



## The Sikkim Lokayukta Act, 2012

Act 21 of 2012

**Keyword(s):**

Action, Allegation, Corruption, Grievance, Lokayukta, Maladministration, Lokpal, Ombudsman

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**SIKKIM**  
**GOVERNMENT GAZETTE**



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Gangtok

DATED.6/08/2012

No. 400

GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GOVERNMENT OF SIKKIM  
GANGTOK

No. 21/LD/POI/2010-12

Dated: 06/08/2012

**NOTIFICATION**

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the President of India on 16<sup>th</sup> day of July, 2012 is hereby published for general information:-

**THE SIKKIM LOKAYUKTA ACT, 2012**  
**(ACT NO. 21 OF 2012)**  
**AN**  
**ACT**

to make provision for the appointment and functions of Lokayukta for the investigation of administrative action taken by or on behalf of the Government or certain local and public authorities in certain cases and for matter connected therewith and matters involving acts of injustice, corruption or favoritism.

**BE** it enacted by the Legislature of Sikkim in the Sixty-first Year of the Republic of India, as follows:-

Short title, 1. (1) The Act may be called the Sikkim Lokayukta Act,  
extent and 2010.  
commencement

(2) It shall extend to the whole of the Sikkim.

(3) It shall come into force on such date as the State Government may, by notification appoint.

Definitions 2 In this Act, unless the context otherwise requires:-

(a) "action" means any action taken by a public servant in the discharge of his functions as such public servant, by way of decision, recommendation or finding or in any other manner and includes any omission or commission or failure to act and all other

expressions connecting action shall be construed accordingly;

(b)“allegation” in relation to a public servant means any affirmation that such public servant:-

- (i) has abused his position as such to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person;
- (ii) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives; or
- (iii) is guilty of corruption or lack of integrity in his capacity as such public servant;

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(c) “Competent authority” in relation to a public servant means:-

- (i) in case of a Chief - The Governor acting Minister or a member in his discretion. of State Legislature.
- (ii) in case of a Minister, - The Chief Minister. Chief Secretary or or Secretary.
- (iii) in case of any other- Minister of the public Servant. concerned department.

(d) “Corruption” includes anything made punishable under Chapter IX of the Indian Penal Code, 1860 or under the Prevention of Corruption Act, 1988.

(e) “grievance” means a claim by a person that he sustained injustice or undue hardship in

consequence of maladministration;

- (f) “Lokayukta” means a person appointed as a Lokayukta under section 3;
- (g) “maladministration” means action taken or purporting to have been taken in the exercise of administrative function in any case:-
  - (i) where such action or the administrative procedure or practice governing such action is unreasonable, unjust, oppressive or improperly discriminatory; or
  - (ii) where there has been negligence or undue delay in taking such action, or the administrative procedure or practice governing such action involves undue delay;
- (h) “Minister” means a member of the Council of Ministers and includes the Chief Minister, a Minister of State or its equivalent and the Leader of Opposition;
- (i) “officer” means a person appointed to a public service or post in connection with the affairs of the State;
- (j) “prescribed” means prescribed by rules made under this Act;

- (i) Every Minister referred to in clause (h) and also member of State Legislative Assembly;
- (ii) Every officer referred to in clause (i);
- (iii) Every person in the service or pay of:-

- (a) any local authority in the State which is notified by the State Government in this behalf;

- (b) any Corporation (not being a local authority) established by or under any law or owned or controlled by the State Government;

- (c) any Government Company within the meaning of Registration of Companies Act, Sikkim, 1961; or

- (d) any society registered under Notification no.2602 A/H dated 25<sup>th</sup> March 1960 or the Sikkim Registration of Societies, Associations and Other Voluntary Organizations Act, 2008 or any other law for the time being in force, which is subject to the control of the State Government and which is notified by that Government in this behalf;

- (e) a Co-operative society; or

- (f) a university;

Explanation:- In this clause, “Co-operative Society” means a cooperative society registered or deemed to have been registered under the law for the time being in force and “University” means a university established or deemed to be established by or under any law of the State Legislature.

- (iv) The Chairman and the Vice-Chairman

(by whatever name called) or a member of a local authority in the State of Sikkim or a statutory body or corporation established by or by under any law of the State Legislature, including a co-operative society, or a Government Company and such other corporations or boards as the State Government may, having regard to its financial interest in such corporations or boards, by notification, from time to time, specify;

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(v) member of a Committee or Board, statutory or non-statutory, constituted by the Government;

(k) "Secretary" means a Secretary or a Principal Secretary, or a Special Secretary or an Additional Secretary to the State Government.

(l) "State" means State of Sikkim.

Appointment of 3  
Lokayukta

(1) For the purpose of conducting inquiry or investigation in accordance with the provisions of this Act, the Governor shall appoint a person to be known as the Lokayukta;

Provided that the Lokayukta shall be appointed after consultation with the Chief Justice of the High Court of Sikkim, the Speaker of the Sikkim Legislative Assembly and the Leader of the Opposition of State Legislature, if there is any.

(2) A person shall not be qualified for appointment as a Lokayukta unless he has been a Judge of the Supreme Court or Chief Justice of a High Court.

(3) Every person appointed as the Lokayukta shall, before

entering upon his office, make and subscribe, before the Governor or some person appointed in that behalf by the Governor, an oath or affirmation in the form set out for the purpose in the First Schedule.

Lokayukta not to hold any other office.

- 4 (1) The Lokayukta shall not be a member of Parliament or a member of the Legislature of any State and shall not hold any office of profit (other than his office as Lokayukta):

Provided that the Lokayukta may hold such other additional duties or perform such other additional functions as may be provided under law if such additional functions or duties do not fall within the ambit of office of profit.

- (2) A person appointed to be the Lokayukta, shall;-
- (a) if he is member of Parliament or of the Legislature of any State resign such membership;
  - (b) if he holds any office of profit under the State, resign from such office or shall hold such office provided such office no more comes within the category of office of profit;
  - (c) if he is connected with any political party, sever his connection with it;
  - (d) if he is carrying on any business, sever his connections in the conduct and management of such business; or
  - (e) if he is practicing any profession, suspend it.

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Term of Office and other conditions of service of Lokayukta.

5. (1) Every person appointed as the Lokayukta shall hold office for a term of five years from the date on which he enters upon his office and shall also be eligible for reappointment:

Provided that;-

- (a) the Lokayukta may, by writing under his hand addressed to the Governor, resign his office;

(b) the Lokayukta may be removed from office in the manner specified in Section 6.

- (2) 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 office, the administrative functions of the Lokayukta shall be performed by the Secretary to the Lokayukta.
- (3) There shall be paid to the Lokayukta salaries and allowances equal to the salary and allowances of the Chief Justice of a High Court (reduce by the amount of pension) and such other conditions of service as are for the time being, applicable to the Chief Justice of a High Court under Chapter-IV of the High Court Judges( Condition & Service)Act, 1954 and the rules made thereunder shall apply to the Lokayukta:

Provided further that the allowance and other conditions of service of the Lokayukta shall not be varied to his disadvantage after his appointment.

Removal  
Lokayukta

of 6.

- (1) The Lokayukta shall not be removed from his office except by an order of the Governor passed after an address by the Legislative Assembly supported by a majority of the total membership of the Legislative Assembly and by a majority of not less than two-thirds of the members of the Legislative Assembly present and voting has been presented to the Governor in the same session for such removal on the ground of proved misbehavior or incapacity.
- (2) No process for removal of Lokayukta shall be initiated unless a motion to this effect has been moved by not less than one third of the member of the State Legislative Assembly and presented the same to the Speaker who shall on receipt of such motion which shall set out the grounds for removal, shall make a reference to the Lokayukta for his response or presentation of any submission in defense to the allegations contained in the motion, so presented by the members and on receipt of the response if any from the Lokayukta, the Speaker shall proceed for discussion on the motion and upon such discussion shall put the motion to the Vote by the members of the



House and if the motion is accepted and passed by the House, the Speaker shall forward the report to the Governor for giving effect to the decision of the House.

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- Matters which may be inquired or investigated by Lokayukta.
7. (1) Subject to the provisions of this Act, on receipt of complaint, the Lokayukta may inquire or investigate any action which is taken by or with the general or specific approval of:-
- (i) a Minister or the Chief Secretary or a Secretary; or member of the State Legislature; or
  - (ii) any other public servant being a public servant of a class or sub-class of public servants notified by the State Government in consultation with the Lokayukta in this behalf.
- (2) In any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Lokayukta, the subject of a grievance or an allegation;
- (3) Notwithstanding anything contained in sub-sections (1) and (2), the Lokayukta may inquire or investigate any action taken by or with the general or specific approval of a public servant, if it is referred to him by the State Government.
- Matters not subject to inquiry or investigation.
8. (1) Except as hereinafter provided, the Lokayukta shall not conduct any inquiry or investigation under this Act in the case of a complaint involving a grievance in respect of any action,-
- (a) if such action relates any matter specified in the Second Schedule.
- (2) The Lokayukta shall not inquire or investigate any action,-
- (a) in respect of which a formal and public inquiry has been ordered under the Public Servants' Inquiries Act, 1950; or
  - (b) in respect of a matter which has been referred

for inquiry under the Commission of Inquiry Act, 1952;  
and all such cases shall be mentioned in the annual report presented under sub-section (6) of Section 12.

- (3) The Lokayukta shall not inquire or investigate,-
- (a) any complaint involving a grievance, if the complaint is made after the expiry of twelve months from the date on which the action complained against becomes known to the complainant; and
  - (b) any complaint involving an allegation, if the complaint is made after the expiry of five years from the date on which the action complained against is alleged to have taken place:

Provided that the Lokayukta may entertain a complaint referred to in clause (a), if the complainant satisfies him that he had sufficient cause for not making the complaint within the period specified in that clause.

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- (4) In the case of any complaint involving a grievance nothing in this Act shall be construed as empowering the 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 an extent that the discretion cannot be regarded as having been properly exercised.

Provisions relating to complaints.

9. (1) Subject to the provisions of this Act, a complaint may be made under this Act to the Lokayukta,-
- (a) in the case of a grievance, by the person aggrieved;
  - (b) in the case of an allegation by any person other than a public servant:

Provided that where the person aggrieved is dead or is for any reason unable to act for himself, the

complaint may be made by any person who in law represents his estate, or, as the case may be, by any person who is authorized by him this behalf.

- (2) Every complaint shall be made in such form and shall be accompanied by such affidavits and other documents including fees as may be prescribed.
- (3) Notwithstanding anything contained in any other enactment any letter written to the Lokayukta by a person in police custody, or in a jail or in any asylum or other place for insane persons shall be forwarded to the addressee unopened and without delay by the police officer or other person in charge of such jail, asylum or other place.
- (4) If upon receipt of a letter under sub-section (3) the Lokayukta is of the view that there exists a prima facie case for a grievance or an allegation and that action under this Act can be taken thereon, he shall require the person who has written the letter to file a complaint in accordance with the provisions contained in sub-section (2) within such reasonable period, not being less than one month, as he may fix failing which he may reject the letter.

Procedure in 10. respect of investigation.

- (1) Where the Lokayukta proposes after making such preliminary inquiry as he deems fit to conduct any inquiry or investigation under this Act, he:-
  - (a) shall forward a copy of the complaint or in the case of any inquiry or investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefore, to the public servant concerned and the competent authority concerned;
  - (b) shall afford to the public servant 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 inquiry or investigation as he deems fit.

- (2) Every such inquiry or investigation shall be conducted in private and in particular, the identity of the complainant and of the public servant affected by the investigation shall not be disclosed to the public or the press whether before, during or after the investigation:

Provided that the Lokayukta may conduct any investigation relating to a matter of definite public importance in public, if he, for reasons to be recorded in writing, thinks fit to do so.

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

- (4) The Lokayukta may, in his discretion refuse to inquire or investigate or cease to investigate any complaint involving a grievance or an 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 proper for the complainant to avail of such remedies:

Provided that once the Lokayukta decides to proceed to investigate any complaint involving a grievance or an allegation, no other authority or investigating agency shall entertain or investigate any subject matter covered under such complaint.

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

- (6) The conduct of an inquiry or investigation under this

Act in respect of any action shall not affect such action, or any power or duty of any public servant to take further action with respect to any matter subject to the inquiry or investigation.

(7)

Whoever makes a false or frivolous complaint shall on conviction be punished with rigorous imprisonment which may extend to three years or with fine which may extend to five thousand rupees or with both and the court may order that out of the amount of fine such sum as it may deem fit be paid by way of compensation to the person against whom such complaint was made;

Provided that no court shall take cognizance of an offence punishable under this section except a complaint made by or under the authority of the Lokayukta;

Provided further that the complaint made under the signature and seal of Lokayukta shall be deemed as formally proved and the evidence of Lokayukta shall not be necessary for the purpose.

- Evidence
11. (1) Subject to the provisions of this section, for the purpose of any inquiry or investigation or any preliminary inquiry or investigation under this Act, the Lokayukta may require any public servant or any other person who in his opinion is able to furnish information or produce documents relevant to the inquiry or investigation to furnish any such information or produce documents relevant to the investigation to furnish any such information or produce any such document.
- (2) For the purposes aforesaid the Lokayukta shall have

all the powers of the 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 Examining him on oath;
  - (b) requiring the discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) issuing commissions for the examinations of witnesses or documents;
  - (e) requisitioning any public record or copy thereof from any Court or office;
  - (f) such other matters as may be prescribed.
- (3) Any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code, 1860.
- (4) Subject to the provisions of sub-section (5), no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to Government or any public servant whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information for the purpose of any investigation under this Act and the government or any public servant shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by any enactment or by any rule of law in of law in legal proceedings.
- (5) No person shall be required or authorized by virtue of this Act to furnish any such information or answer any such question or procedure so much of any document-

- (a) as might prejudice the security or defense or international relations of India (including India's relations with the Government of any other country with any international organization), or

the investigation or detection of crime; or

(b) as might involve the disclosure proceedings of the Council of Ministers or any Committee of that Council;

and for the purpose of this sub-section a certificate issued by the Chief Secretary or any other Secretary authorized by him in that behalf certifying that any information, answer or portion of a document is of the nature specified in clause (a) or clause (b) shall be binding and conclusive.

(6) Without prejudice to the provisions of sub-section (4), no person shall be compelled for the purposes of inquiry or investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a Court.

Report  
of Lokayukta.

12. (1) If, after inquiry into the allegations, the Lokayukta is satisfied that such allegation is established, he shall, by report in writing, communicate his findings and recommendations along with the relevant documents, materials and other evidence to the competent authority.

(2) The competent authority shall examine the report forwarded to it under sub-section (1) and intimate, within three months of the date of receipt of the report, the Lokayukta the action taken or proposed to be taken on the basis of the report.

(3) If the Lokayukta is satisfied with the action taken or proposed to be taken on his recommendations, he shall close the case under information to the complainant, the public servant and the competent authority concerned. In any other case, if he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the complainant concerned.

(4) The Lokayukta shall examine present annually a consolidated report on the performance of their functions under this Act, to the Governor.

- (5) If in any special report under sub-section (3) or the annual report under sub-section (4) any adverse comment is made against any public functionary, such report shall also contain the substance of the defense adduced by such public functionary and the comments made thereon by or on behalf of the Government or the public authority concerned, as the case may be.

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- (6) On receipt of a special report under sub-section (3), or the annual report under sub-section (4), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before Legislative Assembly.
- (7) Subject to the provisions of section 10, the Lokayukta 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 of general public, academic or professional interest, in such manner and to such persons as he may deem appropriate.

Secrecy  
Information

of 13

- (1) No information relating to any investigation or inquiry or matter connected thereto shall be published or provided to any authority or to any person till the investigation is completed and the action thereto have been taken as per the report or recommendations of Lokayukta and the matter has been closed by the Lokayukta.
- (2) No person shall publish any proceedings relating to any inquiry or investigation which is pending before the Lokayukta, nor shall any person publish such proceedings till the investigation is completed and the matter is closed.
- (3) Whoever contravenes the provisions of sub-section (2)



shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(4) Nothing in sub-section (2) and (3) shall apply to the publication of any report laid before the State Legislature under sub-section (6) of section 12.

Intentional  
insult or  
interruption to,  
or bringing into  
disrepute to  
Lokayukta.

14 (1) Whoever offers any insult or causes any interruption to the Lokayukta, while the Lokayukta is conducting any inquiry or investigation under this Act, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(2) Whoever, by words spoken or intended to be read, makes or published any statement or does any other Act, which is calculated to bring the Lokayukta into disrepute shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(3) The provisions of section 199 of the Code of Criminal Procedure, 1973, shall apply in relation an offence under sub-section (2) as they apply in relation to an offence referred to in sub-section (1) 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- in the case of an offence against the Lokayukta, of the Lokayukta.

Protections.

15 (1) No suit, prosecution, or other legal proceeding shall lie against the Lokayukta or against any officer, employees, agency or person referred to in section 14 in respect of anything, which is in good faith done or intended to be done under this Act.

- (2) No proceedings of the Lokayukta shall be deemed to be invalid by reason only of a defect or infirmity in his appointment or with the conduct of the proceedings.
- (3) Except on the ground of jurisdiction, no proceedings or decision the Lokayukta shall be liable to be challenged, reviewed, quashed or called in question in any Court of Tribunal.

Conferment of 16  
additional  
function on  
Lokayukta.

- (1) The Governor may, after consultation with the Lokayukta confer on the Lokayukta, such additional functions in relation to the redress of grievance and eradication of corruption as may be specified in the notification.
- (2) The Governor may, by order in writing and after consultation with the Lokayukta confer on him such powers of a supervisory nature over agencies set up or authorities constituted or officer appointed by the State Government for the redressal of grievance and eradication of corruption.
- (3) The Governor may, by order in writing and subject to such conditions and limitations as may be specified in the order, require the Lokayukta to investigate any action (being action in respect of which a complaint may be made under this Act to the Lokayukta), and notwithstanding anything contained in this Act, the Lokayukta shall comply with such order.
- (4) When any additional functions are conferred on the Lokayukta under sub-section (1) or when the Lokayukta is to inquire or investigate any action under sub-section (3), the Lokayukta shall exercise the same powers and discharge the same functions as he would in the case of any investigation made on a complaint involving a grievance an allegation, as the case may be, and the provisions of this Act shall apply accordingly.
- (5) Notwithstanding anything contained hereinabove, the State Government may in consultation with the Lokayukta, confer on him such other additional duties or functions as may be considered appropriate.

Provided that such other functions or duties shall not be falling within the meaning of office of profit.

- |                                  |       |     |  |
|----------------------------------|-------|-----|--|
| Power to delegate.               | to 17 | (1) | The Lokayukta may, by general or special order in writing direct that any powers or duties of administrative nature conferred or imposed on him by or under this Act (except the power to make reports under section 12) may also be exercised or discharged by such of the officers, employees or agencies referred to in section 14, as may be specified in the order.                     |
| Infrastructure and Establishment | 18    | (1) | The Law Department of the Government of Sikkim shall be the nodal department for providing necessary infrastructural, budgetary support and make other relevant provisions for the effective establishment and function of Lokayukta.  |
|                                  |       | (2) | The establishment of Lokayukta shall have a Secretary/Principal Secretary for carrying out all its administrative and other supervisory functions as may be endorsed/delegated from time to time. The State Government may also entrust upon the Secretary/Principal Secretary of the Lokayukta such other additional duties and functions from time to time as it may consider appropriate. |
|                                  |       | (3) | The State Government shall also make provisions for such other officers and employees in consultation with the Lokayukta as may be considered appropriate.   |
|                                  |       | (4) | The terms and conditions of the service of Secretary/Principal Secretary and other employees shall be such as may be prescribed.   |
| Power to make rules.             | 19    | (1) | The State Government may, make rules for the purpose of carrying out all or any other purposes of this Act.  |

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,-
- (a) salary and allowances and terms and conditions of service of staff who may be appointed for the efficient performance of the function of the Lokayukta;
  - (b) the authorities for the purpose required to be prescribed under sub-clause (ii) of clause (c) of Section 2;
  - (c) the time within which, and the form in which, complaints may be made and the documents including fees which shall accompany such complaints;

- (d) such other powers of a Civil Court which may be exercised by the Lokayukta in addition to the provisions mentioned in sub-section (2) of Section 11 of the Act;
- (e) terms and conditions of the service of Secretary/Principal Secretary;
- (f) any other matter which is to be or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is in the opinion of the State Government necessary for the proper implementation of this Act.

- (3) Every rule made under this Act shall be laid as soon as may be after it is made, before the State Legislature for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the said period the Legislature agrees in making any modification in the rule or in the annulment in the rule, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or any annulment shall be without prejudice to the validity of anything previously done under the rule.

Removal of 20 doubts.

For the removal of doubts it is hereby declared that nothing in this Act shall be construed to authorize the Lokayukta to investigate any action which is taken by or with the approval of,-

- (a) any Judge as defined in section 19 of the Indian Penal Code, 1860;
- (b) any office or servant of any Court;
- (c) the Chairman or a Member of the Public Service Commission;
- (d) the Chief Election Commissioner or the Regional Commissioner referred to in Article 324 of the Constitution having jurisdiction in the State;
- (e) the Speaker and the Deputy Speaker of Legislative Assembly.

I ..... having been appointed as Lokayukta..... do swear in the name of God solemnly affirms 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 or favour, affection or ill will.

### **THE SECOND SCHEDULE**

- (a) Action taken in a manner certified by Secretary as affecting the relation or dealings between the Government of India and any Foreign Government or any International Organization of States or Government.
- (b) Action taken under the Extradition Act, 1962, or the Foreigners.
- (c) Action taken for the purpose of investigating crime or protecting the security of the State including action taken with respect to passports and travel documents.
- (d) Action taken in the exercise of powers in relation to determining whether a matter shall go to a Court or not.
- (e) Action taken in matters which arise out of the terms of a contract governing purely commercial relations of the administration with customers or suppliers, except where the complainant alleges harassment or gross delay in meeting contractual obligations.
- (f) Action taken in respect of appointments, removals, pay, discipline, superannuation or other matter relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claims which arise on retirement, removal or termination of service.
- (g) Grant of honours and awards.

**Sd/-**  
**Pratibha Devisingh Patil**  
**PRESIDENT OF INDIA**

**R.K. Purkayastha (SSJS)**  
**L.R. -cum-Secretary,**  
**Law Department.**

## **STATEMENT OF OBJECT AND REASON**

Whereas it has been considered expedient to provide for a law to inquire or investigate administrative action taken by or on behalf of the Government or certain local and public authorities in certain cases involving acts of injustice, corruption or favoritism;

And whereas it has been considered expedient that for inquiry or investigation of such matter, it would be in the public interest to make provisions for appointment and functions of Lokayukta for investigation of the acts of injustice, corruption or favoritism and for matter connected therewith.

With this objective in view, the Bill has been framed.

**PAWAN CHAMLING  
MINISTER-IN-CHARGE**

## **FINANCIAL MEMORANDUM**

Since the establishment of Lokayukta will have Official and Staff of its own for which the provision for salary and allowances will have to be made besides provision for office expenses etc, the approximate amount of annual expenditure will be around Eighty Five Lakhs per annum as per the present estimate.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 20 of the Bill empowers the State Government to make rules for giving effect to the provisions of the Act. Therefore, the delegation of power is normal in character.

LAW DEPARTMENT  
GOVERNMENT OF



GANGTOK-737101

SIKKIM

No.

Date: /2010

**CABINATE MEMORANDUM**

The matter relates to proposal for appointment and functions of Lokayukta for the purpose of investigation of administrative action taken by or on behalf of the government or certain local and public authorities in certain cases to investigate into matters involving acts of injustice, corruption or favouritism etc. Similar acts are in operation in some other States like Orissa, Karnataka, Madhya Pradesh etc. The present Bill has been modeled on similar pattern with some modifications as was considered appropriate in Sikkim context.

The proposal is accordingly placed before Council of Ministers for consideration and approval so that the necessary legislation can be introduced in the ensuing Assembly Session. The draft copy of the Bill is placed below for kind perusal.

Submitted please.

**R.K. Purkayastha, SSJS**  
**Secretary,**  
**Law and Parliamentary Affairs Department.**