

**THE ASSAM LOKAYUKTA AND
UPA-LOKAYUKTAS
RULES, 1988***

Notification No. PLA 193/83, dated 20th January, 1989.

In exercise of the powers conferred by S.21 of the Assam Lokayukta and Upa-Lokayuktas Act, 1985 (Assam Act XX of 1985), the Governor of Assam is pleased to make the following rules, namely, the Assam Lokayukta and Upa-Lokayuktas Rules, 1988.

1. Short title and commencement.

- (1) These rules may be called the Assam Lokayukta and Upa-Lokayuktas Rules, 1988.
- (2) They shall come into force at once.

2. In these rules, there is anything repugnant in the subject or context-

- (1) "**Governor**" means the Governor of Assam;
- (2) "**State Government**" means the Government of Assam;

- (3) **"Act"** means the Assam Lokayukta and Upa-Lokayuktas Act, 1985;
- (4) **"Annexure"** means the Annexure to these rules;
- (5) **"Complaint"** means a complaint made under S.9 of the Act.

3. Competent Authority.

The Chief Secretary shall be the competent authority in relation to the Public Servant referred to in sub-Cl. (ii) of Cl. (c) of S.2 of the Act.

4. Manner of lodging complaint.

- (1) Every complaint shall be made in the form set out in the Annexure.
- (2) The complaint made under sub-R. (1) 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 the Court fee stamp of the value of 50 (fifty) paise.

5. Affidavit.

- (1) Every complaint shall be supported by an affidavit duly sworn in by the complainant before a Magistrate of the first class or an officer duly authorised in this behalf.
- (2) Every such affidavit shall be verified at the end by the complainant or by one of the complainants.

<p>*Published in the Assam Gazette, Part II-A, dated 10-5-1989 pp.471-475.</p>
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- (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 source of the information and the grounds of his belief shall also be stated.

6. Allowances and other terms and conditions of service of a Lokayukta and Upa-Lokayukta.

The allowances, pension and other terms and conditions of service of a Lokayukta or an Upa-Lokayukta shall be at par with those applicable either to the Judge of a High Court or of the Supreme Court, as the case may be.

ANNEXUR

{Rule - 4}

For office use

(Not to be filled by the complainant)

Date of receipt.....

No.

Complaint form regarding "allegation" and "grievance" (as defined in Cl.(b) and Cl.(d) of S.2 of the Assam Lokayukta and Upa-Lokayuktas Act.1985) to be filed before the Lokayukta/Upa-Lokayukta, Assam.

1. Name of the complainant
2. Father's or husband's name
3. (a) Occupation
- (b) Whether you are a public servant or not
- (c) If the complaint is on behalf of any other person state your relationship with that person (Also annex documents, if any, to prove that you represent his estate or he has authorised 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 complaint being against) and present address (if known) of the person against whom complaint is being made.

- (2) Date when the cause for the complaint arose

(3) Reasons for delay in submitting the complaint (in case of complaint being time barred under sub-S. (4) of S.(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 S.2 (b) of the Act)

or

(b) a grievance (as defined in S.2 (b) 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 fact of the complaint)

*Section 2 (b). "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 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 (d). "Grievances" means a claim by a person that he sustained injustice or undue hardship in consequence or maladministration.

Note. The form can be copied out on plain paper by the complainant. Additional pages can be added according to the requirements of the complaint.
