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NOTIFICATION

No. H. 12017/130/2014-LJD, the 12th December, 2016. The Mizoram Lokayukta Rules, 2016 is hereby 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.

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.
- (e) 'Information' means the information required to be furnished by a public servant under sub-section (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 staffs 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 and to be on co-terminus basis of the Lokayukta making the appointment.
- (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;

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.

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 staffs 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, alongwith the information required under sub-section (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.

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/- which ever is higher.

11. Repeal:

The Mizoram Lokayukta Rules, 2015 is hereby repealed.

**FORM - I
(See rule 9)**

Return of Assets and Liabilities as/on First Appointment on the 31st March, 20.....

1. Name of the Government servant in full
(in block letters)
2. Service to which he belongs
3. Total length of service upto date
- (i) in non-gazetted rank
- (ii) in gazetted rank
4. Present post held and place of posting
5. Total annual income from all sources during the Calendar year immediately proceeding the 1st day of April, 20
6. Declaration:

I hereby declare that the return enclosed namely, Forms I to V are complete, true and correct as on to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of sub-rule (1) of rule 18 of the Central Services (Conduct) Rules, 1964.

Date

Signature

NOTE 1. This return shall contain particulars of all assets and liabilities of the Government servant either in his own name or in the name of any other person.

FORM NO - II

(See rule 9)

**Statement of immovable property as/on first appointment on the 31st March, 20.....
(e.g. Lands, House, Shops, Other Buildings, etc.)**

Sl.No.	Description of property	Precise location (Name of District, and Village in which the property is situated)	Area of land (in case of land and buildings) in Sq. Mtr	If not in own name, state in whose name held and his/her Relationship, if any to the Government servant	Date of acquisition
1	2	3	4	5	6

How acquired (whether by purchase, mortgage, lease inheritance, gift or otherwise) and name with details of person/persons from whom acquired (address and connection of the Government servant, if any, with the person/persons concerned) Please see Note 1 below)	Value of the property (see Note 2 below)	Total annual income from the property	Remarks
7	8	9	10

Date

Signature

NOTE (1) For purpose of Column 7, the term "lease" would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the Government servant, such a lease should be shown in this Column irrespective of the term of the lease, whether it is short term or long term, and the periodicity of the payment of rent.

NOTE (2) In Column 8 should be shown -

- (a) where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition;
- (b) where it has been acquired by lease, the total annual rent thereof also; and
- (c) where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

FORM No. III
(See rule 9)

Statement of liquid assets as/on first appointment on the 31st March, 20.....

- (1) Cash and Bank balance exceeding 3 months' emoluments.
- (2) Deposits, loans, advances and investments (such as shares, securities, debentures, etc.)

Sl. No.	Description of property	Name & Address of Company, Bank etc.	Amount	If not in own name, name and address of person in whose name held and his/her relationship with the Government servant	Annual income derived	Remarks
1	2	3	4	5	6	7

Date.....

Signature.....

Note 1. In column 7, particulars regarding sanctions obtained or report made in respect of the various transactions may be given.

Note 2. The term "emoluments" means the pay and allowances received by the Government servant.

FORM NO IV
(See rule 9)

Statement of movable property as/on first appointment on the 31st March, 20.....

Sl. No.	Description of items	Price or value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purchased on hire purchase or installment basis	If not in own name, name and address of the person in whose name and his/her relationship with the Government servant	How acquired with approximate date of acquisition	Remarks
1	2	3	4	5	6

Date.....

Signature.....

Note 1. In this Form information may be given regarding items like (a) jewellery owned by him (total value); (b) silver and other precious metals and precious stones owned by him not forming part of jewellery (total value), (c) (i) Motor Cars (ii) Scooters/Motor Cycles; (iii) refrigerators/air-conditioners, (iv) radios/radiograms/television sets and any other articles, the value of which individually exceeds Rs. 1,000 (d) value of items of movable property individually worth less than Rs. 1,000 other than articles of daily use such as cloths, utensils, books, crockery, etc., added together as lumpsum.

Note 2: In column 5, may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.

Note 3: In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

FORM NO. V
(See rule 9)

Statement of Provident Fund and Life Insurance Policy as/on First Appointment on the 31st March, 20.....

Insurance Policies

Sl. No.	Policy No. and date of policy	Name of Insurance Company	Sum insured date of maturity	Amount of annual premium
1	2	3	4	5

Provident Funds

Type of Provident Funds / GPF / CPF, (Insurance Policies) account No.	Closing balance as last reported by the Audit/ Accounts Officer along with date of such balance	Contribution made subsequently	Total	Remarks (if there is dispute regarding closing balance the figures according to the Government servant should also be mentioned in this column)
6	7	8	9	10

Date.....

Signature.....

FORM NO. VI
(See rule 9)

Statement of Debts and Other Liabilities as/on First Appointment on 31st March, 20.....

Sl. No.	Amount	Name and address of Creditor	Date of incurring liability	Details of Transaction	Remarks
1	2	3	4	5	6

Date.....

Signature.....