

HARYANA GOVERNMENT  
GENERAL ADMINISTRATION DEPARTMENT

Notification  
The 9<sup>th</sup> January, 2008

**No. S.O.4/H.A. I/2003S.26/2008.** - In exercise of the powers conferred by sub-section (1) of section 26 of the Haryana Lokayukta Act, 2002 (Act 1 of 2003), the Governor of Haryana hereby makes the following Rules, regulating the functions, inquiry, investigation, financial and administrative powers by the Lokayukta, namely:-

Short title and commencement

1. (1) These Rules may be called the Haryana Lokayukta [Functions, Powers, Inquiry and Investigation] Rules, 2008.

(2) They shall come into force on the date of their publication in the official Gazette.

Definitions

2. (1) In these rules, unless the context otherwise requires:-

(a) "Act" means the Haryana Lokayukta Act, 2002 (Act No.1 of 2003);

(b) "Complainant" means a person who makes a complaint under section 10;

(c) "Form" means a form appended to these Rules;

(d) "Investigation" includes any inquiry or other proceedings in connection with the complaint but not a preliminary inquiry;

(e) "Registrar" means the Registrar to the Lokayukta;

(f) "section" means the section of the Act.

(2) Words and expressions used in these rules, but not defined herein, shall have the same meaning as are respectively assigned to them in the Act.

Complaint  
Sections 10 and  
26(1)

3. Save as otherwise provided in these rules, every complaint under the Act shall be made. in Form I and shall be accompanied by an affidavit in Form II in support of its contents and shall contain the following particulars, namely:-

(a) the name and address of the complainant;

(b) the name, official designation and address of the public functionary against whom the complaint involving grievances or allegations is made;

(c) the details of the contents of the action complained of/and of the allegations.

- Fee  
Section 26(1)
- 4 A fee of one thousand rupees shall be paid in judicial stamps for filing a petition of complaint:  
Provided that the Lokayukta may, on an application made by the complainant, in his discretion waive the requirement of payment of fee in appropriate cases.
- Complaints filed prior to these rules.  
Section 26(1)
5. Complaint/s filed after the commencement of the Act and prior to the enforcement of these Rules shall be deemed to have been filed under these Rules.
- Scrutiny and registration of complaints.  
Section 26(1)
6. (1) On receipt of a complaint, the Registrar shall cause the particulars thereof to be entered in a register of complaints.  
(2) If the Registrar is of the opinion that any such complaint is not in conformity with the provisions of the Act or the Rules, he shall within a period of fifteen days from the date of its receipt, issue a notice in Form No. IV to the complainant requiring him to rectify the defect within the time specified in the notice:  
Provided that the Registrar may, on an application made by the complainant, extend the time specified in the notice for sufficient cause.  
(3) All complaints shall be placed before the Lokayukta for orders but complaints regarding which action has been taken under sub-rule (2) shall be placed only after the expiry of the period of time stipulated in the notice or the extended period, as the case may be, whether or not any defect pointed out by the Registrar has been rectified.  
(4) Every person making a complaint under sub-rule (1) shall be informed of the gist of the orders in Form No. V, if no further action on the complaint is to be taken.
- Procedure in respect of inquiry section 12
7. While conducting a preliminary inquiry or an investigation, the Lokayukta may engage any agency or person or professionals including subject experts, etc. on payment of a reasonable fee with the approval of the Government.
- Attendance of witnesses,  
Sections 11, 14 and 26(1)
8. (1) If while making any preliminary inquiry or while conducting any investigation under the Act, the Lokayukta on his own motion or on application being made, examines any person as a witness whether to give evidence or to produce any document in his possession, then such person shall be entitled to a certificate from the office of the Lokayukta in Form III certifying that he has attended the office of Lokayukta for the purpose of evidence, etc.

(2) If the person referred to in sub-rule (1) produces the certificate in Form III before his employer, then:-

- (i) if he is in private service, he shall not be deemed to be absent from duty for the purpose of any action/penalty which would otherwise have followed in consequence of such absence;
- (ii) if he is a public servant, he shall be treated as on duty on the day or dates on which he attended the office of the Lokayukta and he shall be entitled to draw traveling allowance/daily allowance from his department;
- (iii) if the person referred to in sub-rule (1) is in private service or is not employed in any service, such person may be paid actual travelling allowances and subsistence allowances at the rates specified by a general or a special order by of the Lokayukta.

Explanation.-- For the purpose of these Rules, "private service" means any service other than public service.

Annual report  
Section 17(3)  
and 26(1)

9. The Lokayukta may, in his consolidated annual report, give suggestions for ensuring transparency and minimising the scope of misuse or abuse of office by a public servant.

Authentication of  
orders passed by  
the Lokayukta.  
Section 26(1)

10. Any order passed by the Lokayukta under these Rules and executed in the name of the Lokayukta, shall be authenticated in such manner as the Lokayukta may, by a general or special order specify, from time to time,

Appointment &  
transfer of staff of  
Lokayukta and  
condition of their  
service

11. The procedure for recruitment/appointment of officers and staff and their condition of service shall be such as are shown in the Schedule appended to these rules.

Financial powers  
of Lokayukta.  
Section 26(1)

12. The Lokayukta shall be competent to incur reasonable expenditure with the approval of the Government from his allotted budget to facilitate an efficient and proper working of his institution and for the proper conduct of the investigation:

Provided that the Lokayukta may, by a general or a special order, delegate his financial powers to any of the officers of his office.

Inspection of  
Record.  
Section 26(1)

13. The Lokayukta may direct and authorise any of his officers or staff to visit any premises or to inspect any document or other relevant record for the purposes of any enquiry or investigation under the Act.

Procedure in  
respect of  
investigation.  
Sections 8, 12 and  
26(1)

14. (1) Where the Lokayukta decides to conduct any investigation under these Rules, he--

- (a) shall forward a copy of the complaint or, in the case of any investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefor, to the public functionary concerned and the competent authority in Form VI;
- (b) shall afford to the public functionary concerned, an opportunity to offer his comments on such complaint or statement; and
- (c) may make such orders as to the safe custody of documents relevant to the investigation, as he deems fit,

(2) Subject to the provisions of the Right to Information Act, 2005 (Act 22 of 2005), every such investigation shall be conducted in private and, in particular the identity of the complainant and of the public functionary affected by the investigation shall not be disclosed to the public or the press or published in any manner whether before, during or after the investigation.

(3) Save as aforesaid, the procedure for conducting any such investigation shall be such as the Lokayukta considers appropriate in the circumstances of the case.

(4) The Lokayukta may, in his discretion, refuse to investigate or cease to investigate any complaint if in his opinion--

- (a) there are no sufficient grounds for investigating or as the case may be, for continuing the investigation; or
- (b) other remedies are available to the complainant and in the circumstance of the case it would be more proper for the complainant to avail of such remedies.

(5) In any case where the Lokayukta decides not to entertain any complaint or to discontinue any investigation in respect of a complaint, he shall record his reasons therefor and communicate the same to the complainant and the public functionary concerned.

Residuary  
Powers.  
Section 26(1)

15 The Lokayukta may, by order not inconsistent with these Rules, provide for matters for which no provisions have been made in these Rules and may give such directions as may be necessary for giving effect to the provisions of the Act, the Rules and such orders.

Powers of regulate  
proceedings &  
investigations.  
Section 26(1)

16. Subject to the provisions of the Act, the Lokayukta shall have the powers to regulate the conduct of proceedings, investigations and inquires in all matters not provided for in these rules.

**FORM I**  
[See rule 3]  
**FORM OF COMPLAINT**

BEFORE THE LOKAYUKTA, HARYANA

Complainant ..... son of, daughter of/wife of .....  
..... (add description of profession, residence etc.)

In the matter of allegation against .....  
son of / daughter of / wife of.....  
holding the office of .....  
at .....

The above named complainant is satisfied that the aforesaid public servant,--

- (i) has knowingly and intentionally abused his position as such to obtain any undue gain ..... or favour to himself or to any other person or to cause undue harm to any other person; and / or
- (ii) was actuated in the discharge of his functions as such public servant by corrupt motives, and / or
- (iii) is guilty of corruption; and / or
- (iv) is in possession of pecuniary resources of property dis-proportionate to his known source of income and such pecuniary resources of property is held by the public servant personally or by any member of his family or by some other person on his behalf.

(Strike out the clause or clauses not relevant to the complaint.)

To support the allegations the complainant relies on the following facts and is also filing an affidavit:-

- (1)
- (2)
- (3)
- (4)

The complainant has/has not for the same matter resorted to a remedy by way of proceeding before a tribunal/ a court of law/ an authority empowered to decide the matter particulars of which are as under:-  
(give particulars and result, if any)

The necessary deposit of Rs. 1000/- has been made by affixing Judicial stamps of that value on the complaint.

**PRAYER**

It is, therefore, prayed that an inquiry be made against the public servant.

.....  
*Signature/ thumb mark of the applicant*

VERIFICATION:

I .....son of/daughter of/wife of Shri ..... resident of ..... hereby verify that the facts stated by me in paras ..... to ..... in the complaint are true to my personal knowledge and/or the facts stated by me in paras ..... to ..... are based on information received from ..... (give the name) and / or documents, and the same are believed by me to be true.

.....

*Signature/ thumb mark of the applicant*

**FORM II**

[See rule 3]

*Note:-* This affidavit should be got prepared on a non-judicial stamp paper worth Rs. 3/- and then it should be got attested from a notary or an Oath Commissioner or Magistrate 1<sup>st</sup> Class.

FORM OF AFFIDAVIT

I ..... Son of /daughter of/ wife of  
Shri ..... Profession ....., resident of  
..... tehsil ..... District ..... do hereby solemnly  
affirm and state as follows:-

- (1) that I am the complainant in this case;
- (2) that the statements of this complaint have been read by / read over to me and understood /heard by me and these are true to the best of my knowledge and belief;
- (3) that the facts stated by me in paras ..... to ..... are true to the best of my knowledge and belief stated in paras ..... are based on the information given to me by Shri ..... and/ or documents which, I believe to be true.

.....  
*Signature/ thumb mark of the deponent*

Place .....  
Dated .....

Affidavit sworn before me.

Certified that the above averment was declared before me on oath / affirmation this ..... day of .....200 at ..... in the District of ..... by Shri/ Smt./ Miss ..... who was identified by Shri/Smt./Miss ..... who is personally known to me. The contents of the above affidavit have been read over and explained to the deponent who admitted the same to be correct and true.

.....  
*Designation of the authority before whom affidavit is sworn*

Place .....  
Dated .....

FORM III  
[See Rule 8(1)AND (2) ]

FORM OF CERTIFICATE TO BE GIVEN BY THE OFFICE OF THE LOKAYUKTA, TO A  
PERSON FOR RECORDING EVIDENCE BEFORE LOKAYUKTA

1. Certified that ..... was summoned to give evidence before the Loyaukta in his public/private capacity in case of ..... and was required to attend for a period of ..... days i.e. from ..... to .....

2. Further certified that he has been paid the following amounts in accordance with the rules for attending the office of the Lokayukta for the purpose:

- (i) Travelling Allowance Rs. \_\_\_\_\_.
- (ii) Subsistence Allowance Rs. \_\_\_\_\_

Place .....

Date .....

for: Lokayukta, Haryana.



FORM NO. IV

{See Rule 6(2)}

Office of the Lokayukta, Haryana, Chandigarh.

Proceedings No.....

Dated:.....

To

Shri/Shrimati.....

Ref:- Your Complaint dated.....

Your complaint dated..... against Shri/Shrimati..... Is found to be deficient in the following particulars. You are hereby requested to supply the omissions and rectify the defects mentioned below within ten days after receipt of this communication, failing which your complaint will be disposed of on the basis of the available material.

Particulars:-

1. Form No. 1 not filled.
2. Prescribed fee of Rs. 1000/- to be paid.
3. Complaint is not signed by the complainant.
4. Affidavit of the complainant in the prescribed form and/or of the witnesses not enclosed.
5. Name, designation and address of the public servant complained against not furnished.
6. Documents relied on or true copies thereof in the custody and control of the complainant not enclosed.
7. Particulars of documents relied on not in the custody or control of the complainant not furnished.
8. Required sets of copies of affidavits and documents not enclosed.
9. Other reasons.

Yours faithfully,

Registrar,  
for Lokayukta of Haryana.

FORM NO. V

{See Rule 6(4)}

Office of the Lokayukta, Haryana, Chandigarh.

Proceedings No.....

Dated:.....

To

Shri/Shrimati.....

Your complaint, dated..... containing certain allegations against Shri/Shrimati.....is rejected for the reasons mentioned below:-

Reasons for rejection of the complaint:

1. The defects and/or omissions pointed out in proceedings No..... dated..... have not been rectified and /or supplied.
2. The complaint does not disclose an allegation which can be investigated by the Lokayukta.
3. There are no sufficient grounds for investigating the complaint.
4. Other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies.
5. The public servant against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta.
6. The complaint is made after the expiry of six years from the date on which the action complained against is alleged to have taken place.
7. An earlier complaint based on the same allegation as those made in the present complaint was previously disposed of by the Lokayukta or any other authority through proceedings No.....dated.....
8. The prescribed fee of Rs. 1000/- has not been paid.

Lokayukta, Haryana

FORM NO. VI

{See Rule 14(1) (a)}

Proceedings of the Lokayukta, Haryana, Chandigarh.

No.....

Dated:.....

To

Shri/Shrimati.....

Ref:- Complaint No.....of.....200....

After conducting a preliminary verification into the above complaint the Honourable Lokayukta proposes to conduct an investigation into it. So, you are hereby afforded an opportunity to offer your comments on:

- (i) the complaint, dated.....sent against you by Shri / Shrimati .....A copy of which is herewith enclosed along with copies of affidavits produced by the complainant;
- (ii) the enclosed statement containing an allegation against you, which the Hon'ble Lokayukta has on his own motion proposed to investigate for the grounds mentioned therein;
- (iii) the action in respect of which His Excellency, the Governor of Haryana has required the Hon'ble Lokayukta to conduct an investigation as per the enclosed copy.

You may, therefore, submit your comments as aforesaid on ..... at 10.30 A.M. before the Hon'ble Lokayukta at his office together with such affidavits of witnesses and documents in the original and three sets of copies thereof, as you may desire to be examined and considered before further steps in the investigation are ordered.

You may engage another public servant or a legal practitioner to represent you.

If you fail to appear in the aforesaid manner and submit your comments as aforesaid, further investigation may be proceeded with on the basis of the material available.

Registrar,  
for Lokayukta, Haryana.

**Schedule**

**See rule-11**

**PROCEDURE FOR RECRUITMENT/APPOINTMENT OF OFFICERS AND STAFF AND THEIR CONDITIONS OF SERVICE**

Strength and compositions of the staff of Lokayukta.

1. The strength and composition of the staff of Lokayukta shall consist of such number of posts and such pay scales as are specified against each in the Appendix A:

Provided that nothing contained in these rules shall effect the right of the State Government to make additions to, or reduction in, the number of such posts or to create new posts with different designations and scales of pay either permanently or temporarily in consultation with the Lokayukta.

Application of other rules.

2. (a) In respect of any matter for which no provision is made in these rules, the orders of general application issued from time to time by the State Government shall apply to the recruitment/appointment to posts and Service on the staff of the Lokayukta.

(b) The conditions of service of a person on the staff of the Lokayukta shall be the same as in the rules and orders of general application issued from time to time by the State Government in respect of Government servants holding corresponding appointment elsewhere.

Appointing authority.

3. Appointment to all the posts in the Service shall be made by Lokayukta in consultation with the State Government.

Method of recruitment/ appointment and minimum qualifications.

4. In respect of each category of posts specified in Appendix A, the method of recruitment/appointment of officers and staff of Lokayukta and their minimum qualifications shall be such as are specified in Appendix B.

Probation.

5. (1) Persons appointed to any post in the Service shall remain on probation for a period of two years if appointed by direct recruitment and one year, if appointed otherwise:

Provided that –

- (a) any period after such appointment spent on deputation on a corresponding or a higher post shall count towards the period of probation;
- (b) any period of work in equivalent or higher rank, prior to appointment to the Service may, in the case of an appointment by transfer, at the discretion of the appointing authority; be allowed to count towards the period of probation fixed under this rule; and
- (c) any period of officiating appointment shall be reckoned as a period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(2) If, in the opinion of, the appointing authority, the work or conduct of a person during the period of probation is not satisfactory, if may -

- (a) if, such person is, appointed by, direct recruitment dispense with his service; and

- (b) if such person is appointed otherwise than by direct recruitment-
  - (i) revert him to his former post; or
  - (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (3) On the completion of the period of probation of a person the appointing authority may, --
  - (a) if his work or conduct has, in its opinion, been satisfactory,
    - (i) confirm such person from the date of his appointment, if appointed against a permanent vacancy; or
    - (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy; or
    - (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy; or
  - (b) if his work or conduct has in its opinion, been not satisfactory, --
    - (i) dispense with his services, if appointed by direct recruitment, if appointed otherwise, revert him to his former post or deal with him in such other manner, as the terms and conditions of previous appointment permit; or
    - (ii) extend his period of probation and thereafter pass such order, as it could have passed on the expiry of the first period of probation:

Provided that the total period probation, including extension, if any, shall not exceed three years.

Seniority.

6. Seniority, interse of the members of the Service shall be determined by the length of continuous service on any post in the Service:

Provided that where there are different cadres in Service, the seniority shall be determined separately for each cadres:

Provided further that in the case of members appointed by direct recruitment, the order of merit determined by the recruiting authority shall not be disturbed in fixing the seniority:

Provided further that in the case of two or more members appointed on the same date, their seniority shall be determined as follows:--

- (a) a member appointed by direct recruitment shall be senior to a member appointed by promotion or by transfer;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer;
- (c) in the case of members appointed by promotion or by transfer, seniority shall be determined according to the appointments from which they were promoted or transferred; and
- (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference

being given to a member who was drawing a higher rate of pay in his previous appointment; and if the rates of pay drawn are also same, then by the length of their service in the appointment and if the length of such service is also same, the older member shall be senior to the younger member.

Pay, leave, pension and other matters. 7. In respect of pay, leave, pension and all other matters not expressly provided for in these rules, the members of the Service shall be governed by such rules and regulations as may have been, or may hereafter be adopted or made by the competent authority under the Constitution of India or under any law for the time being in the force.

Discipline, penalties and appeals. 8. (1) In matters relating to discipline, penalties and appeals, members of the Services shall be governed by the Haryana Civil Services (Punishment and Appeal) Rules, 1987 as amended from time to time:

Provided that the appointing authority shall be competent to impose of the penalties:

Provided further that the appointing authority may in case of minor punishment delegate the power to impose any of the minor penalties to the Principal Secretary.

(2) The appellate authority in cases where the penalties has been imposed by the Lokayukta shall be the Government.

(3) The appellate authority in cases where the minor penalty has been imposed by an authority lower than Lokayukta shall be the Lokayukta.

Oath of allegiance. 9. Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

Power of relaxation. 10. Where the appointing authority is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category or persons.

Reservation. 11. Nothing contained in these rules shall affect reservation and other concessions required to be provided for Scheduled Castes, Backward Classes, Ex-servicemen, physically handicapped persons or any other class or category of persons, in accordance with the order issued by the State Government in this regards from time to time:

Provided that the total percentage of reservation so made shall not exceed fifty percent at any time.