

The Chhattisgarh Lok Aayog (Investigation) Rules, 2002

CHHATTISGARH

India

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Rule

THE-CHHATTISGARH-LOK-AAYOG-INVESTIGATION-RULES-2002 of 2002

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The Chhattisgarh Lok Aayog (Investigation) Rules, 2002 Published vide Notification No. F-01-26/2002/1/6, dated 10-2-2003, published in C.G. Rajpatra (Asadharan), dated 10-2-2003 at pp. 50 (9-18) In exercise of the powers conferred by Section 17 (1) of the Chhattisgarh Lok Aayog Adhiniyam, 2002 (No. 30 of 2002), the Governor of Chhattisgarh hereby makes the following rules, namely :-

1. Short title.

- These rules may be called the Chhattisgarh Lok Aayog (Investigation) Rules, 2002.

2. Definitions.

- In these, unless the context otherwise requires, -(i) "Act" means the Chhattisgarh Lok Aayog Adhiniyam, 2002 (No. 30 of 2002); (ii) "Aayog" means the Chhattisgarh Lok Aayog. (iii) "Complaint" means allegations of misconduct made in writing against a public servant with a view to take action against such public servant under the Act; (iv) "Form" means a form appended to these rules; (v) "Investigation" means any enquiry, investigation or other proceeding under the Act in connection with the complaint, but does not include a preliminary enquiry; (vi) "Secretary" means the Secretary of the Chhattisgarh Lok Aayog.

3. Interpretation of words and phrases.

- Words and phrases used in these rules but not defined herein, shall have the same meaning as are

respectively assigned to them under the Act and the Constitution of India.

4. Travelling & Daily Allowances.

- When a person not in Government service and other than the complainant, is required to appear before the Aayog as a witness, he shall be paid travelling and daily allowances for his journey at such rates as are admissible to a government servant on tour under the ordinary rules. The Pramukh Lokayukt or the Lokayukt may, by special order, declare the grade to which a witness shall be considered to belong according to his status in life for purposes of such allowances and his decision in this regard shall be final.

5. Competent Authority.

- For the purpose of Section 2 (b) (v) of the Act, the competent authority shall be the authority competent to remove the public servant from his office on any ground mentioned in the relevant Act/Rules declaring him to be a public servant.

6. Complaint.

- (i) Every complaint to the Aayog under Section 8 (1) of the Act shall be in writing and in Form I, duly signed and verified by the complainant and shall be supported by an affidavit in Form II. (ii) The complaint shall be presented before the Secretary or before such other officer of the Aayog as may be specified by special or general order of the Pramukh Lokayukt. It may also be sent to the Secretary by registered post.

7. Deposit.

- The deposit of Rs. 250/- under Section 8(1) of the Act shall be in the form of Court fee stamps, which shall be affixed on the complaint.

8. Affidavit.

- Affidavit in Form II may be sworn before the Secretary or before any other Gazetted Officer of the Aayog empowered by the Pramukh Lokayukt by a special or general order to administer oath to the complainant. It may also be sworn before a Magistrate or a Notary or a Commissioner of Oaths, but it must be in Form II.

9. Complaints filed prior to these rules.

- Complaints filed before the enforcement of these rules shall be deemed to have been filed under these rules, if the complainant, on being required, subsequently complies with the provisions of Rules 6, 7 and 8 of these rules.

10. Secrecy of Information.

- The Secretary or the Head of Office of any department of the Government shall be competent to give notice in writing to the Aayog as per requirement of sub-section (3) of Section 14 of the Act.

11. Procedure for prosecution of offences under clause (b) of sub-section (1) of Section 195 of the Code of Criminal Procedure, 1973.

- For prosecution of offences referred to in clause (b) of sub-section (1) of Section 195 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the procedure prescribed under sub-section (1) of Section 340 of the Code of Criminal Procedure shall be followed and the complaint to be filed in the Court under Section 340 of the Code shall be signed by the Secretary or such other Officer of the Aayog as may be specified or empowered by a special or general order of the Pramukh Lokayukt.

12. Chief Executive Officer.

- The Secretary shall be the Chief Executive Officer of the Aayog, who shall authenticate all orders and directions made by the Aayog and shall exercise such other powers and discharge such other functions of the Aayog as may be delegated to him by the Pramukh Lokayukt: Provided that any or all of the powers and duties of the Secretary may also be exercised and performed by such other Gazetted Officer of the Aayog as may be empowered by the Pramukh Lokayukt.

13. Transaction of Business.

- The business of the Aayog shall be transacted in an efficient manner by following a procedure laid down by a special or general order of the Pramukh Lokayukt: Provided that matters or class of matters specified by the Pramukh Lokayukt may be first brought to his notice before taking any action on such matters.

14. Residuary Powers.

- The Pramukh Lokayukt shall have powers to issue directions, as may be necessary, for giving effect to the provisions of the Act and the rules; as also powers to prescribe incidental or ancillary procedure, by a special or general order, for matters not specifically provided in these rules and/or for supplementing insufficient or deficient provisions in the rules.

15. Power to regulate proceedings, enquiries and investigations under the Act.

- The Pramukh Lokayukt shall have powers to regulate the procedure to be followed in any proceeding, enquiry or investigation, if provision in that regard has not been made in these rules.

16. Supervision of Investigating Agencies.

- The Aayog shall have supervisory powers over the investigating agencies and persons, whose services may be utilised by it under Section 13 (5) of the Act.

17. Procedure to be followed during investigation by the Aayog.

- When the Aayog decides to conduct an investigation against a public servant, such public servant shall be served with a copy of the complaint or a statement of imputations against him and shall be afforded an opportunity of being heard personally or through his authorised representative. Form I [See Rule 6 (i) of the Rules] Before the Chhattisgarh Lok Aayog, Raipur Case No..... of..... Complainant. - Name, Age & Address. Versus Public Servants Charged. - Names & Addresses. Complaint Under Section 8 (1) of the Chhattisgarh Lok Aayog Adhiniyam, 2002 The complainant furnishes below the requisite informations for appropriate action against the public servants charged under the provisions of the Chhattisgarh Lok Aayog Adhiniyam, 2002 :

- | | |
|---|--|
| Name & the complete | |
| 1. Postal Address of the Complainant | |
| Names & the complete Postal | |
| 2. Addresses of the Public Servants charged | |
| 3. Nature of Misconduct | Here state under which sub-clause of clause (h) of Section 2 of the Adhiniyam the alleged misconduct falls. (Declaration to be made) |
| 4. Jurisdiction | (i) Jurisdiction of the Lok Aayog is not barred either under sub-section (1) or sub-section Section 7 of the Adhiniyam.
(ii) The complaint also does not relate to any public servant mentioned in Section 18 of the Adhiniyam. |
| 5. Limitation | 1. This complaint is not beyond 5 years from the date of the alleged misconduct.
2. (a) The alleged misconduct became known to the complainant on source of information is as follows:.....
(b) The complaint is, thus, within time under Section 7 (3)(a) of the Adhiniyam.
Or
(If complaint is barred by time) |

The complaint could not be made within 12 months from the date of knowledge of the all misconduct. Following reasons affords sufficient cause for the delay :

Detailed Facts

6. of Misconduct (Give here a concise statement of facts in chronological order in separate paragraphs).
alleged
7. Grounds urged (Give here separately the grounds on which the action is sought and legal provision, if any, relied on).
Whether any
previous
complaint or
8. case Filed or
pending?
If yes, give
details.
Whether any
other remedy
9. availed of? If
so, result.
10. Documents
filed.
Documents
and/or
circumstances
11. on which
reliance is
placed.
Affidavit in
Form II is
12. enclosed
herewith.
Requisite
deposit of Rs.
250.00
(Rupees two
13. fifty) has
been made in
the form of
court fee
Stamps.

Prayer. - It is, therefore, prayed that after appropriate enquiry action be taken against the public servants charged.

Place..... Complainant

Date.....

Verification. - Verified that the contents of paras 1 to 13 of this complaint are true to my knowledge and belief. Signed at.....on.....Complainant Form II[See Rule 6 (i) of the Rules] Before the Chhattisgarh Lok Aayog, Raipur Case No.....of.....Complainant. - Name, Age & Address. Versus Public Servants Charged. - Names & Addresses. Affidavit I,..... the complainant in the accompanying complaint u/s 8 (1) of the Chhattisgarh Lok Aayog Adhiniyam, 2002, alleging misconduct against..... make solemn affirmation and say :

1. That the statements made in paragraphs..... of the accompanying complaint about the misconduct of such nature as is mentioned in sub-clause of clause (h) of Section 2 of the C.G. Lok Aayog Adhiniyam and the particulars of such misconduct mentioned in paragraphs..... of the complaint are true to my knowledge;

2. That the statements made in paragraphs..... of the said complaint about the misconduct as mentioned in sub-clause..... of clause (h) of Section 2 of the Adhiniyam and the particulars of such misconduct given in paragraphs..... of the said complaint are true to my information.

Signature of deponent. Verification. - Verified that the contents of para 1 of this affidavit are true to my knowledge and those of para 2 are true on information received and believed to be true by me. Signed at..... on..... Signature of deponent. Solemnly affirmed/sworn by Shri/Shrimati at this..... day of..... before me. Magistrate of the first class/Notary/Commissioner of Oaths/Secretary, C.G. Lok Aayog.