

Himachal Pradesh Lokayukta Rules, 2017

HIMACHAL PRADESH

India

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Rule HIMACHAL-PRADESH-LOKAYUKTA-RULES-2017 of 2017

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Himachal Pradesh Lokayukta Rules, 2017Published vide Notification No. Home(Vig.) A (3)-22/2016, sated 3.7.2017Government of Himachal PradeshHome(Vigilance) DepartmentNo. Home(Vig.) A (3)- 22/2016. - In exercise of the powers conferred by section 54 of the Himachal Pradesh Lokayukta Act, 2014 (Act No. 23 of 2015), the Governor of Himachal Pradesh, in consultation with the Lokayukta of Himachal Pradesh, hereby makes the following rules to carry out the provisions of the Act *ibid*, namely:-

1. Short title and commencement.

(1)These rules may be called the Himachal Pradesh Lokayukta Rules, 2017.(2)They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Himachal Pradesh Lokayukta Act, 2014 (Act No. 23 of 2015);(b)"complainant" means a person who makes a complaint under the Act;(c)"Form" means a form appended to these rules;(d)"Officer" means a person appointed to, or borne on the Gazetted Cadre/Service of the Lokayukta;(e)"section" means section of the Act;(2)All other words and expressions used in these rules and not defined, but defined in the Himachal Pradesh Lokayukta Act, 2014, the Prevention of Corruption Act, 1988 or the Himachal Pradesh Prevention of Specific Corrupt Practices Act, 1983 shall have the same meanings respectively assigned to them in those Acts.

3. Complaint.

(1)A complaint shall be signed by the complainant and shall be made in form-1 and it shall be accompanied by an affidavit in form-2 in support of its contents.(2)The complaint may be presented in person or sent by registered post or speed post to the Secretary to the Lokayukta.

4. Affidavit.

- An affidavit may be sworn before the Lokayukta or any other Gazetted Officer subordinate to the Lokayukta and authorized by him in this behalf, besides the authorities already empowered under any law in force in the State of Himachal Pradesh before whom affidavit may be sworn.

5. Scrutiny and registration of complaints.

(1) On receipt of a complaint, the Reader to the Lokayukta or other officer/official authorized in this behalf, shall enter the particulars thereof in the "Register of Complaints" in form-3 and place the same before the Lokayukta. (2) If the Lokayukta is of the opinion that any such complaint is not in conformity with the provisions of the Act or the rules made thereunder, he shall within a period of fifteen days excluding general holidays from the date of its receipt, issue a notice to the complainant in form-4 to rectify the defect within the time specified in the notice: Provided that the Lokayukta may extend the time specified in the notice for sufficient cause. (3) All the complaints shall be placed before the Lokayukta for orders, but complaints regarding which action has been taken under sub-rule (2) shall be placed only after the expiry of the period of time stipulated in the notice or the extended period, whether or not any defect pointed out has been rectified. (4) Every person making a complaint under sub-rule (1) shall be informed of the gist of the orders passed under sub-rule (3), if no further action on the complaint is to be taken.

6. Attendance of witnesses.

(1) If while making any preliminary inquiry or while conducting any investigation under the Act, or at any time, the Lokayukta or other officer authorized in this behalf, examines any person as a witness, whether as witness to give evidence or, to produce any document in his possession, and if such person is in any private service, such person shall be entitled to a certificate in form-5 that he has attended the office of the Lokayukta for the purpose of evidence, etc. from the office of the Lokayukta. Explanation: - For the purposes of this rule, "private service" means any employment other than that of a public servant. (2) If a person produces such certificate before his employer, he shall not be deemed to be absent from duty for the purpose of any action/penalty which would otherwise have been followed in consequence of such absence. (3) If such person is a public servant to whom Civil Services Rules or Regulations apply, he shall obtain a similar certificate that he was so summoned and has attended the office of the Lokayukta. Upon production of such a certificate, he shall be treated as on duty on the day or dates on which he attended the office of the Lokayukta. (4) If such person is in private service or is not employed in any service, he may be paid actual travelling allowance and subsistence allowance at the rates fixed by general or special order of the Lokayukta.

7. Declaration of assets and liabilities.

(1) Every public servant shall file with the competent authority an annual return of his assets and liabilities on or before 31st July of every year in Form-6. The competent authority shall forward a copy of the return, filed by the public servant to the Lokayukta on or before 30th September every

year.(2)Every competent authority shall send a copy of transfer order of every Class-I, Class-II and Class-III employee to the Lokayukta to ascertain their station of posting.

8. Financial Powers.

(1)The Lokayukta shall exercise such financial powers as are delegated by the Government from time to time.(2)The Secretary to the Lokayukta shall exercise such financial powers as Head of Department as are delegated by the Government from time to time.

9. Furnishing of returns etc. to State Government.

- The Lokayukta shall furnish every half yearly return to the State Government in form-7 in the month of July and January every year stating therein the number of complaints registered, enquiries/investigations conducted, prosecution sanction granted, charge-sheet filed in the Special Court etc.

10. Furnishing of Budget Estimates and Expenditure Statements.

- The Lokayukta shall furnish in financial year annual and revised budget estimates showing estimated receipts and expenditure and expenditure statements to the State Government in forms-8 to 13 on the scheduled date and time in accordance with the provisions of the Himachal Pradesh Budget Manual, 1971.

11. Maintaining of annual statement of accounts.

- The Lokayukta shall maintain its accounts of receipts and payments and other relevant records in accordance with the provisions of the Himachal Pradesh Financial Rules, 1971 and the Himachal Pradesh Financial Rules, 2009 respectively.

12. Application of the Criminal Procedure Code.

- The provisions of the Code of Criminal Procedure, 1973 shall apply for the purpose of conducting any preliminary inquiry and investigation under the Act:Provided that the Lokayukta or the officer authorized by him shall have power to take cognizance of offences in the appropriate cases under section 190 of the Code of the Criminal Procedure, 1973.

13. Application of the Code of Civil Procedure.

- For the purpose of summoning and enforcing the attendance of any person, discovery and production of any document, receiving evidence on affidavit, requisitioning any public record, issuing commissions for the examination of witnesses or documents, attachment of assets etc., the provisions of Chapter XVI of the Code of Civil Procedure, 1908 shall apply mutatis mutandis, as deemed fit, by the Lokayukta.

14. Hours of Work and holidays.

- The hours of work and holidays for the Lokayukta and his office shall be such as may be declared by the Lokayukta from time to time, but save as otherwise so declared, the Lokayukta and his office shall observe the same public holidays as are observed by the High Court of Himachal Pradesh and such local holidays as are declared by the local authorities from time to time.

15. Powers to relax.

- Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing and in consultation with the Lokayukta, relax any of the provisions of these rules with respect to any class or category of persons or posts.

16. Repeal and savings.

(1)The Himachal Pradesh Lokayukta (Proceedings) Rules, 1983 are hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the rules so repealed under sub-rule (1) shall be deemed to have been done or taken under these rules.

Form-1(Form of Complaint)[see rule 3]Before the Lokayukta, Himachal Pradesh.

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 action complained of ;(Complainant's affidavit in the Form II to be enclosed)
4. If the complainant or the person for whom he is acting is aggrieved, the nature of the grievance should be specifically mentioned ;
5. Name and addresses of the witnesses whom the complainant desires to examine in support of the allegations;
6. Particulars of the documents relied upon by the complainant in support of the allegation ;
7. If the documents relied upon or their true copies are available with the complainant they should be enclosed and details thereof should be furnished;
8. 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;
9. Where the facts stated in Item 3 the subject matter of any previous complaint to any authority including the Lokayukta or the Up Lokayukta or of any suit, petition or other proceedings whatsoever before a Court of Law or other Tribunal or an Officer of a Government if so give particulars of the {remedies sought or granted.}
10. Remarks, if any;

Place : Dated : Signature or the thumb mark of the complainant. Form-2(Complainant's Affidavit)[see rule 3-4] Before the Lokayukta, Himachal Pradesh. I,, son/daughter of Shri Aged years, profession resident of Post Office.....

Tehsil.....District, do hereby solemnly affirm and state as follows : -

- 1. That I am the complainant in this case.**
- 2. That I have enclosed hereto a complaint making allegations against Shri/Shrimati.....**
- 3. That the contents of my complaint may be read as part and parcel of this affidavit.**
- 4. That the statements of this complaint petition have been read by/read over to me and understood by me and that I declare and affirm that they are true to the best of my knowledge, information and belief.**

Dated:Signature of the Deponent..... Solemnly affirmed before me this day of
201 at ----SignatureForm-3[see rule-5(1)]Register of complaints

- 1. Sl. No:**
- 2. Date of receipt of the complaint:**
- 3. Complainant's name and address:**
- 4. Name and address of the public Servant complained against:**
- 5. If the public servant complained against is a Government employee, the group of service to which he belongs:**
- 6. Whether the complaint contains an allegation or grievance:**
- 7. Date of final disposal:**
- 8. Result:**
- 9. Manner of implementation of final order:**

Form-4[see rule-5(2)]NoticeBefore the Lokayukta, Himachal PradeshToSri/Shrimati.....Sir/MadamSubject :With reference to your complaint dated on the above subject, I have to state that the same has been found to suffer from the following defects. -

1.
2.
3.
4.

You are, hereby, required to rectify the defects pointed out above, within days from the date of receipt of this letter by you, failing which the said complaint shall be placed for orders {as required under sub-rule (3) of rules 5} before the Lokayukta. Yours faithfully, Dated : Secretary or any authorized officer to the Lokayukta, Himachal Pradesh. Form-5 (see rule 6) Form of Certificate to be Given by the Office of the Lokayukta to a Person for Tendering Evidence Before the Lokayukta or any other Authorized Officer

1. Certified that.....was summoned to give evidence before the Lokayukta in his public/private capacity in the case and was required to attend for a period of..... days i.e. from To

2. He will be paid the following amount in accordance with rules for attending the office of the Lokayukta for the purpose.

3. The amount of Rs..... (Rupees.....) only as his diet money has been/will be paid on(date)

Under Secretary or any authorized officer to the Lokayukta, Himachal Pradesh. Form-6 [see rule 7] (Form of Assets and Liabilities) Statement of Assets and Liabilities filed by..... (here specify the name and designation of the Public Servant) for the financial year ending 31st March..... (Note :- Every column appearing in the form has to be filled in words not by dashes and dots)

1. The permanent address (with Telephone No. and Mobile No. if any) of the public servant.
2. Names of the members of the Family of the public servant and his relationship with each of them.
3. Present annual income of the public servant and each one of the family members.

Note :- In relation to Statement of Assets and Liabilities of the public servant and his family members "Family of a public servant" means the spouse and such children and parents of the public servant as are dependent on him/her:

4. Cash and other Liquid Assets as on 31st March.....

Particulars to be furnished

Spouse

	Public Servant		Dependent Father	Dependent Mother	Dependent Children 1st 2nd 3rd
1	2	3	4	5	6
(A) Cash	(i) Cash in hand	(ii) Cash kept in locker (give details)	(iii) Whether it is personal savings	(iv) If not, mention the source of acquisition	
(B) Bank deposits	(i) Account/Certificate No. nature of deposit, amount and name and branch of bank	(ii) Whether it is personal savings	(iii) If not, mention the source of acquisition	(iv) Date of deposit	
(C) Bank Accounts	(i) Account No. and nature of A/C amount and name and branch of bank	(ii) Whether it is personal savings	(iii) If not, mention the source of acquisition.		
(D) Post Office Accounts	(i) Accounts/Certificate Nos., nature of deposit, amount and name and place of Post office.	(ii) Whether it is personal savings,	(iii) If not, mention the source of acquisition.		
(E) National Savings Certificates and other Certificates obtained through the Post Office,	(i) No. of the NSCs and other certificates, amount, name and place of post office	(ii) Whether it is personal savings	(iii) If not, mention the source of acquisition.		
(F) Units of Unit Trust of India	(i) Particulars of units, name of the branch and amount.	(ii) If not, mention the source of acquisition.			
(G) Government and other Securities	(i) Particulars of Securities, name and place of office of the Government/company and amount invested	(ii) Whether it is personal savings	(iii) If not, mention the source of acquisition.		

(H) Shares, Debentures or Deposits in Companies (i) Particulars of shares, debentures or deposits in companies (furnish address of company) and amount invested (ii) Whether it is personal savings (iii) If not, mention the source of acquisition.

(I) Money advanced to others as loan or otherwise (i) Amount, date and name of the person to whom the money is advanced (ii) Whether it is personal savings (iii) If not, mention the source of acquisition.

(J) Insurance Policies and Provident Funds (i) Particulars of Insurance Policies and Provident Funds (ii) Whether it is personal savings (iii) If not, mention the source of acquisition.

(K) Other investments and being investments in the immovable property (i) Particulars of investments, name and address of company and the amount invested (ii) Whether it is personal savings (iii) If not, mention the source of acquisition.

5. Movable property other than that covered by item 4 as on 31st March

(a) Jewellery and Bullion (i) Particulars (ii) Cost and date of acquisition (iii) Whether it is out of personal savings (iv) If not, mention the source of acquisition

(b) Vehicles (i) Particulars (ii) Cost and date of acquisition (iii) Whether it is out of personal savings (iv) If not, mention the source of acquisition.

(c) Antiques beyond the value of Rs. 10,000/- (i) Particulars (ii) Cost and date of acquisition (iii) Whether it is out of personal savings (iv) If not, mention the source of acquisition.

(d) Silverware (i) Particulars (ii) Cost and date of acquisition (iii) Whether it is out of personal savings (iv) If not, mention the source of acquisition.

(e) Investment in Business Concerns (i) Particulars (ii) Cost and date of acquisition (iii) Whether it is out of personal savings (iv) If not, mention the source of acquisition.

(f) Other Household goods including furniture costing more than Rs. 25,000/- each

6. Immovable Property as on 31st March

(a) Agricultural lands (i) Survey No. and place (ii) Extent (iii) Whether dry, wet, garden or plantation land (iv) Whether ancestral, joint or separate property (v) If not, mention the source of acquisition (vi) Cost and date of acquisition (vii) Whether it is out of personal savings.

(b) Non-agricultural lands which have not been built upon (i) No, assigned to the land and place where situated (ii) Extent (iii) Whether ancestral (iv) Cost and date of acquisition (v) Whether it is out of personal savings (vi) If not, mention the source of acquisition

(c) Buildings (including flats) (i) complete address of the buildings with dimension (ii) Cost and date of acquisition (iii) Whether ancestral, joint or separate property (iv) Whether it is out of personal savings (v) If not, mention the source of acquisition.

(d) Other immovable property (i) Particulars of other immovable property with dimension (ii) Cost and date of acquisition (iii) Whether ancestral, joint or separate property (iv) Whether it is out of personal savings (v) If not, mention the source of acquisition.

7. Liabilities as on 31st March

(a) nature, extent and other particulars of liability and the date when it was incurred

(b) Name and address of the person to whom(creditor) liable

I,, do hereby solemnly declare that the information furnished above is true and that nothing relevant has been concealed/omitted therefrom. Place :Date:Signature of the public servantDesignationForm-7(see rule-9)(Form of Half Yearly Return)Half yearly return for the period 1st January,..... to 30th June,.....

S.No.	Number of complaints received/registered	Number of complaints in which inquiriesconducted	Number of complaints in which investigationconducted	Number of complaints in which charge sheetfiled in the Special Court	Remarks if any
1.	2.	3.	4.	5.	6.

Form-8(see rule-10)(Form of Budget Estimates)Lokayukta, Himachal PradeshPart-I & IIDemand No:Head of Account:Revised budget estimates for the financial yearand proposed Budget estimates for the financial year.....

S.No.	Name of S.O.E.	Actual expenditure (last three years)	Sanctioned budget for the current financialyear.....	F.Y.....	F.Y.....	F.Y.....
1.	2.	3.	4.	5.	6.	12.
		Revised budget estimate for the current financial year.....	Total (Col. 7+8)	Variation (Col.6-9)	Reasons for variation	Budget estimate for the next financial year.....
		Actual expenditure for first four months	Anticipated expenditure for the last eight months			
7.		8.	9.	10.	11.	12.

Note: - Budget estimates for Part-I and Part-II are required to be prepared separately. Form-9(see rule-10)(Form of Budget Estimates)Lokayukta, Himachal Pradesh(Part-I & II)Demand No:Head of Account:Proposed budget estimates for the financial year.....

S.No.	S.O.E.	Description	Total	Grand Total
1.	2.	3.	4.	5.
1.	01 - Salaries	1) Provision as per nominal roll 2) Provision for DA instalments 3) Provision for arrears etc.		
2.	03-Travel Expenses	Provision for making payment of travelingallowance		
3.	05-Office Expenses	1) Provision for purchase of service postagestamps 2) Provison for making payment oftelephone/mobile bills		

- 3) Provision for making water, electricity and hot & cold weather charges
- 4) Provision for payment of license fee of the office accommodation, official residence of Hon'ble Lokayukta and Legal Advisor
- 5) Provision for purchase of legal books for library and annual subscription of AIR, Supreme Court Cases, Judgement Today etc.
- 6) Provision for making payment of News Papers and Periodicals
- 7) Provision for convening meetings/ conference etc.
- 8) Provision for purchase of Computer, Photostat machines, their Annual Maintenance Charges & purchase of toner cartridge etc.

4.	06-Medical Reimbursement	Provision for making payment of medical reimbursement claims
5.	08-Publication	Provision for publication
6.	11-Furnishing	Provision for furnishing of rent free official residence of Hon'ble Lokayukta
7.	15-Training	Provision for imparting training to the staff of this Institution
8.	30-Motor Vehicle	1) Provision for purchase of Petrol, Oil and Lubricant for vehicles 2) Provision for repair & maintenance of vehicles
9.	64-Transfer Expenses	Provision for making payment of transfer TA

Form-10 (see rule-10) (Form of Budget Estimates) Lokayukta, Himachal Pradesh Part-I & II Demand No.: Head of Account: Summary of nominal roll. Budget estimates for the financial year.....

S.No.	Name & designation	No. of posts	Pay Band and Grade Pay			
Minimum	Maximum	Grade Pay	Sectt. Pay + Spl. Pay			
1.	2.	3.	4.	5.	6.	7.
Basic Pay as on 1st April	Provisions for the year	Grant of annual increments during the year	Total (Col. 9+12)			D.A.
Date of increment	Rate of increment	Amount of increment				
8.	9.	10.		11.	12.	13. 14.
C.A. Capital Allow.	H.R.A. Other Allowances	Grand Total				
15.	16.	17.	18.	19.		

Form-11 (see rule-10) Lokayukta, Himachal Pradesh Form-B (Part-I & II) Demand No.: Head of Account: Summary of nominal roll. Budget estimates for the financial year..... Abstract of nominal roll in respect of permanent/temporary posts for the financial year.....

S.No.	Name of	No. of sanctioned	No. of filled up	No. of vacant	Pay	Grade
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posts/category		posts		posts		Band	Pay
1.	2.	3.	4.	5.	6.	7.	
Pay in the	Grade	Provision for	Date of	Rate of	Amount of	Total	
Pay Band	Pay	the year	increment	increment	increment	(Col.10+13)	
8.	9.	10.	11.	12.	13.	14.	

DA CA Capital Allowance H.R.A. Other Allowances Grand Total

15. 16. 17. 18. 19. 20.

Form-12(see rule-10)(Form of Budget Estimates)Lokayukta, Himachal Pradesh(Part-I & II)Demand No:Head of Account:Detail of permanent/temporary posts for the financial year.....

S.No. Name of posts No. of posts Pay Band and Grade Pay

1. 2. 3. 4.

Form-13(see rule-10)(Form of Budget Estimates)Lokayukta, Himachal PradeshDemand No:Head of Account:Proforma for preparation of 1st, 2nd & final excess and surrender statement

S.No.	Name of S.O.E.	Sanctioned budget	Latest actual expenditure	Anticipated expenditure/requirement for the year
1.	2.	3.	4.	5.
Total requirement for the year (Col. 4+5)		Variation(Col. 3-6)	Reasons for variation	Additionality, if any provided by the F.D. alongwith F.Ds.U.O. note
6.		7.	8.	9.