



Authenticated by

Minister
Urban Development & Poverty Alleviation
Mizoram

THE MIZORAM LOCAL BODIES OMBUDSMAN BILL, 2025

URBAN DEVELOPMENT & POVERTY ALLEVIATION DEPARTMENT

GOVERNMENT OF MIZORAM
URBAN DEVELOPMENT & POVERTY ALLEVIATION DEPARTMENT
MIZORAM NEW CAPITAL COMPLEX (MINECO)

E-mail : udpamizoram@gmail.com

Subject: **The Mizoram Local Bodies Ombudsman Bill, 2025**

Under Secretary, Parliamentary Affairs Department,
Government of Mizoram may please find herewith 125 (One hundred and
twenty five) copies of English Version of The Mizoram Local Bodies
Ombudsman Bill, 2025 for laying in the Assembly Session which is
scheduled to commence from **27th August, 2025**.

Enclosure:

1. The Mizoram Local Bodies Ombudsman Bill, 2025
2. The Mizoram The Mizoram Local Bodies Ombudsman Bill, 2025
(Authenticated Copies) – 5 copies
3. Soft copy of the said Bill
4. The said Bill as vetted by Law & Judicial Department
5. Minutes of the Meeting of the Council of Ministers dt.13.02.2025
which approved proposal for enactment of the said Bill

Under Secretary.
Parliamentary Affairs
Department



(VABEIMOZACHHI CHOZAH)

Under Secretary to the Govt. of Mizoram,
Urban Development & Poverty Alleviation Department

I.D.No.C-31/5/2025-UD&PA

Dated Aizawl, the 13th August, 2025

THE MIZORAM LOCAL BODIES OMBUDSMAN BILL, 2025

A BILL

to provide for the establishment and appointment of Ombudsman for conducting enquiry on the allegations against the elected member of the local bodies in the state of Mizoram and for matters connected therewith and incidental thereto.

Be it enacted by the Legislative Assembly of Mizoram in the Seventy Sixth year of the Republic of India as follows :-

1. Short title, extent and commencement.-

- 1) This Act may be called The Mizoram Local Bodies Ombudsman Act, 2025.
- 2) It shall extend to the whole of the state of Mizoram except the areas under the jurisdiction of the Lai, Mara and Chakma Autonomous District Councils.
- 3) It shall come into force on the date of publication in the Official Gazette .

2. Definitions.-

- (1) In this Act, unless the context otherwise requires, –
 - a) “action” means action taken by way of decision, recommendation, resolution or finding or in execution thereof or in exercise of administrative or legal functions in any other manner and includes wilful default in taking action or omission and all other expressions connoting such action shall be construed accordingly;
 - b) “allegation,-in relation to a public servant” means, any affirmation that such public servant, -
 - (i) has abused his position as such for any gain or favor to himself or to any other person or to cause undue harm or hardship to any other person;
 - (ii) has actuated in the discharge of his functions as such public servant in his personal interest or improper or corrupt motives;
 - (iii) is guilty of corruption, favouritism, nepotism or lack of integrity;
 - (iv) is guilty of any action as public servant which facilitates or causes to make any loss, waste or misappropriation of money or other property of the local bodies.

- c) “allegation,- in relation to local bodies” means any affirmation that such local bodies has defaulted or acted in excess of its powers in the discharge of its functions imposed on it by law or in implementing the lawful orders and directions of the State Government;
- d) “complaint” means a statement of allegation that a public servant or a local body is guilty of corruption or maladministration and includes any reference to an allegation in respect of which suo moto enquiry has been proposed or enquiry has been made by the Government;
- e) “corruption” includes any act of corruptions made punishable under Chapter IX of the Bharatiya Nyaya Sanhita, 2023 or under the Prevention of Corruption Act, 1988 (Central Act 49 of 1988);
- f) “Government” means the Government of Mizoram;
- g) “incapacity” means physical or mental illness of a person or otherwise becoming unable to discharge his functions;
- h) “Investigating officer” means an officer authorized by the Ombudsman to conduct investigation in respect of an allegation or complaint;
- i) “local bodies” means urban and rural bodies established under the Mizoram (Municipality) Act, 2013 and Lushai Hills District (Village Council) Act, 1953 or any other relevant act in force in the state of Mizoram;
- j) “maladministration” means action taken or purported to have been taken in the exercise of administrative function in any case, -
 - (i) where such action, administrative procedure or practice governing such action involves injustice, oppression, discrimination or nepotism and will result in illegitimate gain or loss or in denying deserving benefits; or
 - (ii) Where there is wilful negligence or delay in taking such action, or the administrative procedure or method regulating such action will cause undue delay and includes the action leading to loss or waste or misuse of fund by malfeasance or misfeasance;
- k) “misbehaviour” means, if the Ombudsman is, or becomes, in any way concerned interested in any contract or agreement, made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof, or in any

benefit or emolument arising therefrom than as a member and in common with the other members of an incorporated company;

- l) "Ombudsman" means the Ombudsman referred to in section 3;
- m) "public servant" means an employee or officer under the local bodies or an elected member of the local bodies and includes an employee or officer of any office or institution transferred to the local bodies under the provisions of this Act;
- n) "Secretary" means the Secretary of the Ombudsman referred to in section 6;
- o) "State" means the state of Mizoram.

3. Establishment and appointment of Ombudsman.-

1) There shall be an authority for local bodies constituted for the state known as 'Ombudsman' for making enquiries, in respect of charges on any action involving corruption or maladministration or irregularities in the discharge of administrative functions by local bodies and public servants working under them, in accordance with the provisions of this Act and for the disposal of complaints in accordance with section 13.

2) The Governor shall, on the advice of the Chief Minister, appoint a person who was or has been an officer of the Government not below the rank of Secretary to the Government of Mizoram as Ombudsman

3) A person appointed to be the Ombudsman shall, before he enters upon his office, make and subscribe before the Governor or some person appointed in that behalf by him, an oath or affirmation according to the form prescribed in the schedule.

4. Term of office and conditions of service of the Ombudsman.-

- 1) A person appointed as Ombudsman shall hold office for a term of three years from the date on which he enters upon his office.

Provided that, -

- (a) the person appointed as Ombudsman may, at any time by writing under his hand addressed to the Governor, resign from his office; and
 - b) the person appointed as Ombudsman may be removed from his office in the manner provided in section 5;
 - (c) the person appointed as Ombudsman shall retire from office, if during the term of his office, he completes the age of seventy years.
- 2) The person appointed as Ombudsman shall be entitled for salary and allowances as may be fixed by the State Government from time to time.
 - 3) On expiry of his term of office as Ombudsman, he shall not be eligible for reappointment as Ombudsman or for further appointment to any office of

profit under the State Government or in any corporation, company, society or university by or under the control of the State Government.

5. Removal of Ombudsman.-

- 1) The Ombudsman shall not be removed from his office, except by an order of the Governor, after a resolution passed by the Legislative Assembly of the State, supported by a simple majority of the Legislative Assembly present and voting on the ground of proved misbehaviour or incapacity
- 2) The procedure for the presentation of an address under sub-section (1) and for the investigation and proof of the misbehaviour or incapacity of the Ombudsman shall be in accordance with the provisions of law made by the Legislative Assembly.
- 3) Notwithstanding anything contained in sub-section (1), the Ombudsman shall also be removed from office by the Governor on the advice of the Chief Minister, if he :-
 - (a) is adjudicated as an insolvent; or
 - (b) engages during his term of office in any paid employment outside the duties of his office; or
 - (c) is convicted and sentenced to imprisonment for an offence which involves moral turpitude.

6. Staff of Ombudsman:-

- 1) The Ombudsman shall have a Secretary, and such other officers and employees as the State Government may determine in consultation with the Ombudsman to assist the Ombudsman in the exercise of its powers and discharge of its functions under this Act.
- 2) The appointment and conditions of service of the Secretary and the employees shall be such as may be prescribed by the State Government and as far as possible appointment on deputation from the State Government shall be resorted to.
- 3) The Ombudsman may require the assistance of any officer of any State Government Department in order to ascertain the veracity of an allegation under investigation and such officer shall be bound to render such assistance in addition and without detriment to his official duties.
- 4) The Ombudsman may utilize the services of any person having experience and expertise in any particular subject in deciding the questions before it.

7. Functions of Ombudsman:-

- 1) The Ombudsman shall perform all or any of the following functions, namely: -
 - (a) Enquire into any complaint in which corruption or maladministration or irregularities of a public servant or elected member of the local body is alleged;
 - (b) Enquire into any allegation contained in a complaint or on a reference from the State Government, or that has come to the notice of the Ombudsman;
 - (c) Pass an order on the allegation in the following manner, namely: -
 - i. Where the irregularity involves a criminal offence committed by a public servant, the matter shall be referred to the appropriate authority for necessary action.
 - ii. Where the irregularity causes loss or inconvenience to a citizen, direct the local body to give him compensation and to reimburse the loss from the person responsible for the irregularity.
 - iii. Where the irregularity involves loss or waste or misuse of the fund of the local body, realize such loss from those who are responsible for such irregularity, and
 - iv. Where the irregularity is due to omission or inaction cause to redress the omission and to rectify the mistake.
- 2) In addition to the functions enumerated in sub-section (1), the Ombudsman may pass an interim order restraining the local body from doing anything detrimental to the interest of the complainant if it is satisfied that such loss or injury will be caused to the complainant due to the alleged act.
- 3) The Ombudsman may by order, recommend penalty in addition to compensation if it is of the opinion that the irregularity involves corrupt practice for personal gain.

8. Powers of Ombudsman :-

- 1) The Ombudsman shall, for the purpose of any enquiry under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Bharatiya Nyaya Sanhita, 2023 in respect of the following matters, namely: -
 - (a) summoning and enforcing the attendance of any witness and examining him;
 - (b) requiring the discovery and production of any document;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public records, or copy thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses;
 - (f) such other powers as are prescribed.
- 2) Where the Ombudsman finds that the allegation contained in a complaint is without any substance or trivial in nature it may by order direct the complainant to pay to the opposite party so much of the amount specified in the order by way of cost.
- 3) Where the allegation contained in a complaint is about the loss or waste or misappropriation of the fund of the local body or in respect of the loss or inconvenience caused to citizen, the Ombudsman may, during enquiry, collect evidence, determine the loss and direct in its order the amount to be realized from the person responsible.
- 4) If the amount to be paid as per the order passed by the Ombudsman under sub-section (2) or sub-section (3) is not paid within the period specified by it, the same shall be recoverable as per the provision of the Mizoram Public Demand Recovery Act, 2001.

9. Enquiry :-

- 1) Notwithstanding anything contained in this Act, the Government may refer any allegation of corruption or maladministration against a local body or a public servant which is within their knowledge or brought to their notice, to the Ombudsman and the Ombudsman shall enquire into it as if it were a complaint filed under this Act.

- 2) The Ombudsman may, on receipt of a complaint, examine the complaint and supporting documentary proof and where there is prima facie case, he may enquire into it.
 - 3) The Ombudsman shall not enquire into matters relating to :-
 - (a) any matter in respect of which a formal and public enquiry has been ordered by the Government;
 - (b) any matter in respect of which an enquiry has been ordered under the Commission of Inquiries Act, 1952 or any matter pending before a Court;
 - (c) any complaint filed after the expiry of five years from the date on which the occurrence is said to have taken place.
 - 4) After an enquiry, if the Ombudsman is satisfied that :-
 - (a) the complaint is frivolous or vexatious or is not made in good faith; or
 - (b) there is no sufficient ground to continue proceedings; or
 - (c) other remedies are available to the complainant and it would be more beneficial for the complainant to avail of such remedies in view of the circumstances of the case, he may reject the complaint after recording his findings stating the reason thereof, and communicate the same to the complainant.
 - 5) The Ombudsman shall, subject to the provisions of this Act and the rules made thereunder, have power to regulate its procedure by fixing the time and place of sitting.
10. Time limit for enquiry of complaints.-
- The State Government may prescribe a time limit for the Ombudsman to complete its enquiry.
11. Service of Government Department:-
- The Government may, at the request of the Ombudsman, make available the services of officers and employees of the Government including police personnel to assist the Ombudsman in the conduct of enquiry and in respect of such functions, such Officer or employee shall be deemed to be the officer or employee of the Ombudsman.
12. Disposal of Complaints:-
- (1) The Ombudsman may consider and dispose of complaints other than those involving criminal offences, in the following manner, namely:-

- (a) order the recovery of loss caused to the local body from the person responsible;
 - (b) order the recovery of loss from the accused failing which order for recovery of the amount shall be done as per the provision of the Mizoram Public Demands Recovery Act, 2001;
 - (c) refer the complaint to the appropriate authority to take necessary action for willful negligence or dereliction of duty of any officer or employee of the local bodies;
 - (d) order other necessary remedial measures considering the facts and circumstances of the case;
- (2) Where the Ombudsman finds that the procedure or practice regarding the administration of local body gives room for complaint, he may give suggestions to the Government or the local body relating to the measures for avoiding the recurrence of such complaint.
- (3) The Ombudsman shall submit an annual report regarding the performance of his functions under this Act to the Government and the Government shall lay it before the Legislative Assembly with an explanatory memorandum.

13. Initiation of Prosecution:-

If, after an enquiry, the Ombudsman finds that there is a prima facie case against a public servant involving in a criminal offence, the Ombudsman may refer the complaint and the findings with recommendation to the Government. Action to be taken against the defaulting member or members of local bodies and any official shall be taken by the competent authority in accordance with the law in force.

14. Protection of action taken in good faith:-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

15. Application of other laws not barred:-

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

16. Power to give direction:-

The Government may, from time to time, issue such directions, as it may deem fit, for giving effect to the provisions of this Act.

17. Power to remove difficulties:-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the Official Gazette, make such order not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing such difficulty: Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

18. Power to make rules:-

- 1) The Government may make rules for carrying out the purposes of this Act.
- 2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (a) the conditions of service of the Ombudsman's Secretary, officers and employees;
 - (b) the form and manner of filing complaints before the Ombudsman;
 - (c) procedure to be followed during the enquiry, which, as far as possible, be summary proceedings;
 - (d) time limit for completion of enquiry or Ombudsman;
 - (e) the manner of implementing the order of the Ombudsman;
 - (f) any other matter which the Government may deem necessary to prescribe.
- 3) All rules made and notification issued under this Act shall be published in the Official Gazette and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

19. Laying of rules.-

Every rule, notification or order made or issued under this Act shall, as soon as may be, after it is made or issued, be placed before the Legislative Assembly, and if, before the expiry of the session in which it is so placed, the Legislative Assembly makes any modification in any such rule, notification or order or the Legislative Assembly decides that the rule, notification or order should not be made or issued, the rule, notification or order 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, notification or order.

20. Repeal and Saving.—

- 1) On and from the date of commencement of this Act, The Mizoram (Establishment Of Independent Local Body) Ombudsman Act, 2011 shall stand repealed:

Provided that such repeal shall not effect;

- (a) The continuance of the existing Ombudsman.
 - (b) The previous operation of the repealed Act or anything duly done under the repealed Act.
 - (c) Any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act.
 - (d) Any penalty, forfeiture or punishment imposed in respect of any offence committed against the repealed Act:
- 2) Provided further that subject to the preceding provisions, anything done, any action taken or any direction given under the repealed Act shall, in so far as it is in force immediately before the commencement of this Act and is not inconsistent with the provision of this Act, be deemed to have been done, taken or given under this Act, and it shall continue to be in force accordingly, unless and until they are repealed or amended or suspended.

THE SCHEDULE

[See section 3]

I, having been appointed as the Ombudsman for local bodies, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and Judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.

STATEMENT OF OBJECTS AND REASONS

1. Section 1 of The Mizoram (Establishment of the Independent Local Body) Ombudsman Act, 2011 is erroneous for the following reasons:
 - (a) The Act applies to the entire state of Mizoram; however, village councils in Autonomous District Council (ADC) areas fall under the jurisdiction of the Autonomous District Councils, not the State Government, and require rectification.
 - (b) Although sub-section (3) states, "It shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint," it remains unclear if the State Government has designated a specific date for the Act's implementation.
2. Section 14 of the Mizoram (Establishment of the Independent Local Body) Ombudsman Act, 2011 contradicts Section 25 of the Lushai Hills District (Village Council) Act, 1953. It prohibits the State Government from taking action against defaulting village councils for abuse of office, corruption, or any related issues, which creates an unhealthy situation for the Government and the public.
3. The Ombudsman is required to submit records to the Governor, rather than the State Government. Sections 14, 15, and 18 mandate that the Ombudsman report findings from investigations regarding allegations against village councils to the Governor, which is inappropriate since it is the State Government that holds the authority to take necessary action against defaulting village councils. Therefore, the existing law is impractical.
4. The Bill, if passed will improve rural administration for good governance in Mizoram.


(K. SAPDANGA)

Minister

Urban Development & Poverty Alleviation Department

Minister

Urban Development & Poverty Alleviation


Mizoram

FINANCIAL MEMORANDUM

The present Bill is to streamline the functioning of Ombudsman in Mizoram to suit today's need and to repeal the old and outdated the Mizoram (Establishment of the Independent Local Body) Ombudsman Act, 2011.

Since there is no provision to directly impact the State exchequer in the Bill, its enactment will not cause direct financial burden to the State Exchequer of the Government of Mizoram.

Date : 6.5.2025


(K. SAPDANGA)
Minister, UD&PA Department
Minister
Urban Development & Poverty Alleviation
Mizoram

Draft

THE MIZORAM LOCAL BODIES OMBUDSMAN BILL, 2025

A BILL

to provide for the establishment and appointment of Ombudsman for conducting enquiry on the allegations against the elected member of the Local Bodies in the state of Mizoram and for matters connected therewith and incidental thereto.

Be it enacted by the Legislative Assembly of Mizoram in the Seventh Sixth year of the Republic of India as follows :-

1. Short title, extent and commencement. -

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- 2) It shall extend to the whole of the state of Mizoram except the areas under the jurisdiction of the Lai, Mara and Chakma Autonomous District Councils.
- 3) It shall come into force on the date of publication in the Official Gazette .

2. Definitions. -

- (1) In this Act, unless the context otherwise requires, -
 - a) "action" means action taken by way of decision, recommendation, resolution or finding or in execution thereof or in exercise of administrative or legal functions in any other manner and includes willful default in taking action or omission and all other expressions connoting such action shall be construed accordingly;
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 - (i) has abused his position as such for any gain or favor to himself or to any other person or to cause undue harm or hardship to any other person;
 - (ii) has actuated in the discharge of his functions as such public servant in his personal interest or improper or corrupt motives;
 - (iii) is guilty of corruption, favouritism, nepotism or lack of integrity;
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 - c) "allegation,- in relation to local bodies" means any affirmation that such local bodies has defaulted or acted in excess of its powers in the discharge of its functions imposed on it by law or in implementing the lawful orders and directions of the State Government;
 - d) "complaint" means a statement of allegation that a public servant or a local body is guilty of corruption or maladministration and includes any reference to an allegation in respect of which suo moto enquiry has been proposed or enquiry has been made by the Government;
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 - f) "Government" means the Government of Mizoram;

- g) "incapacity" means physical or mental illness of a person or otherwise becoming unable to discharge his functions;
- h) "Investigating officer" means an officer authorized by the Ombudsman to conduct investigation in respect of an allegation or complaint;
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- k) "misbehavior" means, if the Ombudsman is, or becomes, in any way concerned or interested in any contract or agreement, made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof, or in any benefit or emolument arising therefrom than as a member and in common with the other members of an incorporated company;
- l) "Ombudsman" means the Ombudsman referred to in section 3;
- m) "public servant" means an employee or officer under the local bodies or an elected member of the local bodies and includes an employee or officer of any office or institution transferred to the local bodies under the provisions of this Act;
- n) "Secretary" means the Secretary of the Ombudsman referred to in section 6;
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- 2) The Governor shall, on the advice of the Chief Minister, appoint a person who was or has been an officer of the Government not below the rank of Secretary to the Government of Mizoram as Ombudsman
- 3) A person appointed to be the Ombudsman shall, before he enters upon his office, make and subscribe before the Governor or some person appointed in that behalf by him, an oath or affirmation according to the form prescribed in the schedule.

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Provided that, -

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 - (b) the person appointed as Ombudsman may be removed from his office in the manner provided in section 5;
 - (c) the person appointed as Ombudsman shall retire from office, if during the term of his office, he completes the age of seventy years.
- 2) The person appointed as Ombudsman shall be entitled for salary and allowances as may be fixed by the State Government from time to time.
 - 3) On expiry of his term of office as Ombudsman, he shall not be eligible for reappointment as Ombudsman or for further appointment to any office of profit under the State Government or in any corporation, company, society or university by or under the control of the State Government.

5. Removal of Ombudsman.-

- 1) The Ombudsman shall not be removed from his office, except by an order of the Governor, after a resolution passed by the Legislative Assembly of the State, supported by a simple majority of the Legislative Assembly present and voting on the ground of proved misbehavior or incapacity
- 2) The procedure for the presentation of an address under sub-section (1) and for the investigation and proof of the misbehavior or incapacity of the Ombudsman shall be in accordance with the provisions of law made by the Legislative Assembly.
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 - (a) is adjudicated as an insolvent; or
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 - iii. Where the irregularity involves loss or waste or misuse of the fund of the local body, realize such loss from those who are responsible for such irregularity, and
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 - (b) requiring the discovery and production of any document;
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- 2) Where the Ombudsman finds that the allegation contained in a complaint is without any substance or trivial in nature it may by order direct the complainant to pay to the opposite party so much of the amount specified in the order by way of cost.
- 3) Where the allegation contained in a complaint is about the loss or waste or misappropriation of the fund of the local body or in respect of the loss or inconvenience caused to a citizen, the Ombudsman may, during enquiry, collect evidence, determine the loss and direct in its order the amount to be realized from the person responsible.
- 4) If the amount to be paid as per the order passed by the Ombudsman under sub-section (2) or sub-section (3) is not paid within the period specified by it, the same shall be recoverable as per the provision of the Mizoram Public Demand Recovery Act, 2001.

9. Enquiry.—

- 1) Notwithstanding anything contained in this Act, the Government may refer any allegation of corruption or maladministration against a local body or a public servant which is within their knowledge or brought to their notice, to the Ombudsman and the Ombudsman shall enquire into it as if it were a complaint filed under this Act.
- 2) The Ombudsman may, on receipt of a complaint, examine the complaint and supporting documentary proof and where there is prima facie case, he may enquire into it.
- 3) The Ombudsman shall not enquire into matters relating to,—
 - (a) any matter in respect of which a formal and public enquiry has been ordered by the Government;
 - (b) any matter in respect of which an enquiry has been ordered under the Commission of Inquiries Act, 1952 or any matter pending before a Court;
 - (c) any complaint filed after the expiry of five years from the date on which the occurrence is said to have taken place.
- 4) After an enquiry, if the Ombudsman is satisfied that,—
 - (a) the complaint is frivolous or vexatious or is not made in good faith; or
 - (b) there is no sufficient ground to continue proceedings; or
 - (c) other remedies are available to the complainant and it would be more beneficial for the complainant to avail of such remedies in view of the circumstances of the case, he may reject the complaint after recording his findings stating the reason thereof, and communicate the same to the complainant.
- 5) The Ombudsman shall, subject to the provisions of this Act and the rules made thereunder, have power to regulate its procedure by fixing the time and place of sitting. —————>

10. Time limit for enquiry of complaints .-

The State Government may prescribe a time limit ~~may be prescribed~~ for the Ombudsman to complete its enquiry.

11. Service of Government Department.—

The Government may, at the request of the Ombudsman, make available the services of officers and employees of the Government including police personnel to assist the Ombudsman in the conduct of enquiry and in respect of such functions, such Officer or employee shall be deemed to be the officer or employee of the Ombudsman.

12. Disposal of Complaints.—

- (1) The Ombudsman may consider and dispose of complaints other than those involving criminal offences, in the following manner, namely:—
 - (a) order the recovery of loss caused to the local body from the person responsible;
 - (b) order the recovery of loss from the accused failing which order for recovery of the amount shall be done as per the provision of the Mizoram Public Demands Recovery Act, 2001;

- (c) refer the complaint to the appropriate authority to take necessary action for willful negligence or dereliction of duty of any officer or employee of the local bodies;
- (d) order other necessary remedial measures considering the facts and circumstances of the case;
- (2) Where the Ombudsman finds that the procedure or practice regarding the administration of local body gives room for complaint, he may give suggestions to the Government or the local body relating to the measures for avoiding the recurrence of such complaint.
- (3) The Ombudsman shall submit an annual report regarding the performance of his functions under this Act to the Government and the Government shall lay it before the Legislative Assembly with an explanatory memorandum.

13. Initiation of Prosecution.—

If, after an enquiry, the Ombudsman finds that there is a prima facie case against a public servant involving in a criminal offence, the Ombudsman may refer the complaint and the findings with recommendation to the Government. Action to be taken against the defaulting member or members of local bodies and any official shall be taken by the competent authority in accordance with the law in force.

14. Protection of action taken in good faith.—

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

15. Application of other laws not barred. —

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

16. Power to give direction.—

The Government may, from time to time, issue such directions, as it may deem fit, for giving effect to the provisions of this Act.

17. Power to remove difficulties.—

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the Official Gazette, make such order not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing such difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

18. Power to make rules.—

- 1) The Government may make rules for carrying out the purposes of this Act.
- 2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (a) the conditions of service of the Ombudsman's Secretary, officers and employees;
 - (b) the form and manner of filing complaints before the Ombudsman;
 - (c) procedure to be followed during the enquiry, which, as far as possible, be summary proceedings;
 - (d) time limit for completion of enquiry or Ombudsman;
 - (e) the manner of implementing the order of the Ombudsman;
 - (f) any other matter which the Government may deem necessary to prescribe.
- 3) All rules made and notification issued under this Act shall be published in the Official Gazette and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

19. Laying of rules.—

Every rule, notification or order made or issued under this Act shall, as soon as may be, after it is made or issued, be placed before the Legislative Assembly, and if, before the expiry of the session in which it is so placed, the Legislative Assembly makes any modification in any such rule, notification or order or the Legislative Assembly decides that the rule, notification or order should not be made or issued, the rule, notification or order 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, notification or order.

20. Repeal and Saving.—

- 1) On and from the date of commencement of this Act, The Mizoram (Establishment Of Independent Local Body) Ombudsman Act, 2011 shall stand repealed:
Provided that such repeal shall not effect;
 - (a) The continuance of the existing Ombudsman.
 - (b) The previous operation of the repealed Act or anything duly done under the repealed Act.
 - (c) Any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act.
 - (d) Any penalty, forfeiture or punishment imposed in respect of any offence committed against the repealed Act:
- 2) Provided further that subject to the preceeding provisions, anything done, any action taken or any direction given under the repealed Act shall, in so far as it is in force immediately before the commencement of this Act and is not inconsistent with the provision of this Act, be deemed to have been done, taken or given under this Act, and it shall continue to be in force accordingly, unless and until they are repealed or amended or suspended.

**MINUTES OF THE MEETING OF THE COUNCIL OF MINISTERS
HELD IN THE CABINET ROOM OF CHIEF MINISTER'S OFFICE
on 13th February, 2025 at 10:00 AM**

Members present:

1. Pu Lalduhoma, Chief Minister
2. Pu K. Sapdanga, Cabinet Minister
3. Pu Vanlalhlana, Cabinet Minister
4. Pu C. Lalsawivunga, Cabinet Minister
5. Pu Lalthansanga, Cabinet Minister
6. Dr Vanlalhlana, Cabinet Minister
7. Pu PC Vanlalruata, Cabinet Minister
8. Pi Lalrinpuii, Cabinet Minister
9. Pu F. Rodinglana, Minister of State
10. Pu B. Lalhchhazova, Minister of State
11. Prof. Lalnilawma, Minister of State
12. Pu Lalnghinglova Hmar, Minister of State
13. Pu Khilli Ram Meena, Chief Secretary to the Govt. of Mizoram

The Chief Minister, Pu Lalduhoma offered prayer.

I. Agenda

1. A proposal for introduction of Sialkal Range Development Council Bill, 2024 GAD

Decision:

The Department may review and resubmit the Bill.

2. The draft Mizoram Procurement Preference Policy for Micro and Small Enterprises, 2025 C & I

Decision:

Approved.

- (i) Para 8(f) may be substituted by the following:
(f) In the event two or more registered micro or small units located within Mizoram submit identical quotations, the procuring authority shall have liberty to select any one of them taking into account their respective past performance and production capacities.
- (ii) In Para 13(a), the word 'FFSI' may be substituted by the word 'FSSAI.'
- (iii) In Para 13(c), the word 'food' may be substituted by the word 'manufactured'.
- (iv) Para 19(a) may be deleted.

3. Solar Power Policy of Mizoram, 2024

Decision:

Approved.

- (i) Policy Year of 2024 be changed as 2025.
- (ii) Chairman of State Level Solar Power Project Empowered Committee will be Minister, P&E Department.

P.B. of Deputy Secretary
UD & PA Department
Receipt No. 66
Date 18/2/2025

400
18/2/25

UD & PA
Receipt No. 156
Date 17/2/25

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for use on one
comment only

P&E
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18/2/25

4. Proposal for Scheme of State Level Recognition of Recipients of National and International Awards for Nurses

H&FW

Decision :

Approved.

5. Proposal for repeal of the Mizoram Exhibition of Films on Television Screen through Video Cassette Players Act, 1990

I&PR

Decision :

Approved.

6. Proposal for the Mizoram (Pension for Members of the defunct Mizo District Council and of the defunct Pawi-Lakher Regional Council) (Amendment) Bill, 2024

PAD

Decision :

Approved.

7. Proposal for establishment of the Mizoram State Water Informatics Centre (Mz-SWIC)

I&WR

Decision :

Approved.

8. A proposal for absorption of 25(twenty-five) DRDA employees into Rural Development Department

RD

Decision :

Approved.

9. The draft Mizoram Prohibition of Beggary Bill, 2025

SWTAWCD

Decision :

The Department may review and resubmit the Bill.

10. Proposal for enactment of the Mizoram (Village Councils) Bill, 2025 to repeal the Lushai Hills District (Village Council) Act, 1953

LAD

Decision :

Approved.

- (i) Section 3(2)(b) may be modified as under:
Except for bifurcation or rationalization of existing Village Council, no fresh Village Council shall be established in a village having a population less than 500.
- (ii) In section 4, the number of members specified may be modified as under:
Below 500 - 3 members, of whom 1 seat shall be reserved for a woman
Between 500-1000 - 5 members, of whom 1 seat shall be reserved for a woman
Between 1000-2000 - 7 members, of whom 2 seats shall be reserved for women
Above 2000 - 9 members, of whom 3 seats shall be reserved for women

(iii) Section 11(2) may be modified as under:

There shall be a Secretary of the Village Council who may be appointed or dismissed by the (State Government) on the recommendation of the executive body of the Village Council.

(iv) Section 13(3) may be deleted.

(v) Section 13(9) may be deleted.

11. The draft Mizoram Urban Areas Building (Amendment) Regulations, 2025

UD&PA

Decision :

Approved.

12. The draft Mizoram Liquor (Prohibition) Amendment Bill, 2025

E&N

Decision :

Approved.

(i) In section 14 A, the word "school" may be substituted by the words "educational institutions" and the words "or Government Premises" may be added.

(ii) In section 45 D (1)(a), the word "etc." may be added after the word "(hmazil)" and the word "and" appearing between the words "watermelon(dawnfawh)" and "honey dew melon (hmazil)" may be substituted by the symbol ",".

13. Proposal for approval of the Mizoram Sports Incentive Cash Award Scheme, 2025

S&YS

Decision :

Approved.

14. Seeking approval for outsourcing existing 8 Small Hydro Power Projects in the State of Mizoram

P&E

Decision :

Approved.

15. Proposal for enactment of the Mizoram Local Bodies Ombudsman Bill, 2025 to repeal the Mizoram (Establishment of Independent Local Body) Ombudsman Act, 2011 (Act No 8 of 2011)

UD&PA

Decision :

Approved.

[Handwritten signature]

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Additional:


The Council of Ministers appreciated the presentation of matters relating to Final Location Survey across Mizoram State (Railways) made by Secretary, P&PI Department.

Sd/- KHILLI RAM MEENA
Chief Secretary to the Govt. of Mizoram

Memo. No. J.11011/1/2025-POL/Vol-I : Dated Aizawl, the 14th Feb., 2025

Copy to :

1. Secretary to Governor, Mizoram.
2. Commissioner & Secretary to Chief Minister, Mizoram.
3. P.S. to Chief Minister, Mizoram
4. All PSs to Ministers/ Ministers of State, Mizoram.
5. Sr PPS to Chief Secretary, Govt. of Mizoram.
6. Commissioner & Secretary, RD Deptt
7. Commissioner & Secretary, SWTAWCD Deptt
8. Commissioner & Secretary, GAD
9. Commissioner & Secretary, C&I Deptt
10. Secretary, P&E Deptt
11. Secretary, H&FW Deptt
12. Secretary, LAD
13. Secretary, P&PI Deptt
14. Secretary, UD&PA Deptt
15. Secretary, E&N Deptt
16. Secretary, S&YS Deptt
17. Secretary, I&PR Deptt
18. Secretary, PAD
19. Secretary, I&WR Deptt
20. Guard File.


(REBECCA CHAWNGTHANPUII)
Under Secretary to the Govt. of Mizoram
Political & Cabinet Department