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## EXTRAORDINARY

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#### NOTIFICATION

**No. H. 12017/130/2016-LJD(VIG), the 15<sup>th</sup> March, 2024.** The following Act is hereby published for general information.

**“The Mizoram Lokayukta (Amendment) Act, 2024”  
(Act No. 2 of 2024)**

(Received the assent of the Governor of Mizoram on 12.03.2024)

**THE MIZORAM LOKAYUKTA (AMENDMENT) ACT, 2024**

AN  
ACT

further to amend the Mizoram Lokayukta Act, 2014.

It is enacted by the Legislative Assembly of Mizoram in the Seventy Fifth Year of the Republic of India as follows, namely:-

**1. Short Title, Extent and Commencement.-**

- (1) This Act may be called the Mizoram Lokayukta (Amendment) Act, 2024
- (2) It shall have the like extent as the Principal Act.
- (3) It shall come into force on the date of publication in the Official Gazette.

**2. Amendment to section 3.-**

In sub-section (3), the following clause shall be added-

“(c) A person appointed as Chairperson or Member of Lokayukta shall, before entering upon his office, make and subscribe before the Governor, an oath or affirmation in the form as prescribed/ set out in the Schedule”.

**3. Amendment to section 4.-**

- (1) In sub-section (3), the following second proviso shall be added-  
“Provided further that the Selection Committee may also consider any person other than the persons recommended by the Search Committee”.

- (2) Sub-section (4) shall be substituted by the following-  
“The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chairperson and Members of the Lokayukta”.
4. **Amendment to section 5.-**  
In sub-section (1), the words “if there are any Member(s)” shall be omitted.
5. **Amendment to section 6.-**  
The word “Lokayukta” shall be substituted by the words “Chairperson and Members”.
6. **Amendment to section 7.-**  
(1) In clause (ii), the words “if so appointed” shall be omitted.  
(2) In proviso to section 7, the words “if any” shall be omitted.
7. **Amendment to section 8.-**  
In sub-section (1) the words “if so appointed” shall be omitted.
8. **Amendment to section 9.-**  
In sub-section (1), the words “if there are any members” shall be omitted.
9. **Amendment to section 10.-**  
(1) In the heading, the words “Director of Inquiry and Prosecution” shall be substituted by the words “Chief Inquiry Officer and Public Prosecutor”.  
(2) In sub-section (2), the words “Director of Inquiry and Prosecution not below the rank of the Additional Secretary” shall be substituted by the words “Chief Inquiry Officer and a Public Prosecutor not below the rank of the Deputy Secretary”.
10. **Amendment to section 11.-** Chapter III of the Mizoram Lokayukta Act, 2014 (hereinafter referred to as the Principal Act) shall be substituted by the following namely:-

**“CONSTITUTION OF INQUIRY WING AND PROSECUTION WING”**

**11. Constitution of Wings:**

- (1) The Lokayukta shall, by notification, constitute an Inquiry Wing and a Prosecution Wing headed by the Chief Inquiry Officer and the Public Prosecutor respectively for the purpose of inquiry and prosecution of public servants in relation to any complaint before the Lokayukta under this Act.

**11.A INQUIRY WING**

- (1) The Lokayukta shall, by notification, constitute an Inquiry Wing headed by the Chief Inquiry Officer for the purpose of Inquiry of public servants in relation to any complaint before the Lokayukta under this Act :  
Provided that till such time the Inquiry Wing is constituted by the Lokayukta, the State Government shall make available such number of officers and other staff from such of its Department as may be required by the Lokayukta, for conducting preliminary inquiries under this Act.

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

#### **11.B PROSECUTION WING**

- (1) The Lokayukta shall, by notification, constitute a Prosecution Wing headed by the Public Prosecutor for the purpose of prosecution of public servants in relation to any case filed by the Lokayukta under this Act.
- (2) The Public Prosecutor shall, after having been so directed by the Lokayukta, file a case in accordance with the findings of the investigation report, before the Special Court. All necessary steps shall be taken by the Public Prosecutor appointed by Lokayukta for Prosecution of the offence punishable under the Prevention of Corruption Act, 1988 or any other relevant laws.
- (3) The case referred to under sub-section (2) shall be deemed to be a report, filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973".

#### **11. Amendment to section 13.-**

- (1) In sub-section (1) (a) of the Principal Act, the words "Speaker or Deputy Speaker" shall be substituted by the words "Deputy Chief Minister, Minister or Minister of State".
- (2) In sub-section (1) (b) of the principal Act, the words "Minister of the State" shall be substituted by the words "Speaker or Deputy Speaker".
- (3) Proviso to sub-section (3) of section 13 of the Principal Act shall be substituted by the following, namely:-

"Provided that no action under this Act shall be initiated against the person serving under the Central Government or any other Authority/Organisation without obtaining approval from Competent Authority of the Central Government or such Authority/Organization."

#### **12. Amendment to section 14.-**

Proviso shall be inserted to section 14 as follows, namely:-

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

#### **13. Amendment to section 19.-**

In section 19 of the Principal Act,

- (1) In sub-section (2), the words, figures and symbols "45 (forty five) days" shall be substituted by the words, figures and symbols "90 (ninety) days".
- (2) In sub-section (3), the words "make recommendations" shall be substituted by the words "take a decision".
- (3) In sub-section (3) (b), the word "recommend" shall be inserted before the word "any".
- (4) In sub-section (4), the words, figures and symbols "45 (forty five) days" shall be substituted by the words, figures and symbols "90 (ninety) days and for reasons to be recorded in writing, within a further period of 60 (sixty) days".
- (5) In sub-section (5), the words, figures and symbols "subject to the provisions of section 17A of the Prevention of Corruption Act, 1988 and section 6 of the Delhi Special Police Establishment Act, 1946," shall be inserted between the words "agency" and "to carry out".

- (6) In proviso to sub-section (5), the words “three months” shall be substituted by the words “six months”.
- (7) In sub-section (7) (b), the word “recommend” shall be inserted before the word “any”.
14. **Amendment to section 23.-**  
The words “or may authorise any investigating agency to file a case” shall be inserted between the words “the Lokayukta may file a case” and “in the Special Court”.
15. **Amendment to section 25.-**  
In section 25 of the Principal Act,  
(1) In clause (b), the words “and after completion of the investigation” shall be omitted.  
(2) Clause (c) shall be substituted by the following:-  
“(c) on completion of the investigation, to order prosecution of the accused before the Special Court and also  
(i) to recommend punishment of any kind including dismissal, removal or reduction in rank or any other punishment prescribed by any law or rules in force.  
(ii) to impose recovery of the loss caused to the public against the erring public servants after giving them full opportunities of being heard. In the event of non-execution by the Government, the reason for non- execution shall be laid before the Mizoram Legislative Assembly in its first session after the expiry of six months. While recommending any action Lokayukta will duly consider distinction between bonafide action and an action with malafide intention, and also error of judgement with and without ill-will;”
16. **Amendment to section 28.-**  
In sub-section (1), the words, figures and symbols “subject to the provisions of section 6 of the Delhi Special Police Establishment Act, 1946” shall be inserted after the symbol and words (CBI).
17. **Amendment to section 43.-**  
Section 43 of the Principal Act shall be substituted by the following namely:-  
“43. On and from the date of commencement of this Act, every public servant shall make a declaration of his assets and liabilities in such form and manner as may be prescribed.”
18. **Amendment to section 55.-**  
The symbol “,” shall be inserted between the words “jurisdiction” and “powers”. The word “modification” shall be substituted by the words “modifications made and”.
19. **Amendment to section 56.-**  
The words “and that the word ‘Lokpal’, wherever it occurs in that section, shall be construed as Lokayukta” shall be inserted after the word “apply”.
20. **Amendment to section 58.-**  
In clause (c) and (d) of sub-section (2) of section 58 of the Principal Act, the figure “20” shall be substituted by the figure “19”.

**Secretary,**  
Law & Judicial Department,  
Govt. of Mizoram.