



# NAGALAND LOKAYUKTA

**SIXTH ANNUAL REPORT 2024**

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Mayang Lima


**Upa-Lokayukta**  
 Nagaland : Kohima

D.O. No. ....

Date.....

## P R E F A C E

As mandated by Section 25(6) of the Nagaland Lokayukta Act, 2017 – the Sixth Annual Consolidated Report for the year 2024 is being placed before the Hon'ble Governor of Nagaland to cause a copy together with a memorandum to be laid before the State Legislature.

The report contains the structure of the Nagaland Lokayukta Organization, number of complaints registered, number of cases disposed and cases under investigation.

As an institution responsible for examining and investigating a complaint received on various matters against certain public functionaries based on justice, human rights in conformity with principles of fairness, thereafter, submitting recommendations to the Government, the institution aims to assist the State Government in minimizing corruption and enhancing good governance.

As of today, filing of complaints are very less, towards this end, the Nagaland Lokayukta has conducted awareness campaign in some districts so that any citizen will be able to approach the Nagaland Lokayukta Institution to file complaint without any hardship, seeking redressal of grievance or report/disclose corrupt practice by public functionaries.

The Nagaland Lokayukta continues to address alleged acts of maladministration, corruption and grievance arising out of an action by the public servants by instituting preliminary inquiry/ investigation/ suo moto.

I am happy that full cooperation of the State Government has been received in respect of honouring our recommendations.

The officer & staff of all Wings of the Institution are working tirelessly towards achieving the main objective of the Nagaland Lokayukta Act thereby rendering support to the efforts of the State Government in providing good governance as well as safeguarding public funds.

**(Mayang Lima)**  
 In-charge-Lokayukta

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# Contents

Sl. No.	Description	Page No.
	Preface	
1.	Introduction	1
2.	Nagaland Lokayukta	1
3.	Organizational structure of the Nagaland Lokayukta	2
4.	Administrative Wing	3
5.	Directorate of Investigation	3-4
6.	Judicial Wing	6
7.	Technical Wing	5
8.	Budget Provision in respect of the Nagaland Lokayukta	6
9.	Working hours and Holidays of the Nagaland Lokayukta	7
10.	Information Technology	7
11.	Gist of the Physical Achievement Report for the period 2 <sup>nd</sup> January 2024 to 17 <sup>th</sup> December 2024 in respect of the Directorate of Investigation, Nagaland Lokayukta	8
12.	Number of new cases registered during the period	9-10
13.	Number of cases under investigation as on 17 <sup>th</sup> december 2024	11-16
14.	Number of cases with various department as on 17 <sup>th</sup> december 2024	17
15.	Number of cases under trial/final report submission in the Hon'ble Special Court of the Nagaland Lokayukta as on 17 <sup>th</sup> December 2024	18
16.	Number of under trial cases withdrawn from the Special Judge and TDP, Nagaland Lokayukta, Kohima with liberty to re-file	18
17.	Report for the period from January 2024 to December 2024 under the Judicial Wing, Nagaland Lokayukta.	19
18.	Photo Section	20-21
19.	Annexture-I -The Nagaland Lokayukta Act, 2017 Incorporated with the Nagaland Lokayukta (1st Amendment) Act, 2019 and the Nagaland Lokayukta (2nd Amendment) Act, 2022	22-48
20.	Frequency asked questions about the Nagaland Lokayukta	49





## 1. INTRODUCTION

The institution of the Lokayukta has its roots in the concept of Ombudsman, which originated in Sweden. In India, the idea of Lokayukta was first introduced in the state of Maharashtra in 1971, following the recommendations of the First Administrative Reforms Commission. The aim was to create an independent body to inquire into allegations of corruption and ensure transparency and accountability in governance. The enactment of the Lokpal and Lokayukta Act, 2013 was a significant milestone, manifested in the creation of the Lokpal and the Lokayukta at the Central and State level. These are independent bodies that have the authority to inquire into allegations of corruption, abuse of power and maladministration in the functioning of government offices and public servants connected with the executive affairs of the State. They play a crucial role in promoting transparency, accountability, and integrity in public administration.

## 2. NAGALAND LOKAYUKTA

The institution of the Nagaland Lokayukta was established under the Nagaland Lokayukta Act, 2017, to provide easy access and cost-free relief to the public, against the acts of maladministration, corruption, mala fide action and inaction by public servants, connected with the executive affairs of the State. The jurisdiction of the Nagaland Lokayukta extends over the entire State of Nagaland and includes public servants posted outside Nagaland, in connection with the affairs of the State of Nagaland. It is headed by the Hon'ble Lokayukta with two Hon'ble Upa-Lokayuktas. The Lokayukta and Upa-Lokayukta are appointed by the State Government.

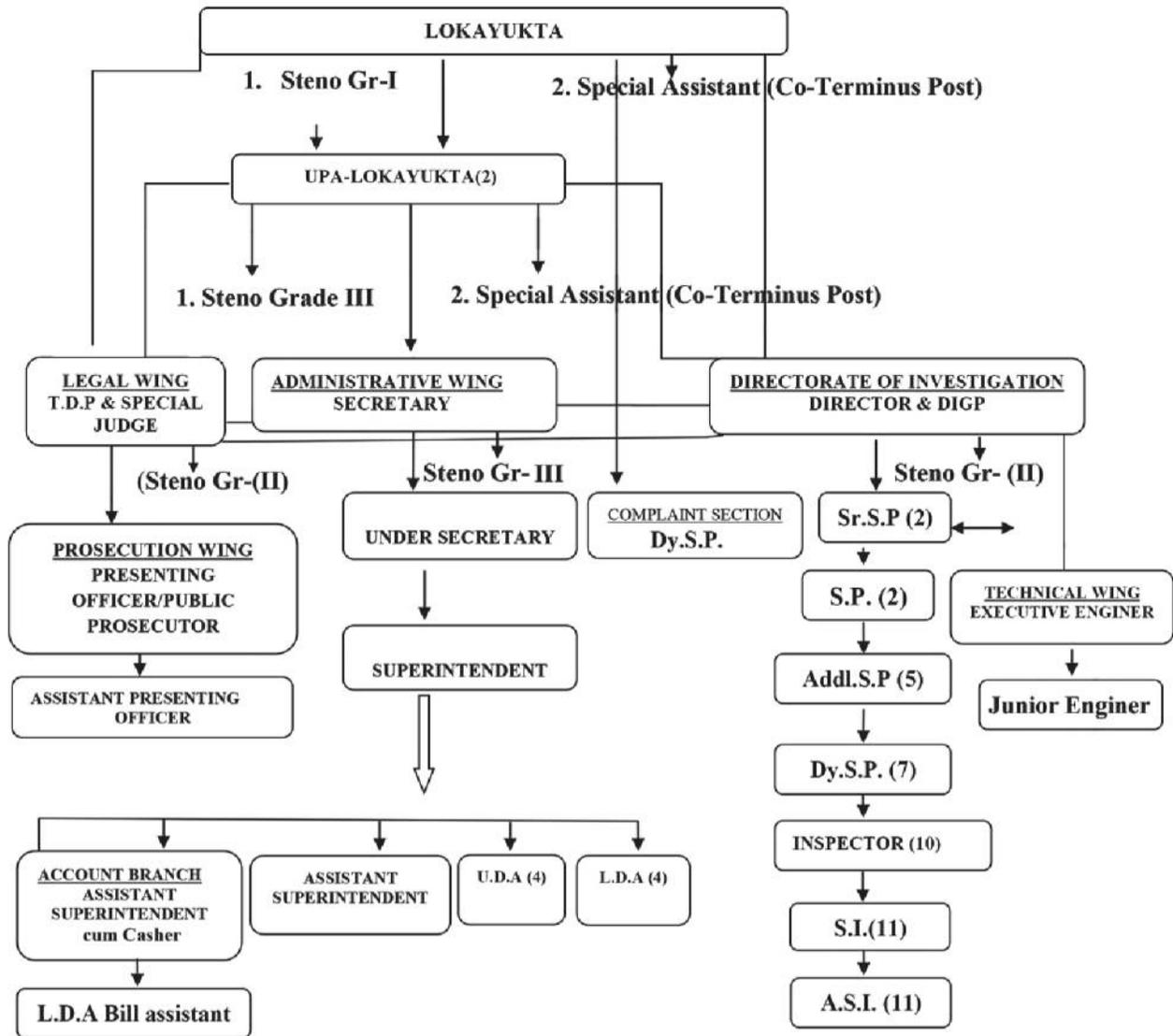
The Nagaland Lokayukta Act, 2017 was amended on two subsequent occasions vide the Nagaland Lokayukta Act (1st Amendment Act) Act, 2019 and the Nagaland Lokayukta (2nd Amendment) Act, 2022 (Annexure-I). The Amendment of 2022, incorporated the provision for appointment of “a person with vast knowledge of law and experience in judicial matters or courts or a person of impeccable integrity, outstanding ability having special knowledge and expertise of not less than twenty years in matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management” under sub-section 4 of Section 3 of the Act, relating to the appointment of Lokayukta.

Names of the Hon'ble Lokayukta and Upa-Lokayuktas during 2024

- |                            |   |                                  |
|----------------------------|---|----------------------------------|
| 1. Smti Banuo Z Jamir      | - | Lokayukta (Retd. 09.09.2024)     |
| 2. Shri. Mayang Lima       | - | Upa-Lokayukta (Acting Lokayukta) |
| 3. Smti. Khanrinla T. Koza | - | Upa-Lokayukta                    |



### 3. ORGANIZATIONAL STRUCTURE OF THE NAGALAND LOKAYUKTA



#### OTHER CATEGORY OF STAFF UNDER THE \*VARIOUS WINGS

#### (ADMINISTRATIVE, LEGAL SECTION, INVESTIGATION & TECHNICAL)

1. Drivers (Spl. Grade) : 12
2. Constable Drivers : 12
3. Constrables : 15
4. Constables : 4
5. Typist Sr-Grade : 1
6. Record/Supplier : 1
7. Jamadar : 1
8. Daftri : 1
9. Peon : 7
10. Chowkidar : 1

#### On Fixed Pay:

1. Sweeper : 1
2. Peon : 1
3. Driver : 9
4. Orderly-Cum-Mali : 2
5. Cook-Cum-Washerman : 2
6. Safaiwala : 1
7. Process Server : 1



#### 4. ADMINISTRATIVE WING

The Administrative Wing of the Nagaland Lokayukta is headed by a Secretary who is an officer belonging to the State Civil Service (NCS), on deputation. The Secretary heads the Administrative Wing, assisted by an Under Secretary and other ministerial staff.

Sl. No.	Designation	Powers and Duties
1.	<b>Secretary</b>	i. Head of the Administrative Wing; ii. Controlling officer of the finance/budget of the organization; iii. Over-all supervisory authority of all sections; iv. First Appellate Authority under Right to Information Act, 2005.
2.	<b>Under Secretary</b>	i. Assists the Secretary in all administrative matters; ii. Supervises budget and accounts matters.
3.	<b>Superintendent</b>	i. General supervision of the establishment branch; ii. Assists the Under Secretary in all administrative matters iii. PIO (Establishment) under Right to Information Act, 2015.
4.	<b>Assistant Superintendent I</b>	i. Cashier and maintains all records pertaining to accounts; ii. Assists the Superintendent; iii. APIO (Establishment)
5.	<b>Assistant Superintendent II</b>	Assists the Superintendent in day to day works
6.	<b>Upper Divisional Assistant</b>	Assists the concerned Section Officers in day to day works
7.	<b>Lower Divisional Assistant</b>	Assists the concerned Section Officers and UDA in day to day works
8.	<b>Stenographer</b>	Attends to dictation work as entrusted by the officer to whom attached and transcribes the same
9.	<b>Typist</b>	Attends to typewriting work in concerned Sections
10.	<b>Driver</b>	Attends to driver duty - maintenance of vehicle
11.	<b>Record &amp; Supplier</b>	Receipt and dispatch /Operation and maintenance of Xerox machine
12.	<b>Peon/Multi-tasking Staff (MTS)</b>	General office errands and maintenance

#### 5. DIRECTORATE OF INVESTIGATION

The Directorate of Investigation of the Nagaland Lokayukta Police comprises of the Director in the rank and status of a Deputy Inspector General of Police (DIGP). However, the Post of Director & DIGP was upgraded to IGP & Director by the Government. Following the retirement of the incumbent on 30<sup>th</sup> November 2024 the post of DIGP & Director was automatically restored to its original designation. Consequently, the Investigation Wing is headed by a Director & DIGP ensuing continuity in leadership and investigative function within the department. The Officers working under the command of the Director & DIGP includes 2(two) Sr. Superintendent of Police, 2(two) Superintendent of Police, 5(five) Additional Superintendent of Police, 7(seven) Deputy Superintendent of Police, 10 (ten) Inspectors, 11(eleven) Sub-Inspectors 11(eleven) Assistant Sub-Inspectors and other different categories of police personnel who assist in overseeing key investigative operations and maintaining the duties effectiveness.



The Directorate of Investigation inquiries into/investigates such complaints as referred to the Investigation Wing. After conducting necessary inquiries and/or investigation, they submit the report and charge sheet as the case may be. The Hon’ble Lokayukta and Hon’ble Upa-Lokayukta by way of preliminary inquiry or criminal investigation, and after collecting the necessary material by conducting discreet enquiries, submit a report, based on which it is determined whether the complaint/allegation is a fit case to be investigated under the Nagaland Lokayukta Act 2017, Code of Criminal Procedure and the Prevention of Corruption Act. This agency maintains the confidentiality and secrecy of information during the discreet enquiry and conducts the probe impartially.

Sl.No	Designation	Powers and duties
1.	<b>Director &amp; DIGP</b>	1. Over-all head of the Nagaland Lokayukta Police Investigation Wing. 2. Officer-in-Charge of the Nagaland Lokayukta Police Station. 3. Entrusts/assigns investigations to the sub-ordinate officers.
2.	<b>Sr.Superintendent of Police</b>	1. Conducts enquiries into the complaints entrusted by the DIGP & Director and submits enquiry reports thereof 2. Supervises the works of sub-ordinate officers and assists the DIGP & Director in all the cases.
3.	<b>Superintendent of Police</b>	1. Conducts enquiries into the complaints entrusted by the DIGP & Director and submits enquiry reports thereof 2. Supervises works of sub-ordinate officers and assists the Sr.S.P.
4.	<b>Additional Superintendent of Police</b>	1. Conducts enquiries into the complaints entrusted by the DIGP & Director and submits enquiry reports thereof 2. Supervises the works of subordinate officers and assists the S.P.
5.	<b>Investigating Officers:</b> i. Deputy Superintendent of Police ii. Inspector iii. Sub-Inspector	Conduct enquiries into the complaints entrusted by the DIGP & Director and submit enquiry reports thereof
8. 9. 10. 11.	<b>Assistant Sub-Inspector</b> <b>Havildar</b> <b>Naik</b> <b>Constable</b>	Assist the Investigating Officers in the conduct of investigations



## 6. JUDICIAL WING

The Law Wing is headed by a Special Judge, appointed/posted by the High Court for all criminal cases filed in the Special Court of the Nagaland Lokayukta.

The Prosecution Wing is headed by a Public Prosecutor, assisted by an Assistant Presenting Officer. The Public Prosecutor belongs to the State Prosecution Service and is posted by the Justice & Law Department, on deputation.

Sl. No.	Designation	Powers and duties
1.	Special Judge & Tribunal for Disciplinary Proceedings	Conducts trial of cases filed by the Nagaland Lokayukta Police under the Prevention of Corruption Act, 1988. Disciplinary cases are conducted by the respective Government departments and therefore the role of TDP is now redundant.
2.	Presenting Officer/Public Prosecutor	Represents the Nagaland Lokayukta as prosecutor in the cases under trial before the Special Judge.
3.	Assistant Presenting Officer	Assists the Presenting Officer.

## 7. TECHNICAL WING:-

The Technical Wing of the Nagaland Lokayukta Organization is headed by one Executive Engineer and assisted by one Junior Engineer. The Technical officers are basically from the Cadre of Nagaland Public Works Department (NPWD) who is posted on deputation. Their primary duty is to assist the Investigation Officers on Technical matters. While rendering their service, it should be their duty to see that codal formalities are observed by the implementing Departments, whether NPWD code was followed, Tender formalities observed or not, payments and its related deduction of taxes like GST, Royalty, Work Tax etc. were made, whether works were carry out as per the specification/ DPR etc.

Sl. No.	Designation	Duties and Functions
1	Executive Engineer	To extend Technical Assistance during Investigation.
		1. Spot verifications
		2. Observation of Works/Project/Schemes etc.
		3. Submission of Technical Report to Investigation Officer (I.O).
2	Junior Engineer	4. Technical Assistance to I.O and the Department.
		To assist Executive Engineer at the time of verification/investigation.
		1. Spot verifications
		2. Observation of Works/Project/Schemes etc.
		3. Submission of Technical Report to Executive Engineer.
		4. Technical Assistance to I.O and the Department.



**8. DETAILS OF THE BUDGET PROVISION DURING 2023-2024  
APPROPRIATION NO.15-LOKAYUKTA**

**Revenue Charged: 1185.69.86**  
**Total 1185.69**  
**(in Lakhs)**

Major Heads	Minor Heads	Scheme Heads	Detailed Heads	Description of Head	Budget Estimate 2024-2025
0000	000	00	00		
1	2	3	4	5	6
<b>Revenue</b>					
2062				<b>Vigilance</b>	
	103			Lokayukta/Upa Lokayukta	
		01		Nagaland Lokayukta	
				<b>Charged:</b>	
			01	Salaries	100.02
			02	Wages	11.60
			03	Travel Expenses	5.00
			04	Office Expenses	3.00
			05	Professional and Special Service	0.00
			08	Advertisement & Publicity	0.00
			16	Motor Vehicles	6.00
<b>2062</b>	<b>103</b>	<b>01</b>	<b>01</b>	<b>Total</b>	<b>126.62</b>
		<b>02</b>		Lokayukta Establishment	
				<b>Charged</b>	
			01	Salaries	923.14
			02	Wages	12.80
			03	Travel Expenses	20.00
			04	Office Expenses	17.00
			05	Professional and Special Service	3.00
			06	Rent, Rates and Taxes	5.00
			14	Minor Works	0.00
			16	Motor Vehicles	33.13
			17	Maintenance	25.00
			26	Other Charges	0.00
			27	Clothing and Tentage	5.00
<b>2026</b>	<b>103</b>	<b>01</b>	<b>02</b>	<b>Total</b>	<b>1044.07</b>
<b>2062</b>	<b>103</b>	<b>01</b>		<b>Total:</b>	<b>1170.69</b>
		02		Investigation	
				<b>Charged:</b>	
			26	Other Charges:	15.00
2062	103	02		<b>Total:</b>	<b>15.00</b>
2062	103			<b>Total:</b>	<b>1185.69</b>
2062				<b>Total:</b>	<b>1185.69</b>
				<b>Total :Revenue</b>	<b>1185.69</b>
				<b>Net Total:</b>	<b>1185.69</b>



## 9. WORKING HOURS AND HOLIDAYS OF THE NAGALAND LOKAYUKTA

### *Working Hours*

The working hours of the Nagaland Lokayukta are from 09:30 AM to 4.30 PM on every working day – Monday to Saturday - with the exception of the second and fourth Saturdays of the month, which are non-working days.

### *Holidays and Vacations*

The Nagaland Lokayukta (Conditions of Service) Rules is not yet finalized and therefore, the Calendar of Holidays notified by the Government of Nagaland governs the holidays, and vacations available to the Nagaland Lokayukta and Upa-Lokayukta.

## 10. INFORMATION TECHNOLOGY

E-Governance today plays a very crucial role in the dissemination and management of information in any organization. Within the Government sector, the objective is to make all Government services accessible to the common man and ensuring efficiency, transparency and reliability of the services. It is basically the application of Information and Communications Technology to the processes of Government functioning in order to bring about ‘Simple, Moral, Accountable, Responsive and Transparent’ (SMART) governance.

The Nagaland Lokayukta website - <https://lokyukta.nagaland.gov.in> - is hosted at the State Data Centre (SDC). It was developed in February 2019 with the technical assistance and help of the Department of Information Technology and Communication but due to inadequate technical support, the system had been non-functional for awhile. The current website has undergone several revamping in term of features on the menu bar, information contents availability, structure and certain updates.

E-Vigilance, a web application developed by the Department of Information Technology and Communication, in collaboration with the Department of Personnel and Administrative Reforms and the Nagaland Lokayukta, is designed to enhance transparency in administrative procedures. The Online Vigilance clearance application “**e-Vigilance**” portal was launched on 15th August 2023. The application digitizes the issue of Vigilance Clearance Certificate for the purpose of promotions and retirements in an effort to promoting an accountable and ethical approach to public services. E-Vigilance app will modernize the manual vigilance clearance process and help simplify the process of seeking vigilance clearance in a time-bound, efficient and transparent manner by integrating the existing employee PIMS database. The new portal will allow online submission of applications by departments, real-time monitoring of applications and time-bound issuance of the Vigilance Certificate with inbuilt mechanism of auto-reminders. The projected timeline for full on-boarding of all departments and the portal going full live is by end of March 2024.



**11. GIST OF THE PHYSICAL ACHIEVEMENT REPORT FOR THE PERIOD 2<sup>ND</sup> JANUARY 2024 TO 17<sup>TH</sup> DECEMBER 2024 IN RESPECT OF THE DIRECTORATE OF INVESTIGATION, NAGALAND LOKAYUKTA**

- I) P.E. : Preliminary Enquiry.  
II) R.C. : Regular Case (Criminal)

Sl. No.	Particulars	Case Series		
		P.E.	R.C.	Total
1	No. of cases brought forward from the previous year	<b>65</b>	<b>18</b>	<b>83</b>
2	No. of new cases registered during the period	12	1	13
<b>Total</b>		<b>77</b>	<b>19</b>	<b>96</b>
3	No. of cases disposed off during the period	25	1	26
4	No. of cases under investigation as on 17 <sup>th</sup> December 2024	<b>52</b>	<b>18</b>	<b>70</b>
5	No. of cases with various Department as on 17 <sup>th</sup> December 2024	<b>52</b>	<b>18</b>	<b>70</b>
6	No. of cases under Trial/ FR Submission in the Hon'ble Special Court of the Nagaland Lokayukta as on 17 <sup>th</sup> December 2024	--	03	03
7	No. of Under Trial cases withdrawn from the Special Judge and TDP, Nagaland Lokayukta (Chargesheet filed after the inception of Nagaland Lokayukta on 22nd February 2019)	--	05	05
8	Money recovered from the investigation ( <b>from the cases closed during the period</b> )	<b>Rs. 3,74,93,999/-</b> (Rupees three crore seventy four lakhs ninety three thousand nine hundred ninety nine only)		
9	No. of persons served with administrative warning/Censure Memorandum after investigation	43		
10	No. of persons terminated from service	18		
11	Others	Short executed works in two projects under PWD (R&B) made completed beside work value amounting to Rs. 55,01,126/- in the implementation of MGNREGA that were found unexecuted during spot verification were made executed		



## 12. NUMBER OF NEW CASES REGISTERED DURING THE PERIOD = 13

SL. No.	Case No.	Date of registration	Nature of complaint
1	A-NLP-01/2024	07/02/2024	Request for investigation into Fostering Climate Resilient Upland Farming System (FOCUS), Nagaland
2	R.C-01/2024	12/02/2024	Fraudulent/excess drawal of money-C&AG Report ended 31st March, 2019 Para 2.4/2.4.1/2.4.2/2.5 under the Department- School Education, Industries & Commerce & Youth Resources & Sports
3	A-NLP-02/2024	04/04/2024	Request for verification regarding the eligibility of family pension in r/o Miss Kaila Sharma, physically handicapped (Blindness) D/o Late Bedi Maya, Ex Sweeper, holder of PPO Book No. NL/V/10105
4	A-NLP-03/2024	10/09/2024	Request for verification regarding the eligibility of family pension in r/o Shri P. Nyanbemo Tsanglao, (Mentally retarded) \ son of Lt. P. Wopeno Lotha, Ex-Medical Attendent and holder of PPO No. PEN/COM-22750/NL/V/22093
5	A-NLP-04/2024	12/09/2024	Enquiry into the construction of Tsiesema Basa to Niuland Road (Capital Bypass)
6	A-NLP-05/2024	01/10/2024	Enquiry into various projects sanctioned under Article 275(1) of the Constitution of India-SCA-TSS during 2010-2019 (33 projects) under Planning & Co-ordination Department
7	A-NLP-06/2024	24/10/2024	Complaint against the public servants of PWD (R&B), Kiphire Division and State Quality Coordinator & Chief Engineer PWD (H) Nagaland for mal - administration
8	A-NLP-07/2024	04/11/2024	Request for investigation into the claim of pensionary benefits in respect of Smti. B. Rukila, wife of Late B. Kejinkhum Yimchunger, Ex-ABC under DEF, Tuensang



9	A-NLP-08/2024	07/11/2024	Enquiry into alleged non-completion of various construction projects at Alongtaki
10	A-NLP-09/2024	03/12/2024	Complaint against the Village Council for mismanagement/ discrepancies of JJM fund under PHED at Samziuram Village, Peren District
11	A-NLP-10/2024	03/12/2024	Complaint against the Village Council for financial mismanagement of fund under Rural Development schemes at Samziuram Village, Peren District
12	A-NLP-11/2024	03/12/2024	Complaint against the Village Council for mismanagement of PDS Rice distribution under Food and Civil Supplies at Samziuram Village, Peren District
13	A-NLP-12/2024	11/12/2024	Enquiry into the alleged misappropriation of Rs. 952 crore by the department of Food and Civil Supplies from the Tide-Over Scheme of rice distribution during the period 2018-19 to 2024



### 13. NUMBER OF CASES UNDER INVESTIGATION AS ON 17<sup>TH</sup> DECEMBER 2024 = 70

Sl. No.	Case Number	Subject	Department
1	R.C-2/2013	Complaint against condemnation and dismantling of Government quarter at Dimapur	PWD (Housing)
2	A-NLP-02/2022	Complaint against payment of compensation for 2 (two) lane widening from Tzusangra Bridge (Merangkong) to Yisemyong Compound under NH-2 District Mokokchung	National Highway (NPWD) & D.C Mokokchung
3	A.VIG-30/2015	Complaint against PHE Department	PHE
4	R.C-7/2018	13(thirteen) unverifiable projects/schemes involving an amount of Rs. 7.11 crores, 6(six) doubtful execution of projects amounting to Rs. 6.68 crores and short execution of 9(nine) projects involving an amount of Rs. 6.44 crores under Planning & Co-ordination Department, CAG Report Para. 2.3.10.2 ended 31st March 2017.	Planning & Co-ordination Department
5	R.C-03/2020	Complaint against fund misappropriation of the 2-laning of Chakhabama-Zunheboto road and questionable lapses of responsible authorities	Administration
6	A-NLP-03/2022	Compliant against release of fund without work by Planning & Co-ordination Department	Planning & Co-ordination Department
7	R.C-6/2018	Discrepancy between cash book and bank statement under Planning Department, CAG Report Para. 2.3.9.3 ended 31st March 2017.	Planning Department
8	R.C-12/2017	Matter relating to Drawal of Pension in Treasuries & Banks under the same PPO Number	Various Department
9	R.C-8/2018	Sub-letting of contract/ unauthorized payment for Modern Mechanical Workshop cum Training Centre at Dimapur at a cost of Rs. 15 crores under Chief Engineer, Mechanical, NPWD, CAG Report Para. 2.3.10.3 ended 31st March 2017.	NPWD (Mechanical)
10	A-NLP-48/2022	Complaint against various projects under Mokokchung District for the year 2019-2020, 2020-2021 and 2021-2022 under the Ministry of Tribal Affairs	Tribal Affairs



11	A-NLP-17/2023	Matters relating to the implementation of Innovative Poultry Productivity Project (IPPP) under National Livelihood Mission by the Department of Animal Husbandry & Veterinary	A.H & Vety. Service
12	A-NLP-01/2024	Request for investigation into Fostering Climate Resilient Upland Farming System (FOCUS), Nagaland	Agriculture
13	A-NLP-12/2020	Complaint against excess payment made to the contractors against the work for "Construction of RCC Bridge over Lanki River on Satakha-Saptiqa Road"	PWD
14	R.C-01/2021	Complaint against incomplete construction execution of integrated destination at Meluri and non-compliance to work order specification by the contractor M/s Fithu&Fithu Builders	Tourism Department
15	R.C-02/2021	Complaint against various DDOs and Treasury Officers for failing to exercise prescribe checks resulted in fraudulent/double/excess drawal of Rs. 7.36 crores based on Para.5.4 of the CAG Report ending 31st March 2018	Various Departments
16	A-NLP-49/2022	Complaint against various projects under Kohima, Dimapur, Tseminyu and Peren Districts for the year 2019-2020, 2020-2021 and 2021-2022 under the Ministry of Tribal Affairs	Tribal Affairs
17	A-NLP-01/2023	Complaint against non-release and misappropriation of Rs. 23, 24,190/- under Package-II of the 2 lane road construction of NH 129A, Peren-Dimapur section.	Administration (ADC, Jalukie)
18	A-NLP-12/2024	Enquiry into the alleged misappropriation of Rs. 952 crore by the department of Food and Civil Supplies from the Tide-Over Scheme of rice distribution during the period 2018-19 to 2024-2025	Food & Civil Supplies
19	R.C.-05/2016	Investigation into the irregularities committed in the implementation of Mid-Day Meal (MDM) in the School Education Department	School Education
20	R.C.-9/2016	Complaint against Mis-management of MDM Scheme during 2010-16 under School Education Department	School Education
21	R.C-03/2017	Distribution of Uniforms under School Education Department CAG Report Para 1.3.8.17.2 P-19	School Education



22	A-NLP-07/2023	Complaint against fraudulent drawal of money under various schemes under Land Resources Department. Mokokchung District- Merangkong, Yaongyimsen and Kilengmen	Land Resources
23	R.C-10/2018	Short distribution of housing materials and cash component under Indira Awas Yojana (IAY) totaling to Rs. 73 lakhs in Chiephobozou Block under RD Department, CAG Report Para. 2.7 ended 31st March 2017.	Rural Development
24	A.NLP-07/2021	Short disbursement of relief to victims of natural disasters – C&AG Report ended 31st March, 2019 Para 2.3.11.2	NSDMA (Disaster Management)
25	A.NLP-20/2021	Evasion of Tax due to incorrect assessment of tax as per CAG Report ended 31st March 2019- Para 5.2.1	Taxes
26	R.C-06/2017	Complaint against ongoing construction of the Doyang RCC Bridge near Governor's Camp Liphanyan, Wokha	PWD (R&B).
27	R.C-03/2019	Complaint relating to disbursement of compensation for damage properties in regard to Merangkong-Tamlu-Mon road	PWD (NH)
28	R.C-02/2020	Complaint against non-release of Integrated Catchment Area Treatment (ICAT) fund for Kohima district for the year 2016-17 to 2018-2019	Soil & Water Conservation
29	A-NLP-14/2022	Complaint against illegal appointments under 16 Departments	Various Department
30	A-NLP-08/2023	Complaint against fraudulent drawal of money under various schemes under Land Resources Department. Mokokchung District-Yajang	Land Resources
31	A-NLP-04/2024	Enquiry into the construction of Tsiesema Basa to Niuland Road (Capital Bypass)	NPWD
32	A.NLP-11/2021	Fraudulent/excess drawal of money – C&AG Report ended 31st March, 2019 Para 2.4/2.4.1/2.4.2/2.5 under the Department- School Education, Information & Public Relations, Nagaland State Transport, Power, Water Resources and Horticulture	Various Departments'



33	A-NLP-09/2023	Complaint against fraudulent drawal of money under various schemes under Land Resources Department. Mokokchung District- Khensa, Chungtia & Mekuli	Land Resources
34	A-NLP-39/2022	Complaint against misappropriation of fund sanctioned towards 15 Cluster Development Projects (CDPs) under NERTPS	Industries & Commerce
35	A-NLP-06/2024	Complaint against the public servants of PWD (R&B), Kiphire Division and State Quality Coordinator & Chief Engineer PWD (H) Nagaland for mal-administration	NPWD
36	A-NLP/15/2019	Enquiry into the fund meant for Kohima Smart City	Municipal Affairs and various Departments
37	A-NLP-50/2022	Complaint against various projects under Wokha, Zunheboto, Phek and Kiphire Districts for the year 2019-2020, 2020-2021 and 2021-2022 under the Ministry of Tribal Affairs	Tribal Affairs
38	R.C-01/2024	Fraudulent/excess drawal of money - C&AG Report ended 31st March, 2019 Para 2.4/2.4.1/2.4.2/2.5 under the Department- School Education, Industries & Commerce & Youth Resources & Sports	Various Deptt.
39	A-NLP-11/2024	Complaint against the Village Council for mismanagement of PDS Rice distribution under Food and Civil Supplies at Samziuram Village, Peren District	Food and Civil Supplies
40	A.VIG-28/2015	Matters relating to Finance under AYUSH (DHFV)	H & FW
41	A-NLP-16/2020	Complaint against the former Executive Engineers (2012-2019) under Water Resources Department, Wokha district alleged to have misappropriated/mismanaged an amount of Rs. 2,860.21 lakhs under MI/PKMSY/Flood Management Programme etc during 2012-2019	Water Resources Department
42	A-NLP-10/2024	Complaint against the Village Council for financial mismanagement of fund under Rural Development schemes at Samziuram Village, Peren District	Rural Development
43	A.VIG-21/2017	Investigation against mis-utilisation of MGNREGA fund under Peshu Village (RD Block Thonoknyu).	Rural Development



44	A.NLP-1/2019	Misappropriation of funds under DUDA during 2006-07 to 2017-18	DUDA
45	A-NLP/19/2019	Misappropriation of fund amounting to Rs. 2921.10 Lakhs under NLCPR in the PHE Department	PHED
46	R.C-01/2020	Complaint against Fake Appointment/ Regularization/ Promotion under PWD Works and Housing Department	PWD (Works and Housing)
47	A-NLP-13/2020	Complaint against Shri. Y. Vunthungo, Senior Principal, GHSS Wokha	School Education
48	A-NLP-40/2022	Complaint against Bogus appointments under the Department of Employment Skill Development & Entrepreneurship	Department of Employment Skill Development & Entrepreneurship
49	A.VIG-17/2015	Drawal of Rs. 1.24 crore meant for implementation of National Land Records Modernization Programme by forging APRs in the name of three District Land Records and Survey Officers under Land Records & Survey	Land Records & Survey
50	R.C.-04/2016	Possession of Fake Matriculation Certificate under School Education Department.	School Education
51	A-NLP-06/2022	Complaint against non-construction of Tribal Boys Hostel at Zeliangrong Heraka School, Tening by the Dept of Tribal Affairs	Planning & Co-ordination
52	A-NLP-16/2022	Complaint in regard to irregularities in the Public Distribution System (PDS)	Food & Civil Supplies
53	A-NLP-51/2022	Complaint against various projects under Longleng, Mon and Tuensang Districts for the year 2019-2020, 2020-2021 and 2021-2022 under the Ministry of Tribal Affairs	Tribal Affairs
54	A.NLP-13/2021	Short/non-execution of items in works - C&AG Report ended 31st March, 2019 Para 3.2.11.2	Various Departments'
55	A.-NLP-09/2024	Complaint against the Village Council for mismanagement/discrepancies of JJM fund under PHED at Samziuram Village, Peren District	PHED
56	A-NLP-13/2022	Compliant in regard to irregular appointment (Forester-I) under PCCF and Head of Forest Force	PCCF (Forest)
57	A-NLP-23/2022	Compliant in regard to irregular appointment under Technical Education Department	Technical Education
58	A-NLP-25/2023	Complaint in regard to alleged mismanagement of developmental funds at Alongtaki	Tribal Affairs



59	A-NLP-08/2024	Enquiry into alleged non-completion of various construction projects at Alongtaki	Tribal Affairs
60	A-NLP-21/2020	Complaint against payment without execution of works by the Divisional Forest Officer (DFO) Wokha based on Para. 2.9 of the CAG Report ending 31st March 2018	Forest Department
61	A-NLP-12/2021	Irregularities advance payment to Contractors - C&AG Report ended 31st March, 2019 Para 3.2.11.1	NPWD
62	A-NLP-21/2023	Request for verification into the genuineness regarding eligibility of family pension in r/o Shri. Chuba Longkumer S/o Lt. Imtimayang, Ex-S.I	Police
63	A.NLP-15/2021	Complaint against Chizonyi Khusoh, Veku Khusoh and 25 others of Chozuba town in regard to the compensation received for building/structures for construction of SARDP-NE-2 laning of chakhabama-Zunheboto road.	Administration
64	A-NLP-34/2022	Request for investigation against 3 (three) employees under Water Resources Department alleged to have over stayed in service	Water Resources
65	A-NLP-18/2023	Complaint against double drawal of salary by one Shri. Hukato Sema under SDEO, Atoizu and E.E PWD (R&B) Dimapur Division	School Education & PWD (R &B)
66	A-NLP-05/2024	Enquiry into various projects sanctioned under Article 275(1) of the Constitution of India-SCA-TSS during 2010-2019 (33 projects) under Planning & Co-ordination Department	Planning & Transformation Department
67	A-NLP-28/2022	Request for inquiry against Shri. A. Zانبemo Ngullie, Rtd. Director, Urban Development for manipulation in appointment orders	Urban Development/Municipal Affairs
68	A-NLP-22/2020	Complaint against misappropriation of Government money under the Soil and Water Conservation Department based on Para. 2.5 of the CAG Report ending 31st March 2018	Soil & Water Conservation Department
69	A-NLP-26/2023	Complaint against non implementation of several Government schemes (both Central and State) at Tsiemekhuma Basa Village under Kohima District.	Rural Development
70	A-NLP-07/2024	Request for investigation into the claim of pensionary benefits in respect of Smti. B. Rukila, wife of Late B. Kejinkhum Yimchunger, Ex-ABC under DEF, Tuensang	Police


**14. NUMBER OF CASES WITH VARIOUS DEPARTMENT AS ON 17<sup>TH</sup> DECEMBER 2024 = 70**

Sl. No	Name	PE	RC	Total
1	Administration (D.C Phek, Mkg & Peren)	2	1	3
2	Agriculture	1	--	1
3	A.H & Vety. Service	1	--	1
4	Disaster Management	1	--	1
5	DUDA	1	--	1
6	Employment Skill Development & Entrepreneurship	1	--	1
7	Food & Civil Supplies	3	--	3
8	Forest Department	2	--	2
9	H & FW	1	--	1
10	Industries & Commerce	1	--	1
11	Land Records & Survey	1	--	1
12	Land Resources	3	--	3
13	Municipal Affairs/Urban Development and Others	2	--	2
14	NPWD	5	5	10
15	PHED	3	--	3
16	Planning & Transformation Department	3	2	5
17	Police Department	2	--	2
18	Rural Development	3	1	4
19	School Education	2	4	6
20	Soil & Water Conservation	1	1	2
21	Taxes Department	1	0	1
22	Technical Education	1	--	1
23	Tourism Department	--	1	1
24	Tribal Affairs	6	--	6
25	Water Resources (Irrigation & Flood Control)	2	--	2
26	Various Departments	3	3	6
<b>Total</b>		<b>52</b>	<b>18</b>	<b>70</b>



**15. NUMBER OF CASES UNDER TRIAL/FINAL REPORT SUBMISSION IN THE HON'BLE SPECIAL COURT OF THE NAGALAND LOKAYUKTA AS ON 17<sup>TH</sup> DECEMBER 2024 = 3**

Sl. No	Case No.	Subject matter	Remarks
<b>Under Trial</b>			
1.	R.C.-1/2015	Misappropriation of IEDSS fund meant for disabled students by School Education Deptt.	Under Trail
2.	R.C.05/2017	Complaint against Dr. Toshimanen Addl. Director (Municipal Affairs Dept.), Shri. Neiphrelie Mechulho (Contractor) and others under the Department of Municipal Affairs”	Under Trail
<b>Final Report submitted</b>			
3.	R.C-11/2017	Suspected Existence Of Ghost/Bogus Employees In The School Education Department	FR submitted for closure

**16. NUMBER OF UNDER TRIAL CASES WITHDRAWN FROM THE SPECIAL JUDGE AND TDP, NAGALAND LOKAYUKTA, KOHIMA WITH LIBERTY TO RE-FILE**

Sl. No	Case No.	Subject matter
1.	R.C-3/2018	Case registered against the Department of Tourism regarding alleged/ illegal backdoor appointment matters
2.	R.C-2/2018	Complaint against Shri. Alan Gonmei, Secretary, Horticulture Department & Managing Director, Small Farmers Agri Business Consortium (SFAC)
3.	R.C-11/2018	Fraudulent/excess drawal of Rs. 1.72 crores by various Departments, CAG Report Para. 5.4 ended 31 <sup>st</sup> March 2017.
4.	R.C-10/2017	Undue Benefit of Rs. 10,13,40,000/- crore to M/S Kodonyi Enterprises represented by Kedot solo Venuh and others for setting up of MRI at Nagaland Hospital Authority, Kohima by the Medical Department ( <b>CAG Report Para- 1.3.10.8</b> )
5.	R.C-6/2011	Appointment made without sanctioned post/ suspected forged signature of the Authority under H & FW Department.



**17. REPORT FOR THE PERIOD FROM JANUARY 2024 TO DECEMBER 2024 UNDER THE JUDICIAL WING, NAGALAND LOKAYUKTA.**

**CASE STATUS AS ON JANUARY 2024**

1.	No. of Cases Under Trail	07
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**CASE STATUS AS ON DECEMBER 2024**

1.	No. of Cases Registered	01
2.	No. of Cases Desposed	05
3.	No. of Cases Under Trail	02



## 19. PHOTO SECTION



**Nagaland Lokayukta Awareness Program at Tuensang on 29th May 2024.**



**Nagaland Lokayukta Awareness Program at Longleng on 30th May 2024.**



**Visit of Hon'ble Member of Mizoram Lokayukta Shri Lalsanglura on 02.12.2024**



**Law interns after interactive session with Hon'ble Member of Nagaland Lokayukta 31.07.2024**



20.

**THE NAGALAND LOKAYUKTA ACT, 2017 (Act No. 1 of 2018)**

Incorporated with the Nagaland Lokayukta (1<sup>st</sup> Amendment) Act, 2019 and the Nagaland Lokayukta (2<sup>nd</sup> Amendment) Act, 2022.

**Section - 1: Short Title, Extent and Commencement.**

- (1) This Act may be called the Nagaland Lokayukta Act, 2017.
- (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) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.<sup>1</sup>

**Section - 2: Definitions.**

- (1) In this Act, unless the context otherwise requires -
  - (a) "Assembly" means the Nagaland Legislative Assembly;
  - (b) "Bench" means a bench of the Lokayukta;
  - (c) "Chairperson" means the Chairperson of the Lokayukta;
  - (d) "Governor" means the Governor of Nagaland;
  - (e) "Competent authority", in relation to -
    - (i) The Chief Minister, means the Governor of Nagaland;
    - (ii) A member of the Council of Ministers, means the Chief Minister;
    - (iii) A member of Assembly other than a Minister, means the Speaker of the House;
    - (iv) Vice Chancellor of a University, means the Chancellor;
    - (v) A Secretary to the Government, means the Chief Minister;

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<sup>1</sup> The Act is deemed to come into force from 21/12/2018 vide Notification No.AR-3/Gen-230/2011 dated 20/12/2018.



- (vi) A Government servant other than Secretary, means the State Government;
- (vii) Any other public functionary, means such authority as may be prescribed.
- (f) “Complaint” means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;
- (g) “Grievance” means a claim by a person that he suffered injustice or hardship as a consequence of maladministration;
- (h) “Investigation” means an investigation as defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;
- (i) “Judicial Member” means a Judicial Member of the Lokayukta;
- (j) “Lokayukta” or “Upa-Lokayukta” means a person appointed under Section 3;
- (k) “Mal-administration” means action taken or purported to have been taken or failed to have been taken, where such action or failure is unreasonable, unjust, oppressive or improper or discriminatory or with undue delay or negligent or distortive of procedures, practices etc., governing such actions;
- (l) “Minister” means a member of the Council of Ministers and includes Parliamentary Secretaries/Advisers/Chairman but does not include the Chief Minister;
- (m) “Notification” means notification published in the Official Gazette and the expression “notify” shall be construed accordingly;
- (n) “Preliminary inquiry” means an inquiry conducted under this Act;
- (o) “Prescribed” means prescribed by rules made under this Act;
- (p) “Public servant” means a person who is or was at any time-
  - (i) The Chief Minister;
  - (ii) A Minister;
  - (iii) A Member of the State Legislature;
  - (iv) A Government servant; and
  - (v) An officer of any body or Board or Corporation or Authority or Company or Society or Autonomous Body (by whatever name



called) established or constituted under any Act of Assembly or wholly or partly financed by the State Government or controlled by it.

- (q) “Regulations” means regulations made under this Act;
  - (r) “Rules” means rules made under this Act;
  - (s) “Schedule” means a Schedule appended to this Act;
  - (t) “Secretary” means the Chief Secretary, an Additional Chief Secretary, a Principal Secretary, a Commissioner & Secretary, a Special Secretary, a Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary, an Under Secretary or such other officer as may be authorized by the Government;
  - (u) “Special Court” means the court of a Special Judge appointed under sub-section (1) of section 3 of the Prevention of Corruption Act, 1988.
  - (v) “Whistle blower” means any person which provides factual information with *prima facie* evidence about corruption in a public authority or is a witness or a victim in a case of corruption before the Lokayukta, -
    - (i) or who faces the threat of professional harm, including but not limited to illegitimate transfer, denial of promotion, denial of perks, adverse departmental proceedings or discrimination etc.,
    - (ii) or who is actually subjected to any harm as a consequence to his making any compliant to the Lokayukta under this Act, or any other legal action aimed at preventing or exposing corruption.
- (2) The words and expressions used herein and not defined in this Act but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in that Act.
- (3) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

### **Section - 3: Appointment of Lokayukta and Upa-Lokayukta**

- (1) For the purpose of conducting investigations and inquiries in accordance with the provisions of this Act, the Governor shall, by warrant under his hand and seal, appoint a person to be known as the Lokayukta and not exceeding 4 persons to be known as the Upa-Lokayukta.



- (2) <sup>1</sup>[(i) The Lokayukta shall be appointed by the Governor in accordance with the recommendation tendered by the Selection Committee consisting of the Chief Minister Nagaland, the Chief Justice of the Guwahati High Court, Speaker of the Legislative Assembly and the Leader of Opposition in the Legislative Assembly of the state. In cases where there is no recognized Leader of Opposition, the consultation shall be with the Leader of the largest opposition party in the Assembly. In case, the Speaker of the Legislative Assembly is not available for consultation, the consultation shall be with the Deputy Speaker of the Legislative Assembly.
- (ii) The Selection Committee shall, for the purpose of selecting the Lokayukta and for preparing a panel of persons to be considered for appointment as such, shall be guided by a Search Committee consisting of the Chief secretary or the Additional Chief Secretary and the Advocate General of Nagaland.
- (iii) No appointment of Lokayukta or a Upa-Lokayukta of the State shall be invalid merely by reason of any absence of any one member entitled to be consulted in terms of Para 2(1) Supra at the time of the meeting convened for consultation.]
- (3) The Upa-Lokayukta shall be appointed by the State Government after consultation with the Lokayukta.
- (4) <sup>2</sup>[ A person shall not be qualified for appointment as Lokayukta unless he/she has been a Judge of the Supreme Court or the Chief Justice of a High Court or a judge of a High Court or a person qualified to be appointed as a Judge of the High Court or a person with vast knowledge of law and experience in judicial matters or courts or a person of impeccable integrity, outstanding ability having special knowledge and expertise of not less than twenty years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.]
- (5) A person shall not be qualified for appointment as Upa-Lokayukta unless he or she has been a Judge of a High Court or eligible to be appointed as a Judge of the High Court and the other two Upa-Lokayukta shall be or a person who has held the office of not lower than a Secretary to the Government of Nagaland or a person of impeccable integrity and social standing having special knowledge and expertise of not less than twenty years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management. Two members of the Upa-Lokayukta shall comprise of judicial members.

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<sup>1</sup> Substituted by the Nagaland Lokayukta (1<sup>st</sup> Amendment) Act, 2019.

<sup>2</sup> Substituted by the Nagaland Lokayukta (2<sup>nd</sup> Amendment) Act, 2022.



- (6) Every person appointed as the Lokayukta or Upa-Lokayukta, shall, before entering upon his office make and subscribe, before the Governor or some person appointed in that behalf by him, an oath or affirmation in the form set out for the purpose in the First Schedule.
- (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 any one 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 functions 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 <sup>1</sup>[one year] from the date of occurrence of such vacancy.

**Section - 4: Lokayukta or Upa-Lokayukta to hold no other office:**

The Lokayukta or Upa-Lokayukta shall not be a -

- (1) Member of Parliament or a Member of the Legislature of any State.
- (2) A person who has been removed or dismissed from the service of the Union or a State, and shall not hold any office of trust or profit (other than his office as the Chairperson or a Member) or be affiliated with any political party or carry on any business or practice any profession and, accordingly, before he enters upon his office, a person appointed as the Lokayukta or Upa-Lokayukta, as the case may be, shall, if -
  - (a) He holds any office of trust or profit, resign from such office; or
  - (b) He is carrying on any business, sever his connection with the conduct and management of such business; or

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<sup>1</sup> substituted for the words “six months” by the Nagaland Lokayukta (2<sup>nd</sup> Amendment) Act, 2022.



- (c) He is practicing any profession, cease to practice such profession.

**Section - 5: Term of office of the Lokayukta or Upa-Lokayukta.**

- (1) Every person appointed as the Lokayukta or Upa-Lokayukta shall hold office for a term of <sup>1</sup>[three] years from the date on which he enters upon his office or until he attains the age of 70 years, whichever is earlier:
- (a) Provided the Lokayukta or Upa-Lokayukta may, by writing under his hand addressed to the Governor, resign his office.
- (b) The Lokayukta or Upa-Lokayukta may be removed from office in the manner provided in Section 6.
- (c) <sup>2</sup>[The term of Lokayukta may be extended beyond three years by two more years on mutual agreement between the Lokayukta and the State government.]
- (2) On ceasing to hold office, the Lokayukta or Upa-Lokayukta shall be ineligible for further appointment as the Lokayukta or Upa-Lokayukta or for any employment under the State Government or for any employment under any local authority, University, Statutory Bodies or Corporation, Society, Co-operative Society, Government Company, other Body or Corporation.

**Section - 6: Removal of the Lokayukta or Upa-Lokayukta.**

- (1) <sup>3</sup>[(i) For removal of a person from the position of Lokayukta or Upa-Lokayukta, a complaint of serious allegation of corruption or misbehavior by the Lokayukta or Upa-Lokayukta signed by no less than twenty members of the Nagaland Legislative Assembly shall be presented to the Governor.
- (ii) On receipt of such complaint, the Governor shall refer it to the Chief Justice of Guwahati High Court for constituting an Inquiry Committee consisting of two sitting or retired High Court Judges and an eminent jurist to inquire into the allegations and to make a report to the Governor. The inquiry Report, on circulation to the Members of Legislative Assembly shall be debated upon and a Resolution for the

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<sup>1</sup> substituted for the word "five" by the Nagaland Lokayukta (2<sup>nd</sup> Amendment) Act, 2022.

<sup>2</sup> inserted by the Nagaland Lokayukta (2<sup>nd</sup> Amendment) Act, 2022.

<sup>3</sup> substituted by the Nagaland Lokayukta (1<sup>st</sup> Amendment) Act, 2019.



removal of the Lokayukta or Upa-Lokayukta along with an address to the Governor shall have to be passed by a majority of not less than two-thirds of the Membership of the Assembly. On receipt of the address and Resolution passed by the Assembly, the Governor shall remove the Lokayukta or Upa-Lokayukta from office forthwith.]

- (2) The procedure of the presentation of an address and for the investigation and proof of the misbehavior or incapacity of the Lokayukta or Upa-Lokayukta under sub-section (1) shall be as provided in the Judges (Inquiry) Act, 1968 in relation to the removal of a Judge and accordingly the provisions of that Act shall, mutatis mutandis, apply in relation to the removal of the Lokayukta or Upa-Lokayukta as they apply in relation to the removal of a Judge.

**Section - 7: Conditions of service of the Lokayukta or Upa-Lokayukta.**

- (1) The salary, allowances, pension and retiral benefits etc. of the Lokayukta shall be the same as admissible to a Chief Justice of a High Court.
- (2) The salary, allowances, pension and retiral benefits etc. of the Upa-Lokayukta shall be the same as admissible to a sitting Judge of a High Court.

Provided that if the Lokayukta or Upa-Lokayukta is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Lokayukta or Upa-Lokayukta or, as the case may be, be reduced—

- (a) By the amount of that pension; and
  - (b) If he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:
- (3) In addition to the pension, which the Lokayukta or Upa-Lokayukta may be receiving at the time of his appointment, the Lokayukta or Upa-Lokayukta shall be paid pension at the rates applicable in the case of Chief Justice of the High Court and Judges of the High Court respectively in respect of each completed year of service as Lokayukta or Upa-Lokayukta.

Provided further that the salary, allowances and pension payable to, and other conditions of service of, the Lokayukta or Upa-Lokayukta shall not be varied to his disadvantage after his appointment.

Provided that the Lokayukta or Upa-Lokayukta shall not receive any pension if he has been removed from that office.



Provided further that-

- (a) In prescribing the other allowances payable to and other conditions of service of the Lokayukta, regard shall be had to the similar allowances to and such other conditions of service of a Judge of the Supreme Court or the Chief Justice of a High Court.
- (b) In prescribing the other allowances payable to and such other conditions of service of Upa-Lokayukta regard shall be had to the similar allowances payable to, and such other conditions of service of a Judge of High Court.
- (4) The administrative expenses of the office of the Lokayukta or Upa-Lokayukta including all salaries and pensions payable to or of persons serving in that office, shall be charged on the Consolidated Fund of the State.

**Section - 8: Matters which may be investigated by Lokayukta or Upa-Lokayukta.**

- (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken, by or with the general or specific approval of-
  - (a) The Chief Minister or a Minister or a Secretary;
  - (b) A member of the State Legislature;
  - (c) Vice-chancellor or Registrar of a University;
  - (d) The Chairman and Vice-Chairman (by whatever name called) or a member of an Authority, Board, or a Committee, a Statutory or non Statutory Body or a Corporation established by or under any law of the State Legislature.
  - (e) Any other public servant.
- (2) The Lokayukta or Upa-Lokayukta may, if he thinks fit, investigate an action taken by or with the general or specific approval of a public functionary, if it is referred to him by the State Government.
- (3) The Lokayukta may, for reasons to be recorded in writing, investigate any action which may be investigated by an Upa-Lokayukta whether or not a complaint has been made to the Lokayukta in respect of such action.



**Section - 9: Matters not subject to Investigation:**

(1) Except as hereinafter provided, the Lokayukta or Upa-Lokayukta shall not conduct any investigation under this Act in the cases of a complaint involving a grievance in respect of any action:

(a) If such action relates to any matter specified in the Second Schedule;

or

(b) If the complainant has or had any remedy by way of a proceeding before any forum or other authority;

Provided that nothing in clause (b) shall prevent the Lokayukta or Upa-Lokayukta from conducting an investigation, if the Lokayukta or, as the case may be, the Upa-Lokayukta, is satisfied that such person could not or cannot, for sufficient cause, have recourse to such remedy.

(2) The Lokayukta or Upa-Lokayukta shall not investigate:

(a) Any action in respect of which a formal and public inquiry has been ordered under the Public Servants (Inquiries) Act, 1850 by the State Government or Government of India;

(b) Any action in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952 by the State Government or Government of India.

(3) The Lokayukta or Upa-Lokayukta shall not investigate -

(a) Any complaint involving a grievance made after the expiry of a period of twelve months limitation from the date on which the action complained against becomes known to the complainant.

(b) Any complaint involving an allegation made after the expiry of five years from the date on which the action or conduct complained against is alleged to have taken place.

Provided that the Lokayukta or Upa-Lokayukta in respect of grievance or allegation, as the case may be, may entertain a complaint made after the expiry of the said period if the complainant shows sufficient cause for not making the complaint within the said period.

(4) In the case of any complaint involving a grievance, nothing in this Act shall be construed as empowering the Lokayukta or Upa-Lokayukta to question any administrative action involving the exercise of a discretion except where he is satisfied that the elements involved in the exercise of the discretion are absent to such extent that the discretion can prima facie be regarded, as having been improperly exercised.



### **Section - 10: Provision relating complaints.**

- (1) Subject to the provisions of this Act, a complaint may be made under this Act, to the Lokayukta; in the case of an allegation, by any person, and in the case of a grievance, by a person aggrieved:

Provided that where the person aggrieved is dead or, is for any reason, unable to act for himself, the complaint may be made or continued by his legal representative or by any other person who is authorized by him in writing in this behalf.

- (2) Every complaint shall be made in such form and in such manner and shall be accompanied by such affidavit as may be prescribed.
- (3) Notwithstanding anything contained in this Act or any other law for the time being in force, any letter written to the Lokayukta by a person in police custody or in jail or in any asylum or other place from insane persons, shall be forwarded to the Lokayukta unopened and without delay by the police officer or other person in-charge of such jail, asylum or other place and the Lokayukta may, if satisfied that it is necessary so to do, treat such letter as a complaint made in accordance with the provisions of sub-section (2).

### **Section - 11: Provisions for holding preliminary inquiry.**

- (1) The Lokayukta or Upa-Lokayukta, on receipt of a complaint or in case initiated on his own motion, may, before proceeding to investigate such complaint or case, make such preliminary inquiry or direct any other person to make such preliminary inquiry as he deems fit. If on such preliminary inquiry, he finds that there exists no such ground he shall record a finding to that effect and thereupon the matter shall be closed and the complainant shall be informed accordingly.
- (2) The procedure for verification in respect of a compliant under sub-section (1) shall be such as the Lokayukta or Upa-Lokayukta deems appropriate in the circumstances of the case and he may, if he deems it necessary so to do, call for the comments of the public functionary concerned.

### **Section - 12: Procedure in respect of Investigation.**

- (1) The Lokayukta or Upa-Lokayukta shall, in each case before it, decide the procedure to be followed for making the enquiry and in so doing ensure that the principles of natural justice are satisfied.



- (2) The Lokayukta or Upa-Lokayukta may in his discretion, at any stage, refuse to inquire or cease to inquire into any complaint involving a grievance or allegation, if in his opinion -
- (a) The complaint is frivolous or vexatious, or is not made in good faith; or
  - (b) There are no sufficient grounds for investigating, or as the case may be, for continuing the investigation; or
  - (c) Other remedies are available to the complainant and in the circumstances of the case, it would be more appropriate for the complainant to avail of such remedies.

Provided that the Lokayukta or Upa-Lokayukta shall record his reasons thereof and communicate the gist of the order to the complainant and the public functionary concerned.

- (3) The Lokayukta or Upa-Lokayukta, as the case may be, shall have power to review his order or decision to restore any matter closed at any stage, and to grant or refuse permission to the complainant to withdraw the complaint;

Provided that the Lokayukta or Upa-Lokayukta shall record his reasons in writing therefore.

### **Section - 13: Issue of Search Warrants:**

- (1) Where in consequence of information in his/her possession, the Lokayukta or Upa-Lokayukta -
- (a) Has reason to believe that any person;
    - (i) To whom a summon or notice under this Act has been issued or likely to be issued, may not produce or cause to be produced, or may tamper with any property, document or thing which will be necessary or useful for or relevant to any inquiry or other proceedings to be conducted by him;
    - (ii) Is in possession of any money, bullion, jewellery or other valuable article or thing represents either wholly or partly income or property which has not been disclosed to the authorities as required under any law or rule for the time being in force; or
  - (b) Considers that the purposes of any inquiry or other proceedings to be conducted by his will be served by a general search or inspection, he may by a search warrant authorize any officer subordinate to him or any officer of the institution of Lokayukta or any person or agency referred to in Section 17 or any Commissioner appointed by him under



clause (e) of sub-section (2) of Section 14, to conduct a search or carry out an inspection in accordance therewith and in particular to:

- (i) Enter and search any building or place where he has reason to suspect that such property, document, money, bullion, jewellery or other valuable article or thing is kept.
  - (ii) Search any person who is reasonably suspected of concealing about his person any article for which search should be made;
  - (iii) Break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers conferred by item (1), where the keys thereof are not available;
  - (iv) Seize or seal any such property, document, money, bullion, jewellery or other valuable article or thing found as a result of such search;
  - (v) Place marks of identification on any property or document or make or cause to be made extracts or copies there from; or
  - (vi) Make a note or an inventory of any such property, document, money, bullion, jewellery or other valuable article or thing.
- (2) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall *mutatis mutandis* apply to searches and seizures under section (1).
- (3) A warrant issued under sub-section (1), for all purposes, be deemed to be warrant issued by a Court under Section 93 of the Code of Criminal Procedure, 1973.

#### **Section - 14: Evidence.**

- (1) Subject to the provisions of this section for the purpose of any investigation, including the preliminary inquiry, under this Act, the Lokayukta or Upa-Lokayukta may require any public functionary or any person or authority who, in his opinion, is able to furnish information or procedure documents relevant to the investigation or inquiry, to furnish any such information or produce any such document and such public functionary, person or authority so required shall be deemed to be legally bound to furnish such information within the meaning of Section 176 and 177 of the Indian Penal Code.
- (2) For the purpose of any such investigation, including preliminary inquiry, the Lokayukta or Upa-Lokayukta shall have all the powers of a civil court while



trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

- (a) Summoning and enforcing the attendance of any person and examine him on oath;
  - (b) Requiring the discovery and production of any document;
  - (c) Receiving evidence on affidavits;
  - (d) Requisitioning any public record or copy thereof from any Court or Office;
  - (d) Issuing commissions for the examination of witnesses or documents or local inspection;
  - (e) Such other matter as may be prescribed.
- (3) Any proceeding before the Lokayukta or Upa-Lokayukta shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code, 1860.
- (4) No person shall be required or authorized by virtue of this Act, to furnish any such information or answer any such question or produce document:
- (a) As might prejudice public interest or security of the State or the security or defence or international relations of India.
  - (b) As might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet.

Provided that a certificate to this effect is issued by the Chief Secretary.

Provided further that the Lokayukta or Upa-Lokayukta, as the case may be, require any information or answer or portion of a document in respect of which a certificate is issued under this sub-section to the effect that it is of the nature specified in clause (a) or clause (b) to be disclosed to him in private for scrutiny and if on such scrutiny the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that such certificate ought not to have been issued he shall declare the certificate to be of no effect.

#### **Section - 15: Interim recommendation.**

If, during the course of preliminary inquiry or investigation under this Act, the Lokayukta or Upa Lokayukta is prima facie satisfied that allegation or grievances against any action is likely to be substantiated either wholly or partly, he may, by a



report in writing, recommend to the public functionary concerned to stay the implementation or enforcement of the decision or action complained against, or to take such mandatory or preventive action on such terms and conditions, as he may specify in his report.

**Section - 16: Interim Report.**

- (1) The Lokayukta or Upa- Lokayukta, as the case maybe, may forward an interim report to the competent authority recommending grant of interim relief to the complainant if he is satisfied at any stage of preliminary inquiry or investigation that the complainant has sustained injustice or undue hardship in consequence of any decision or action of a public functionary and that the grievance complained of should be redressed expeditiously.
- (2) The Lokayukta or Upa- Lokayukta, as the case may be, may at any stage of inquiry or investigation under this Act, forward an interim report to the competent authority recommending to take such action as may be considered necessary by him against the public functionary, pending inquiry or investigation-
  - (a) To safeguard wastage or damage of public property or public revenue by the administrative acts of the public functionary;
  - (b) To prevent further acts of misconduct of the public functionary;
  - (c) To prevent the public functionary from secreting the assets earned by him allegedly by corrupt means;

**Section - 17: Utilisation of services of other persons.**

- (1) The Lokayukta or Upa- Lokayukta in addition to the officials of Lokayukta may for the purpose of conducting a preliminary inquiry or an investigation under this Act, utilize the services of:
  - (a) Any officer or investigation agency of the State Government with prior intimation to the competent authority of the State Government;
  - (b) Any officer or investigation agency of Central Government, with the consent of that Government;
- (2) Any officer, agency or person whose services are utilized under sub-section (1) may, subject to the direction and control of the Lokayukta or Upa- Lokayukta, as the case may be:
  - (a) Summon and enforce the attendance of any person and examine him;



- (b) Require the discovery and production of any document; and
  - (c) Requisition any public record or copy thereof from any office.
- (3) The officer, agency or person whose services are utilized under sub-section (1) shall enquire into the matter and submit a report to the Lokayukta or Upa-Lokayukta, as the case may be, within such period as may be specified by him in this behalf.
- (4) Any officer agency or person whose services are utilized under sub-section (1) shall act under the directions of the Lokayukta or Upa- Lokayukta, as the case may be, and they may be paid such remuneration and expenses as may be allowed by the Lokayukta or Upa- Lokayukta, as the case may be.

**Section - 18: Power of Inspection.**

The Lokayukta or Upa-Lokayukta or any officer authorized by him shall have the power to inspect any office of the State Government, Local Authority, Corporation, Government Company, Society, University in connection with preliminary inquiry or investigation of any complaint involving a grievance or an allegation under this Act.

**Section - 19: Secrecy of preliminary inquiry or investigation.**

Every preliminary inquiry or investigation under this Act shall be conducted in private and, in particular, the identity of the complainant and the public functionary affected by the preliminary inquiry or investigation shall not disclosed to the public or the press or published in any manner before or during the preliminary inquiry or investigation.

Provided that the Lokayukta or Upa- Lokayukta may in his discretion, for the reasons to be recorded in writing, allow the publication or proceeding of his investigation or a part thereof at any stage of the proceedings.

**Section - 20: Secrecy of Information.**

- (1) Any information obtained by the Lokayukta or Upa- Lokayukta or the member of his staff or any other officer, person or agency referred to in Section 16, in the course of or for the purpose of any preliminary enquiry or any investigation under this Act, and any evidence recorded or collected in relation to such information, shall, subject to the provision of Section 19 be treated as confidential, and notwithstanding anything contained in the Indian Evidence Act 1872, no Court shall be entitled to compel the Lokayukta or Upa-



Lokayukta or any such member, officer, person or agency or any public functionary to give evidence relating to such information or to produce the evidence so recorded or collected.

- (2) Nothing in sub-section (1) shall apply to the disclosure of such information or evidence:
  - (a) For the purpose of any report to be made under this Act, or for the purpose of any action or proceeding to be taken on such report; or
  - (b) For the purpose of any proceedings, for any offence under the Official Secrets Act, 1923, or for the an offence of giving or fabricating false evidence under Section 193 of the Indian Penal Code, 1860, or for the purpose of trial of any offence under Section 22, 23 or for the purpose of any proceedings under Section 24.
  - (c) For such other purposes as may be prescribed.
- (3) An officer or other authority prescribed in this behalf may communicate in writing to the Lokayukta or Up-Lokayukta, as the case may be, with respect to any document or information specified therein or any class of documents so specified, that in the opinion of the State Government the disclosure of the documents or information or of documents or information of that class would be contrary to public interest; and where such communication is made, nothing in this Act, shall be construed as authorising or requiring the Lokayukta or Upa-Lokayukta, or any member of his staff or any other officer, person or agency to disclose or communicate to any person any document or information specified in the communication or any document or information of class so specified.
- (4) Any person convicted on a trial held under sub-section (1) or sub-section (2) may appeal to the High Court of the State and such appeal may be entertained, heard and decided by a Bench consisting of not less than two judges of the High Court.
- (5) The provision of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973.

#### **Section - 21: Prosecution for false complaints-**

- (1) Notwithstanding anything contained in this Act, whoever makes any false, frivolous vexatious complaints under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.



- (2) No Court, except a Court of Session, shall take cognizance of an offence under sub-section (1).
- (3) No Court of Session shall take cognizance of an offence under sub-section (1) except on a complaint made by the Lokayukta or Upa-Lokayukta, as the case may be, and the Court of Session may take cognizance of the offence on such complaint without the case being committed to it.
- (4) The Court of Session on conviction of the person making false, frivolous or vexatious complaint, may award, out of the amount of fine, to the public functionary against whom such false complaints has been made, such amount of compensation as it deems fit.
- (5) The provisions of this section shall have effect notwithstanding anything to the contrary contained in the Code Criminal Procedure, 1973.

**Section - 22: Power to punish for contempt:**

- (1) The Lokayukta or Upa-Lokayukta shall have and exercise the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has, and for this purpose, the provisions of the contempt of Courts Act, 1971, shall have effect subject to the modification that-
  - (a) The references therein to High Court shall be construed as including a reference to the Lokayukta or Upa-Lokayukta, as the case may be; and,
  - (b) Section 18 and sub-section (2) and (3) of Section 19 of the Act shall not apply to the Lokayukta or Upa-Lokayukta.
- (2) The Lokayukta or Upa-Lokayukta shall be deemed to be Court within the meaning of Contempt of Courts Act.

**Section - 23: Intentional Insult or interruption to, or Bringing into Disrepute, the Lokayukta or Upa-Lokayukta or his delegatee.**

- (1) Whoever, intentionally offers any insult or causes any interruption or obstruction to the Lokayukta or Upa-Lokayukta or his delegatee while the Lokayukta or Upa-Lokayukta or his delegatee is conducting any inquiry or investigation under this Act, shall, on conviction, be punished with a simple imprisonment for a term which may extend to six months, or with fine, or with both.
- (2) Whoever, by words spoken, or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Lokayukta or



Upa-Lokayukta or his delegatee into disrepute, shall on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

- (3) The provisions of Section 199 of the Code of Criminal Procedure, 1973, shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred to in sub-section (2) of the said Section 199, subject to the modification that no complaint in respect of such offence shall be made by the public prosecutor, except with the previous sanction -
- (a) In the case of an offence against the Lokayukta or his delegatee, of the Lokayukta;
  - (b) In the case of an offence against Upa-Lokayukta or his delegatee, or the Upa-Lokayukta concerned.

**Section - 24: Protection of action taken in good faith.**

- (1) No suit, prosecution or other legal proceedings shall lie against the Lokayukta or Upa-Lokayukta or against any member of the staff of the office of the Lokayukta or any officer, agency or person referred to in Section 17, in respect of anything which is done or intended to be done in good faith under this Act.
- (2) Save as otherwise provided in this Act, no proceedings, decision, order, or any report of the Lokayukta or Upa-Lokayukta, as the case may be, including any recommendation made there under, shall be liable to be challenged, reviewed, quashed, modified or called in question in any manner whatsoever in any Court or Tribunal.

**Section - 25: Reports of Lokayukta or Upa-Lokayukta.**

- (1) (a) If, after investigation of any action involving a grievance, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that such action has resulted in injustice or undue hardship to the complainant or any other person, the Lokayukta or Upa-Lokayukta shall, by a report in writing, recommend to the competent authority concerned that such injustice or hardship shall be remedied or redressed in such manner and within such time as may be specified in the report, including -
- (i) That any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or



- (ii) That any law on which a decision, recommendation, act or omission was based should be altered or modified; or
  - (iii) That reasons should be given for any decision, recommendation, act or omission; or
  - (iv) That any other steps as is legally permissible may be taken.
- (2) The competent authority to whom a report is sent under sub-section (1) shall, within one month of the expiry of the period specified in the report, intimate or cause to be intimated to the Lokayukta or Upa-Lokayukta, as the case may be, the action taken on the report.
- (3) If, after investigation of any action involving an allegation, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that such allegation is substantiated either wholly or partly, he shall by a report in writing communicate his findings and recommendations along with the relevant documents, materials and other evidence to the competent authority concerned.
- (4)
  - (a) The Competent authority in the case of a public functionary other than the Chief Minister, or a Member of the State Legislature, shall examine the report forwarded to it under sub-section (3) and without any further inquiry, take action on the basis of the recommendation and within ninety days from the date of receipt of the report, intimate or cause to be intimated to the Lokayukta or Upa-Lokayukta, as the case may be, the action taken or proposed to be taken on the basis of the report.
  - (b) The Lokayukta shall send his report in respect of a complaint against the Chief Minister or the Member of State Legislature with his recommendation to the Governor who shall take such action as he may deem fit or expedient on the report.
  - (c) The report of the Lokayukta and the order passed by the Governor shall be laid on the table of the Legislative Assembly.
- (5) If the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied with the action taken or proposed to be taken on his recommendation referred to in sub-section (1) or sub-section (3), he shall close the case under information to the complainant if any, the public functionary and the competent authority concerned: but where he is not so satisfied and if he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the competent authority concerned and the complainant, if any.
- (6) The Lokayukta shall present annually a consolidated report on the administration of this Act to the Governor.



- (7) On the receipt of a special report under sub-section (5) or the Annual Report under sub-section (6), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before the State Legislature within four months from the date of the receipt of the report by the Governor or till the Legislature meets next, whichever is later.
- (8) If the Annual Report is not laid in the State Legislature within the time provided in sub-section (7), the Lokayukta shall be free to make the Report public in the manner he may choose.
- (9) The Lokayukta or Upa-Lokayukta, as the case may be, may at his discretion, make available, from time to time, the substance of cases closed or otherwise disposed of by him, which may appear to him to be a general, public, academic or professional interest in such manner and to such persons as he may deem appropriate.

#### **Section - 26: Initiation of Prosecution.**

- (1) Without prejudice to the generality of the provisions contained in section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988, the Lokayukta shall have the power to grant sanction for prosecution for any matter pending before it or for enquiry or investigation into any complaint against any public servant.
- (2) No prosecution under sub-section (1) shall be initiated against any public servant accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, and no court shall take cognizance of such offence except with the previous approval of the Lokayukta.
- (3) Nothing contained in sub-sections (1) and (2) shall apply in respect of the persons holding office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such persons has been prescribed therein.
- (4) The provisions contained in sub-sections (1) to (3) shall be without prejudice to the generality of the provisions contained in Article 311 and Article 320(3)(c) of the Constitution of India.

#### **Section - 27: Staff of the office of the Lokayukta.**

- (1) The Lokayukta, after necessary administrative, financial and other approvals of the State Government in this behalf, may appoint officers and other



employees to assist the Lokayukta and Upa-Lokayukta in the discharge of their functions under this Act.

- (2) The categories of officers and employees who may be appointed under sub-section (1), their salaries, allowances and other conditions of service and the administrative powers of the Lokayukta shall be such as may be prescribed by the State Government.
- (3) The State Government in consultation with Lokayukta shall provide for the adequate number and categories of staff of the investigating agency to assist the Lokayukta and Upa-Lokayukta in the discharge of their functions under this Act.
- (4) The services of the officers and employees other than those appointed by the Lokayukta under sub-section (1) shall not be taken back before the expiry of the period of deputation by the State Government without prior concurrence of the Lokayukta.
- (5) In the discharge of their functions under this Act, the officers and employees, referred to in sub-section (1) shall be subject to the exclusive administrative control and directions of the Lokayukta.

**Section - 28: Conferment of additional function on Lokayukta or Upa-Lokayukta.**

- (1) The Governor may, by notification and after consultation with the Lokayukta or Upa-Lokayukta, such additional functions in relation to the redressal of grievances and eradication of corruption as may be specified in the notification.
- (2) The Governor may, by order in writing and with the concurrence of the Lokayukta, confer on the Lokayukta or Upa-Lokayukta such powers of supervisory nature over agencies, authorities or officers set up, constituted or appointed by the State Government for the eradication of corruption as may be specified in the order.
- (3) When any additional functions are conferred on the Lokayukta or Upa-Lokayukta under sub-section (1), the Lokayukta or Upa-Lokayukta shall exercise the same powers and discharge the same functions as he would in the case of any investigation made on the complaint involving an allegation, and the provisions of this Acts shall apply accordingly.

**Section - 29: Power to exclude complaints against certain classes of public functionaries.**



- (1) The State Government may, on the recommendation of the Lokayukta and on being satisfied that it is necessary or expedient in the public interest so to do, exclude by notification, complaints involving an allegation, or grievance or both against persons belonging to any class of public functionaries specified in the notification, from the jurisdiction of the Lokayukta, or as the case may be, Upa-Lokayukta.
- (2) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the State Legislature and if, before the expiry of the session in which it is laid or the session immediately following, the House agree in making any modification that the notification shall be annulled and notify such decision, the notification shall, from the date of publication of such decision, have effect only in such modified form or be of no effect, as the case may be;

Provided that any such modification or annulment shall be without prejudice to the validity of anything previously done by virtue of the notification.

#### **Section - 30: Power to Delegate.**

The Lokayukta or Upa-Lokayukta may, by general or special order in writing, direct that any power conferred or duties imposed on him by or under this Act (except the power to make report to the appropriate authority, or the power to punish for contempt or to order prosecution of a public servant under section 26 may also be exercised or discharged by such of the officers, employees, agencies referred to in Section 17, 18 or 27 as may be specified in the order.

#### **Section - 31: Public Servants to Submit Property Statement.**

- (1) Every public servant, shall, within three months after the commencement of this Act and thereafter before the 30<sup>th</sup> June of every year, submit to the Lokayukta in the prescribed form a statement of his assets and liabilities held by him or by any person on his behalf.
- (2) If no such statement is received by the Lokayukta from any such public functionary within the time specified in sub-section (1), the Lokayukta shall make a report to that effect to the competent authority and send a copy of the report to the public servant concerned. If within two months of such report the public servant concerned does not submit the statement of his assets and liabilities, the Lokayukta may publish or cause to be published the names of such public functionary in two newspapers having wide circulation in the State.

#### **Section - 32: Power of the State Government to make Rules.**



- (1) The State Government may, <sup>1</sup>[ ] by notification, make rules for the purpose of carrying into effect the provision of this Act.
- (2) Every rule made under this section shall immediately after it is made, be laid, before each House of the State Legislature, and if, before the expiry of the session in which it is so laid or the session immediately following, both House agree in making any modification in the rule, or both Houses agree in the annulment of the rule, the rule shall, from the date on which such modification or annulment is notified, or be of no effect, as the case may be.

Provided that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### <sup>2</sup>[Section – 32A: Power to relax

In all cases where there are difficulties experienced in the implementation of this Act, provisions in this Act and the rules made thereunder shall be relaxed to the extend desirable by the Chief Minister.]

### **Section - 33: Power of Lokayukta to make Regulation.**

- (1) The Lokayukta may, by notification, make such regulations, as he may deem necessary for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matter, namely;
  - (a) Normal working hours of the office of the Lokayukta and holding of sittings of the Lokayukta and Upa-Lokayukta outside normal working hours;
  - (b) Holding of sitting of the Lokayukta or Upa-Lokayukta at places other than the place of ordinary sittings <sup>3</sup>[within the state of Nagaland.]
  - (c) Procedure which may be followed by the Lokayukta or Upa-Lokayukta for conducting proceedings including inquiry and investigation;

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<sup>1</sup> deleted the words “in consultation with the Lokayukta” by the Nagaland Lokayukta (2<sup>nd</sup> Amendment) Act, 2022.

<sup>2</sup> inserted by the Nagaland Lokayukta (1<sup>st</sup> Amendment) Act, 2019.

<sup>3</sup> inserted by the Nagaland Lokayukta (2<sup>nd</sup> Amendment) Act, 2022.



- (d) Forms in which complaints may be made and the affidavits which may accompany such complaint and the fees if any which may be charged in respect thereof;
- (e) Such forms and notices as may be necessary in the opinion of the Lokayukta for carrying out the inquiry and investigation; and matters relating to staff, its appointment, conditions of service, not falling under Section 27 of the Act.

#### **Section - 34: Removal of Doubts.**

For the removal of doubts, it is hereby declared that nothing in this Act shall be construed to authorise the Lokayukta or Upa-Lokayukta to investigate any complaint against:

- (a) The Chief Justice or any Judge of High Court, or a Judicial Officer of Subordinate Courts within the meaning of Chapter VI of Part VI of the Constitution of India.
- (b) Any officer or servant of any Court referred to in clause (a); the Chairman or a Member of the State Public Service Commission and any member of its staff;
- (c) The Election Commission and the Regional Commissioners referred to in Article 324 of the Constitution of India and the Chief Electoral Officer of the State.
- (d) The Speaker and the Deputy Speaker of the Legislative Assembly, and the staff of the State Legislature Secretariat;
- (e) Functionaries appointed under Article 323-A, 323-B, and 371-D of the Constitution of India or any member of their staff; and;
- (f) Any member of the staff of Governor Secretariat.

#### **Section - 35: Whistle Blower Protection**

The protection of the Anti-Corruption, Grievance Redressal and Whistle Blowers Protection Act, 2011 shall apply *mutatis mutandis* to the State of Nagaland.

#### **Section - 36: Repeal and Saving.**



- (1) The Resolution of the Nagaland Legislative Assembly constituting the State Vigilance Commission shall stand repealed from the date of appointment of the Lokayukta.
- (2) Notwithstanding such repeal, any act or thing done under the said Resolution shall be deemed to have been done under this Act.
- (3) All inquiries and investigations and other disciplinary proceedings pending before the Nagaland State Vigilance Commission and which have not been disposed of, shall stand transferred to and be continued by Upa-Lokayukta as if they were commenced before him under this Act.
- (4) Notwithstanding anything contained in this Act, initially the staff of the Lokayukta shall consist of the posts of the Nagaland State Vigilance Commission.



## FIRST SCHEDULE

[See Section 3 (4)]

I, \_\_\_\_\_ having been appointed Lokayukta/Upa-Lokayukta do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear, favour, affection or ill-will.



## SECOND SCHEDULE

[See Section 9(1)(a)]

- (a) Action taken for the purpose of investigating crimes or relating to the security of the State.
- (b) Action taken in the exercise of powers in relation to determining whether a matter shall go to a Court of not.
- (c) Action taken in matters which arise out of the terms of a contract governing purely commercial relations of the administration with customers of supplier, except whose or the complaint alleges harassment gross delay in meeting contractual obligation.
- (d) Action taken in respect of appointments, removal, pay, discipline, superannuation or other matters relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claim which arise on retirement, removal on termination of service and such other action involving allegation of corruption in respect of appointment not barred under provision of section-35 of the Act.
- (e) Grant of honours and award.



## 21. FREQUENTLY ASKED QUESTIONS ABOUT THE NAGALAND LOKAYUKTA

**Q.** What is the Nagaland Lokayukta?

**A.** The Nagaland Lokayukta is a statutory body, an ombudsman, constituted under the Nagaland Lokayukta Act, 2017 to inquire into complaints of corruption and maladministration by public servants and is tasked with speedy redressal of public grievances. The Nagaland Lokayukta is located in Kohima.

**Q.** What is the composition of the Nagaland Lokayukta?

**A.** The Nagaland Lokayukta came into existence in 2018 with the appointment by the State Government, initially of a Upa-Lokayukta and later in 2019 of a Lokayukta. The Nagaland Lokayukta Act, 2017 provides for appointment of a Lokayukta and a maximum of 4(four) Upa-Lokayukta.

**Q.** What are the powers and functions of the Nagaland Lokayukta?

- A.** i. The Lokayukta or Upa-Lokayukta may investigate into any complaint involving a grievance or an allegation against a public servant that is made by:
- Any citizen.
  - Referred by the State Government.
  - Suo moto, without any complaint.
- ii. The Lokayukta or Upa-Lokayukta has all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908.
- iii. Any proceeding before the Lokayukta or Upa-Lokayukta is deemed to be a judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code, 1860.
- iv. The Lokayukta or Upa-Lokayukta is deemed to be a court within the meaning of the Contempt of Courts Act, 1971 and have the same judicial powers and authority of a High Court.
- v. The Lokayukta or Upa-Lokayukta is empowered to authorize the conduct of a search or an inspection as per the provisions of the provisions of the Code of Criminal Procedure, 1973 relating to search and seizure.

**Q.** How is a complaint filed?

- Every complaint shall be made in the prescribed Form - I & II, which can be downloaded from the Nagaland Lokayukta website <https://lokyukta.nagaland.gov.in>, with a complaint fee of Rs. 20/-.  
Form-I consists of various details of the complaint.  
Form-II comprises of details of the complainant to be made in an affidavit.
- Details of the complainant/witnesses with proper address and contact number should be mentioned in the complaint.
- Any related documents in support of the allegation or grievance should be enclosed with the complaint.



- The complainant/witness shall be liable to be prosecuted for any false or frivolous complaint.
- In complying with prescribed formalities, should assistance be required, the same will be provided by an assigned official/officer of the Nagaland Lokayukta.

**Q.** Is a complainant or a witness in regards to a complaint that is filed before the Lokayukta, protected under any provision of the law?

**A.** As per Section 19 of the Nagaland Lokayukta Act, 2017 the identity of the complainant and the public functionary is protected, unless the complainant himself/herself declares.

- Proceedings of the investigation or any part of it, at any stage of the proceedings will not be publicized unless the Lokayukta or Upa-Lokayukta allows it, for reasons to be recorded.
- As per Section 35 of the Nagaland Lokayukta Act, 2017 the complainant/witnesses are protected under the Whistle Blowers Protection Act, 2011.

“*Whistle Blower*” means any person who provides factual information with prima facie evidence about corruption or is a witness or a victim in a case of corruption before the Lokayukta. He/she/they is/are protected when subjected to any harm as a consequence to making the complaint to the Lokayukta.

**Q.** Who is a public servant under Section 2 (p) of the Nagaland Lokayukta Act, 2017?

**A.** A public servant means a person who is or was at anytime:

- i. The Chief Minister of Nagaland
- ii. A Minister
- iii. A Member of the State Legislature (MLA)
- iv. A Government servant
- v. An officer of any body or board or corporation or authority or company or society or autonomous Body established or constituted under any Act of the Nagaland Legislative Assembly or wholly or partly financed by the State Government or controlled by it.

This definition covers among others: Village Council and the various boards under it – VDB, VEC, VHC, WATSAN, VEMB - Municipal Council/Town Council.

**Q.** What is the meaning of a complaint involving an **allegation**?

**A.** A complaint involving an allegation is a complaint which alleges that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988 concerning:

- Wilful misuse of power or wilful misuse of discretion by virtue of which demonstrable loss is caused to the Government or demonstrable wrongful gain accrues to the public servant or to any third party
- Attempt to commit or the commission of a criminal offence by a public servant
- Fraudulent drawals of monies
- Misappropriation of public funds

**Q.** What is the meaning of **grievance**?

**A.** The term “Grievance” is defined in Section 2 (g) of the Nagaland Lokayukta Act, 2017. As per the definition, “Grievance” means a claim by a person that he/she, that is, the complainant himself/herself has suffered injustice or hardship as a consequence of mal-administration.



