) or clause (e) or clause (f) or clause (g) of sub-section (1) of section 13, the Lokayukta may file a case ³⁸[or may authorize any investigating agency to file a case] in the Special Court and shall send a copy of the report together with its findings to the competent authority.

24. *Transparency in Lokayukta organization:*

The Lokayukta shall maintain complete transparency in its functioning and shall ensure that full records of any investigation or inquiry conducted under this Act after its conclusion is made public by being put on a public website. The Lokayukta will also ensure effective implementation of Section 4 of the Right to Information Act, 2005 for

³⁵ Subs. for “section 197 of the Code of Criminal Procedure, 1973” by Act No. 13 of 2024.

³⁶ Subs. for “section 197 of the Code of Criminal Procedure, 1973” by Act No. 13 of 2024.

³⁷ Subs. for “the Indian Penal Code” by Act No. 13 of 2024.

³⁸ Ins. by Act No. 2 of 2024.

transparency within Lokayukta except for items those covered under Section 8 of the Right to Information Act, 2005.

CHAPTER - VII **POWERS OF LOKAYUKTA**

25 Powers of Lokayukta:

The Lokayukta shall, notwithstanding anything contained in any other law for the time being in force, have the powers—

- (a) to initiate suo moto appropriate action under this Act against any public servant who is alleged to be/have been involved in any act of corruption;
- (b) to exercise superintendence over day to day works of the Lokayukta and give direction to the investigating officers for the smooth and proper investigation³⁹[***];
- (c) ⁴⁰[on completion of the investigation, to order prosecution of the accused before the special court, and also
 - (i) to recommend punishment of any kind including dismissal, removal or reduction in rank or any other punishment prescribed by any rules in force.
 - (ii) to impose recovery of the loss caused to the public against the erring public servants after giving them full opportunities of being heard. In the event of non-execution by the Government, the reason for non-execution shall be laid before the Mizoram Legislative Assembly in its first session after the expiry of six months. While recommending any action Lokayukta will duly consider distinction between bonafide action and an action with malafide intention, and also error of judgement with and without ill-will];
- (d) to ensure the integrity of its functionaries and impose on defaulters punishment either of dismissal, removal or reduction in rank as found deemed fit;
- (e) to ensure proper prosecution of cases before Court established by competent authority;
- (f) to compound the offence of corruption either
 - (i) by seizing and confiscating all the assets and properties which are known and admitted that they have been accumulated by means of corrupt practices by the erring public servant; or
 - (ii) by making an order compelling thereby the defaulting public servant to recover the entire amount of loss to the public treasury within a specified time.
- (g) to issue, in case of threat perception, appropriate direction to the Government or to the concerned authority for providing security to ensure that no physical harm or administrative harassment is caused to the witness;
- (h) to provide travelling allowance and daily allowance as per existing rates, on demand, to those who are summoned to appear in person before the Lokayukta or the investigating agency for the purpose of investigation.

26. Search and Seizure of Documents, Articles and Retention thereof:

- (1) If the Lokayukta has reason to believe that any document or articles as the case may be which, in its opinion, shall be useful for, or relevant to, any

³⁹ The words, “and after completion of the investigation,” were omitted by Act 2 of 2024.

⁴⁰ Subs. by Act No. 2 of 2024.

investigation under this Act, are secreted in any place, it may authorize any agency to whom the investigation has been given to search for and to seize such documents/articles as per the provision of ⁴¹[Bharatiya Nagarik Suraksha Sanhita, 2023].

- (2) If the Lokayukta is satisfied that any document or article seized under sub-section(1) may be used as evidence for the purpose of any preliminary inquiry or investigation or trial under this Act and that it shall be necessary to retain the document or article in its custody or in the custody of such officer as may be authorised, it may so retain or direct such authorized officer to retain such document or article till the completion of such preliminary inquiry or investigation or trial.

Provided that where any document or article is required to be returned, the Lokayukta or the authorised officer may return the same after retaining copies of such document or seized article duly authenticated.

27. Exercise of powers of Civil Court:

- (1) Subject to the provisions of this section, 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 ⁴²[section 229 of the Bharatiya Nyaya Sanhita, 2023].

28. Utilisation of Service of Officer/Agency of the Government:

- (1) The Lokayukta may, for the purpose of conducting any preliminary inquiry or investigation, utilise the services of any officer or organisation or investigation agency of the State Government or the Central Government including Central Bureau of Investigation (CBI) ⁴³[subject to the provisions of section 6 of the Delhi Special Police establishment Act, 1946].
- (2) For the purpose of preliminary inquiry or investigating into any matter pertaining to such inquiry or investigation, any officer or organization or agency whose services are utilized under sub-section (1) may, subject to the direction and control of the Lokayukta,—
- (a) summon and enforce the attendance of any person and examine him;
 - (b) require the discovery and production of any document; and
 - (c) requisition any public record or copy thereof from any office.
- (3) The officer or organization or agency whose services are utilized under sub-section (2) shall inquire or, as the case may be investigate into any matter

⁴¹ Subs. for the word, “CrPC”, by Act No. 13 of 2024.

⁴² Subs. for “section 193 of the Indian Penal Code (Act 45 of 1860)”, by Act No. 13 of 2024.

⁴³ Ins. by Act No. 2 of 2024.

pertaining to the preliminary inquiry or investigation and submit a report thereon to the Lokayukta within such period as may be specified by it in this behalf.

29. Attachment of property:

- (1) Where the Lokayukta or any investigation officer authorized by it in this behalf, has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession, that—
 - (a) any person is in possession of any proceeds of corruption;(b) such person is accused of having committed an offence relating to corruption; and
 - (c) such proceeds of offence are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of offence, he may, by order in writing, provisionally attach such property for a period not exceeding ninety days from the date of the order.
- (2) The Lokayukta shall, immediately after attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Special Court, in a sealed envelope, in the manner as may be prescribed and such Court may extend the order of attachment and keep such material for such period as the Court may deem fit.
- (3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or after the expiry of the period as directed by the Special Court under sub-section (2).
- (4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) or sub-section (2), from such enjoyment.

Explanation.—For the purposes of this sub-section, “person interested”, in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.

30. Confirmation of attachment by Special Court:

- (1) The Lokayukta, when it provisionally attaches any property under sub-section (1) of section 29 shall, within a period of thirty days of such attachment, file an application stating the facts of such attachment before the Special Court and make a prayer for confirmation of attachment of the property till completion of the proceedings against the public servant in the Special Court.
- (2) The Special Court may, if it is of the opinion that the property provisionally attached had been acquired through corrupt means, make an order for confirmation of attachment of such property till the completion of the proceedings against the public servant in the Special Court.
- (3) If the public servant is subsequently acquitted of the charges framed against him, the property, subject to the orders of the Special Court, shall be restored to the concerned public servant along with benefits from such property as might have accrued during the period of attachment.
- (4) If the public servant is subsequently convicted of the charges of corruption, the property and the proceeds thereon relatable to the offence under the Prevention of Corruption Act, 1988 shall be confiscated and vest in the Government free from any encumbrance or leasehold interest excluding any debt due to any bank or financial institution.

Explanation.—For the purposes of this sub-section, the expressions “bank”, “debt” and “financial institution” shall have the meanings respectively assigned to them in clauses (d), (g) and (h) of section 2 of the Recovery of

Debts due to Banks and Financial Institutions Act, 1993.

- (5) Without prejudice to the provisions of sections 29 and 30, where the Special Court, on the basis of prima facie evidence, has reason to believe or is satisfied that the assets, proceeds, receipts and benefits, by whatever name called, have arisen or procured by means of corruption by the public servant, it may authorize the confiscation of such assets, proceeds, receipts and benefits till his acquittal.
- (6) Where an order of confiscation made under sub-section (1) is modified or annulled by the High Court or Supreme Court or where the public servant is acquitted by the Special Court, the assets, proceeds, receipts and benefits, confiscated under sub-section (1) shall be returned to such public servant.

31. *Transfer or Suspension of Public Servant:*

Where the Lokayukta, while making a preliminary inquiry into allegations of corruption, is prima facie satisfied, on the basis of evidence available, that—

- (a) the continuance of the public servant referred to in clause (d) or clause (e) or clause (f) of sub-section (1) of section 13 in his post while conducting the preliminary inquiry is likely to affect such preliminary inquiry adversely; or
- (b) such public servant is likely to destroy or in any way tamper with the evidence or influence witnesses, then, the Lokayukta may recommend to the State Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order.

32. *Power for Preservation of Documents:*

The Lokayukta may, in discharge of its functions under this Act, issue appropriate directions to a public servant entrusted with the preparation or custody of any document or record—

- (a) to protect such document or record from destruction or damage; or
- (b) to prevent the public servant from altering or secreting such document or record; or
- (c) to prevent the public servant from transferring or alienating any assets allegedly acquired by him through corrupt means.

33. *Delegation of Power:*

The Lokayukta may, by general or special order in writing and subject to such conditions and limitations as may be specified therein, direct that any administrative or financial power conferred on it may also be exercised or discharged by such of its Members or officers or employees as may be specified in the order.

CHAPTER-VIII

CONSTITUTION OF SPECIAL COURT

34. *Constitution of Special Court:*

- (1) 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.
- (2) 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:

Provided that in 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.

Provided further that adjournments should not be given without sufficient and reasonable cause.

35. Procedure for letter of Request:

- (1) Notwithstanding anything contained in this Act or the ⁴⁴[Bharatiya Nagarik Suraksha Sanhita, 2023] if, in the course of a preliminary inquiry or investigation into an offence or other proceeding under this Act, an application is made to a Special Court by an officer of the Lokayukta authorized in this behalf that any evidence is required in connection with the preliminary inquiry or investigation into an offence or proceeding under this Act and he is of the opinion that such evidence may be available in any place in a contracting State, and the Special Court, on being satisfied that such evidence is required in connection with the preliminary inquiry or investigation into an offence or proceeding under this Act, may issue a letter of request to a court or an authority in the contracting State competent to deal with such request to—
 - (i) examine the facts and circumstances of the case;
 - (ii) take such steps as the Special Court may specify in such letter of request; and
 - (iii) forward all the evidence so taken or collected to the Special Court issuing such letter of request.
- (2) The letter of request shall be transmitted in such manner as the Government may prescribe in this behalf.
- (3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be evidence collected during the course of the preliminary inquiry or investigation.

CHAPTER – IX
COMPLAINT AGAINST CHAIRPERSON, MEMBERS
AND OFFICIALS OF LOKAYUKTA

36. Complaint against Chairperson, Members and Officials of Lokayukta:

- (1) The Lokayukta shall not inquire into any complaint made against its Chairperson or any Member.
- (2) Subject to the provisions of sub-section (4), the Chairperson or any Member shall be removed from his office by order of the Governor on grounds of misbehavior after the Supreme Court, on a reference being made to it
 - (i) by the Governor; or
 - (ii) by the Governor, on a petition signed by at least two-third members of Mizoram Legislative Assembly, has, on an enquiry held in accordance with the procedure prescribed in that behalf, reported that the Chairperson or such member, as the case may be, ought to be removed on such ground.
- (3) The Governor may suspend from office the Chairperson or any Member in respect of whom a reference has been made to the Supreme Court under sub-section (2), on receipt of the recommendation or interim order made by the Supreme Court in this regard until the Governor has passed orders on receipt of the final report of the Supreme Court on such reference.
- (4) Notwithstanding anything contained in sub-section (2), the Governor may, by order, remove from the office, the Chairperson or any Member if the Chairperson or such Member, as the case may be,—
 - (a) is adjudged an insolvent; or

⁴⁴ Subs. by Act No. 13 of 2024

- (b) engages, during his term of office, in any paid employment outside the duties of his office; or
 - (c) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body.
- (5) If the Chairperson or any Member is, or becomes, in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (2), be deemed to be guilty of misbehaviour.

37. *Complaint against officials of Lokayukta:*

- (1) Every complaint or allegation made against any officer or employee or agency associated with the Lokayukta for an offence punishable under the Prevention of Corruption Act, 1988 shall be dealt with in accordance with the provisions of this section.
- (2) The Lokayukta shall complete the inquiry into the complaint or allegation made within a period of thirty days from the date of its receipt.
- (3) While making an inquiry into the complaint against any officer or employee of the Lokayukta or agency engaged or associated with the Lokayukta, if it is prima facie satisfied on the basis of evidence available, that—
 - (a) continuance of such officer or employee of the Lokayukta or agency engaged or associated in his post while conducting the inquiry is likely to affect such inquiry adversely; or
 - (b) an officer or employee of the Lokayukta or agency engaged or associated is likely to destroy or in any way tamper with the evidence or influence witnesses, then, the Lokayukta may, by order, suspend such officer or employee of the Lokayukta or divest such agency engaged or associated with the Lokayukta of all powers and responsibilities heretofore exercised by it.
- (4) On the completion of the inquiry, if the Lokayukta is satisfied that there is prima facie evidence of the commission of an offence under the Prevention of Corruption Act, 1988 or of any wrongdoing, it shall, within a period of fifteen days of the completion of such inquiry, order to prosecute such officer or employee of the Lokayukta or such officer, employee, agency engaged or associated with the Lokayukta and initiate disciplinary proceedings against the official concerned:

Provided that no such order shall be passed without giving such officer or employee of the Lokayukta, a reasonable opportunity of being heard.

CHAPTER - X
ASSESSMENT OF LOSS AND RECOVERY
THEREOF BY THE SPECIAL COURT

38. *Assessment of Loss and Recovery thereof by the Special Court:*

If any public servant is convicted of an offence under the Prevention of Corruption Act, 1988 by the Special Court, notwithstanding and without prejudice to any law for the time being in force, it may make an assessment of loss, if any, caused to the public exchequer on account of the actions or decisions of such public servant not taken in good faith and for which he stands convicted, and may order recovery of such loss, if possible or quantifiable, from such public servant convicted:

Provided that if the Special Court, for reasons to be recorded in writing, comes to the conclusion that the loss caused was pursuant to a conspiracy with the beneficiary

or beneficiaries of actions or decisions of the public servant so convicted, then such loss may, if assessed and quantifiable under this section, also be recovered from such beneficiary or beneficiaries proportionately.

CHAPTER - XI

FINANCE, ACCOUNTS AND AUDIT OF LOKAYUKTA

39. *Finance, Accounts and Audit of Lokayukta:*

The Lokayukta shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Lokayukta and forward the same to the Government of Mizoram for information.

40. *Provision of Fund:*

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.

41. *Maintenance of Accounts:*

- (1) The Lokayukta shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government of Mizoram in consultation with the Accountant General of Mizoram.
- (2) The accounts of the Lokayukta shall be audited by the Accountant General of Mizoram at such intervals as may be specified by him.
- (3) The Accountant General of Mizoram or any person appointed by him in connection with the audit of the accounts of the Lokayukta under this Act shall have the same rights, privileges and authority in connection with such audit, as the Accountant General of Mizoram generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Lokayukta.
- (4) The accounts of the Lokayukta, as certified by the Accountant General of Mizoram or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government and the State Government shall cause the same to be laid before Mizoram Legislative Assembly.

42. *Furnishing of Returns and Statements:*

The Lokayukta shall furnish to the State Government, at such time and in such form and manner as may be prescribed or as the State Government may request, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Lokayukta, as the State Government may, from time to time, require.

CHAPTER – XII

DECLARATION OF ASSETS

43. Declaration of Movable & Immovable Assets:

⁴⁵[On and from the date of commencement of this Act, every public servant shall make a declaration of his assets and liabilities in such form and manner as may be prescribed.]

44. Failure to Declare Assets or Giving Misleading Information:

If any public servant willfully or for reasons which are not justifiable, fails to—

- (a) declare his assets; or
- (b) gives misleading information in respect of such assets and is found to be in possession of assets not disclosed or in respect of which misleading information was furnished, then, such assets shall, unless otherwise proved, be presumed to belong to the public servant and shall be presumed to be assets acquired by corrupt means:

Provided that the competent authority may condone or exempt the public servant from furnishing information in respect of assets not exceeding such minimum value as may be prescribed.

CHAPTER – XIII

OFFENCES AND PENALTIES

45. Offences and Compensation Thereof:

- (1) Whenever any person makes any false and frivolous or vexatious complaint and causes arrest of a public servant, if it appears to the Judge of a special Court by whom the case is heard that there is no sufficient ground of proceeding or for causing such arrest the Special Court may award such compensation not exceeding one thousand rupees to be paid by the person so causing the arrest to the public servant so arrested for his loss of time and expenses in the matter, as the Judge thinks fit.
- (2) In such cases, if more public servants than one are arrested, the Judge may, in like manner, award to each one of them such compensation not exceeding one thousand rupees, as such the Judge thinks fit.
- (3) No Court except a Special Court shall take cognizance of an offence under sub-section (1).
- (4) Any compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding 3 (three) months as the Judge directs, unless such sum is sooner paid.

46. Offences by Society, Association or Trust:

- (1) Where any offence under sub-section (1) of section 45 has been committed by any society or association of persons or trust (whether registered or not), every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the society or association of persons or trust, for the conduct of the business or affairs or activities of the society or association of persons or trust as well as such society or association of persons or trust shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such

⁴⁵ Sub. by Act 2 of 2024.

person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a society or association of persons or trust (whether registered or not) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of such society or association of persons or trust, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER - XIV

REPORT TO GOVERNOR & MISCELLANEOUS

47. *Report to Governor:*

It shall be the duty of the Lokayukta to present annually to the Governor a report on the work done by the Lokayukta and on receipt of such report the Governor shall cause a copy thereof together with a memorandum explaining, in respect of the cases, if any, where the recommendation of the Lokayukta was not accepted, the reason for such non-acceptance to be laid before the Mizoram Legislative Assembly.

48. *Protection of Public Servant against things done in good faith:*

No suit, prosecution or other legal proceedings under this Act shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers.

49. *Protection of Lokayukta or Officials of Lokayukta:*

No suit, prosecution or other legal proceedings shall lie against the Lokayukta or against any officer, employee, agency or any person, in respect of anything which is done in good faith or intended to be done under this Act or the rules or the regulations made thereunder.

50. *Chairperson, Members and Officials to be Public Servants:*

The Chairperson, Members, officers and other employees of the Lokayukta shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of ⁴⁶[section 2(28) of the Bharatiya Nyaya Sanhita, 2023].

51. *Bar of Civil Court Jurisdiction:*

No civil court shall have jurisdiction in respect of any matter which the Lokayukta is empowered by or under this Act to determine.

52. *Provision of Legal Assistance:*

The Lokayukta may consider to every person against whom a complaint has been made before it, under this Act, legal assistance to defend his case before the Lokayukta, if such assistance is requested for.

53. *Provision to have overriding effect:*

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having

⁴⁶ Subs. for “section 21 of the Indian Penal Code” by Act No. 13 of 2024

effect by virtue of any enactment other than this Act.

54. Act not in derogation of other laws:

The provisions of this Act shall be in addition to, and not in derogation of any other laws for the time being in force.

55. Power to punish for contempt:

The Lokayukta shall have and exercise the same jurisdiction ⁴⁷[,] powers and authority in respect of contempt of itself as a High Court has and may exercise, and for this purpose, the provisions of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) shall have the effect subject to the ⁴⁸[modifications made and] that the references therein to the High Court shall be construed as a reference to the Lokayukta as the case may be.

56. Whistle Blower Protection:

⁴⁹[For the protection of complainant under this Act, the Whistleblower Protection Act, 2011 (No.17 of 2014) shall apply ⁵⁰[and that the word ‘Lokpal’, wherever it occurs in that section, shall be construed as Lokayukta]].

57. Power to make Rules:

- (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) ⁵¹[***];
 - (b) the term of the Search Committee, the fee and allowances payable to its Members and the manner of selection of panel of names under sub-section (5) of section 4;
 - (c) the post or posts in respect of which the appointment shall be made after consultation with the State Public Service Commission under the proviso to sub-section (3) of section 10;
 - (d) other matters for which the Lokayukta shall have the powers of a civil court under clause (vi) of sub-section (1) of section 27;
 - (e) the manner of sending the order of attachment along with the material to the Special Court under sub-section (2) of section 29;
 - (f) the manner of transmitting the letter of request under sub-section (2) of section 36;
 - (g) the form and the time for preparing in each financial year the budget for the next financial year, showing the estimated receipts and expenditure of the Lokayukta under section 40;
 - (h) the form for maintaining the accounts and other relevant records and the form of annual statement of accounts under sub-section (1) of section 42;
 - (i) the form and manner and the time for preparing the returns and statements along with particulars under section 43;
 - (j) the form and the time for preparing an annual return giving a summary of its activities during the previous year under sub-section (5) of section 44;

⁴⁷ Ins. by Act No. 2 of 2024

⁴⁸ Subs. by Act No. 2 of 2024

⁴⁹ Subs. by Act No. 3 of 2016

⁵⁰ Ins. by Act No. 2 of 2024

⁵¹ Clause (a). i.e. “the form of complaint referred to in clause (e) of sub-section (1) of section 2”, was omitted by Act No. 3 of 2016.

- (k) the form of annual return to be filed by a public servant under sub-section (5) of section 44;
- (l) the minimum value for which the competent authority may condone or exempt a public servant from furnishing information in respect of assets under the proviso to section 45;
- (m) any other matter which is to be or may be prescribed.

58. Power to make Regulations:

- (1) Subject to the provisions of this Act and the rules made thereunder, the Lokayukta may, by notification in the Official Gazette, make regulations to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—
 - (a) the conditions of service of the secretary and other officers and staff of the Lokayukta and the matters which in so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor under sub-section (4) of section 10;
 - (b) the place of sittings of benches of the Lokayukta under clause (f) of sub-section(1) of section 16;
 - (c) the manner for displaying on the website of the Lokayukta, the status of all complaints pending or disposed of along with records and evidence with reference thereto under sub-section (10) of section ⁵²[19];
 - (d) the manner and procedure of conducting preliminary inquiry or investigation under sub-section (11) of section ⁵³[19];
 - (e) any other matter which is required to be, or may be, specified under this Act.

59. Rule and Regulation to be laid before the Assembly:

Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before the Mizoram Legislative Assembly, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or regulation, or the House agrees that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

60. Power to remove difficulties:

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government of Mizoram may, by order, publish in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary for removing the difficulty:
 Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the Mizoram Legislative Assembly.

⁵² Subs. for the figure “20” by Act No. 2 of 2024.

⁵³ Subs. for the figure “20” by Act No. 2 of 2024

Schedule

[See Section 3(3)(c)]

I, ..., having been appointed Chairperson (or a Member) of the Mizoram Lokayukta do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully and to the best of my ability, knowledge and judgment, perform the duties of my office without fear or favour, affection or ill-will.

APPENDIX -III

CASES OF PROSECUTION & CONVICTIONS

Complaint/suo-moto cases undergo a number of stages of Preliminary Enquiries, Investigations and Prosecutions. The following cases have gone through various stages up to convictions/sentencing as follows:

Sl. No.	MLC No./Court Case No.	Accused Name(s)	Judgments Order
1.	MLC No. 16/2020 S.R. (PCA) No. 01 of 2023	Pu C.Lalfakawma, Junior Engineer Office of the Western Circle, PWD	i) Judgement and Order dt 4.9.2023 passed by Special Judge, PC Act. ii) The accused is convicted u/s 409 of IPC and u/s 13(2) r/w 13 (1) (a) of PC Act, 1988. iii) The convicted accused is sentenced- a) u/s 409 of IPC, 2 years imprisonment with a fine of Rs 1 lakh, in default, another imprisonment of 6 months. b) u/s 13(2) r/w 13(1) (a) of PC Act, 1988, 4 years imprisonment with a fine of 1 lakh, in default, another imprisonment of 6 months.
2.	MLC No. 17/2020 S.R. (PCA) No. 02 of 2022	1. Pu Shanti Jiban Chakma, Kamalanagar –IV 2. Hiranand Tongchangya, Kamalanagar –II 3. Sanjeev Chakma, Kamalanagar-III 4. Kusum Lota Chakma, Kamalanagar-II 5. Onish Moy Chakma, Kamalanagar –I 6. Bubhan Kumar Chakma, Kamalanagar –III 7. Mohan Chakma, Kamalanagar-II 8. Anil Kanti Chakma, Bajeisora	i) Judgement and Order dt 4.9.2023 passed by Special Judge, PC Act. ii) The accused persons are convicted u/s 13(2) r/w 13 (1) (a) of PC Act r/w 120 B of IPC and u/s 409 r/w 120B of IPC on dt 19/12/2023. iii) The convicted are accused is sentenced- (a) u/s 13 (2) r/w 13 (1) (a) of PC Act r/w 120 B of IPC to undergo four years imprisonment with a fine of Rs 1 lakh each, in default, another imprisonment of one (1) year. (b) u/s 409 r/w 120B of IPC to undergo four (4) years imprisonment with a fine of Rs 1 lakh each, in default, another imprisonment of one (1) year.