

PART-V

NOTIFICATION

NO.AS/LEG-06/2019/ 1658

Dated Kohima, the 23rd February, 2019

The Nagaland Lokayukta (Amendment) Bill, 2019 which was introduced in the Nagaland Legislative Assembly on 22nd February, 2019 is published for general information together with the Statement of Objects and Reasons and Financial Memorandum under the proviso of the Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-

N. BENJAMIN NEWMAI
COMMISSIONER & SECRETARY

NAGALAND LOKAYUKTA (AMENDMENT) Bill 2019**Statement of Objects and reasons:-**

Whereas, to simplify and modify certain provisions of the Lokayukta Act 2017 (Act 1 of 2018) under Section 3, Sub-section 2; Section 6, Sub-section 1 & 2 and Section 32 to impart clarity to some provisions in the said Act with a view to implement the Act smoothly and expeditiously.

And whereas the Nagaland Legislative Assembly was not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Lokayukta Act 2017 (Act 1 of 2018), with certain modifications.

Now therefore, in exercise of the powers conferred by Clause 1 of Article 213 of the Constitution of India, the Governor has promulgated the Nagaland Lokayukta (Amendment) Ordinance, 2018.

Therefore, the State Government considers it necessary to approve the Nagaland Lokayukta (Amendment) Ordinance, 2018 in the Assembly for enactment.

Sd/-

Neiphiu Rio

Chief Minister

i/c Personnel & Administrative Reforms Department

MEMORANDUM REGARDING DELEGATED LEGISLATION

The State Government is delegated with the power to make Rules under Section 32 of the Nagaland Lokayukta Act, 2017.

The delegated legislation is of normal character.

Sd/-
Neiphiu Rio
Chief Minister
i/c Personnel & Administrative Reforms Department

MEMORANDUM OF FINANCIAL IMPLICATION

The implementation of the Nagaland Lokayukta Act, 2018 shall cause a recurring expenditure of Rs.50.00 Lakh (approximately) annually and shall be charged from the Consolidated Fund of the State.

Sd/-
Neiphiu Rio
Chief Minister
i/c Personnel & Administrative Reforms Department

**Government of Nagaland
Department of Personnel & Administrative Reforms
(Administrative Reforms Branch)**

No. AR-3/Gen-230/2011

Dated, Kohima, the Feb, 2019.

A Bill to enact Nagaland Lokayukta (Amendment) Bill, 2019.

Be it enacted in the Sixty Ninth year of the Republic of India as follows:-

A Bill

CHAPTER (I)

1. Short title, extent and commencement

1. This Act may be called the Nagaland Lokayukta (Amendment) Act, 2019 (Act 1 of 2019).
2. It extends to the whole State of Nagaland and applies also to the public servants posted outside Nagaland in connection with the affairs of the State of Nagaland.
3. It shall come into force at once.

CHAPTER (II)

2. In Section 3

I. For Sub-section 2, the following Sub-section shall be substituted, namely:-

- (2) (i) The Lokayukta shall be appointed by the Governor in accordance with the recommendation tendered by the Selection Committee consisting of the Chief Minister of Nagaland, the Chief Justice of Guwahati High Court, the 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.

II. For Section 4 following may be substituted:-

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, on his entering 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
 - (c) he is practicing any profession, cease to practice such profession.

III. In Section 6, for sub-section (1) the following shall be substituted, namely:-

Removal of Lokayukta or Upa-Lokayukta

- (1) (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 not less than twenty members of the Nagaland Legislative Assembly shall be presented to the Governor.
- (ii) On receipt of such a 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 jurists 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 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.

IV. After Section 32, the following Section shall be inserted, namely:-

Power to relax

32-A: 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 extent desirable by the Chief Minister.

Sd/-

Neiphiu Rio

Chief Minister

i/c Personnel & Administrative Reforms Department