

GOVERNMENT OF MEGHALAYA
POLITICAL DEPARTMENT
ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Shillong the 12-5-2008

No. POL.152/98/150 : In exercise of the powers conferred by Section 21 of the Meghalaya Lokayukta and Up-Lokayuktas Act, 2000, (Act No. 1 of 2002) the Governor of Meghalaya is pleased to make the following Rules, namely

The Meghalaya Lokayukta and Up-Lokayukta Rules 2008,

1. Short title and commencement: -(1)These Rules may be called the Meghalaya Lokayukta and Up-Lokayukta Rules, 2008.

(2)They shall come into force at once.

2. Definitions:- In these Rules, unless there is anything a repugnant in the subject or context –

- (a) "Act" means the Meghalaya Lokayukta and Up-Lokayuktas Act, 2000 (Act No. 1 of 2002);
- (b) "Chief Secretary" means the Chief Secretary to the Government of Meghalaya;
- (c) "Complaint" means a complaint made under Section 9 of the Act;
- (d) "Complainant" means a person who makes a complaint under Section 9(1) (a) & (b) of the Act;
- (e) "Form" means the form appended to these rules;
- (f) "Governor" means the Governor of Meghalaya
- (g) "rules" means the Meghalaya Lokayukta and Up-Lokayuktas Rules 2007, and
- (h) "State Government" means the Government of the State of Meghalaya;

3. **Competent Authority:** -The Chief Secretary shall be the Competent Authority in relation to the public servant referred to in Sub-Clause (ii) of Clause (d) of Section 2 of the Act.
4. **Manner of Lodging Complaint:** (1) Every Complaint shall be made in the form appended to these rules.

(2) Every Complaint made under Sub-Rule (1) of Rule 9 shall contain a statement in a concise form of the allegations made against the public servant and the material 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.

(3) Every complaint shall bear a Court Fee Stamp as prescribed by Article 1 of the Court Fees (Meghalaya Amendment) Act as amended from time to time.

(4) The complaint may be presented in person or sent by registered post to the office of the Lokayukta / Up-Lokayukta. Such complaint shall be acknowledged at the office of the Lokayukta / Up-Lokayukta specifying the name and designation of the public servant against whom such complaint is made.

5. **Affidavit:**

(1) Every complaint shall be supported by an Affidavit duly sworn in by the complainant before the Magistrate of the First Class or an Officer duly authorized in this behalf.

(2) Every such affidavit shall be verified at the end by the complainant or by one of the complainants.

(3) The person verifying shall specify by reference to the numbered paragraphs of the Affidavit what he verifies from his own

knowledge and what he verifies upon information received and believed to be true. In the later case the sources of the information and the grounds of his belief shall also be stated.

6. Scrutiny and registration of complaints.-

- (1) On receipt of a complaint, the Lokayukta / Up-Lokayukta shall cause the particulars thereof to be entered in "the Register of Complaints".
- (2) All complaints shall be placed before the Lokayukta or the Up-Lokayukta as the case may be, for orders.

7. Allowance and Conditions of Service of Lokayukta and Up-Lokayukta:

- (1) Except as otherwise provided in these rules:-
 - (i) allowances, (excluding the Dearness Allowance), pension and other conditions of service of Lokayukta shall be at par with that of the Supreme Court Judge or High Court Judge.
 - (ii) allowances, (excluding the Dearness allowance), pension and other conditions of service of Up-Lokayukta shall be at par with that of the District and Session Judge.

(2) Notwithstanding anything contained in sub-rule (1) the Lokayukta or Up-Lokayukta shall be entitled to pension and D.C.R.G. in accordance with these rules, in addition to the pension and other benefits they may be entitled to, in respect of any previous service rendered by them under the Central Government or any other State Government.

(3) The Leave for Lokayukta and Up-Lokayukta will be governed by the State Government Leave Rules as contained in the Meghalaya Fundamental Rules & Subsidiary Rules 1984.

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8. Official residence to Lokayukta and Up-Lokayukta-

- (1) The Lokayukta and Up-Lokayukta shall be entitled to the use of free official residence throughout the term of their office and for a further period of one month or for such extended period not exceeding two months as may be determined by the Government.
- (2) The official residence shall be maintained by the Government.
- (3) If the Lokayukta or Up-Lokayukta is not provided with the official residence immediately after his appointment he shall be entitled for reimbursement of the actual rent paid by him for the accommodation, if any, secured by him till the date of getting the official residence.
- (4) Where the Lokayukta does not avail himself of the use of an official residence, he shall be paid every month, an allowance of Rs.5, 000/-.
- (5) Where an Up-Lokayukta does not avail himself of the use of an official residence, he shall be paid every month, an allowance of Rs.2, 500.

Explanation –

“Official residence” means an accommodation owned or taken on hire by requisition or otherwise, by the Government and allotted to the Lokayukta or Up-Lokayukta free of rent.

FORM
[See rule 4(1)]

(For office use)

(Not to be filled by the Complainant)

Date of Receipt:

Number:

Complaint form regarding "allegation" and "grievance" (as defined in Clause (c) and Clause (f) of Section 2 of the Meghalaya Lokayukta and Up-Lokayukta Act 2000 to be filed before the Lokayukta/Up-Lokayukta, Meghalaya.

1. Name of the Complainant:
2. Father's or husband's name:
3.
 - (a) Occupation
 - (b) Whether a public servant or not?
 - (c) If the complaint is on behalf of any other persons, state your relationship with that person (also annex document, if any, to prove that you represent his estate or he had authorized you in this behalf)
4. Permanent Address:
 - (a) Name:
 - (b) Place:
 - (c) Post Office and Police Station:
 - (d) District:
5. Address to which communications are to be sent:
 - (a) Name:
 - (b) Place:
 - (c) Post Office and Police Station:
 - (d) District:

6. (1) Name, designation: (as at the time of the matter complained against and present address (if known) of the person against whom complaint is being made:

(2) Date when the causes for the complaint arose:

(3) Reasons for delay in submitting the complaint (in case of complaint being time barred under Sub-Section (4) of Section 8:

(4) Whether any complaint was earlier made before a superior authority or proceedings taken before a Tribunal or a Court of Law? If so, with what result? If not, please briefly state the reasons?

7. Whether it is

(a) An allegation (as defined in Section 2 (c) of the Act)

(b) A grievance (as defined in Section 2 (f) of the Act)

8. List of persons who have sworn affidavits in support of the complaint

9. Are there other persons who have knowledge about the facts relating to the complaint whom you would like to be summoned by the Lokayukta/ Upa-Lokayukta.

10. List of documents attached to the complaint including affidavit of the complainant.

11. The particulars of the complaint (here please state full facts, of the complaint).

* Section 2 (c) "allegation", in relation to a public servant, means any affirmation that such 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 or hardship to any other person.

- (ii) Was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motive, or
- (iii) Is guilty of corruption or lack of integrity in his capacity as such public servant.

*Section 2 (f) – "grievance" means a claim by a person that he has sustained injustice or undue hardship in consequence of mal administration.

Note: The form can be copy out on plain paper by the Complainant. Additional Pages can be added, according to the requirements of the complaint.


Commissioner & Secretary to the Govt. of Meghalaya,
Political Department.
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