



The Tripura Lokayukta Regulation, 2012.



TRIPURA



GAZETTE

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 PART--I-- Orders and Notifications by the Government of Tripura,
 The High Court, Government Treasury etc.

**REGULATIONS BY THE LOKAYUKTA FOR THE STATE OF
 TRIPURA**
Regulation of procedure

File No. F. 4(2)/Lok/Reg/2012/145

Dated, Agartala, the 17th April, 2012.

NOTIFICATION

In exercise of the powers conferred by section 23 of the Tripura Lokayukta Act, 2008 (The Tripura Act No.1 of 2010) the Lokayukta with the prior approval of the State Government, hereby makes the following Regulations to regulate its own procedure while conducting enquiry or investigation:-

1.(1)These Regulations may be called the Tripura Lokayukta Regulations, 2012.

(2)They shall come into force from the date of the publication in the official gazette.

2. Definitions:-

(1) 'Act' means the Tripura Lokayukta Act, 2008:

(2) 'Rules' means the Tripura Lokayukta Rules, 2012, framed under the Act.

(3) 'Registrar' means the Registrar of Lokayukta and includes Addl. Registrar, Deputy Registrar and Assistant Registrar.

(4) Words and expression used in these Regulations but not defined herein shall have the same meaning as are respectively assigned to them in the Act and the Rules.

A. Sitting of the Lokayukta

(1) Unless otherwise notified, the office of the Lokayukta will be located at Old Secretariat building and remain open between 10.00 A.M. and

5.00 P.M. on all week days. Usual Government holidays will be observed in the office of the Lokayukta. Outsider will not be allowed to enter in the office. The public may, however, have access to the Registrar or Section Officer in the office between 11.00 A.M. to 1.00 P.M. and again 2.00 P.M. to 4.00 P.M. on all week days.

(2) The announced or notified public sitting of the Lokayukta will take place at the chamber of Lokayukta between 11.00 A.M. and 4.30 P.M. except Sundays and Government holidays as applicable to the State Government employees. The public hearing will be between 11.00 A.M. to 4.15 P.M. except on Sundays and Government holidays with recess between 1.30 P.M. and 2.15 P.M. On those days the Lokayukta will be available in his chamber between 10.30 A.M. and 11.00 A.M. and from 4.30 P.M. to 5.00 P.M. On days not notified for public sitting, the Lokayukta be seen by appointment.

(3) The Lokayukta may, in its discretion, hold its sittings in other places according to the necessity of each case or on the application of parties or witness and the date, place and time of the sitting will be duly notified.

(4) The sitting of the Lokayukta may be adjourned from time to time at the discretion of the Lokayukta. Timings or dates of the sittings of the Lokayukta may be changed with due notice to the parties concerned.

(5) The proceedings will be continued in English but arrangement will be made, as far as practicable, for translating depositions in vernacular and the parties or their lawyers may address the Lokayukta in vernacular understood by the Lokayukta.

(6) The sitting of the Lokayukta will be open to the public but they will be held in camera at the discretion of the Lokayukta in respect of

particular persons or incidents or on the application of witnesses or parties as the case may be.

B. Examination of complaint:

(1) The Lokayukta will examine the complaint filed to ascertain its jurisdiction on the basis of allegations of corrupt practice by a public functionary or a public servant.

Explanation- 'Corrupt practice' shall mean as defined in Section 2(5) of the Act.

(2) The complaints which are outside jurisdiction or too trivial or individual in nature will be rejected and a list will be kept in the office of the Lokayukta for inspection by the complainants. The rejected complaint with documents, if any, may either be returned to the complainant, if available, or in the discretion of the Lokayukta, be sent to the Department concerned or to the Government for necessary action.

(3) If the complaint makes out a prima-facie case and there are sufficient materials produced in support then a process may be issued to the respondent to answer the allegation and submit the list of the documents or witnesses in support of his own case and the complainant and his witnesses or respondent and his witnesses may be directed to supply affidavit or counter affidavit evidence in support of their respective cases in the form of affidavit mentioned in the Tripura Lokayukta Rules, 2012 and in Form No-II appended therewith. After perusing the affidavit filed by the parties if the Lokayukta is satisfied that there is no merit in the case he may dispose of the case without recording any evidence.

C. Investigation of the complaint

- (1) Where the prima-facie case is not clear or the materials furnished in the complaint are not complete, the Lokayukta may utilize the services of officers or agencies of the State Government or its own agency for preliminary investigation in private. The services of State Government officers or investigating agency of the State Government can be obtained by Lokayukta with the concurrence of the State Government.
- (2) The guidelines will be given by the Lokayukta to such agencies or teams for collection of the name and addresses of witnesses for the complainant and also the names and addresses of the persons involved together with the relevant documents or their copies and report to the Lokayukta. Such teams or agencies must meet the complainant for necessary help and direction and get and secure affidavit evidence of the complainant with sufficient numbers of copies thereof.
- (3) The report of the investigating team should be full and complete giving the history and background of the case materials collected and the documents or extracts or copies thereof in connection with the case.
- (4) The Lokayukta reserves the right of confidential investigation by police or non-police team consisting of police and non-police officials.
- (5) Where there is basis for allegation against approved team or agency employed by the Lokayukta, the investigation of such cases will be entrusted to neutral bodies as far as practicable.
- (6) The Lokayukta may scrutinize the report and examine the reporting officer or agency to ascertain the correctness and adequacy of the

report and if the report is incomplete, then further investigation may be ordered.

D. Enquiry

(1) When a prima-facie case for enquiry is made out either on the basis of affidavit and counter affidavit or on the basis of investigation report, notice or summons will be issued to the respondent to appear and answer the allegations made in the complaint either viva voce or in writing and the respondent will also be asked to produce a list of witnesses and documents or extracts therefrom. At least five spare copies of the statements and documents have to be filed.

(2) The Lokayukta may issue letter of request, summons or notice as the case may be, on the line of form prescribed in the Code of Civil Procedure with such modifications as may be found necessary to suit the convenience and purpose and nature of the enquires made by the Lokayukta.

(3) The Registrar and Section Officer of the Lokayukta have been delegated with power to sign letters, summons, notices, processes on behalf of Lokayukta.

(4) The Lokayukta will decide whether the case can be disposed of by affidavit or counter affidavit or by interrogatories and cross-interrogatories and whether oral evidence is necessary. The Lokayukta, in its discretion, will decide who are to be orally examined and the Lokayukta is not bound to examine any witness named by a party.

(5) Interested or involved parties may appear personally or through their lawyer or agent duly authorized. The statement or allegations filed before the Lokayukta when confirmed on oath may be treated, in the discretion of the Lokayukta, as examination in chief to avoid loss of

public time. If examination in chief is in vernacular, it will be translated in English and made part of the record.

(6) Parties interested or involved in any item of enquiry will produce their witnesses without intervention of Lokayukta but if a witness cannot be produced and the Lokayukta finds his evidence necessary, then the Lokayukta in its discretion, may request or summon the witness either to appear personally or send statement in the form of affidavit or the witness may be examined on commission or by interrogatories and cross-interrogatories.

(7) The complainant may be examined in chief by the lawyer of his choice.

(8) The cross-examination of each witness tendered for evidence should be brief and to the point and always the subject to the control of Lokayukta which may intervene at any stage to shorten cross-examination and for the ends of justice.

(9) The respondent will then be examined by the lawyer or agent, if any, of his own choice and briefly cross-examined to elicit truth first by the lawyer, if any, or the complainant and then, if necessary, by the Government Advocate and Advocate, if any, of the Lokayukta. The Lokayukta may put question at any stage for clarity and for ends of justice.

(10) Barring clerical and typographical mistakes or errors apparent on the face of the record, the evidence recorded before the Lokayukta will be correct evidence on oath unless mistakes are pointed out by the witness or his lawyer or agent on the same date or by next date.

(11) The Lokayukta will then, if necessary, hear the parties or their lawyer and record its findings on facts or reserve its findings.

- (12) The Lokayukta may arrange bearing of the case before it either individually or in groups for the convenience of the witnesses or the person involved for the economy of time in recording evidence or otherwise for ends of justice.
- (13) Registered documents in original or certified copies will be admitted without requiring formal proof.
- (14) Public documents, official records of Government Department or of Statutory bodies, Local authorities, State Undertakings, Banks and Cooperative societies including the office noting, orders, etc. may subject to any valid claim of privilege, be admitted without any formal proof, unless the Lokayukta in any particular case requires it to be proved in any of ways laid down in the Evidence Act.
- (15) When it will not be possible to supply copies of documents to interested or involved parties, they will be permitted to inspect documents of the respective parties and final investigation report.
- (16) When an item is taken up for enquiry the hearing will usually continue from day to day till finished except where in the discretion of the Lokayukta short adjournment is necessary for ends of justice.
- (17) No prayer for adjournment for filing objection, for producing document, for examining witness, for preparing the case for hearing on any grounds including the absence of lawyer will be allowed but the Lokayukta, in its discretion, may grant time in extreme case.
- (18) The mode of service of processes including letters, summons or notices will be either by messenger or by registered post with acknowledgement due. When the process is correctly addressed and is served personally or on any member of the family or servant or agent or caretaker as per return, it will be deemed sufficient and decisive. The

Lokayukta, in its discretion, may either proceed ex parte or compel the attendance of parties or witness or may issue public notice.

(19) The Lokayukta may either in its own discretion or on the application made by any person or party delete or expunge any matter from any petition, affidavit or other documents or return any documents presented to the Lokayukta which, in the opinion of the Lokayukta is irrelevant or needlessly offensive, scurrilous or scandalous.

(20) The technical rules of Code of Civil Procedure before the Lokayukta but the principle of natural justice underlying the Code and the Act will be made applicable.

(21) The Lokayukta reserves its right to alter, modify, delete or add to any of these procedure at any time during the enquiry as and when it is considered necessary after due notice to the interested or involved parties.

E. Authority of Lokayukta

"(1) Authority of Lokayukta to compel attendance of parties or witnesses:- If a party or witness being served with summons or processes refuses to appear or depose before the Lokayukta or fails to produce documents, the Lokayukta may compel the attendance of any such person to whom a summon has been issued under Section 12 of the Act and for that purpose may- (a) issue a warrant for arrest; (b) attach and sell his properties; (c) impose fine upon him not exceeding Rs.5,000/- and (d) order him to furnish security for his appearance and in default commit him to the civil prison".

(2) To ensure production of documents: The claim of privilege in respect of documents or oath of secrecy in respect of deposition by an

individual or Government will be duly considered by the Lokayukta which will give necessary direction in each case.

(3) To exclude public or part of it:- Subject to the provision of the Tripura Lokayukta Act, 2008 and Rules made thereunder, the enquiry before the Lokayukta will be both 'public', namely, within their sight and hearing and 'open' without any preconceived view but public or a section of it may be excluded to prevent over-crowding, disturbance or for any other reason. However, as contemplated in the Act and the Rules, the Lokayukta may hold sitting in private.

(4) To exclude press in particular cases: To prevent mistake or distortions in reporting the proceedings before Lokayukta and for the convenience of interested and involved parties, the Lokayukta may supply as far as practicable, authentic copy of the proceedings including records of statement of witnesses to the Government Advocate and interested and involved parties or their lawyers and to the press but in spite of this if there is deliberate distortion of the proceedings before the Lokayukta, then the entry of the press indulging in such distortion may be regulated.

(5) To try summarily for perjury and contempt

Being empowered under sub-section (4) of section 18 of the Tripura Lokayukta Act, 2008, the Lokayukta may try and punish summarily:-

(a) for insult and for causing any interruption while Lokayukta making any investigation under the said Act.

(b) for false or fabricated evidence the Lokayukta will indicate how and why the evidence is false and give reasonable opportunity to show cause against it and thereafter on the materials on record and further evidence, if any, the case will be disposed of.

(c) For bringing Lokayukta into disrepute

The Lokayukta will indicate how by the action of a person attempted to disrepute the Lokayukta then the Lokayukta will indicate how and why the publication or statement is an attempt to disrepute the Lokayukta shall give him a reasonable opportunity to show cause against it and thereafter on the materials on records and further evidence, if any, the case will be disposed of.

(d) For contempt:

If a witness refuses to take oath, swear affidavit or produces false and fabricated documents in view or presence of Lokayukta, then offender may be detained in custody and after stating the facts constituting the offence and after giving offender a reasonable opportunity to show cause he may be tried and punished summarily in the course of the day.

(e) Faithful reporting of the proceeding before the Lokayukta and fair and bonafide comments by the press of the public are welcome but malafide or motivated criticism of the Lokayukta, its staff or witness or anticipating the decisions of the Lokayukta may be treated as interference with the work of the Lokayukta and as contempt.

P. K. Sarkar
Lokayukta, Tripura
Agartala.

**Summons to Involved Parties
Inquiry under the Lokayukta Act**

To

- 1.Name :
2.Description :
3.Reference :

(1) Whereas allegations have been made before the Lokayukta as per copy of the affidavit with a list or copies of documents and name of witnesses attached for inquiry in which your conduct and reputation may be involved.

And

You are, therefore, summoned to appear in person with or without a lawyer or agent duly authorized on at 10.30 A.M. before the Lokayukta to state your case orally or in writing and submit a list of names and addresses of witnesses and produce documents in support, failing which the Lokayukta may proceed ex parte or may take steps for ensuring your attendance, if necessary.

(2) If you do not want personal cross-examination of the allegationist and his witnesses you may send interrogatories along with your affidavit.

(3) Given under my hand and the seal of the Lokayukta this day
.....20.....


Registrar
17/04/12
Authorized by the Lokayukta,
Old Secretariat Complex
Tripura : Agartala