

(TO BE PUBLISHED IN THE NAGALAND GAZETTE PART-V)
Nagaland Lokayukta Secretariat

OFFICE OF THE
NAGALAND LOKAYUKTA
KOHIMA.

Nagaland Lokayukta
Below New Secretariat Complex
Thizama Road, Kohima-797004
WEBSITE : Loyayukta.nagaland.gov.in
Email : lokayuktanagaland@gmail.com

No: NL/LOK/ESTT-19/2019/ 5237

Dated Kohima, 16 November 2019.

REGULATION OF NAGALAND LOKAYUKTA

[Issued under Section 33 of the Nagaland Lokayukta Act, 2017 (Act No 1 of 2018) and the Nagaland Lokayukta (Amendment) Act 2019 (Act 1 of 2019) for carrying out the purpose of this Act, and to provide procedure for conducting business of the Organisation i.e.,
Administrative and Judicial Functions.]

Statement of Objects and Reasons.

Whereas Sub-Sec (1) of Section 33 of the Nagaland Lokayukta Act, 2017 (Act No,1 of 2018) confers powers on the Nagaland Lokayukta to make Regulations for carrying out the purposes of this Act, and Sub-Section(2) thereof makes provision like “In Particular, and without prejudice to the generality of the foregoing power, and then specifies certain matters that may, in particular, be covered by such regulations,

And whereas ‘Regulations’ is the general term to describe delegated legislation of general application and “Rules” is restricted to rules of the procedure (see page 15.30 of chapter 15 of Thornton’s Legislative Drafting (Fifth Edition) by Professor Helen Xanthaki),

And whereas under section 32 of the Act, the state Government may in consultation with the Lokayukta by notification, make Rules for the purpose of carrying into effect the provision of this Act, and may cover some or all of these Provisions of the Regulation,

And whereas it is felt necessary to consolidate Subject matters of Executive orders issued earlier on the subject under this Regulation and repeal and delete them in order to avoid multiplicity of Instruction causing confusion in the office.

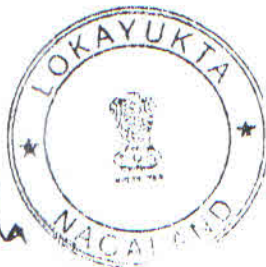
Therefore, I frame Regulation of Nagaland Lokayukta in exercise of my powers of Regulation making under Section 33 of the Nagaland Lokayukta Act 2017, herein after by way of Notification.

The earlier Notification No: NL/LOK/ ESTT – 19/2019/ 5236 issued on 15 November 2019 on the same Subject matter not being in proper Format is withdrawn.

Issued by

(JUSTICE UMA NATH SINGH)

(Former Chief Justice, High Court of Meghalaya)
NAGALAND LOKAYUKTA.



(TO BE PUBLISHED IN THE NAGALAND GAZETTE PART-V)
Nagaland Lokayukta Secretariat

OFFICE OF THE
NAGALAND LOKAYUKTA
KOHIMA.

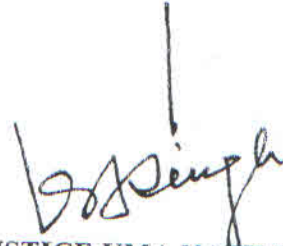
Nagaland Lokayukta
Below New Secretariat Complex
Thizama Road, Kohima-797004
WEBSITE : Loyayukta.nagaland.gov.in
Email : lokayuktanagaland@gmail.com

NOTIFICATION

No: NL/LOK/ESTT-19/2019/

Dated Kohima, 16 November 2019.

This Notification of Nagaland Lokayukta 2019, (Regulation No. 3 of 2019) issued under Section 33 of the Nagaland Lokayukta Act 2017(Act No. 1 of 2018) and the Nagaland Lokayukta (Amendment) Act 2019 (Act 1 of 2019) shall come in force with immediate effect from today (16th November 2019)



(JUSTICE UMA NATH SINGH)
(Former Chief Justice, High Court of Meghalaya)
NAGALAND LOKAYUKTA.

REGULATION OF NAGALAND LOKAYUKTA 2019 (No 3 of 2019)

Regulation 1 :Short title, Extent and Commencement.

- (1) This Regulation may be called Regulation of Nagaland Lokayukta 2019.
- (2) It extends to the whole state of Nagaland and applies also to the public servants posted outside Nagaland in connection with the affairs of the State of Nagaland.
- (3) This Regulation shall come into force with immediate effect from 16th November 2019.

Regulation 2: Definitions

As provided in the Nagaland Lokayukta Act 2017



Regulation 3 : Seat/ Headquarters of the Nagaland Lokayukta

The Nagaland Lokayukta Act 2017 (Act No 1 of 2018) and the Nagaland Lokayukta (Amendment) Act 2019 (Act No 1 of 2019) extend to the whole State of Nagaland and apply also to the Public servants posted outside Nagaland in connection with the affairs of the State of Nagaland.

The Act does not provide for Seat/Headquarters of the Nagaland Lokayukta. Thus, the Nagaland Lokayukta and Upa-Lokayukta may function from any place having the Nagaland State Government Establishment being run by Public servants of the Nagaland inside the state and outside depending upon circumstances and subject to orders from the Lokayukta of Nagaland.

Regulation 4: Exercise of Powers and performance of Duties of the Nagaland Lokayukta in his absence from Station.

Sub- Sections 7, 8 and 9 of Section 3 of the Nagaland Lokayukta Act 2017 (1 of 2013) provide as:-

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....

7. If the office of the Lokayukta becomes vacant, or if the Lokayukta is, by reason of absence or for any other reason whatsoever unable to perform the duties of his/her office, those duties, until some other person is appointed under section (1) and enters upon such office or, as the case may be, until the Lokayukta resume his/her duties, shall be performed-

(a) Where the office of the Lokayukta becomes vacant or where for any reason aforesaid he is unable to perform the duties of his office, by anyone of the judicial members of the Upa-Lokayukta.

(b) In the absence of Judicial members, the senior most Upa-Lokayukta shall discharge the responsibilities of the Lokayukta."

8. The Upa-Lokayukta shall, while acting as or discharging the function of Lokayukta, have all the powers and immunities of the Lokayukta.

9. A vacancy occurring in the office of the Lokayukta or Upa-Lokayukta by reason of his/her death, resignation, retirement or removal shall be filled in as soon as possible, but not later than six months from the date of occurrence of such vacancy.

Handwritten signature



Thus, unless the Lokayukta, being a Quasi Judicial Authority and State Anti-corruption Ombudsman, expressly declares in his letter to the Governor of Nagaland that for the reasons beyond his control, he shall be unable to perform the duties of his or her office, by way of any of legally recognised modes of communication like on paper or electronically (now admissible in evidence as per law declared by the Supreme Court), and unless the Authority/ Officer who could be assigned duties of the Lokayukta during his absence would inspire absolute confidence of the Lokayukta and other stakeholders, so as to ensure that he shall exercise powers and functions of the Lokayukta in his absence in a bonafide manner with no past and/ or present political leanings, and strictly in accordance with law(including as per Rules, Regulations, O.M and Executive Instructions etc issued by the Lokayukta of Nagaland, the Central Government and the State Government from time to time), and shall not compromise integrity of the Organisation, it shall be the duty of the Lokayukta in the interest of image, independence and integrity of the Organisation not to assign all of his powers and functions under the Nagaland Lokayukta Act, 2017 to any such authority in his absence without adequate safeguards to remedy the wrongs committed by the Authority/Officer holding officiating charge of the Lokayukta.

Hence, the Upa-Lokayukta or any other officer shall exercise only such Powers and Functions of the Lokayukta which are specifically provided in writing by the Lokayukta.

Regulation 5: Allotment of cases to member(s) of the Nagaland Lokayukta

As per Law settled and reiterated by the Supreme Court "The Chief Justice is the master of roster". Thus, only the Chief Justice is empowered to decide and allot Judicial works to Judges. That principle of law is also applicable and applied for allotment of cases by all other Judicial and Quasi Judicial Bodies where the Chairman or the President as the case may be, allots cases to its members.

Further, vide Section 17 of the Lokpal and Lokayukta Act 2013(NO 1 of 2014) it is provided as "When benches are constituted, the Chairperson may, from time to time, by notification, make provisions as to the distribution of the business of the Lokpal amongst the benches and also provide for the matters which may be dealt with by each bench".

Even in the Nagaland Lokayukta Act 2017 vide section 33(2) (c), the Lokayukta may, by notification, prescribe the procedure which may be followed by the Lokayukta or the Upa-Lokayukta for conducting proceedings including inquiry and investigation.

Thus, the nature and number of cases to be allotted to members and the procedure of inquiry and investigation to be adopted shall be decided only by the Nagaland Lokayukta. Therefore, it is hereby provided as;

5.1 the Nagaland Upa-Lokayukta shall supervise investigation, provide hearing and pass final orders in pending old 30 Regular Cases (RC) assigned to him earlier and such other cases as may be provided from time to time by the Lokayukta. The list of such cases with status report shall be furnished to the Nagaland Upa-Lokayukta for early disposal under intimation to the Nagaland Lokayukta by IGP and Director (Investigation);

5.2 all fresh complaints filed under the Nagaland Lokayukta Act in format with affidavit as per regulations framed and issued earlier thereunder shall be placed by Coordinator/ Registrar/ Deputy Registrar (upon creation of posts and appointment thereto) of the Organisation before the Lokayukta for permission and order for registration as Preliminary Inquiry and/ or Regular Case, and in case, the Lokayukta is not available in Station, the same can be obtained electronically (now admissible in evidence as per law settled and declared by the Supreme Court) unless the Lokayukta expresses that he is unable to do so for reasons beyond his control to the Governor of Nagaland in writing in his application for leave or otherwise;



Do Singh

5.3 all 'Preliminary Inquiry' cases pending or to be registered in future shall be supervised, decided and disposed of, by the Lokayukta unless he distributes such case(s) by specific order(s) to the Upa-Lokayukta;

5.4 the records of cases listed for hearing shall be maintained by the Coordinator/Registrar/Deputy Registrar/(Subject to creation of posts and appointment thereto), and he shall organise the Court for hearing and prepare and issue court's summons and orders. The original case files shall be retained by the Investigating Officer so that the progress in investigation is not interfered or delayed; and

5.5 the powers under Section 8 (1) and 8(3), Section 10, Section 25(6)(7) and (8), Section 27, Section 31, Section 32 and Section 33 are vested exclusively and only in the Nagaland Lokayukta, therefore, the Nagaland Upa-Lokayukta or any other official of the Nagaland Lokayukta Organisation can perform only such administrative function(s) which the Nagaland Lokayukta will assign to them in writing by individual order(s) in each matter separately from time to time.

Regulation 6: Procedures for processing files of Financial matters.

6.1 the Establishment of Nagaland Lokayukta Organisation shall initiate note sheet and files connected with financial matters by quoting and referring to Financial Rules applicable to subject matter of the file and submit it through the Secretary of Organisation to the Upa-Lokayukta for granting sanction strictly in accordance with Law and Rules,

6.2 in the event of cleavage of opinion between the Establishment and the Upa-Lokayukta in respect of grant of sanction to such proposal for finance, the matter shall be placed before the Lokayukta for resolution, and

6.3 the Drawing and Disbursing Authority working presently for the Nagaland Lokayukta Organisation shall function as such until further orders and shall strictly follow the Treasury Rules and other Financial Rules in letter and spirit.

Regulation 7: No reference to Lokayukta or grant of permission by him in the absence specific orders in writing

in the official Note-sheet and files, there shall not be any reference to the Lokayukta or his permission without specific such orders by the Lokayukta in writing

Regulation 8 : Repeal and Deletion of Executive Instructions issued earlier on the subject matters under this Regulation.

[Handwritten signature]

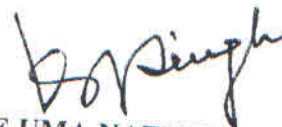


[Handwritten initials]

8.1 Executive Instruction No NL/LOK/ESTT-19/2019 Dated, Kohima the 23rd July, 2019
AND

8.2 Executive Instruction No. NL/LOK/ESTT-19/2019 Dated, Kohima the 23rd July, 2019
issued earlier shall Stand Repealed, Cancelled and deleted with immediate effect from today (16
November 2019).

Issued by



(JUSTICE UMA NATH SINGH)

(Former Chief Justice, High Court of Meghalaya)

NAGALAND LOKAYUKTA.

No: NL/LOK/ESTT-19/2019/ 5237/

Dated Kohima, 16 November 2019.

