

The M.P. Lokayukt Evam Up-Lokayukt (Investigation) Rules, 1982

MADHYA PRADESH

India

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Rule

THE-M-P-LOKAYUKT-EVAM-UP-LOKAYUKT-INVESTIGATION-RULES- of 1982

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The M.P. Lokayukt Evam Up-Lokayukt (Investigation) Rules, 1982Published vide Notification No. F-1 (2)-1982-1-6, dated 3-6-1982, published in the M.P. Rajpatra Extraordinary, dated 9-6-1982 at p. 1106In exercise of the powers conferred by Section 17 of the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 (No. 37 of 1981), the Governor of Madhya Pradesh hereby makes the following rules, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Lokayukt Evam Up-Lokayukt (Investigation) Rules, 1982.

2. Definitions.

- In these rules, unless the context otherwise requires :-(i)"Act" means the Madhya Pradesh Lokayukt Evam Up-Lokayukt Act, 1981 (No. 37 of 1981);(ii)"Complaint" means an allegation made in writing to the Lokayukt or the Up-Lokayukt with a view to their taking action under the Act;(iii)"Form" means a form appended to these rules;(iv)"Investigation" means any enquiry or other proceeding in connection with the complaint, but does not include a preliminary enquiry.

3. Interpretations of words and phrases.

- Words and expressions used in these rules but not defined herein, shall have the same meaning as are respectively assigned to them under the Constitution of India and the Act.

4. Travelling allowance.

- When a person not in the service of Government is required by the Lokayukt or by the Up-Lokayukt to appear before him as a witness, he shall be paid travelling allowance for journey calculated under the ordinary rules for the journey of a Government servant on tour and daily allowance, and for this purpose the Lokayukt or Up-Lokayukt may declare by special order the grade to which such person shall be considered to belong according to his status in life and his decision in this respect shall be final.

5. Competent authority.

- For the purpose of item (II) of clause (h) of Section 2 of the Act, competent authority other than the one in the case of Minister or Secretary shall where appropriate disciplinary action is recommended by the Lokayukt or Up-Lokayukt be the appointing authority of public servant. Provided that if the said public servant is on deputation to a foreign service, the head of the establishment in which he has been working or had worked shall be consulted, if the allegation arises out of the administrative action taken by or with the approval of public servant during the period of his deputation to foreign service.

6. Complaint.

- (i) A complaint shall be signed by the complainant and shall be made in Form I and in case the complaint is against a Minister or Secretary, it shall be accompanied by an affidavit in Form II in support of its contents. In case of complaints against other categories of public servants, the complainant is required to submit affidavit in Form II only if directed to do so by the Lokayukt or the Up-Lokayukt. (ii) A complaint may be presented to the Secretary to the Lokayukt or be sent under registered cover.

7. Fees.

- A fee of Rs. 25 shall be paid in judicial stamps for filing a petition of complaint against any Minister or Secretary before the Lokayukt. In case of complaint against other categories of public servants, the complainant is required to pay a fee in judicial stamps only if directed to do so by the Lokayukt or Up-Lokayukt.

8. Affidavits.

- Affidavits may be sworn before the Secretary to the Lokayukt or any other gazetted officer subordinate to the Lokayukt and authorised by him in this behalf, besides the authorities already empowered under any law before whom affidavits may be sworn.

9. Complaints filed prior to these rules.

- Complaint filed prior to enforcement of these rules shall be deemed to have been filed under these rules, if the complainant subsequently complies with the provisions of Rules 6 and 7.

10. Secretary of a department to give notice.

- The Secretary of Department or Head of Office shall be the authority to give notice in writing to the Lokayukt or Up-Lokayukt under sub-section (3) of Section 14 of the Act.

11. Application of the Criminal Procedure Code.

- The procedure prescribed in sub-section (i) of Section 340 of the Code of Criminal Procedure, 1973 (2 of 1974) shall be followed in respect of offences referred to in clause (b) of sub-section (i) of Section 195 of the said Code and complaint made under Section 340 of the said Code shall be signed by such officer of the Lokayukt as he may appoint for the purpose.

12. Authentication of orders passed by the Lokayukt.

- Any order passed by the Lokayukt or Up-Lokayukt under the provisions of these rules and executed in the name of the Lokayukt or Up-Lokayukt shall be authenticated in such manner as the Lokayukt or Up-Lokayukt may, by general or special order, from time to time, specify.

13. Transaction of business.

- The Lokayukt may, from time to time by general or special order, provide for the convenient and efficient transaction of business arising out of the administration of these rules and the procedure to be followed for the purpose :Provided that such order may also specify a matter or a class of matters which shall be brought to the personal notice of the Lokayukt or Up-Lokayukt, before any orders are issued.

14. Residuary powers.

- All matters not specially provided for in these rules whether incidental or ancillary to the provisions of these rules or otherwise, shall be regulated in accordance with such orders, as the Lokayukt may, from time to time, make.

15. Powers to regulate proceedings and investigations.

- The Lokayukt or Up-Lokayukt shall have the powers, subject to the provisions of the Act, to regulate the conduct of proceedings, investigations and enquiries in all matters not provided for in these rules.

16. Procedure to be adopted at the investigation.

- When the Lokayukt or Up-Lokayukt conducts an investigation under the Act, he shall after a copy of the complaint or the statement of the grounds of the investigation has been served on the public servant concerned, afford reasonable opportunity to him or his authorised representative to inspect or copy the affidavit of the complainant and other documents which may have been filed in support of such complaint, affidavit or statement. Explanation. - "Copy" includes preparation of a copy in manuscript or typewriting machine.

17. Directions by the Lokayukt or Up-Lokayukt.

- The Lokayukt or Up-Lokayukt may, by order not inconsistent with these rules, provide for matters for which no provisions have been made or insufficient provisions have been made in these rules and may give such directions as may be necessary for giving effect to the provisions of the Act, the rules and such orders.

Form I (See Rule 6) Before the Lokayukt, Madhya Pradesh

Complainant.....A.B.....S/o.....(add description of profession, residence etc.) In the matter of - Allegation against xy..... S/o..... holding the office of.....at.....The above named complainant is satisfied that the aforesaid public servant-(i)has abused his position as such to obtain any gain or favour to himself or to any other person or to cause undue harm to any person; and/or(ii)was actuated in the discharge of his functions as such public servant by improper or corrupt motives; and/or(iii)is guilty of corruption; and/or(iv)is in possession of pecuniary resources or property disproportionate to his known source of income and such pecuniary resources or 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 applicant relies on the following facts and is also filing an affidavit:-(1)(2)(3)(4)etc.The applicant is prepared to swear an affidavit again before the Lokayukt, is if so desired.The necessary deposit of Rs. has been made, by affixing judicial stamps of that value on the complaint.

PrayerIt is, therefore, prayed that an enquiry be made against the said public servant.....Signature of applicantVerificationI..... S/o..... R/o..... hereby verify that the facts stated by me in paras to in the complaint are true to my personal knowledge and/or are based on information received from (give the name) and/or documents, and believed to be true.....Signature of applicant

Before the Up-Lokayukt, Madhya Pradesh

Complainant.....A.B.....S/o.....(add description of profession, residence etc.) In the matter of - Allegation against xy..... S/o..... holding the office of.....at.....The above named complainant is satisfied that the aforesaid public servant-(i)has abused his position as such to obtain any gain or favour to himself or to any other person or to cause undue harm to any person; and/or(ii)was actuated in the discharge of his functions as such public servant by improper or corrupt motives; and/or(iii)is guilty of corruption; and/or(iv)is in possession of pecuniary resources or property disproportionate to his known source

of income and such pecuniary resources or 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 applicant relies on the following facts :- (1) (2) (3) (4) etc. Prayer It is, therefore, prayed that an enquiry be made against the said public servant..... Signature of applicant Verification I..... S/o..... R/o..... hereby verify that the facts stated by me in paras to in the complaint are true to my personal knowledge and/or are based on information received from (give the name) and/or documents, and believed to be true..... Signature of applicant Form II (See Rule 6) Form of Affidavit I, son of Shri..... age..... profession..... resident of..... P.S..... District..... at present at..... P.S..... 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 petition have been read by/read over to me and understood/heard by me and that they are true to the best of my knowledge and belief. (3) That the facts stated by me in paras..... to..... are true to the best of my knowledge and facts stated in paras..... to..... are true to my belief and derived from the information given to me by Shri...../ document which, I believe to be true. Date..... Signature or thumb mark of the deponent. Identification I,..... identity the signature/thumb mark of Shri..... who has signed/has given thumb mark on this affidavit in my presence..... Signature and address of the identifier with date. Affidavit sworn before me..... Designation of the authority before whom affidavit is sworn. Date..... Place.....