

Manipur Lokayukta Rules, 2018

MANIPUR

India

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Rule MANIPUR-LOKAYUKTA-RULES-2018 of 2018

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Manipur Lokayukta Rules, 2018Published vide Notification No. 25/1/2015-AR (Pt-1), dated 29.10.2018Last Updated 18th February, 2020No. 25/1/2015-AR (Pt-1). - In exercise of powers conferred by section 58(1) of the Manipur Lokayukta Act, 2014 (Manipur Act No.11 of 2014), the State Government hereby makes the following Rules, namely:-

1. Short title and commencement.

(1)These rules may be called the Manipur Lokayukta Rules, 2018.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Manipur Lokayukta Act, 2014 (Manipur Act No. 11 of 2014);(b)"Complaint" means a complaint made under section 14 of the Act;(c)"Complainant" means a person who makes a complaint under section 14 of the Act;(d)"Form" means the form appended to these Rules;(e)"Governor" means the Governor of Manipur;(f)"Member" means a member of the Search Committee;(g)"Rules" means the Manipur Lokayukta Rules, 2018;(h)"Search Committee" means the Search Committee referred to in sub-section (3) of section 4 of the Act;(i)"Selection Committee" means the Selection Committee specified in sub-section (1) of section 4 of the Act; and(j)"State Government" means the Government of the State of Manipur.

3. Constitution of the Search Committee.

(1)The Selection Committee shall constitute the Search Committee consisting of at least seven persons from the fields and the categories of persons specified in sub-section (3) of section 4 of the Act.(2)The Selection Committee shall nominate one of the members as the Chairperson of the Search Committee.(3)The Secretary to the Government of Manipur in the Department of Personnel

and Training (Administrative Reforms Division) shall function as the Convener of the Search Committee.(4)The Selection Committee, if required by circumstances, may constitute Search Committee with members drawn from Administrative Secretary of the Department i.e, Law, Finance, Department of Personnel and Administrative Reforms, Tribal Affairs and Hills, Minorities and Other Backward Classes, Vigilance, Deputy General Manager/ State Bank of India, Director General of Police.

4. Term of Search Committee.

(1)A member of the Search Committee, including its Chairperson, shall hold office from the dates of their appointment for a period of six months extendable upto two years or upto submission of panel of names.(2)The Selection Committee may decide extension/dissolution of the Search Committee, as the case may be, and all members included in the Search Committee shall be eligible for reappointment: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, it may after giving him an opportunity of being heard, remove such member before the expiry of his term.

5. Resignation of members.

- A member may resign his office by a letter addressed to the Chairperson of the Search Committee.

6. Absence of members.

- If a member intends to be absent from the State or India for a continuous period exceeding six months, he shall tender his resignation.

7. Meetings of Search Committee.

(1)The Search Committee shall hold its meetings at Imphal or at such place as may be decided by the Chairperson of the Search Committee.(2)The notice for meeting shall be issued in such manner so as to reach the Chairperson and members at least three days in advance.

8. Procedure at meeting.

(1)The Chairperson of the Search Committee shall preside over the meetings of the Search Committee:Provided that if the Chairperson is not present, the members of the Search Committee may elect a person from amongst the members present over the meeting.(2)In case of difference of opinion amongst the members of the Search Committee, the matter shall be decided by the majority of the members present and voting.(3)Each members of the Search Committee shall have one vote, and in case of equality of votes on any question to be decided by the Search Committee, the Chairperson or the member presiding over the meeting shall have a casting vote.

9. Fees and travelling allowances for attendance at meetings.

(1) A non-official member of the Search Committee shall be entitled to a sitting fee of Rs. 3500/- (Rupees three thousand five hundred) only for each day, for attending the meetings of the Search Committee. (2) A non-official member of the Search Committee shall be entitled to Travelling Allowance and Daily Allowance as are admissible to a Secretary for attending the meetings of the Search Committee.

10. Preparation 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 as the Chairperson and Members of the Lokayukta. (2) The State Government shall for the purpose of sub-rule (1) - (i) circulate the vacancies to the Registrar of the High Courts, Chief Secretaries of the State Governments and Secretaries in the Departments of the State Government of Manipur calling for nomination of eligible candidates; and (ii) advertise the vacancies to directly invite applications from the eligible candidates: Provided that in case of applicants applying directly, the applicants shall furnish a letter of recommendation from one eminent person who is or has been associated with vigilance or dealing with anti-corruption issues. (3) The Search Committee may, for the purpose of short-listing of persons, adopt such shortlisting norms, which shall not be less than the criteria specified in sub-rule (4). (4) In case of persons falling under clause (b) of sub-section (3) of section 3 of the Act, such persons having special knowledge and expertise of not less than twenty five years in matters relating to - (i) anti-corruption policy, public administrative, vigilance or law and such persons must have held or must be holding the post of Secretary to the Government of India or any equivalent post thereto under the Central Government or a State Government; (ii) finance including insurance and banking, and management and such persons must have held or must be holding the position of Chairman, Managing Director or Chief Executive Officer of a Public Sector Undertaking or of a relevant private institution of comparable status, and who have attained outstanding achievements or acquired eminence in the fields aforesaid: Provided that in case of a person holding the position in a private institution referred to in sub-clause (ii), the consideration of such person shall be subject to his furnishing a declaration about his willingness to comply with the requirements of subsection (4) of section 3 of the Act as regards holding of any office of trust or profit or carrying on any business or practicing any profession. (5) The Search Committee may devise its own procedure or lay down guidelines for evaluating persons for the purpose of impanelment.

11. Submission of panel or panels of names to Selection Committee.

(1) The Search Committee shall submit the panel or panels of names, as the case may be, for consideration of the Selection Committee within a period not exceeding thirty days from the date of receipt of the list of eligible candidates and other applicants referred to in sub-rule (2) of rule 10 from the State Government. (2) The Search Committee shall recommend, - (a) in case of Chairperson of Lokayukta, a panel of at least five names; and (b) in case of Members of Lokayukta, a panel containing at least three times the number of vacancies advertised, for the consideration of the Selection Committee. (3) While selecting the panel of names to be recommended, the Search

Committee shall have due regard to the representation of the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and Women in accordance with the proviso to sub-section (3) of section 4 of the Act.

12. Period for which panel shall be valid.

(1) A panel prepared by the Search Committee for consideration of the Selection Committee for the vacancies advertised shall remain valid for a period of one year from the date of its submission to the Selection Committee or till the appointment of the Chairperson or the Member or Members, as the case may be, is made whichever is earlier. (2) If any fresh vacancy arises in the Lokayukta, it shall be filled up from a panel of eligible candidates prepared by the Search Committee under rule 10.

13. Residuary matters.

- Any residuary matters relating to members of the Search Committee, with respect to any other allowances for which no express provision has been made in these rules, shall be governed by such rules as are applicable to the Secretary to the Government of Manipur.

14.

All appointment in the Manipur Lokayukta, to the post equivalent to Group - A & B posts in Manipur Government shall require prior consultation with MPSC.

15. Complaint before the Lokayukta.

(1) Every complaint before the Lokayukta shall be presented in person or sent by registered post to the office of the Lokayukta. Such complaint shall be acknowledged by the office of Lokayukta specifying the name and designation of the public servant against whom such complaint is made. (2) Every complaint shall be made in Form 1 appended to these rules. (3) Every complaint made under sub-rule (1) shall contain a statement in a concise form of the 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. (4) Every complaint shall bear a Court Fee Stamp of Rupees five. (5) The complainant shall deposit a fee of Rs. 1000/- (one thousand) by way of bank draft/IPO payable to the Secretary, Manipur Lokayukta. (6) Every complaint shall be supported by an affidavit in Form 2 duly sworn in by the complainant before the Magistrate of First Class or an Oath Commissioner appointed by the High Court. (7) Every such affidavit shall be verified at the end by the complainant or by one of the complainants. (8) The person verifying shall specify by reference to the numbered paragraphs of the Affidavits what he verifies from his own knowledge and what he verifies upon information received and believed to be true. In the latter case the sources of the information and the grounds of his belief shall also be stated. (9) On receipt of a complaint, the Lokayukta shall cause the particulars thereof to be entered in "the Register of Complaints". (10) All complaints shall be placed before the Lokayukta, as the case may be, for orders.

16. Scrutiny and Registration of complaints.

(1)On receipt of the complaint, the office of the Lokayukta shall cause the particulars thereof to be entered in a "Register of Complaints".(2)All complaints shall be placed before the Chairperson or Members of the Lokayukta, as the case may be, for orders.(3)Every person making a complaint under sub-rule (1) of rule 15 shall be informed of the gist of the orders passed under sub-rule (2) , if no further action on the complaint is to be taken.

17. Notice to public servant in case of investigation.

(1)Where the Lokayukta proposes (after making such preliminary inquiry as he deems fit) to conduct any investigation under the Act, he shall send a notice in Form 3 appended hereto to the public servant concerned, along with a copy of the complaint or in the case of any investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefor. The notice shall require the public servant to submit his reply within the time specified in the notice or within such further time (if any) as may be granted.(2)A copy of such Notice shall be sent to the competent authority concerned also.

18. Annual statement of accounts and Budget.

(1)The annual budget of the Lokayukta for every financial year shall be prepared by the Secretary or such other officer of the Lokayukta as may be authorised by the Secretary in this behalf.(2)The annual Budget duly approved by the Lokayukta shall be submitted by the Secretary to the State Government by such date as may be specified from time to time by the State Government.(3)The Budget shall be signed and authenticated by the Secretary.(4)The Secretary shall supervise the maintenance of the accounts of the Lokayukta, the compilation of financial statement and return and shall also ensure that all accounts, books connected vouchers and other documents and papers of the Lokayukta required by the Audit Officer for the purpose of auditing the accounts of the Lokayukta are placed at the disposal of that officer.(5)The accounts of the Lokayukta shall be maintained in the forms prescribed for maintenance of the State Government accounts.(6)The annual statements of accounts shall be signed and authenticated by the Secretary.(7)The annual statement of account shall be submitted to the Audit Officer on or before the 30th of June following the year to which the accounts relate and Audit Officer shall audit the accounts of the Lokayukta and report thereon.(8)The Lokayukta shall, within thirty days of receipt of Audit Report, remedy any defect or irregularity pointed out therein and report to the State Government and the Audit Officer about the action taken by it thereon.

19. Removal of difficulty.

- If any question arises about the interpretation of the provisions of these rules, the matter shall be referred to the Government whose decision thereon shall be final.
Form 1[See rule 15(2)]Form of
ComplaintBefore The Lokayukta/ Chairperson, Manipur LokayuktaComplaint
.....son of, daughter of/wife of

.....(add description of profession, residence etc.)In the matter of allegation against S/o, D/o, W/o holding the office ofatThe above named complainant is satisfied that the aforesaid public servant,--(i)has knowingly and intentionally abused his position as such to obtain any undue gain or favour to himself or to any other person or to cause undue harm to any other person; and / or(ii)was actuated in the discharge of his functions as such public servant by corrupt motives, and / or(iii)is guilty of corruption; and /or(iv)is in possession of pecuniary resources of property dis-proportionate to his known source of income and such pecuniary resources of property is held by the public servant personally or by any member of his family or by some other person on his behalf.(Strike out the clause or clauses not relevant to the complaint.)To support the allegations the complaint relies on the following facts and is also filing an affidavit:-(1)(2)(3)(4)The complaint has/has not for the same matter resorted to a remedy by way of proceeding before a tribunal/ a court of law/ an authority empowered to decide the matter particulars of which are as under:-(give particulars and result, if any)The necessary deposit of Rs. 1000/- has been made by bank draft/IPO payable to Secretary Manipur Lokayukta.PrayerIt is, therefore, prayed that an inquiry be made against the public servant.....Signature/ thumb mark of the applicantVerification:I son of/daughter of/ wife of Shri resident/ of hereby verify that the facts stated by me in paras to in the complaint are true to my personal knowledge and/ or the facts stated by me in paras to are based on information received from (give the name) and / or documents, and the same are believed by me to be true.....Signature/ thumb mark of the applicantForm 2[See rule 15(6)]Note. - This affidavit should be prepared on a non-judicial stamp paper of appropriate value as may be fixed by the Indian Stamp Act as applicable in the State of Manipur and then it should be attested from a notary or an Oath Commissioner or Magistrate 1st class.Form of AffidavitIson of/daughter of/wife of ShriProfession, resident of Tehsil District do hereby solemnly affirm and state as follows: -(1)that I am the complainant in this case;(2)that the statements of this complaint have been read by/read over to me and understood /heard by me and these are true to the best of my knowledge and belief;.....Signature/ thumb mark or the deponent.VerificationVerified that, the facts stated by me in para numbertoare true to the best of my personal knowledge and the documents enclosed herewith are true & correct copies of the originals.....Signature/ thumb mark or the deponentPlaceDatedAttestationAffidavit sworn before me.Certified that the above averment was declared before me on oath/affirmation thisday of20atin the district ofby Shri/Smt/Misswho was identified by Shri/Smt/ Misswho is personally known to me.The contents of the above affidavit have been read over and explained to the deponent who admitted the same to be correct and true.Signature:.....Seal (indicating designation)PlaceDatedForm 3[See rule 17(1)]NoticeIn the office of the Lokayukta, ManipurComplaint No.of(year)Complainant :.....Public Servant complained against:

.....To,.....(Name & Address of the Public Servant complained against) Upon considering the matter placed before him, the Lokayukta has decided to conduct an investigation under the Manipur Lokayukta Act, 2014 (Act No.11 of 2014) in respect of the complaint made by against you(name of the complainant)/on - his own motion and a copy of the complaint / a statement setting out the grounds therefore. is appended herewith. Take Notice that you are hereby required on or before(date) to file a statement in reply and to offer your comments & explanation supported by an Affidavit produce true copies under your signature, of the documents (if any) on which you want to reply in your defence. Take further Notice that if you failed to appear in person to file the reply or offer your comments and explanation or fail to send the reply etc. by post or otherwise, on or before the date aforesaid, the matter may be decided in your absence. Given under my hand and seal of this Office. Secretary, Manipur Lokayukta Date : Place :