

TRIPURA LOKAYUKTA RULES, 2012



No. 35 GOVERNMENT OF TRIPURA GENERAL ADMINISTRATION (AR) DEPARTMENT Dated, Agartala, the February, 2012 NOTIFICATION In exercise of the powers conferred by Section 22 of the Tripura Lokayukta Act, 2008 the State Government, in consultation with the Lokayukta hereby makes the following Rules, regulating the functions, enquiry, investigation, financial and administrative powers of Lokayukta namely:- Short title and commencement Definitions Complaint against public functionary 1. 2. 3. (1) These Rules may be called the Tripura Lokayukta Rules, 2012. (2) They shall come into force on the date of their publication in the official gazette. (1) In these Rules, unless the context otherwise requires; (a) 'Act' means the Tripura Lokayukta Act, 2008 (Act No. 1 of 2010) (b) 'Complainant' means a person who makes a complaint under provision of the Act against any public functionary. (c) 'Form' means a form appended to this Rules. (d) 'Investigation' includes any enquiry or other proceedings in connection with a complaint but not a preliminary enquiry. (e) 'Registrar' means the Registrar of the Lokayukta and includes an Additional Registrar, a Deputy Registrar, and an Assistant Registrar. (f) 'Section' means the Section of the Act. (2) Words and expression used in this Rules, but not defined herein, shall have the same meaning as are respectively assigned to them in the Act. Save as otherwise provided in these Rules, every complaint under the Act shall be made in Form No. 1 and shall be accompanied by an affidavit in



Form No.11 in support of its contents and shall contain the following particulars, namely: (a) The name and address of the complainant; (b) The name of official designation and address of the public functionary against whom the complaint involving grievances or allegation is made; Fee for filing complaint
Complaint filed prior to these ruleq Mode of filing complaint Scrutiny and registration of the complaint (c)
Details of the contents of the action complained of/ and of the allegation

4. The Lokayukta in consultation with the State Government may fix the rate of fees which shall be paid in judicial stamp for filing a petition of complaint Provided that the Lokayukta may, on an application made by the complainant, in his discretion waive the requirement of payment of fees in appropriate case

5. Any complaint filed after commencement of the Act and prior of these Rules shall be deemed to have been filed under these Rules



6. A complainant may file a complaint in person or may send the same by registered post to the Registrar and such complaint shall be acknowledged by the Registrar specify name and designation of the public servant against whom such complaint is made.7. (1) On receipt of a complaint the Registrar shall cause the particulars thereof to be entered in a register of all complaints. (2) If the Registrar is of the opinion that any such complaint is not in conformity with the provisions of the Act or Rules, he shall within a period of 15 days from the date of its receipt issue a notice in



Form No.IV to the complainant requiring him to rectify the defect within time specified in the notice. Provided that the Registrar may on an application made by the complainant, extended the time specified in the notice for sufficient cause. (3) All complaints shall be placed before the Lokayukta for orders, but complaint 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, as the case may be, whether or not any defect pointed out by Registrar has been rectified. (4) Every person making a compliant under sub-rule(1) shall be informed of the gist of the order in Form No.V if no further action on the complaint is to be taken



8. While conducting a preliminary enquiry or an investigation, the Procedure in respect Lokayukta may engage any agency or person or professionals including subject expert etc. on payment of reasonable fees with the approval of the Government. Witnesses Annual report under section 14 of the Act Authentication of order passed by the Lokayukta Appointment and transfer of staff of Lokayukta and other condition of their services 9. (1) If while making any preliminary enquiry or while conducting any investigation under the Act, the Lokayukta, on his own motion or on application being made, examines any person as a witness whether to give evidence or to produce any document in his possession, then such person shall be entitled to a certificate from the office of the Lokayukta in



Form No.III certifying that he has attended the office of the Lokayukta for purpose of giving evidence etc.

(2) If the person referred in sub-rule(1) produces the certificate in Form No.III before his employer, then:-

(i) If he is in private service, he shall not be deemed to be absent from duty for the purpose of any action/ penalty which would otherwise have followed in consequence of such absence. (ii) If he is public servant, he shall be treated as on duty on the day or dates on which he attended the office of the Lokayukta and he shall be entitled to draw Traveling Allowances/ Daily Allowances from his Department. (iii) If the person referred to in sub-rule(1) is in private service or is not employed in any service, such person may be paid actual TA and subsistence allowance as per scale prescribed by the State Government in the Criminal

Procedure (payment of expense to the complainant and witness) Rules 1972. The Lokayukta may, however, considering any individual case may pay the witnesses a higher TA and DA considering hardship the witnesses may face. Explanation:- For the purpose of this Rule 'private service' means any service other than public service

10. The Lokayukta may in his consolidated annual report give suggestions for ensuring transparency and minimizing the scope of misuse or abuse of office by a public servant

11. Any order passed by the Lokayukta under this Rule and executed in the name of Lokayukta, shall be authentic in such manner as the Lokayukta may by general or special order specify, from time to time

12. The procedure for recruitment/ appointment of officers and staff and their conditions of service shall be as per the rules and order as applicable of Government employees of corresponding posts. Financial power of Lokayukta Inspection of records Framing regulation Procedure under the Act 13. The Lokayukta shall be competent to incur reasonable expenditure with the approval of the Government where such approval is necessary as per provisions of Delegation of Financial Power Rules, from his allotted budget to facilitate an efficient and proper working of his institution and for the proper conduct of the investigation. Provided that the Lokayukta may general or special order delegate his financial power to any officer of his office and till the infrastructure of the office of Lokayukta is complete to such officer of the Government as may be decided by the Lokayukta

14. The Lokayukta may direct and authorize any of his officer or staff to inspect/ visit any premises or to inspect any documents or other relevant records for the purpose of any enquiry or investigation under the Act

15. The Lokayukta may lay down its own procedure for enquiry and investigation by making regulation.16.(1) While the Lokayukta decides to conduct any investigation under these Rules, he:- (a) shall forward 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 therefore, to the public functionary concerned and the competent authority in



Form No.VI. (b) shall afford to the public functionary concerned, an opportunity to offer his comments on such complaint or statement; and (c) may make such orders as to the safe custody of documents relevant to the investigation, as he deems fit. (2) Subject to the provision of Right to Information Act, 2005, every such investigation shall be conducted in private and, in particular the identity of the complainant and of the public functionary affected by the investigation shall not be disclosed to the public or to the press or published in any manner whether before, during or after the investigation. (3) save as aforesaid, the procedure for conducting any such investigation shall be such as the Lokayukta considers appropriate in the circumstances of each case. (4) The Lokayukta may, in his discretion, refuse to investigate or cease to investigate any complaint if in his opinion:- Residuary powers Power to regulate proceeding and investigation (a) there are no sufficient grounds for investigating or as the case may be, for continuing the investigation; or (b) other remedies are available to the complainant or in the circumstance of the case it would be more proper for the complainant to avail of such remedies. (5) In any case where Lokayukta decides not to entertain any complaint or to discontinue any investigation in respect of complaint, he shall record his reasons therefore, and communicate the same to the complainant and the public functionary concerned

17. The Lokayukta may, by order not inconsistent with these Rules, provide for the matters for which no provision has 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



18. Subject to the provisions of the Act, the Lokayukta shall have the powers to regulate the conduct of proceedings, investigations and enquiries in all matters not provided in these Rules.By order of
Governor Rao Principal Secretary to the Government of Tripura



FORM NO.I (See rule 3) FORM OF COMPLAINT BEFORE THE LOKAYUKTA, TRIPURA son of, daughter of/ wife of ...(add description of profession, residence etc.) Complainant In the matter of allegation against... of/daughter of/ wife of... at... of... .. The above named complainant is satisfied that the aforesaid public servant, son holding the office (iii) (iv) has knowingly and intentionally abused his position as such to obtain any undue or favour to himself or to any other person or to cause undue gain.... hard to any other person, and/or was actuated in the discharge of his functions as such public servant by corrupt motives, and/or is guilty of corruption, and/or is in possession of pecuniary resources of property disproportionate 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 complainant relies on the following facts and is also filing an affidavit:- (1) (2) (3) (4) The complainant 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) PRAYER It is, therefore, prayed that an inquiry be made against the public servant. Signature/thumb mark of the applicant VERIFICATION of/daughter of/wife of Shri / Late 1... facts stated by me in paras.....to so Resident of .. knowledge and/ or the facts stated by me in paras..... hereby verify that the . in the complaint are true to my personal to.... ..are base 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 applicant FORM NO. 11 (See rule 3) Note:-This affidavit should be got prepared on a non-judicial stamp paper worth Rs.3/- and then it should be got attested from a notary or an Oath Commissioner or Magistrate Ist Class. FORM OF AFFIDAVIT son of/daughter of/wife of Shri/Late..... resident of Profession District..... Tehsil.... follows:- (1) that I am the complainant in this case; do hereby solemnly affirm and state as (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; are true to the best of my knowledge (3) that the facts stated by me in paras..... to are based on the information given to me by and belief stated in paras..... and/or documents which, I believe to be true. Shri..... . Signature/thumb mark of the deponent Place... .. Dated... .. Affidavit sworn before me. Certified that the above averment was declared before me on oath/ affirmation this... .. Shri/Smt/Miss Shri/Smt/Miss..... day of 20 by at in the District of.... ..who are by identified . who 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. Designation of the authority before whom affidavit is sworn Place.... .. Dated. FORM NO.III [See Rule 90) and FORM OF CERTIFICATE TO BE GIVEN BY THE OFFICE OF THE LOKAYUKTA, TO A PERSON FOR RECORDING EVIDENCE BEFORE LOKAYUKTA. I

2. Certified that.... was summoned to give evidence before the Lokayukta in his public/private capacity in case of . required to attend for a period of to.... And was Days i.e. from.... Further certified that he has been paid the following amounts in accordance with the rules for attending the office of the Lokayukta for the purpose: (i) Traveling Allowance Subsistence Allowance Rs.... (ii) Place.... Dated. ...



FORM NO.IV [See Rule 7(2)] Office of the Lokayukta, Tripura, Agartala. Dated..... .. Proceedings No....
 To Shri/Shrimati... Ref:- Your complaint dated. against Shri/Shrimati Your
 complaint dated.... is found to be deficient in the following particulars. You are hereby
 requested to supply the omissions and rectify the defects mentioned bellow within ten days after receipt of
 this communication, failing which your complaint will be disposed of on the basis of the available
 material. 1. 2. 3. 4. 5. 6. 7. 8

9. Form No.I not filled. Prescribed fee of Rs... .. to be paid. Complaint is not signed by the complainant.
 Affidavit of the complainant in the prescribed form and/ or of the witnesses not enclosed. name,
 designation and address of the public servant complained against not furnished Documents relief on or true
 copies thereof in the custody and control of the complainant not enclosed. Particulars of documents relied
 on not in the custody or control of the complainant not furnished. Required sets of copies of affidavits and
 documents not enclosed. Other reasons. Yours faithfully, Registrar, for Lokayukta of Tripura. FORM
 NO.V [See Rule7(4)] Office of the Lokayukta, Tripura, Agartala. Dated.... .. Proceedings No.... ..
 To Shri/Shrimati..... .. containing certain allegations Your complaint, dated... ..
 ...is rejected for the reasons mentioned below:- Reasons for rejection of the complaint: against
 Shri/Shrimati 1. 2. 3. 4. 5. 6



7. The defects and/or omissions pointed out in proceedings No.... .. have not been rectified and/or supplied. dated.. The complaint does not disclose an allegation which can be investigated by the Lokayukta. There are no sufficient grounds for investigating the complaint. Other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies. The public servant against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta. The complaint is made after the expiry of six years from the date on which the action complained against is alleged to have taken place. An earlier complaint base on the same allegation as those made in the present complaint was previously disposed of by the Lokayukta or any other authority through proceedings No.. .. dated.... .. Lokayukta, Tripura



FORM NO.VI [See Rule 16(a)] Proceedings of the Lokayukta, Tripura, Agartala. No..... Dated....
 To Shri/Shrimati..... . Ref:- Complaint No..... of.. 20 After conducting a preliminary
 verification into the above complaint the Hon'ble Lokayukta proposes to conduct an investigation into it.
 So, you are hereby afforded an opportunity to offer your comments on: sent (i) (iii) the complaint,
 dated against by you Shri/Shrimati..... A copy of which is herewith enclosed along with copies of
 affidavits produced by the complainant; the enclosed statement containing an allegation against you, which
 the Hon'ble Lokayukta has on his own motion proposed to investigate for the grounds mentioned therein;
 the action in respect of which His Excellency, the Governor of Tripura has required the Hon'ble Lokayukta
 to conduct an investigation as per the enclosed copy. You may, therefore, submit your comments as
 aforesaid on.... at 10.30 A.M. before the Hon'ble Lokayukta at his office together with such
 affidavits of witnesses and documents in the original and three sets of copies thereof, as you may desire to
 be examined and considered before further steps in the investigation are ordered. You may engage another
 public servant or a legal practitioner to represent you. If you fail to appear in the aforesaid manner and
 submit your comments as aforesaid, further investigation may be proceeded with on the basis of the
 material available. Registrar, for Lokayukta, Tripura Copy to:- 1. The Principal Secretary to the Governor,
 Tripura, Raj Bhawan, Agartala

2. The Principal Secretary to the Chief Minister

3. The PS/PA to all Ministers

4. The Private Secretary to the Chief Secretary, Tripura

5. The Private Secretary to the Addl.Chief Secretary, Tripura

6. The Principal Secretaries/ Commissioners & Secretaries/ Secretaries to the Government of Tripura

7. All Heads of Department

8. The Chief Executive Officer, 'ITAADC, Khumulwng

9. Heads of all Autonomous Bodies/ Local Bodies/ Public Sector Undertakings/Corporations/
 Organizations etc

**10. The Manager, Tripura Government Press for publication of the Notification in the next issue of
 Tripura Gazette.** Copy also forwarded to :- The Lokayukta, Tripura, Old Secretariat complex, Agartala.
 Ro) Principal Secretary to the Government of Tripura