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PART-IIA

GOVERNMENT OF MEGHALAYA
POLITICAL DEPARTMENT

NOTIFICATION

The 15th January, 2020.

No.POL.88/2019/2. – In exercise of the powers conferred by Section 58 read with proviso under sub-section (3) of Section 10 and Section 20 of the Meghalaya Lokayukta Act, 2014 (Act No. 4 of 2014), the Governor of Meghalaya hereby makes the following Rules, namely, the Meghalaya Lokayukta Rules, 2019, as follows,-

1. **Short title and commencement.**– (1) These rules may be called the Meghalaya Lokayukta Rules, 2019.
(2) They shall come into force at once.
2. **Definitions.**– In these rules, unless the context otherwise requires, –
 - (a) “Act” means the Meghalaya Lokayukta Act, 2014 (Act No. 4 of 2014);
 - (b) “Complaint” means a complaint made under Section 20 of the Act;
 - (c) “Inquiry” means an open inquiry conducted on the basis of material, information or documents collected, etc., and where statements are recorded from witnesses and suspect officers;
 - (d) “Governor” means the Governor of Meghalaya;
 - (e) “Preliminary inquiry” means a discreet inquiry conducted on the basis of material, information or documents collected;
 - (f) “Schedule” means a Schedule appended to these rules;
 - (g) “Secretary” means the Secretary of Meghalaya Lokayukta;
 - (h) “State Government” means the Government of Meghalaya; and

- (i) "staff of the Lokayukta" means the officers and employees of the Meghalaya Lokayukta;
3. **Allowances and other terms and conditions of Chairperson and Members of Lokayukta.**-(1) The service conditions including medical and conveyance facilities and travelling allowance of the Chairperson and Members shall be governed by the High Court Judges (Salaries and Conditions of Service) Act, 1954 (Central Act 28 of 1954) and the rules made thereunder.
- (2) The period served as a Chairperson or Member of the Meghalaya Lokayukta shall not be taken into consideration in any circumstance for calculation of pension and pensionary benefits.
4. **Strength and Composition of the Staff of Lokayukta.**-(1) The Meghalaya Lokayukta shall consist of such number of posts as may be determined by the Government from time to time.
- (2) At the commencement of these rules, the number of posts in the pay levels, shall be as specified in Schedule-I appended to these rules.
5. **Recruitment.**- Direct recruitment for the post(s) specified at Sl. 5 to 14 of Schedule-I shall be conducted by the Meghalaya Lokayukta as per the Reservation Policy of the State.
6. **Method of recruitment, appointment, promotion.**-(1) The method of appointment for the posts specified in column (1) of Schedule - II shall be as specified in the corresponding entries in column (3) thereof.
- (2)The method of recruitment, appointment, promotion for the post(s) in the Meghalaya Lokayukta shall be such as per the relevant service rules followed by the State Government.
7. **Preparation of annual budget statement of estimate and expenditure of Lokayukta.**- 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 Meghalaya Lokayukta, shall be prepared and submitted by the Meghalaya Lokayukta in the like manner prescribed and followed by the Finance Department of the State Government, to the Political Department.
8. **Maintenance of accounts and furnishing of return and annual statement of accounts by Lokayukta.**- The form of maintaining the accounts and other relevant records and the form of annual statement of accounts shall be maintained by the Meghalaya Lokayukta in the like manner prescribed and followed by the Finance Department of the State Government.
9. **Manner of lodging complaint.**-(1) Every complaint shall be made in the Form prescribed in Schedule - III appended to these rules.

(2) The compliant made under sub-rule (1) shall contain a statement in a concise form of the allegations made against the public servant and the material facts on which that allegation is based. It shall also indicate, as far as possible, the evidence by which the complainant proposes to prove each allegation.

10. Affidavit to be accompanied with Complaint. - (1) Every compliant shall be supported by an affidavit duly sworn in by the complainant before a Magistrate of the first class or an officer duly authorized in this behalf.

(2) Every such affidavit shall be verified at the end by the complainant or by one of the complainants.

(3) The person verifying shall specify by reference to the numbered paragraphs of the affidavit what he verifies from his own knowledge and what he verifies upon information received and believed to be true. In the later case the source of the information and the grounds of his belief shall also be stated.

11. Mode of complaint. - A complaint may be presented in person to the Secretary to the Lokayukta or any officer duly authorized by him in this behalf or be sent by post.

12. Scrutiny of Complaint. - (1) On receipt of a complaint, the Secretary shall cause the particulars thereof to be entered in a register of complaints.

(2) On scrutiny of the complaint, if the Secretary is of the opinion that any such complaint is not in conformity with the provision of the Act or the Rules, he shall within a period of fifteen days from the date of its receipt, issue a notice to the complainant requiring him to rectify the defect within the time specified in the notice:

Provided that the Secretary may, on an application made by the complainant, extend the time specified in the notice for sufficient cause.

(3) If the defects are not rectified or the omissions are not supplied within the time specified or such further time as may be granted, Chairperson or member may reject the complaint.

(4) The complaint shall also be liable for rejection by the Chairperson or Member(s), as the case may be, for any of the following reasons, namely,-

- (a) that the complaint does not disclose an allegation which may be inquired by the Chairperson or Member;
- (b) that the complaint is frivolous, vexations, or not made in good faith;
- (c) that there are no sufficient grounds for inquiring the complaint; and
- (d) that an earlier complaint based on the same allegations as those made in the present complaint was previously disposed of by the Chairperson or Member, as the case may be.

(5) Every person making a complaint under sub-rule (1) shall be informed, if no further action on the complaint is to be taken:

Provided that the Lokayukta in its discretion, may afford an opportunity to the complainant to show cause why the complaint shall not be rejected for the reasons mentioned therein.

13. **Proceedings**.- Subject to the provisions of the Right to Information Act, 2005 (Central Act No. 22 of 2005), every inquiry shall be conducted in private and the identity of the complainant and of the public functionary affected by the inquiry shall not be disclosed to the public or the press or published in any manner whether before, during or after the inquiry.
14. **Discontinuance of inquiry**.- (1) The Chairperson or Member, as the case may be, in their discretion, at any time, after the commencement of any inquiry under the Act order discontinuance of further inquiry of any complaint involving an allegation, may refuse to inquire or cease to inquire any complaint if in his opinion,-
 - (i) there are no sufficient grounds for inquiring or for continuing the inquiry; or
 - (ii) other remedies are available to the complainant and in the circumstance of the case it would be more proper for the complainant to avail of such remedies.

(2) In any case where the Lokayukta decides to discontinue any inquiry in respect of a complaint, it shall record the reasons there-for and communicate the same to the complainant and the public functionary concerned.
15. **Death of the complainant**.- When the complainant after making a complaint either dies or does not take further steps for substantiating the allegation, the Chairperson or Member, as the case may be, for reasons to be recorded in writing, proceed further with the complaint on the basis of the material available.
16. **Withdrawal of complaint**.- No complaint shall be permitted to be withdrawn unless the Lokayukta is satisfied that the complaint was made under a bona-fide mistake.

SCHEDULE - I
[See rule 4(2)]

Sl. No.	Name of Post	No. of Post	Level of Pay
1	Deputy Secretary	1	₹ 71600-129200 (Level-19)
2	Registrar	1	₹ 49000-109100 (Level-16)
3	Accountant	1	₹ 37800-86400 (Level-11)
4	Upper Division Assistant	1	₹ 37800-86400 (Level-11)
5	Lower Division Assistant	2	₹ 30300-71600 (Level-8)
6	Stenographer Grade - I	1	₹ 49000-109100 (Level-16)
7	Stenographer Grade - II	1	₹ 30300-71600 (Level-8)
8	Data Entry Operator	1	₹ 28400-67100 (Level-7)
9	Record Keeper cum record sorter	1	₹ 20600-48700 (Level-3)
10	Driver	3	₹ 20600-48700 (Level-3)
11	Duftry	1	₹ 19000-44800 (Level-2)
12	Peon	4	₹ 17400-41000 (Level-1)
13	Chowkidar	1	₹ 17400-41000 (Level-1)
14	Cleaner	1	₹ 17400-41000 (Level-1)

Total 20

SCHEDULE - II

[See rule 6 (1)]

<u>Sl. No.</u>	<u>Category</u>	<u>Method of Appointment</u>
(1)	(2)	(3)
1.	Deputy Secretary	By deputation from the State Government
2.	Registrar	By deputation from the State Government.
3.	Accountant	By deputation from the State Government.
4.	Upper Division Assistant	By promotion
5.	Lower Division Assistant	By direct recruitment
6.	Stenographer Grade - I	By direct recruitment
7.	Stenographer Grade - II	By direct recruitment
8.	Data Entry Operator	By direct recruitment
9.	Record Keeper-cum-Record Sorter	By direct recruitment
10.	Driver	By direct recruitment
11.	Duftry	By direct recruitment
12.	Peon	By direct recruitment
13.	Chowkidar	By direct recruitment
14.	Cleaner	By direct recruitment

SCHEDULE - III

[See rule 9 (1)]

FORM OF COMPLAINT

Before the Meghalaya Lokayukta

- (1) Name and address of the complainant for all correspondence in respect of the complaint:
- (2) Name and address of the public servant complained against:
- (3) Brief facts relating to the allegation complained of :
- (4) Names and addresses of the witness whom the complaint desires to examine in support of the allegations:
- (5) Particulars of the documents relied upon by the complainant in support of the allegations:
- (6) If the documents relied upon or their true copies are available with complainant, they should be enclosed and details thereof should be furnished:
- (7) If the documents relied upon are not in the custody of or cannot be produced by the complainant, the office or other place or individual from whom they may be secured, should be specified:
- (8) Remarks, if any:

Note:- Copies of affidavits and documents shall be enclosed in duplicate for office use and in as many sets as there are public servants complained against.

VERIFICATION

I..... son of/daughter of/wife of
Shri Resident of
hereby verify that the facts stated by me in the complaint are true to my personal
knowledge and/or the facts stated by me are based on information received from
..... (give the name) and/or documents, and the
same are believed by me to be true.

Place:

Date:

Signature or thumb mark of the complainant

CYRIL V. D. DIENGDOH,
Secretary to the Govt. of Meghalaya,
Political Department.