



सत्यमेव जयते

# MIZORAM LOKAYUKTA

## THE FIRST ANNUAL REPORT 2019-2020



### OFFICE OF THE MIZORAM LOKAYUKTA

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**MIZORAM**  
**CORRUPTION**



**LOKAYUKTA**  
**DOTUTE**

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### **LOKAYUKTA HI.....**

- ❖ Corruption do tura mipuite tana din, independent statutory body a ni.
- ❖ Chak taka hna a thawh theih nan Civil Court thuneihna pek tel a ni.
- ❖ Mipui rawngbawltu Politician-te, Sorkar hnathawkte leh Sorkar tanpuina dawng- Body/NGO/AMC/LC/VC hotute eirukna a inhnamhnawiha puhte chhuitu a ni.
- ❖ Corruption hmanga bungrua, in leh lo neihte chhuhsak tura thu pe theitu a ni.
- ❖ Sorkar hnathawkte transfer, suspend emaw hrem tur a Sorkar thurawn pe theitu a ni.

### **CORRUPTION CHU.....**

- ❖ Mipui/Sorkar sum eiruk, tih chingpen leh a titu te thurualpui.
- ❖ Thamna ngiat, lak leh pek.
- ❖ Contract hna khat tur semsawm te leh Tender chhuah lova Contract hna pek leh dawn.
- ❖ Hnathawh tur duan sa (Estimate Designs & Specifications) phak lova contract hnâ thawh leh Bill/Sum lak.
- ❖ Quotation ko lova Sorkar thil lei leh hralh.
- ❖ Sorkar bungrua/assets dahṭawl, a hmanna tur ni lova hman sual.
- ❖ Mimal atanga Sorkar suma ram lei.
- ❖ Advertisement chhuah lo a hna lak leh a dang te.

### **LOKAYUKTA MIPUI TAN**

- Ram/Veng hmasawna atana eirukna/hlemhletna do duhtute thawhpui turin Mizoram Lokayukta chu a in peih reng a ni.
- Ram hmasawna tichhetu corruption do turin Lokayukta hi i hmang tangkai ang u.
- Corruption report-tu leh thuhretute venhimna tura thu pek a siam thei.
- Corruption-a in hnamhnawih hria chuan Lokayukta Office-a kalin emaw online/Lokayukta Website-ah man chawi lovin report a thehlut thei.



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

This Report covers the period from  
1<sup>st</sup> April 2019 to 31<sup>st</sup> March, 2020

Our Motto : *Ethical Values and Integrity a way of public life*

Our Vision : *To usher corruption free society and public administration*

Our Mission : *To institutionalize the fight against corruption and to promote probity in public life.*

Our Ethos : *Principle of Natural Justice and Fair Play*

**C. Lalsawta,**  
Chairperson  
Mizoram Lokayukta



**Mizoram Lokayukta**  
A/89, F. Kapsanga Building,  
Temple Square, Tuikual South,  
Aizawl, Mizoram - 796001

## FORWARD

*I have the honour to present herewith the 1<sup>st</sup> Annual Report of the Mizoram Lokayukta for the year 2019-2020 to the Hon'ble Governor of Mizoram for laying its copies on the table of the Mizoram Legislative Assembly as provided under section 47 of the Mizoram Lokayukta Act, 2014. Earlier the E-Book on the activities and achievements of the Mizoram Lokayukta was published by uploading it in the website and the hard copies sent to the Government.*

*In terms of Notification No. A.12038/4/2019-LJE/8 Dt. 25.3.2019, the Mizoram Lokayukta is deemed to have been established on 11.3.2019, the date on which the first Chairperson was administered Oath of Office of the Lokayukta. Hence a period of 21 days falls within the financial year 2018-19 but no separate Annual Report for 21 days has been prepared. If technically required, this may be deemed to have been incorporated in this very report.*

*The Mizoram Lokayukta was born without regular establishment such as office, staff, other required personnel and facilities. Hence, it suffers from plethora of teething problems which were being steadfastly attended to. The Covid-19 pandemic and resultant lockdowns towards the fag end of the year impeded a number of ongoing activities.*

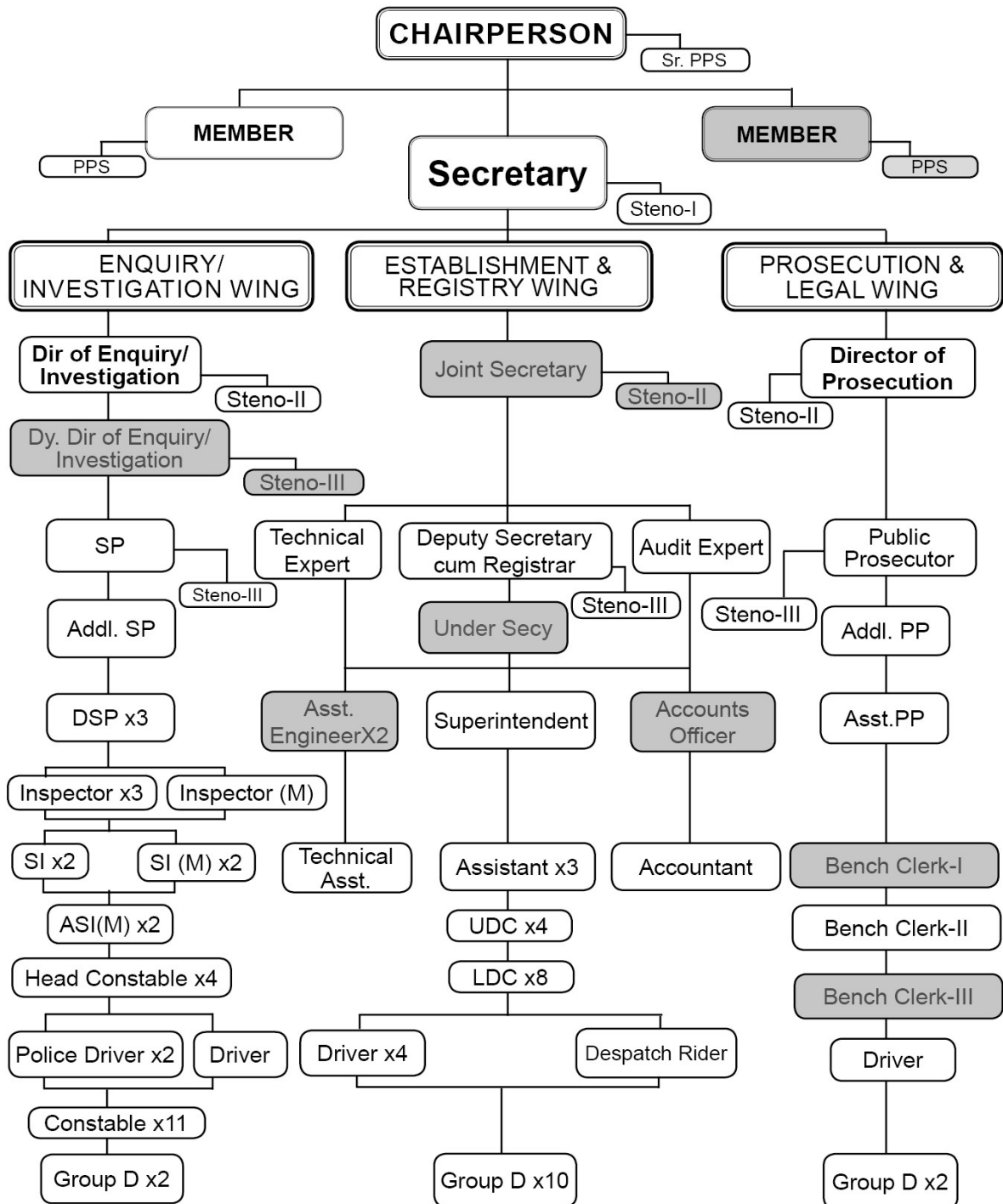
*In the midst of impediments, the Mizoram Lokayukta strives to fulfill its statutory and moral obligations to fight corruptions and usher better tomorrows for the State, the Government and the People of Mizoram.*

( C. LALSAWTA )

*Dated the 18<sup>th</sup> August, 2020*



**ORGANISATIONAL STRUCTURE OF MIZORAM LOKAYUKTA  
(as envisaged)**



[NB: Designations in shaded boxes are those proposed/approved earlier but held in abeyance for economy]

# **MIZORAM LOKAYUKTA FIRST ANNUAL REPORT 2019-2020**

**(1<sup>st</sup> April 2019- 31<sup>st</sup> March 2020)**

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## **CHAPTER-I**

### **INTRODUCTION**

#### **1. Corruption is the scourge of the People:**

Corruption is a world-wide phenomenon but its prevalence and impact may vary in different countries and to different people or communities. Generally speaking, poor economies suffer the most as the scarce resources meant for development and welfare of the poor people are frittered away by influential people in authority or the resources are not utilized in a most effective manner. Studies have shown that poverty is not necessarily due to lack of resources but rather it is often due to corruption coupled with mismanagement of resources. It is noted that the most corrupt countries are the poorest countries in the world. Corruption and poverty appear to be closely intertwined.

#### **2. International Anti-Corruption Movement:**

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

### **3. The Corruption Perceptions Index (CPI)**

The Transparency International's CPI is an index that scores countries on how corrupt their governments are believed to be. The CPI records a country's score ranging from 0 (zero) to 100, with zero indicating high levels of corruption and 100 indicating low levels. Transparency International launched the index in 1995, and today it scores 180 countries and territories. The CPI is published annually. The latest CPI of 2019 rates Denmark and New Zealand the least corrupt countries with a score of 81 points and are ranked at serial number 1, whereas Somalia scores 9 points and is ranked at Sl. No. 180 as the most corrupt country. India scores 41 points and is ranked at Sl. No. 80.

### **4. Anti-Corruption Movement in India:**

The first Administrative Reforms Commission (1966) headed by Morarji Desai recommended creation of Lokpal and Lokayukta to tackle the menace of corruption. The second Administrative Reforms Commission (2005) recommended creation of National Lokayukta by amending the constitution. Although the Lokpal & Lokayukta Bill, 1978 was introduced in Parliament, no concrete action could be taken for a long time. Public awareness was not sufficient to compel Parliament to pass the legislation. However by 2011, a powerful social movement erupted in the form of campaign on 'India Against Corruption (IAC)' led by a group of social activists such as Anna Hazare, Arvind Kejriwal, Swami Agnivesh, Kiran Bedi and Baba Ramdev etc. Anna Hazare, a follower of Gandhian principles, opted for fasting unto death and demanded the enactment of the long pending Jan Lokpal Bill prompting Parliament to act.

### **5. Lokpal and Lokayukta:**

The Lokpal and the Lokayuktas are anti-corruption ombudsmen organizations. The Lokpal and Lokayukta Act, 2013 provides for the establishment of Lokpal for the Union and Lokayuktas for States to look into corruption charges against public servants. The Bill was tabled in the Lok Sabha on 22<sup>nd</sup> December, 2011 and was passed by the House on 27<sup>th</sup> December, 2011 as The Lokpal and Lokayuktas Bill, 2011. It was passed in the Rajya Sabha on 17<sup>th</sup> December 2013 after making certain amendments to the Bill

including deletion of detailed provisions of the Lokayukta due to reservations by some States. The amended Bill was again passed by the Lok Sabha the next day on 18<sup>th</sup> December, 2013 and it received assent from President on 1<sup>st</sup> January, 2014 and came into force from 16<sup>th</sup> January 2014. Mr. Justice Pinaki Chandra Ghose, a retired Supreme Court Judge was appointed as the first Chairperson of Lokpal of India on 17<sup>th</sup> March 2019. The Lokpal consists of the Chairperson and 8 Members- 4 Judicial Members who had been Chief Justices of High Courts and 4 Members who had been members of All India Services and Central Services.

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

## **6. History of Mizoram Lokayukta:**

Establishment of Lokayukta in Mizoram had been considered way back in the later part of 2008 and initiatives was also made to draft a bill entrusted to certain officials. In the process, certain interested groups particularly the Mizo Zirlai Pawl (MZP) even submitted draft *Mizoram Lokayukta Bill*. When drafting of the bill by the government was in a smooth pace, the Central Government had drafted the *Lokpal and Lokayukta Bill* and since the bill includes establishment of Lokayukta in the States in all respects, the Government of Mizoram had put drafting of the bill in the back-banner. As is well known, the *Lokpal and Lokayukta Bill* submitted by the Central Government in the Parliament for its introduction in the Parliament excludes the provisions relating to establishment of Lokayukta in the States except a single provision in Sec. 63 which provides that the State Legislature shall make a law for establishment of Lokayukta within a period of one year from the date of commencement of the *Lokpal and Lokayukta*



*Act.* Due to this specific provision, drafting of Mizoram Lokayukta Bill was started afresh.

The state of Mizoram also made effort to draw up the Mizoram Lokayukta Bill by involving certain NGO's viz; PRISM, MZP and intellectuals who had taken interest in having a powerful, independent and effective Lokayukta for the State. '***The Mizoram Lokayukta Act, 2014***' was passed on the model of the original Lokpal and Lokayukta Bill pertaining to the provisions of states' Lokayuktas with certain modifications. It received the assent of the Governor of Mizoram on the 28<sup>th</sup> November, 2014. It was notified in *the Mizoram Gazette Extra Ordinary Vol. XLIII Issue No. 569 on 17.12.2014* as shown in ***Annexure IV***. The Act was deemed to have come into force with retrospective effect from 01.10.2016 vide Notification *No. H.12017/130/2014-LJD/100 Dated 17.01.2019*. The Mizoram Lokayukta (Amendment) Act, 2016 was also passed to facilitate a single incumbent to perform the entire tasks of the Lokayukta and the amendment act was published in the Mizoram Gazette Extra Ordinary VOL- XLV Issue No.93 dated 22.4.2016 [The date from which it comes into force is yet to be notified as envisaged in Section 1(3).]

The Mizoram Lokayukta Rules, 2015 was framed but was repealed when '***the Mizoram Lokayukta Rules, 2016***' was framed and published in *the Mizoram Gazette Extraordinary Vol- XLV Issue No. 539 dated 14.12.2016* [The date from which it comes into force is yet to be Notified as envisaged in Rule 1(3)] A minor amendment to facilitate appointments of staff has also been incorporated in the Rules in 2019 vide Notification No.H.12017/130/2014-LJD dated 14.5.2019 and came into immediate effect. [The Act of 2014 as amended and the Rules of 2016 as amended respectively are placed as **Annexure IV and Annexure V**]

The Lokayukta is a statutory authority with a fixed tenure for its Chairpersons/ and Members to enable it to discharge its functions independently and impartially. Under the provisions of the Act, any citizen can directly approach the Lokayukta with complaints of corruption, nepotism or any other form of mal-administration leading to a form of corruption against public servants such as the Chief Minister, the Speaker, Ministers, MLAs etc, elected representatives and any government servants and also some office bearers/ members/workers of certain societies and non-government organizations receiving aids from the State.

## **CHAPTER–II**

### **ESTABLISHMENT OF THE LOKAYUKTA**

#### **1. Commencement:**

*The Mizoram Lokayukta is deemed to have been established w.e.f 11.3.2019, the date on which the first Chairperson assumed office of the Lokayukta* vide Notification No. A.12038/4/2019-LJE/8 Dt. 25.3.2019. Since the Lokayukta assumed Office in the last phase of financial year 2018-2019, its functions were limited. No significant progress was made and actual works could not be done during this period though budget was separately allocated; hence separate Annual Report for 2018-19 for a period of 21 days is not separately prepared and may be treated as being incorporated here. As a result, this Annual Report for 2019-2020 is treated as the first Annual Report for the Mizoram Lokayukta.

#### **2. Nodal Department:**

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

#### **3. Chairperson and Members of Mizoram Lokayukta:**

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

##### **(1) Chairperson:**

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

High Court, or

- (ii) A person qualified to be a High Court Judge, or
- (iii) A person who has a vast knowledge of law and experience in judicial matters or courts, or
- (iv) A person of impeccable integrity, outstanding ability having special knowledge and expertise of not less than 20 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law, and management.

**(2) *Judicial Member:***

- (i) A person who is qualified to be a High Court Judge or
- (ii) A person who has vast knowledge of law and experience in judicial matters or courts.

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

**(A) *Search Committee:*** In pursuance of Sub-Section (3) of section 4 of the Mizoram Lokayukta Act 2014, a Search Committee is to be constituted by the Selection Committee for preparing a panel of names to be considered for appointment of the Chairperson and Member(s). The Search Committee shall consist of at least 5 persons having special knowledge and expertise in the matters relating to anti-corruption policy,



public administration, vigilance, policy making, finance including insurance and banking, law and management or any other matter which may be useful in making selection of the Chairperson and Members.

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

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

- (1) The Chief Minister as Chairman,
- (2) The Speaker of the Legislative Assembly as Member,
- (3) The Leader of Opposition/Opposition Group as Member,
- (4) The Chief Justice of Gauhati High Court or  
a Judge nominated by him as Member.

The Selection Committee selects the Chairman/ Member(s) of the Lokayukta from the panel of names prepared by the Search Committee and send its recommendation(s) to the Governor for appointment. The first constituted Selection Committee could not finalize its selection from the panel of names recommended by the first Search Committee; and the next constituted Selection Committee finally made its selection from the panel of names recommended by the second Search Committee.

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

## **5. Appointment of the First Chairperson:**

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

## **6. Visit of Dignitary:**

During the year under Report, the Hon'ble Member of Bihar Lokayukta, Mr. KC Saha, IAS (Rtd), visited Mizoram Lokayukta. He brought useful documents and had discussions on various issues. The Hon'ble Chairperson made a reciprocal visit to Bihar Lokayukta where he had extensive discussions with the Hon'ble Chairperson, Mr. Justice Shyam Kishore Sharma, and Hon'ble Judicial Member, Mr. Justice Mihir Kumar Jha,

.....  
"Corruption is paid by the poor"

*-Pope Francis.*

"People should be conscious that they can change a corrupt system"

*-Peter Eigen  
Founder of Transparency International.*

***Oath taking of Pu C. Lalsawta, IAS (Rtd.) as the first Chairperson of Mizoram Lokayukta.  
(11.03.2020)***



***Hon'ble Chairperson and Hon'ble Governor of Mizoram, Shri Jagdish Mukhi (11.03.2019).***



***Private Reception hosted by our Chair in honour of Shri KC Saha, IAS (Rtd), Hon'ble Member of Bihar Lokayukta on the occasion of his study visit to Mizoram.***



***The Hon'ble Chairperson, Mizoram Lokayukta being presented Memento by Mr Justice Shyam Kishore Sharma, the Hon'ble Chairperson and Mr. Justice MK Jha, Hon'ble Judicial Member of Bihar Lokayukta.***

## **CHAPTER–III**

### **POWERS AND FUNCTIONS OF LOKAYUKTA**

#### **1. Powers to Initiate, Supervise and Prosecute:**

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

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

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

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

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

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

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

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

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

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

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

## **2. Power of Civil Court and Contempt of Court.**

The Lokayukta has all the powers of Civil Court under CPC, 1908 in such matter as summoning and enforcing attendance of any person and examining him on oath, requiring the discovery and production of any document or article, receiving evidence on affidavits, requisitioning any public record or copy thereof from any court or office etc[s27(1)].

Any proceeding before the Lokayukta is deemed to be a judicial proceeding u/s 193 of IPC. It may also provisionally attach property, proceeds of corruption under certain circumstances subject to confirmation by the Special Court [s27(2)].

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

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

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

### **3. Removal of Chairperson and Members:**

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

- (1) A petition for removal of Chairperson and or Members(s) on ground of misbehavior, signed by at least two-third Members of the Mizoram Legislative Assembly may be presented to the Governor;
- (2) The Governor may, on the basis of such petition or on his own make a reference to the Supreme Court for enquiry;
- (3) The Supreme Court may hold enquiry in accordance with the procedure prescribed in this behalf [i.e. Judges (Enquiry) Act, 1968] and may report to the Governor for their removal on grounds of misbehaviors if found guilty;
- (4) The Governor may accordingly remove them from office on grounds of misbehaviors. They may also be removed (a) if they are adjudged to be insolvent (by a competent court of law), or (b) if they are engaged in any other paid employment or (c) if they are unfit to continue in office by reason of infirmity of mind or body.



#### **4. Bar from Re-employment and contesting elections:**

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



*A meeting of Officers and Staff with Hon'ble Chairperson*

## **CHAPTER-IV**

### **ADMINISTRATION & PERSONNEL**

#### **1. Sanction of Posts:**

The Government of Mizoram in the Law & Judicial Department initially sanctioned 35 (Thirty-five) posts including Chairperson and one Member. As the sanctioned posts are inadequate for a full-fledged and effective functioning of the Lokayukta, a proposal was sent to the Government for creation of 92 (ninety-two) additional posts to the Government through Vigilance Department on 4<sup>th</sup> February, 2020. This was done with a view to have a small, compact and effective manpower and for reasons of economic measures. It was noted that even the Anti-Corruption Bureau which used to have a more limited role and which now has little independent role has a large manpower of 83 posts even without counting the prosecutors. Section 14 of the Act enjoins that all pending cases before the ACB or any other authority stands transferred to the Lokayukta, meaning thereby that in future fresh cases would also come directly to the Lokayukta thereby reducing further the workload of ACB and increasing the workload of Lokayukta.

It is noted that the numbers of sanctioned Posts and the incumbent officers and staff (nearly 50,000) of Mizoram are very large in comparison with the sizes of its area, population, economy and the scarce resources. Hence the posts are meant to be filled up not only by direct recruitments but mainly by deputation from existing manpower, involving more of redistribution of existing manpower rather than sudden increase in overall manpower. [Even then, on an informal advice from the Government the total requirement of Officers and staff was further reduced to 89.] (See Annexure I).

#### **2. Personnel:**

The tentative requirement of 35 (Thirty-five) posts already sanctioned and 92 (ninety-two) proposed additional posts make it to total post of 127. Out of these, only one regular appointment, which is of the Chairperson has been made. The services of one officer of the State Government have been utilized as a part-time Secretary. One

Superintendent, one Assistant, two Stenographers/PAs have been taken on deputation. The appointments of 1 UDC on contractual basis, 4 LDCs, 6 Drivers and 10 Group D as Provisional Employees have been accomplished. Thus, the combine manpower strength in the Mizoram Lokayukta now reaches 27. *(See Annexure II)*

### 3. Recruitments:

Recruitments for contractual and provisional employments of Group- D, Drivers, LDC and UDC were conducted during October to November 2019. Typing test for recruitment of LDC was conducted at ICT, Khatla, Aizawl and driving test for recruitment of Driver was conducted at MVI Office, Edenthar, Aizawl. Personal Interviews for each post were held separately on various dates by a Selection Committee which consists of Pu Zahmingthanga Ralte, Secretary, Mizoram Lokayukta, Pu Vanlalchhanhima, Superintendent, Mizoram Lokayukta and Prof. Lalnuntluanga, Controller of Examinations, MZU under the chairmanship of the Secretary, Mizoram Lokayukta.

Dates of Recruitments for Various posts during 2019-2020 are shown in the following table

<i>Sl No.</i>	<i>Name of Post</i>	<i>Date of Written Examination</i>	<i>Date of Interview</i>	<i>Date of Typing Test Conducted</i>	<i>Date of Driving Test Conducted</i>
<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>	<i>f</i>
1	UDC	8.10.2019	22.11.2019	-	-
2	LDC	5.10.2019	22.11.2019	20.11.2019	-
3	Driver	30.11.2019	9.12.2019	-	25-29.11.2019
4	Group-D	2.10.2019	21.11.2019	-	-

During the period under report, Mizoram Lokayukta conducted direct recruitment examinations as indicated in the following table: -

<i>Sl. No.</i>	<i>Particulars of Posts</i>	<i>No. of Vacant Posts</i>	<i>No. of candidates appeared in the written examination</i>	<i>Number of candidates selected for interview</i>	<i>No of candidates recommended for appointment</i>
<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>	<i>f</i>
1	UDC	1	224	5	1
2	LDC	3	350	9	3
3	DRIVER	4	67	11	4
4	GROUP-D	6	334	15	6
	<b>TOTAL</b>	<b>14</b>	<b>995</b>	<b>30</b>	<b>14</b>

The efforts to take police officers on deputation to conduct Preliminary Enquiries and Investigations have not succeeded as the ACRs of willing officers have not been sent to the Lokayukta, it is hoped that these repeated reminders would receive attention at appropriate time. The additional required posts also have to be sanctioned by the Government.

The Government did not give clearance to fill up the sanctioned post of Public Prosecutor and also have not approved creation of the post of Additional Public Prosecutor. On the requisition by the Lokayukta, through the Government, the Mizoram Public Service Commission issued Advertisement No. 19 of 2019-2020 dated 17th March, 2020 for the recruitment of Assistant Public Prosecutor, which is under process.

#### **4. Administrative Functions:**

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

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

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

## **CHAPTER-V**

### **ESTABLISHMENT & REGISTRY WING**

#### **Roles and Functions of Establishment & Registry:**

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

The Establishment Wing currently functions under the supervision of two officers- a part-time Secretary and a Superintendent who also acts as DDO in pursuance of Government Notification No. G. 17011/7/2012-F-APF Dt. 14.8.2019. A weekly scheduled meeting is being held at the meeting room of Chairperson for the smooth functioning of the Mizoram Lokayukta.

Interim Establishment Committee functions with the following members:

1. Chairperson, Mizoram Lokayukta - Chairman
2. Secretary, Mizoram Lokayukta - Member
3. Superintendent, Mizoram Lokayukta - Member Secretary

This will be reconstituted as and when other Officers join the organization.

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

*-A. P. J. Abdul Kalam*

## **CHAPTER–VI**

### **ENQUIRY/INVESTIGATION WING**

Section 11 of the Mizoram Lokayukta Act, 2014 provides for the constitution of Directorate(s) of Enquiry/Investigation and Prosecution and connected matters.

#### **Director of Enquiry/Investigation:**

Section 14 of the Mizoram Lokayukta Act, 2014 transfers all corruption cases pending before any Agency such as Anti-Corruption Bureau etc. to the Lokayukta, hence the ACB no longer has any independent function to perform in investigation of corruption cases under the Prevention of Corruption Act, 1988. Hence for reasons of austerity measures and economy, it was expected that the Government could easily downsize, disband or merge the ACB with the Lokayukta by transferring the sanctioned posts, manpower and assets to it; so that the Lokayukta could be made functional with little or no extra sanction of post and expenditures. However, the decision of the government in this regard is awaited.

Section 11(1) empowers the Lokayukta to constitute Directorate of Enquiry/Investigation but it has to wait for the decision of the Government regarding down-sizing, abolition or merger of ACB or creation of posts, deputations and provision of facilities. The Lokayukta also sent proposals for creation of posts and deputation of Police Officers to man the proposed Directorate of Enquiry/Investigation under the jurisdiction of the Lokayukta and also requested a panel of names with ACR for taking the services of officers on deputations. The Govt. is expected to respond to the said request any time.

Till now the Lokayukta has no Police Officer of its own to conduct Preliminary Enquiries or regular Investigations as envisaged in the law and has to depend on outside agencies/officers who are not under its administrative control to carry out Preliminary Enquiries and Regular Investigations.

## **CHAPTER –VII**

### **PROSECUTION & LEGAL WING**

#### **Director of Prosecution:**

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

Hence, proposal was sent to the Government to create the posts of Director of Prosecution and Additional Public Prosecutor. In the meanwhile, proposal for appointment of Public Prosecutor against sanctioned posts was also turned down by Finance Department. Hence Prosecution Wing has not been constituted. When the Police complete investigations of the cases and a time comes to launch prosecution of corrupt public servants, the Lokayukta may have to resort to appointing private lawyers from the Bar as Public Prosecutor etc. The MPSC is on the job for appointment of Assistant Public Prosecutor and for the rest, the ball is in the court of the Government.

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



## **CHAPTER–VIII**

### **SPECIAL COURT**

#### **Constitution:**

Section 34 (1) of the Mizoram Lokayukta Act, 2014 provides that the State Government shall constitute such number of Special Courts as recommended by the Lokayukta, to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under this Act. Accordingly, the Lokayukta requested the Government in the Vigilance Department to constitute a Special Court, in consultation with the High Court. The Vigilance Department in turn wrote to the Law & Judicial Department Vide letter No.C.31011/11/2019-VIG Dt. 13.11.2019 to take necessary action for constitution of a Special Court or re-designation of the present Special Court as Special Lokayukta Court. The Special Court could not be constituted during the reporting period and is expected to be done so in the near future.

The need for Special Lokayukta Court will accentuate when the Police complete criminal investigations and submit investigation reports for charge-sheeting/ prosecuting the accused. However, for want of Public Prosecutor as provided in the Act, the Lokayukta may have to depend on Government lawyers or private lawyers to prosecute the accused even after completion of investigations by the police unless concrete actions are taken in the meanwhile.

*“The World will not be destroyed by those who do evil, but by those who watch them without doing anything”*

*-Albert Einstein*

## CHAPTER-IX

### CORRUPTION CASES

#### 1. **Complaints:**

The Mizoram Lokayukta received a total number of 14 (fourteen) complaints during the year of 2019-2020 which were registered as complaint cases in Mizoram Lokayukta. Out of which, 8 (eight) cases were directly received by Mizoram Lokayukta and 6 (six) cases were transferred from the ACB and the Vigilance Department to the Mizoram Lokayukta. Under Section 19(1) of the Act, all fresh complaint cases are first examined by the Lokayukta to determine whether to drop the case *ab initio* if it clearly has no merit or call for clarifications if information is vague, inadequate etc. or to order Preliminary Enquiry by its Enquiry Wing or by any outside Agency.

#### 2. **Preliminary Enquiries (P.E):**

The Mizoram Lokayukta has the power to direct any investigating agency to conduct Preliminary Enquiry under section 19(1) of the Mizoram Lokayukta Act, 2014 if it is satisfied that there is a *prima facie* case to do so. The Lokayukta considers all cases referred to it and decides whether to close a case for want of merit or to seek clarifications when necessary or to direct investigating agencies to conduct preliminary enquiry if there is a *prima facie* case to do so. In exercise of the powers conferred under this section, the Lokayukta, after considering the *prima facie* merit of each case, passed a speaking order to convey its decisions.

Out of 14 cases which came before the Lokayukta, 11 (eleven) cases were referred to the ACB for preliminary enquiry, 1 case was referred to the Forest, Environment and Climate Changes Department and the remaining 2 were carefully examined internally for a final decision. In the absence of its own Enquiry Wing, the Anti-Corruption Bureau, Government of Mizoram was entrusted to conduct the Preliminary Enquiries (P.E). The ACB submitted P.E Reports on 7 (seven) cases while it

could not complete Preliminary Enquiries on the remaining 4 (four) cases even though section 19(2) enjoins completion of preliminary enquiry with a period of 45 days. The Lokayukta examined the 7 (seven) Preliminary Enquiry (P.E) reports received by it and found that some reports were incomplete in some aspects and some contain certain defects, missing links or matters that need further inquiries or clarifications. Hence the Lokayukta had either ordered further inquiries or asked for necessary clarification on those Preliminary Enquiries and decided to proceed with the remaining cases.

### **3. Preliminary Hearings:**

As per section 19(3) of the Mizoram Lokayukta Act, 2014, the Lokayukta is required to offer the accused an opportunity of being heard after Preliminary Enquiry and before proceeding with Regular Investigation. Hearings on two (2) cases were conducted by the Lokayukta on 18<sup>th</sup> February, 2020 by giving an opportunity of being heard to the accused. They were heard accordingly but as per their requests time was given to them to file Written Statements. Later on, some of them prayed for extension of time due to impending Village Council Elections in CADC Area and demanding certain documents relating to enquiry reports. Legal opinion was sought through the Law & Judicial Department regarding the types of documents or information that could be furnished to the accused. Meanwhile Lockdown was imposed due to Covid-19 Pandemic towards the later part of March, 2020, hence further hearings could not be conducted and decisions could not be taken as to whether to close the cases or to direct filing of regular case and to conduct further investigations.

### **4. Regular Investigations:**

Regular cases could be registered and Investigation launched by the Police only after the Lokayukta receives Preliminary Enquiry Reports, examines them and decides on further Investigation after giving the accused an opportunity of being heard. Such procedures have not been complete in any complaint case and no decision could be taken to launch regular Investigations.

## **5. Prosecution:**

The Special Court, as suggested by the Lokayukta could not be established by the Government in consultation with the Hon'ble High Court till the end of the financial year. Consequently, special Public Prosecutor also could not be appointed. Moreover, the ACB did not complete any investigation assigned to it by the Lokayukta. Hence there was no scope for launching fresh prosecution and submission of charge sheet in the Special Court during the period under report.

## **6. Disposal of Cases:**

The Lokayukta can close the case at various stages i.e. at initial stage without formal enquiry or after preliminary enquiry or after examination of investigation report, if a case lacks merit or is barred by law etc. So far, the Lokayukta disposed 2 (two) cases for want of merit in the evidence of criminality and on technical grounds. The gists of these cases are:

1. **Case No. MLC-4/2019** is against unnamed public servants regarding irregularities in implementation of schemes under BDAP as per CAG Report No. 2 of 2018 on Social, General, Economic and Revenue Sectors for the year ended 31 March, 2017. This is a serious case. The Comptroller and Auditor General of India found serious irregularities in the implementation of Border Areas Development Programme in the eastern part of Mizoram and recommended filing of FIR in some cases and referring the matter to the Vigilance Department in some other cases for further investigations so that responsibilities are fixed and the guilty are punished.

But, on preliminary examination of the allegations, it was decided that the GAG Report, once submitted to the Assembly, belongs to the House and it is within the purview of the Public Accounts Committee of the House to examine the report and take further actions. Unless the PAC examines and submits its Report or refers the matter to some agency, no outside agency should interfere in the matter. This finding is based on Courts' rulings. However, the Lokayukta can enquire into the matter if the PAC completes its work or refers the matters to it. Perhaps, the Lokayukta can look into the matter also if the complainant files his own inquiry report based on information culled

out from various sources (including the CAG Report) or from physical verifications of the alleged irregularities. But in this case, the complainant simply filed photo copies of the CAG Report without any independent inputs or findings. The Assembly or its PAC also has not asked for enquiry by the Lokayukta. Hence the complaint case was dropped, not on merit, but on technical ground for want of jurisdiction by passing a speaking order, with a stipulation that a fresh case can be started as the situation demands. The complainant was also informed and the order is uploaded in the website of the Mizoram Lokayukta.

2. **Case No. MLC-6/2019** is against Pu Robert Romawia Royte regarding donation of Rs. 30 lakhs to a local Church. It is an old case already disposed off by the Government. The Anti-Corruption Bureau had enquired into the same complaints about 10 years back. It was alleged that the public servant in question engaged himself in commercial activities, took consultation fees from the Government of Nagaland without prior permission of his employer, the Government of Mizoram and donated 1/10<sup>th</sup> of his fees as tithe to his local church. But the ACB could not establish criminality in the case and suggested departmental actions against him. But the Government did not take any disciplinary action and accepted his resignation way back in 2010. A fresh complaint petition was filed with the same old allegations *verbatim* without any fresh evidence to inquire into. The Superintendent of Police, ACB reported that as the enquiry could not establish criminal acts, departmental proceeding was recommended and in terms of clause 22(d) of ACB Manual, 2012 no inquiry should normally be made by ACB on allegations which have already been looked into.

Hence, it was decided that even without invoking the principle of *res judicata* there was no merit in the case and in terms of section 19(1) of the Act, the case was closed by passing a detailed, reasoned speaking order and the complainants were informed. The Final Order has been uploaded in the website of the Mizoram Lokayukta.

## **CHAPTER-X**

### **VIGILANCE**

#### **1. Importance of Vigilance:**

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

#### **2. Vigilance Awareness Campaign**

Vigilance Awareness Week was observed from 28<sup>th</sup> October to 2<sup>nd</sup> November, 2019. In this regard, Programme was organized at Vanapa Hall on 29<sup>th</sup> October, 2019 by the Vigilance Department, Government of Mizoram, and the Nodal Department for Mizoram Lokayukta. The theme was *‘RINAWMNA- NUNPHUNGA NEIH (Integrity – A way of life)*. Officers and Staff of various departments attended the programme.

Lokayukta is a new institution in Mizoram and public awareness is minimal. Awareness of the evils of corruption and the ill effects on the state and its people is inadequate. With a limited budget, TV talk shows and Magazine/ Cable TV advertisements were arranged and Bill Boards/ Sign Boards were also erected in few locations frequented by the public to spread awareness. People are encouraged to be alert and report corruptions to the Mizoram Lokayukta for taking necessary actions.



*Hon'ble Chief Minister of Mizoram as Chief Guest at the Vigilance Awareness Week, 2019*

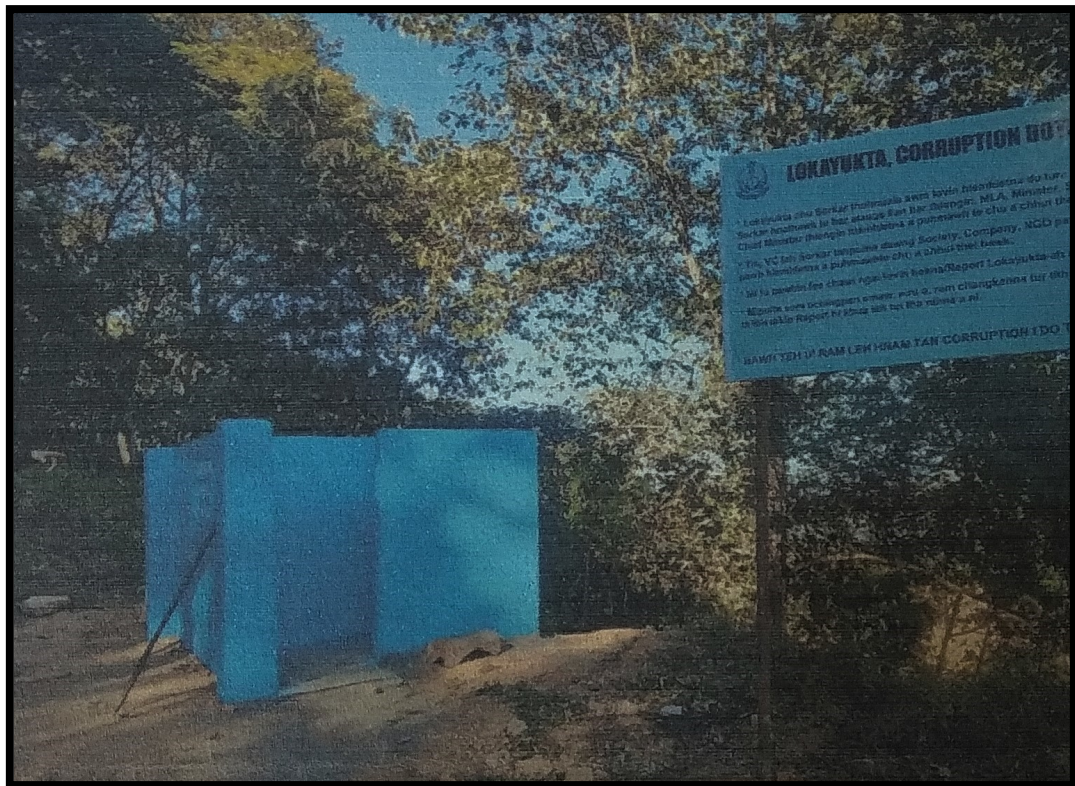


*Hon'ble Chairperson delivering Speech at Vigilance Awareness Programme, Vanapa Hall*





*Pledge Taking Ceremony by the Mizoram Lokayukta at the Vigilance Awareness Week*



*Lokayukta Banner at Dungtlang, Champhai District, Mizoram*

### **3. Citizens' Charter:**

Public awareness is still minimal regarding the Mizoram Lokayukta, its powers & functions, and its utility in the fight against corruption. They loosely talk about maladministration, misuse of public money, nepotism, and corruption in Governments. But they do not file complaints against public servants who indulge in them, may be due to ignorance or complacency. The Mizoram Lokayukta has not so far prescribed any Form or Fees for lodging a complaint (it may do so in future). Hence, any citizen can file a complaint petition in a plain paper, without paying any fee before the Lokayukta if he/she comes across any incidence or evidence of corruption against the public servants concerned. Even then, such complaint petitions are still few and far between.

If public awareness is generated, the people will be aggrieved by wanton corruptions as these take away their rights. The Lokayukta can function as a public grievances redressal forum. Grievance means making a claim by a person who sustained injustice and undue hardship consequence to maladministration. Any person can file his grievance in writing before the Lokayukta if he has sustained injustice or undue hardships in consequence of maladministration. The citizens must now realize that Corruption results into maladministration, hence corruption and maladministration are two sides of the same coin. When administration is soaked in corruptions, it lacks accountability and transparency. Then corruption takes its shape in various forms such as delays in movement of files, delays in decision making process, arbitrary, unjust and unfair actions. Consequently, corruption stalls development and progress, ruins the aspirations of the youths, spoils the opportunities of promising entrepreneurs, and degrades humanity. It is important to realize that the fight against corruption is not of a single entity, but of the entire citizenry.

*"The government's money is the people's money. Make effective policies for the benefit of the people."*

*-Anna Hazare*

## **CHAPTER – XI**

### **RIGHT TO INFORMATION**

#### **1. Transparency- a way of life:**

We must embrace transparency in order to fight corruption. Corruption thrives in secrecy and darkness. Section 24 of the Act enjoins the Lokayukta to maintain complete transparency in its functioning. Transparency implies that the activities and actions of officials in their official capacities must be made known to the public if they so wish to know. Transparency inhibits the public servants from indulging in irregular activities and thus hinders corruption. It is said that ‘transparency is all about knowing who, why, what, how and how much. Seeking and receiving information in the public domain is a human right that can act as a safeguard against corruption, and increase trust in decision makers and public institutions’. The Right to Information Act, 2005 is thus a harbinger of our fights against corruption.

#### **2. 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 requesting for information in the Mizoram Lokayukta and Pu Zahmingthanga Ralte, Secretary as first Appellate Authority to decide appeals against the decisions of the SPIO.

#### **3. Disposals of Application:**

Two applications under RTI were received during the year of 2019-2020. One application was directly received and the other was transferred from Department of Justice, Ministry of Law & Justice, Government of India to Mizoram Lokayukta under Section 6 (3) of RTI Act 2005. Information sought for have been furnished.

Details of RTI Application under Mizoram Lokayukta are as follows:

Sl. No.	Date	Applicant Name	Subject	Payment Mode	Transfer Date
1	2	3	4	5	6
1	6.1.20	Er. Rustom Chakma	Request for Information under RTI Act, 2005 with reference to Enquiry report details conducted and its status of progress on a Complaint Case of Mizoram Lokayukta.	IPO	Direct
2	30.1.20	Ram Singh Section Officer (Adm-II)	Transfer of Mrs. Rinduhawmi's queries u/s Section 6(3) regarding No. of Case filed in Mizoram Lokayukta and its recent cases.	-	20.1.20

**Fees:** An amount of Rs. 10/- by way of Indian Postal Order was received as an application fee for directly received application for obtaining information and is deposited to the Mizoram Government treasury under Head of Account 118- Receipts under RTI Act, 2005. A separate register is maintained for RTI applications under Mizoram Lokayukta and receipt of Mizoram Lokayukta SPIO office is issued against the RTI fees collected under Rule 3(i) of the Mizoram Right to Information Rules, 2010.

“Integrity, transparency and the fight against corruption have to be part of the culture. They have to be taught as fundamental values.”

- Angel Gurría,  
OECD Secretary General.

## **CHAPTER–XII**

### **BUDGET AND ACCOUNTS**

#### **1. Charged Expenditures for Lokayukta:**

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

#### **2. Finance and Accounts:**

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

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

As per the Demands for Grant of Govt. of Mizoram, the Budget provisions and expenditures for the Lokayukta during 2018-2019, 2019-2020 and 2020-21 are as follows:

### 3. Budget provisions and expenditures for the FY 2018-2019

DEMAND NO – 4: LAW AND JUDICIAL  
Controlling Office: Secretary, Law & Judicial Department

Sector: 'A' General Services

Major Head: 2014 – Administration of Justice Sub Major Head: 00

Minor Head: 800- Other Expenditure.

**Sub-Head: (13) Mizoram Lokayukta (Charge)**

Heads of Account.	Budget 2018-2019		
	BE (₹ lac)	RE (₹ lac)	Actuals (₹)
Details Head: 00			
Object Head : (01)- Salaries	103.64	103.64	<b>00.00</b>
(02)- Wages	33.14	33.14	<b>4,32,250.00</b>
(06)- Medical Treatment	1.56	1.56	<b>00.00</b>
(11)- Domestic Travel Expenses	6.00	6.00	<b>00.00</b>
(13)- Office expenses	10.00	10.00	<b>30,99,810.00</b>
(50)- Other Charges	5.00	5.00	<b>4,97,294.00</b>
<b>TOTAL</b>	<b>159.34</b>	<b>159.34</b>	<b>40,29,354.00</b>

**Note: As there was no appointment of officers & staff, there was no expenditure on Salary.**

The Budget for 2018 – 2019 was operated by Law & Judicial Department and actual expenditure figures are based on external figures derived from the Law & Judicial Department.



**4. Budget provisions and expenditures for FY 2019-2020:**

## DEMAND NO- 4: LAW AND JUDICIAL

Controlling Officer: Secretary, Law &amp; Judicial Department

Sector: 'A' General Services

Major Head: 2014 – Administration of Justice Sub Major Head: 00

Minor Head: 00- Other Expenditure

**Sub Head (13)-Mizoram Lokayukta (Charged)**

Details Head:00

Budget for 2019-2020

Heads of Account Object Heads:	Proposed (₹ lac)	BE (₹ lac)	RE * (in ₹)	Actuals (in ₹)
(01)- Salaries	230.00	<b>230.00</b>	230,00,000	<b>51,41,827</b>
(02)- Wages	23.36	<b>23.36</b>	23,36,000	<b>16,66,160</b>
(05)- Reward	1.00	<b>1.00</b>	00.00	<b>00</b>
(06)- Medical Treatment	2.25	<b>2.25</b>	00.00	<b>00</b>
(11)- Domestic Travel Expenses	6.00	<b>6.00</b>	2,00,000	<b>00</b>
(13)- Office Expenses	35.00	<b>35.00</b>	39,52,000	<b>39,52,000</b>
(14)- Rent, Rates, Taxes	7.45	<b>7.45</b>	8,68,000	<b>8,68,000</b>
(16)- Publications	2.00	<b>2.00</b>	2,00,000	<b>00</b>
(20)- Other Administrative Expenses	5.00	<b>5.00</b>	43,75,000	<b>28,93,657</b>
(21)- Supplies and Material	5.00	<b>5.00</b>	48,000	<b>48,000</b>
(26)- Advertising & Publicity	2.00	<b>2.00</b>	2,00,000	<b>1,87,400</b>
(27)- Minor Works	15.00	<b>15.00</b>	13,77,000	<b>5,15,325</b>
(28)- Professional Services	30.00	<b>30.00</b>	50,000	<b>50,000</b>
(41)- Secret Service Expenditure	2.00	<b>2.00</b>	NIL	<b>00</b>
(50)- Other Charges	5.00	<b>5.00</b>	5,00,000	<b>4,37,603</b>
(51)- Motor Vehicle	-	-	-	-
<b>Total of 800 (13)REVENUE</b>	<b>371.06</b>	<b>371.06</b>	<b>371,06,000</b>	<b>157,59,972</b>
<b>4014 CO on Bldg (53) Major Works</b>	<b>300.00</b>	<b>00.00</b>	<b>00.00</b>	<b>00.00</b>
<b>GT Revenue &amp; Capital</b>	<b>671.06</b>	<b>371.06</b>	<b>371,06,000</b>	<b>157,59,972</b>

**\*After Re-appropriations**

With the change of Nodal Department from Law & Judicial Department to Vigilance Department the Budget Provisions of Mizoram Lokayukta has also changed from Demand No. 4- Administration of Justice: Major Head 2014 to Demand No. 5- Vigilance: Major Head 2026.

**5. Budget provisions for the coming FY 2020-21:**

## DEMAND NO – 5 : VIGILANCE

Controlling Officer: Secretary, Mizoram Lokayukta

Sector: 'A' General Services

Major Head:2062 –Vigilance Sub Major Head: 00

Minor Head: 103-Lokayukta

**Sub Head (01)-Mizoram Lokayukta (Charged)**

Detail Head: 00

For FY 2020-2021

Heads of Account Object Heads:	Proposed (₹ lac)	BE (₹ lac)	Shortfall (in ₹)	Actuals (in ₹)
(01)- Salaries	230.00	<b>230.00</b>		
(02)- Wages	33.14	<b>33.14</b>		
(05)- Reward	2.00	-	2,00,000	
(06)- Medical Treatment	5.25	<b>5.25</b>		
(11)- Domestic Travel Expenses	10.00	<b>6.00</b>	4,00,000	
(13)- Office Expenses	50.00	<b>10.00</b>	40,00,000	
(14)- Rent, Rates, Taxes	7.45	<b>7.45</b>		
(16)- Publications	5.00	-	5,00,000	
(20)- Other Administrative Expenses	5.00	-	5,00,000	
(21)- Supplies and Material	5.00	-	5,00,000	
(24)- POL	10.00	-	10,00,000	
(26)- Advertisement & Publicity.	2.00	-	2,00,000	
(27)- Minor Works	15.00	-	15,00,000	
(28)- Professional Services	30.00	-	30,00,000	
(41)- Secret Service Exp.	2.00	-	2,00,000	
(50)- Other Charges	5.00	<b>5.00</b>		
(51)- Motor Vehicles	51.54	-	51,54,000	
<b>Total of 800 (13)REVENUE</b>	<b>468.38</b>	<b>296.84</b>	<b>1,71,54,000</b>	
<b>4062 CO on Bldg (53) Major Works</b>	<b>500.00</b>	<b>00.00</b>	<b>5,00,00,000</b>	
<b>GT Revenue &amp; Capital</b>	<b>968.38</b>	<b>296.84</b>	<b>671,54,000</b>	

**6. Explanatory Note on some Object Heads:**

Budget proposals were prepared on the basis of 2019-20 Budget provisions with minor variations in the object head-wise provisions. However, Finance Department omitted several Object Heads under which budget provisions were made in the previous year and reduced provisions in others. Immediately after the Budget was introduced to

the House, a detailed note was sent to the Finance Department with suggestions to correct the blunders.

**(05) Reward** –Proposed allocation of ₹2 lakh was made as a token provision to recognize exemplary services but no budgetary provision was made.

**(13) Office Expenses-** Proposed allocation of ₹50 lakh was made for running of office, purchase of furniture, purchase and maintenance of office machines and equipment, telephones, stationery, printing of forms, purchase and maintenance of staff cars/ vehicles for office use and POL etc but a meager amount of ₹ 10 lakh only was provided.

**(16) Publication-** Proposed allocation of ₹5 lakh was made for printing of Annual Report required under the Act to be laid on the Table of the House and printing of other publications, but no budgetary provision was made.

**(20) Other Administrative Expenses-** Proposal of ₹5 lakh was made for hospitality, entertainment expenses, gifts etc. of visiting dignitaries from other States' Lokayuktas, expenditures on conferences, seminars, workshops, awareness campaigns etc. and expenditures on other training programmes. However, no budgetary provision was made.

**(21) Supplies and Materials-** Proposed allocation of ₹5 lakh only was made for expenditures on materials and supplies, stores and equipment required in a newly established office, but not budgetary provision was made.

**(24) Petrol, Oil & Lubricant-** A proposal for allocation of ₹10 lakh for use by police officers in course of enquiries in the field but no budgetary provision was made.

**(26) Advertising & Publicity** – Proposed allocation of ₹2 lakh was made for printing of publicity materials, news paper advertisement and other awareness campaigns as the general public is still unaware that complaints against corruptions can be filed before the Lokayukta, but no budgetary provision was made.

**(27) Minor Works-** A proposed allocation of ₹15 lakh was made to meet expenditures for repairs and maintenance of works, machinery and equipment and for partition, modifications of rooms in the new office building where the office was proposed to be

shifted, but no budgetary provision was made.

**(30) Professional Services-** a proposed allocation of ₹30 lakh was made to meet expenses for legal services, consultancy fees, for services of technical experts, audit experts assisting investigators and prosecutors and for hiring lawyers from the Bar to conduct prosecution in the Special Court if regular appointments of PP and APP could not be made. But no budgetary provision was made.

**(41) Secret Service Expenditure-** A proposed allocation of ₹2 lakh as a token provision was made to compensate whistleblowers, informers and activists who bring information on incidences of corruption as the public, by and large are still reluctant to file complaint cases but no budgetary provision was made.

**(53) Major Works under 4062 CO on Building-** A proposed allocation of ₹500 lakh was made for initial works to begin with for the construction of office building as land is already allotted for the purpose, but budgetary provision has not been made.

It would be worth consideration that while making budgetary allocations, expenses of this nature would be more than compensated by huge savings if corruptions are prevented or reduced.

Corruption is a cancer, a cancer that eats away at a citizen's faith in democracy, diminishes the instinct for innovation and creativity; already-tight national budgets, crowding out important national investments. It wastes the talent of entire generations. It scares away investments and jobs. And most importantly it denies the people their dignity. It saps the collective strength and resolve of a nation. Corruption is just another form of tyranny.

**- Joe Biden**

## **CHAPTER–XIII**

### **LAND AND OFFICE BUILDING**

#### **1. Temporary Office Accommodation(s):**

The Government was repeatedly request to provide suitable accommodations in the existing Government buildings and whenever new buildings were ready and government offices were shifted and rearranged, but without success. As of now the Office of the Mizoram Lokayukta is accommodated in a private rented building at V-95, Bungkawn Tuikhur Veng, Aizawl, which is quite unsuitable and inconvenient for the officials and the public. For the sake of convenience, the office of Mizoram Lokayukta is proposed to be shifted to another private building viz A/89, F Kapsanga Building, Temple Square, Tuikual South, Aizawl- 796001 by July, 2020

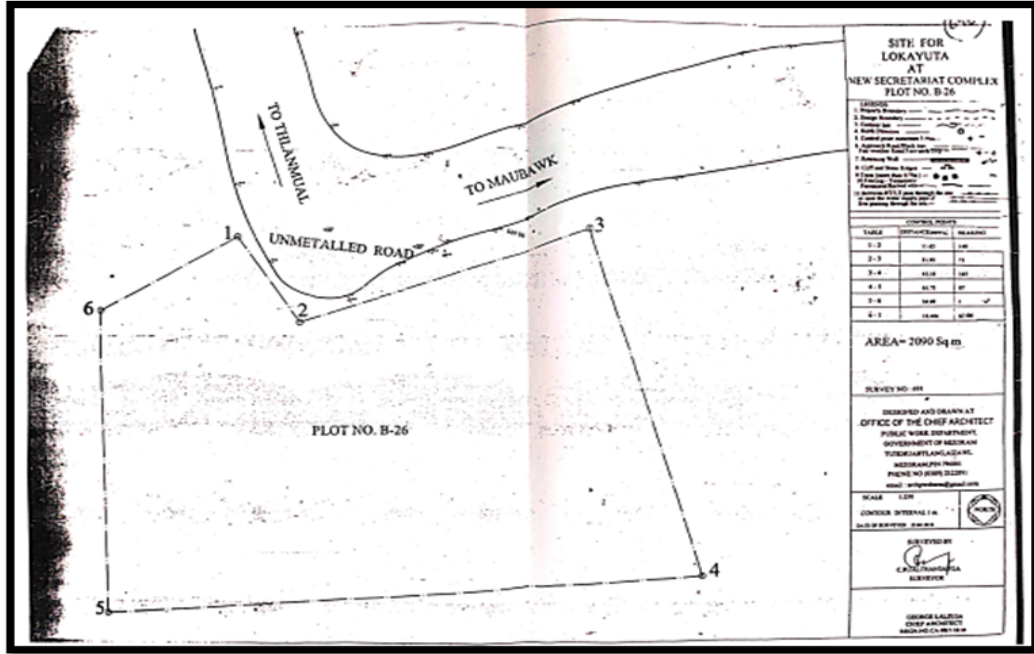
#### **2. Land Allotment:**

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

#### **3. Construction of Office Building:**

Draft Architectural Design was prepared by the State PWD. The Lokayukta conducted a consultation meeting with Engineer-in-Chief, Mizoram Public Works Department, and a team of Architects. Several defects in the planned sharing of the same floors by different Organizations were pointed out. The need for vertical extension was also noticed. After discussions several modifications were suggested. It was decided that the Architects would prepare revised draft architectural plan and would submit to the Lokayukta and other stakeholders. Reminders vide letter No. D.11028/1/2019-ML dt.20.12.2019 and No. D.11028/1/2019-ML dt. 25.2.2020 were sent for revised plan to the Engineer in Chief, PWD, Government of Mizoram. In spite of reminders, there is no reply from the department till date. After completion of this exercise the Lokayukta expects the State Government to make available necessary budgetary provisions for

construction of the building. Proposal was submitted during Budget preparation for allocation of fund under Major Works on the Capital expenditure side but provision for the same was not made by the Finance Department.



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



Office of the Mizoram Lokayukta



## **CHAPTER–XIV**

### **CONCLUDING SUMMARY**

The Mizoram Lokayukta is deemed to have started functioning from 11.3.2019 and technically completed 21 days in 2018-19 and virtually 2019- 2020 is the first year of its functioning. Without requisite manpower and supporting staff, the first year of its existence was devoted to build up the office, to lay the foundation of its establishment and to initiate preliminary work of its main functions. So, there could not be big achievements in terms of prosecutions and convictions. However, the Lokayukta made its presence felt amongst the people and their public servants in its fight against corruption.

The newly recruited provisional employees/staff would learn the ropes in due course. Fresh cases would be taken up and Cases initiated in the first year would be pursued in the succeeding years to bring them to their logical conclusions. In this way, the Mizoram Lokayukta expects to compensate the Government and the people for the expenses incurred for its set up and functioning by saving substantial public fund by stopping/ reducing the pervading corruptions in the State.

Dated the 18<sup>th</sup> August, 2020

The Mizoram Lokayukta.

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**ANNEXURE-I****SANCTIONED POSTS & REQUIREMENTS.**

<b>SN</b>	<b>POST/DESIGNATION</b>	<b>EXISTING SANCTION</b>	<b>ADDL REQRT</b>	<b>TOTAL REQUIREMENT</b>
<b>A. ESTABLISHMENT&amp; REGISTRY WING</b>				
1	Secretary	1	-	1
2	Deputy Secretary & Registrar	-	1	1
3	Superintendent	1	-	1
4	Sr. PPS	0	1	1
5	PPS	0	1	1
6	Stenographer-I	1	0	1
7	Stenographer-III	-	1	1
8	Technical Expert	-	1	1
9	Technical Assistant	-	1	1
10	Audit Expert	-	1	1
11	Accountant	-	1	1
12	Assistant	1	2	3
13	UDC	1	3	4
14	LDC	4	4	8
15	Driver	4	-	4
16	Despatch Rider	-	1	1
17	Group D	6	4	10
	<b>SUB-TOTAL</b>	<b>19</b>	<b>22</b>	<b>41</b>
<b>B. ENQUIRY / INVESTIGATION WING</b>				
1	Director	1	-	1
2	Superintendent of Police	-	1	1
3	Addl. SP (in lieu of Dy Dir, Inq/Inv)	1	-	1
4	Deputy SP	1	2	3
5	Steno-II	1	-	1
6	Steno-III	-	1	1
7	Inspector	-	3	3
8	Inspector (M)	-	1	1
9	Sub Inspector	1	1	2
10	Sub Inspector (M)	-	2	2
11	ASI (M)	-	2	2
12	Head Constable	-	4	4
13	Driver	1	-	1
14	Police Driver	-	2	2
15	Constable	1	10	11
16	Group D	2	-	2
	<b>SUB-TOTAL</b>	<b>9</b>	<b>29</b>	<b>38</b>

**C. PROSECUTION & LEGAL WING**

1	Director	-	1	1
2	Public Prosecutor	1	-	1
3	Addl Public Prosecutor	-	1	1
4	Asst Public Prosecutor	1	-	1
5	Steno-II	-	1	1
6	Steno-III	-	1	1
6	Bench Clerk	-	1	1
9	Driver	1	-	1
10	Group D	2	-	2
	<b>SUB-TOTAL</b>	<b>5</b>	<b>5</b>	<b>10</b>
	<b>GRAND TOTAL</b>	<b>33</b>	<b>56</b>	<b>89</b>

**ANNEXURE-II****PERSONNEL OF MIZORAM LOKAYUKTA**

<b>Sl. No.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>MODE OF RECRUITMENT</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1	C. Lalsawta,	Chairperson	Appointment
2	C. Lalrindiki	PS To Chairperson	Deputation
3	Zahmingthanga Ralte	Secretary	Part-Time
4	Lalronungi	PA To Secretary	Deputation
5	Vanlalchhanhima	Superintendent	Deputation
6	Joel Kimi	Assistant	Deputation
7	Kevin Remnalala	UDC	On Contract
8	K. Lalnunsanga	LDC	Provisional Employee
9	Isaak Lalvenpuia	LDC	Provisional Employee
10	Lalrinzuala	LDC	Provisional Employee
11	Lalrinawmi	LDC	Provisional Employee
12	K.C. Lalthlenghluna	Driver	Provisional Employee
13	Andy Lalmuanpuia	Driver	Provisional Employee
14	Lalnunsanga	Driver	Provisional Employee
15	H. Varhmingliana	Driver	Provisional Employee
16	Jonathan Vanlalchianga	Driver	Provisional Employee
17	Gilbert Lalchuangliana	Driver	Provisional Employee
18	Laltlanhlua	Group D	Provisional Employee
19	Peter Lalramnghakliana	Group D	Provisional Employee
20	C.Lalruatkima	Group D	Provisional Employee
21	Lalliankimi	Group D	Provisional Employee
22	P.C.Vanlalruata	Group D	Provisional Employee
23	Lalmuanpuia	Group D	Provisional Employee
24	Lalhruaitluangi	Group D	Provisional Employee
25	Sairengpuia Sailo	Group D	Provisional Employee
26	P.C. Lalrampana	Group D	Provisional Employee
27	Lalawmpuia	Group D	Provisional Employee

### **ANNEXURE-III**



## **PROFILE OF OUR FIRST CHAIR**

Pu C. Lalsawta, IAS (Retd), our first Hon'ble Chairperson hails from a humble family of Reiek village. His parents- Pu C. Ngama, who studied upto Lower Primary (Class II) and Pi Laithangpuii, who had no formal education but taught herself reading the scriptures in her middle age, were simple, self-respecting and hard-working cultivators. Their children also used to help them in their jhum cultivation. Their house and entire earthly possessions were burnt down in the aftermath of the great 1966 Mizoram upheaval.

Pu Sawta studied in the Village Primary and Middle Schools and also in the newly established community High School where he combined study with working in the family jhum cultivation and as a daily waged labourer earning his school fees. After passing Class VIII, he interrupted his studies in 1970 and worked as full-time labourer. After a year, his elder brother got him admitted in the RK Mission School in Cherrapunjee from where he matriculated in 1973. When his elder brother who was supporting him joined the IPS and then the IAS as probationer, he had to combine day-time work and night-time studies to support himself and his younger sister (now a Sr. Professor in a University) and younger brother (now a State Chief Secretary). He completed PUC from evening section of St. Edmund's and Graduation from evening section of St. Anthony's College, Shillong. Soon after graduation, Pu Sawta appeared for the Civil Services Examination and in his first attempt, was selected for Central Service viz IA&AS in 1979 and in his subsequent attempt he got selected for the All India Service viz IAS in 1981.

Sensing his limited academic pursuits, Pu Sawta attended many in-service training programmes in the top notched institutions in India and abroad some of which are: Institute of Public Enterprises, Hyderabad; Xavier's Labour Relations Institute, Jamshedpur; FMS Delhi University; National Institute of Rural Development, Hyderabad; Indian Institute of Management, Bangalore; Indian Institute of Management,

Ahmedabad; Administrative Staff College of India, Hyderabad; Indian School of Business, Hyderabad; National Institute of Financial Management, Faridabad and others. He also undertook Advanced Studies in Public Administration in Maxwell School of Citizenship and Public Affairs, Syracuse University, USA. He also attended an International Training Programme in Financial Management in UN sponsored Institute of Public Enterprises, Ljubljana, Slovenia, and also a course of PPP in Infrastructure Development in Harvard University, Cambridge etc.

During his 36 years' service in the IA&AS and the IAS, Pu Sawta held several posts starting from Asstt. Accountant General/ Asstt. Commissioner culminating to Principal Secretary/ Vigilance Commissioner in the rank and grade of State Chief Secretary/ Secretary to GOI and gaining useful experiences in various fields such as finance & accounts, banking, law, management, public administration, anti-corruption measures and vigilance.

While serving in the IA & AS, Pu Sawta completed Institutional Training Course in IA&AS Staff College (now IA&AS Academy) Shimla and also worked as Assistant Accountant General in Shillong. Ever since his training in the IA&AS Staff College, Shimla, his guiding principle has been the canon/ standard of financial propriety that "every Government servant should exercise the same vigilance in respect of expenditure incurred from public moneys as a person of ordinary prudence would exercise in respect of the expenditure of his own money". His exposure to the IA&AS, his experiences as HOD under DFR, his trainings in Financial Managements and experience as Principal Secretary of Finance Department imbibe in him the importance of effective spending and proper accounting of expenditures.

As Deputy Development Commissioner, he coordinated with scheduled Banks in financing Government priority sector schemes. He also functions as Administrator of District Central Cooperative Bank, and later as Director in the Board of Regional Rural Bank which gave him some idea about Banking. His experience as Managing Director of Industrial Area Development Agency and courses in Management principles taught him the techniques of Management.

During his long career, Pu Sawta was given such assignments (as DC & District Magistrate, Cane Commissioner, and Divisional Commissioner etc.) which required him to exercise statutory powers independently and pass orders in quasi-judicial proceedings. As Commissioner of various Divisions for more than 10 years, he supervised the magistracy and policing, controlling the DMs and SPs through the DIGs etc. He presided over Appellate Courts and Revision Courts in Revenue and Criminal cases and also had to decide disciplinary cases in Departmental Proceedings etc. He also supervised and coordinated the Regional Heads of Development and Regulatory Departments within the territorial jurisdictions. He also functioned as Chairman of Managing Board of various Medical and Engineering Colleges and of various statutory bodies and also as Vice Chancellor of 2 Universities.

As Principal Secretary and Chief of Vigilance Organization in Bihar, he supervised and guided Agencies under him such as (1) Vigilance Investigation Bureau headed by Director General/ADG, (2) Special Vigilance Unit headed by Inspector General, and (3) Technical Evaluation Cell headed by the E-in-C. He also had to monitor the functioning of Chief Vigilance Officers of all the Departments and Vigilance Flying Squads of all the 37 Districts. He also had monthly review of the progress of Departmental Proceedings with the Chief Secretary.

He also had to review the performance of Special Public Prosecutors and monitor the progress of prosecution cases filed in different Vigilance & Special Courts. In course of implementing Prevention of Corruption Act and Special Courts Act, he had to pass orders for confiscation of illegally acquired properties and coordinated prosecutions. He however took care that honest public servants and dynamic officers who took bold decisions in good faith are not harassed unnecessarily or prosecuted without evidence of criminal misconduct even if the decisions may later turn out to be wrong decisions.

During his service in Bihar/Jharkhand/Mizoram, he acquired a reputation for honesty, sincerity and probity in public life. He is a stickler to rules and regulations and always tries to adhere to norms. He is a strong believer in the Principle of Natural Justice and Fair Play. After his retirement, the Bihar Government also appointed him as Administrative Member of the Appellate Tribunal for the Real Estate Regulatory Authority, which he however declined to take up.



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## NOTIFICATION

**No. H. 12017/130/2014-LJD, the 4<sup>th</sup> December, 2014.** The following Act is hereby re-published for general information.

The Mizoram Lokayukta Act, 2014  
(Act No. 11 of 2014)

{Received the assent of the Governor of Mizoram on the 28<sup>th</sup> November, 2014}.

**Zahmingthanga Ralte,**  
Deputy Secretary to the Govt. of Mizoram.

## **THE MIZORAM LOKAYUKTA ACT, 2014** (Act. No. 11 of 2014 incorporating Amendment Act No. 3 of 2016)

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: —



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2. Definitions

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4. Constitution of Selection and Search Committee
5. Appointment of Chairperson & Members
6. Term of the Chairperson and Members
7. Salary and Allowances of Chairperson and Members
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11. Constitution of Directorate

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**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.<sup>1</sup>

**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 wilful 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 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

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

*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 Indian Penal Code (Act 45 of 1860)*

*(g) "Government" means the Government of Mizoram*

*(h) "Investigation" means an investigation defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;*

*(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 Prevention of Corruption Act, 1988 and the Indian Penal Code 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;<sup>1</sup> [and/or if appointed.]*

*(b) such number of members, not exceeding three including the Chairperson, out of whom one shall be Judicial Member:*

(3)<sup>2</sup>[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 a 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 experience in judicial matters or courts;]*

(4) The Chairperson or a Member shall not be—

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<sup>1</sup> Inserted by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

<sup>2</sup> Substituted by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

- (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. Constitution of Selection and Search Committee:**

(1) <sup>1</sup>[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.

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<sup>1</sup> Substituted for the words “The Chairperson and Members” by Act No. 3 of 2016 published vide Memo No. H. 12017/130/2014-LJD the 18<sup>th</sup> April, 2016 published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

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;

(4) The Selection Committee shall follow the procedure prescribed in the Rules for selecting <sup>1</sup>[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. Appointment of Chairperson and Members:**

<sup>2</sup>[(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, if there are any Member(s), 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;

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:**

<sup>3</sup>[The Lokayukta] 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.

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<sup>1</sup> Omitted the words “the Chairperson and Members” by Act No 3 of 2016 published vide Memo No. H. 12017/130/2014-LJD the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4.2016 SE No. 1938 Issue No. 96.

<sup>2</sup> Omitted the words “the Chairperson and Members” by Act No 3 of 2016 published vide Memo No. H. 12017/130/2014-LJD the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4.2016 SE No. 1938 Issue No. 96.

<sup>3</sup> Substituted for the words “The Chairperson and any Members” by Act No. 3 of 2016 published vide Memo No. H. 12017/130/2014-LJD the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4.2016 SE No. 1938 Issue No. 96.



## **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, <sup>1</sup>[if so appointed] shall be the same as those of a Judge of the High Court:

Provided that if the Chairperson or a Member, <sup>2</sup>[if any,] 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:**

- (I) On ceasing to hold office, <sup>3</sup>[the Chairperson and any Member, if so appointed,] 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

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<sup>1</sup> Inserted by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

<sup>2</sup> Inserted by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

<sup>3</sup> Substituted for the words “the Chairperson and every Member” by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

Municipality or Village Council or Panchayat within a period of five years from the date of relinquishing the post.

(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 <sup>1</sup>[if there are any Members.]

(2) When the Chairperson is unable to discharge his/her functions owing to absence on leave or otherwise, the senior-most Member, <sup>2</sup>[if any,] 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, Director of Inquiry and Prosecution, Officers and Staff of Lokayukta:**

(1) There shall be a Secretary to the Lokayukta in the rank<sup>3</sup> 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 Director of Inquiry and Prosecution<sup>4</sup> not below the rank of the Additional 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.

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<sup>1</sup> Inserted by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

<sup>2</sup> Substituted for the word “available “by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

<sup>3</sup> Proposed to be amended as “rank and statues”

<sup>4</sup> Proposed to be amended as “Director of Inquiry/Investigation and Directorate of Prosecution

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.

### **CHAPTER- III**

#### **CONSTITUTION OF DIRECTORATE OF INQUIRY/ INVESTIGATION AND PROSECUTION**

##### **11. Constitution of Directorate:<sup>1</sup>**

(1) The Lokayukta shall, by notification, constitute Directorate of Inquiry/ Investigation and Prosecution headed by the Director for the purpose of prosecution of public servants in relation to any complaint before the Lokayukta under this Act:

Provided that till such time the Directorate is constituted by the Lokayukta, the State Government shall make available such number of officers and other staff from such of its Departments including Anti Corruption Bureau (ACB) as may be required by the Lokayukta, for conducting prosecution under this Act.

(2) The Director 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.

(3) The report referred to under sub-section (2) shall be deemed to be a report, filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973.

(4) For the purposes of assisting the Lokayukta in conducting a preliminary inquiry or investigation under this Act, the officers of this Directorate shall have the same powers as are conferred upon the Lokayukta under section 27 of this Act.

### **CHAPTER –IV**

#### **EXPENSES OF LOKAYUKTA**

##### **12. Expenses of Lokayukta**

The administrative expenses of the Lokayukta, including all salaries, allowances and

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<sup>1</sup> Proposal for constitution of separate Directorates namely (A) Inquiry/Investigation Wing (B) Prosecution and Legal Wing by amendment.

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

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

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

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

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

(f) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not), by whatever name called, wholly or partly financed or aided by the State Government and the annual income of which exceeds such amount as the State Government may, by notification, specify;

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

Government may, by notification, specify;

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

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

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

(3) The Lokayukta may inquire into any act or conduct 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):

Provided that no prosecution under this Act shall be initiated against the person serving under the Central Government without obtaining approval from competent authority of Central Government.

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

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

#### **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.

#### **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.

#### **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 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 45(forty five) days from the date of receipt of the reference, a report to the Lokayukta.

(3) <sup>1</sup>[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 make recommendations to proceed with one or more of the following actions, namely:—

- (a) investigation by any agency (including any special investigation agency);
- (b) 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 45 (forty five) 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) to carry out the investigation as 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 three months at a time for the reasons to be recorded in writing.

(6) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, 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) <sup>2</sup>[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—

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<sup>1</sup> Omitted the words “A bench consisting of at least two Members of” by Act No 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

<sup>2</sup> Omitted the words “A bench consisting of at least two Members of” by Act No 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

- (a) file charge-sheet or closure report before the Special Court against the public servant;
- (b) 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.

**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:<sup>1</sup>**

(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 section 197 of the Code of Criminal Procedure, 1973 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 section 197 of the Code of Criminal Procedure, 1973 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 authorised 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 Indian Penal Code 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 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 transparency within Lokayukta except for items those covered under Section 8 of the Right to Information Act, 2005.

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<sup>1</sup> Proposed amendment to insert “subject to the provisions of the Prevention of Corruption Act, 1988”.

**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 investigation and after completion of the investigation;
- (c) to prosecute the accused before the special court, and also to recommend punishment of dismissal, removal or reduction in rank and also impose recovery of the loss caused to the public against the erring public servants after giving them full opportunities of being heard. The recommendation may be executed by the appointing authority of the Government within 6(six) months. In the event of non-execution on the part of the concerned department the reason for non-execution is to be laid before the Mizoram State Assembly. While recommending any action Lokayukta will duly consider distinction between bonafide action and an action with malafide intention, and also judgement of error with and without ill-motive;
- (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 investigation under this Act, are secreted in any place, it may authorise any agency to whom the investigation has been given to search for and to seize such documents/ articles as per the provision of Cr Pc.

(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 authorised 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 section 193 of the Indian Penal Code (Act 45 of 1860).

**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).

(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 utilised 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 utilised under sub-section (2) shall inquire or, as the case may be investigate into any matter 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 Code of Criminal Procedure, 1973 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
- (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 there from 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 misbehavior.

### **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 hereto before 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 wrong doing, 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:**

(1) Every public servant shall make a declaration of his assets and liabilities in the manner as may be prescribed.

(2) A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to—

- (a) the assets of which he, his spouse and his dependants are, jointly or severally, owners or beneficiaries;
- (b) his liabilities and that of his spouse and his dependants.

(3) A public servant holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in sub-section (2), to the competent authority within six months of the coming into force of this Act.

(4) Every public servant shall file with the competent authority, on or before the 31<sup>st</sup> July of every year, an annual return of such assets and liabilities, as referred to in sub-section (2), as on the 31<sup>st</sup> March of that year.

(5) The information under sub-section (2) or sub-section (3) and annual return under sub-section (4) shall be furnished to the competent authority in such form and in such manner as may be prescribed.

(6) The competent authority in respect of each Department shall ensure that all such statements are published on the website of such Department by 31<sup>st</sup> August of that year.

*Explanation.* —For the purposes of this section, “dependants” means sons, daughters and any other person(s) who have no separate means of earning and are wholly dependant on the public servant for their livelihood.

**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 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 section 21 of the Indian Penal Code.

**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 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 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 modification 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:**

<sup>1</sup>[For the protection of complainant under this Act, the Whistleblower Protection Act, 2011 (No. 17 of 2014) shall apply]

**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: —

<sup>2</sup>[(a)]

(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;

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<sup>1</sup> Substituted by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

<sup>2</sup> Deleted by Act No. 3 of 2016 published vide Memo No.H.12017/130/2014-LJD, the 18<sup>th</sup> April, 2016 and published in the Mizoram Gazette Vol. XLV Friday, 22.4, 2016 SE No. 1938 Issue No. 96.

[ clause (a) of sub-section 2 of Section 57 viz. “the form of complaint referred to in clause (e) of sub-section (1) of section 2;”]

(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 20;

(d) the manner and procedure of conducting preliminary inquiry or investigation under sub-section (11) of section 20;

(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.

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**Schedule**  
**[See Sec 3 (3) (c)]**

I \_\_\_\_\_ having been appointed Chairperson (or a Member) of the Mizoram Lokayukta do swear in the name of God that I will bear

Solemnly affirm

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.



ANNEXURE-V



# The Mizoram Gazette

EXTRA ORDINARY

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### NOTIFICATION

**No. H. 12017/130/2014-LJD, the 12<sup>th</sup> December, 2016.** The Mizoram Lokayukta Rules, 2016 is hereby re-published for general information.

**Vincent Lalrokima,**  
Deputy Secretary to the Govt. of Mizoram,  
Law & Judicial Department.

**In exercise of the powers conferred by section 57 of the Mizoram Lokayukta Act, 2014 (Act No.11 of 2014), the Governor of Mizoram is pleased to make the following rules, namely:**

**1. Short title, extent and commencement.**

- (1) These rules may be called the Mizoram Lokayukta Rules, 2016.
- (2) It shall have the like extent as the Act.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint<sup>1</sup>

**2. In these rules, unless the context otherwise requires:**

- (a) 'Act' means the Mizoram Lokayukta Act, 2014.
- (b) 'Annual return' means the Annual return to be filled by the public servant.
- (c) 'Declaration' means the declaration of assets and liabilities made by a public servant under sub-section (1) of section 43 of the Act.
- (d) 'Form' means a Forms annexed to these Rules.

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<sup>1</sup> The date from which the Rules would come into force is to be issued by Notification in Official Gazette.

- (e) 'Information' means the information required to be furnished by a public servant under subsection (3) of section 43 of the Act.
- (f) 'Search Committee' means the search committee referred to in sub-section (3) of section 4 of the Act.
- (g) 'Section' means section of the Act.
- (h) 'Selection Committee' means the selection committee specified in sub-section (1) of section 4 of the Act.
- (i) 'State Government' means the Government of Mizoram.

**3. Terms of Search Committee.**

A member of the Search Committee, including its Chairperson, shall hold office for a period of two years from the date of his appointment and shall be eligible for re-appointment.

Provided that the Selection Committee may, where it is of the view that the continuance of a member of the Search Committee is not expedient in the Public interest, after giving him an opportunity of being heard, remove such member before the expiry of his term.

**4. Fees and traveling allowance of Search Committee for attendance at meetings:**

(1) A member of the Search Committee shall be entitled to a sitting fee of one thousand five hundred (Rs.1500/-) rupees for each day for attending the meeting of the Search Committee.

(2) A member of the Search Committee shall be entitled to a travelling allowance and daily allowance as are admissible to a Secretary to the Govt. of Mizoram for attending the meeting of the Search Committee.

**5. Manner of Selection of Panel of names by Search Committee:**

(1) The Search Committee shall prepare a panel of persons to be considered by the Selection Committee for appointment of the Lokayukta.

(2) The Search Committee may, for the purpose of short-listing persons, devise its own procedure or lay down guidelines for evaluating persons for the purpose of empanelment.

**6. Procedure for conducting inquiry:**

The procedure for the investigation and proof of mis-behaviour or incapacity of the Lokayukta shall be as provided in the Judges (Inquiry) Act, 1968 (51 of 1968) in relation to the removal of Judges and accordingly, the provision of that Act shall, subject to necessary modification, apply in relation to the removal of Lokayukta as they apply in relation to the removal of Judges.

**7. Preparing of Annual Budget and maintaining of Accounts and other relevant records:**

(1) The Form and time of preparing in each financial year, the budget for the next financial year, showing the estimated receipt and expenditure of the

Lokayukta, shall be in the like manner prescribed and followed by the Finance Department of the State Government.

- (2) The form of maintaining the accounts and other relevant records and the form of annual statement of accounts shall be in the like manner prescribed and followed by the Finance Department of the State Government.

**8. Method of appointment of the officers and staffs:**

- (1) The appointment of officers and [staff]<sup>1</sup> to a post or posts to the Lokayukta may be made by one of the following methods, namely: -

(a) by promotion of a person employed in the Lokayukta; or  
(b) by transfer or deputation of a person serving outside the Lokayukta in connection with the affairs of the Union or the State; or  
(c) by direct recruitment to be appointed by the Lokayukta<sup>2</sup>

- (2) The Lokayukta may by order from time to time-

(a) specify the method or methods by which a post or a class of post may be filled.

(b) Determine the proportion of vacancies to be filled by each method.

(c) In case of recruitment by promotion, specify the class of officers whom and the conditions subject to which they shall be eligible for such promotion;

[<sup>3</sup>]

**8A. Delegation of Powers in appointment of Staffs to the Lokayukta:**

The Lokayukta may, by General or Special Order, delegate to the Secretary to the Lokayukta the power to make appointment of the Group C & D staff[s] to the Lokayukta.

**9. Manner of submission of Information and Annual Return:**

Every public servant shall make a declaration of his assets and liabilities under sub-section 1 of section 43 of the Act in Form-I annexed to these rules, along with the information required under subsection (2) or as the case maybe, sub-section (3) and the annual return under sub-section (4) of section 43 of the Act in Form II to VI annexed to these rules.

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<sup>1</sup> The word "staffs" substituted by the Mizoram Lokayukta (Amendment) Rules, 2019 published vide Memo No H. 12017/130/2014-LJD, the 14<sup>th</sup> May, 2019.

<sup>2</sup> The words "and to be on co-terminus basis of the Lokayukta making the appointment" deleted by the Mizoram Lokayukta (Amendment) Rules, 2019 published vide Memo No H. 12017/130/2014-LJD, the 14<sup>th</sup> May, 2019.

<sup>3</sup> Proviso "Provided that the appointment of the officers and staffs to the Lokayukta by way of promotion or transfer or direct recruitment shall be made in consultation with the Mizoram Public Service Commission" deleted by the Mizoram Lokayukta (Amendment) Rules, 2019 published vide Memo No H. 12017/130/2014-LJD, the 14<sup>th</sup> May, 2019

**10. Minimum value of assets which competent authority may exempt from furnishing of information:**

The competent authority may, for reasons to be recorded in writing, exempt in accordance with the proviso to section 44 of the Act, a public servant from filing the information in respect of any asset, if the value of such asset does not exceed two months basic pay of the public servant or rupees 30,000/- whichever is higher.

**11. Repeal:**

The Mizoram Lokayukta Rules, 2015 is hereby repealed.

*Note: Form-I for Declaration and Form- II to VI for Assets and Liabilities return form as mentioned in Rule 9. are not included in this annexure. They correspond to the Declaration and Forms No. 1 to V of the Assets and Liabilities Returns Forms prescribed under Rule 18 of the CCS (Conduct) Rules, 1964. Another Forms applicable to all Public Servants are likely to be adopted in future.*



**Zahmingthanga Ralte**  
Secretary

**ESTABLISHMENT**



**Sitting(L-R):** Lalrinawmi (LDC), Lalrinzuali Sailo (UDC), Joel Kimi (Assistant), Lalmangaihzuai (LDC)  
**Standing(L-R):** Vanlalchhanhima (Superintendent), K. Lalmunsanga (LDC), Lalrinzuala (LDC)

**DRIVER**



**L-R:** Gilbert Lalchuangliana, Lalnunsanga, KC. Lalthlenghluna, H. Varhmingliana  
**Absentee:** Andy Lalmuanpuia, Jonathan Vanlalchianga

**GROUP-D**



**Sitting(L-R):** Lalawmpuia, Vanlalhruaii, Lalliankimi, PC. Lalrampana  
**Standing(L-R):** PC. Vanlalruata, Lalmuanpuia, H. Laltlanhlua, C. Lalruatkima, Peter Lalramnghakliana, Sairengpuia Sailo



***Sitting (from L-R):*** Lalrinzuali Sailo, Joel Kimi, Vanlalchhanhima, Zahmingthanga Ralte, C. Lalrindiki, Lalronungi, K. Lalnunsanga.

***Standing 1<sup>st</sup> row: (from L-R)*** PC. Vanlalruata, Lalawmpuia, Lalrinawmi, Lalmangaihzuali, Lalliankimi, Lalhruaitluangi, Lalrinzuala, C. Lalruatkima, Peter Lalramnghakliana.

***Standing 2<sup>nd</sup> row: (from L-R)*** Sairengpuia Sailo, Lalmuanpuia, H. Varhmingliana, KC. Lalthlennghluna.

***Not in Picture:*** Andy Lalmuanpuia, Lalrampana, Gilbert Lalchuangliana, Lalnunsanga, Jonathan Vanlalchianga.