The Goa Lokayukta Act, 2011

(Goa Act 3 of 2012)

The Goa Lokayukta Rules, 2012

The Goa Lokayukta (Forms and Notices for conducting the Enquiries and Investigation) Regulations, 2014

The Goa Lokayukta (working hours of the Institution of Lokayukta) Regulations, 2014

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GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification 7/9/2011-LA

The Goa Lokayukta Act, 2011 (Goa Act 3 of 2012), which has been passed by the Legislative Assembly of Goa on 5-10-2011 and assented to by the President of India on 12-5-2012, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 18th May, 2012.

The Goa Lokayukta Act, 2011

(Goa Act 3 of 2012) [12-5-2012]

AN

ACT

to provide for the establishment of the Institution of Lokayukta to inquire into grievances and allegations against public functionaries in the State of Goa and to make provisions for the appointment of the Lokayukta and Upa-Lokayukta and for the matters connected therewith.

Be it enacted by the Legislative Assembly of Goa in the Sixty-Second Year of the Republic of India as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the Goa Lokayukta Act, 2011.

(2) It extends to the whole of the State of Goa.

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

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

(a) "action" means action taken by a public functionary in the discharge or purported discharge of his functions as such public functionary, by way of decision, recommendation or finding or in any other manner, and includes any omission or commission in connection with or arising out of such action, and all other expressions connoting such action shall be construed accordingly;

(b) "allegation" in relation to a public functionary, means any affirmation that such public functionary in his capacity as such:—

(i) is guilty of corruption, favouritism, [1][ ];

(ii) was actuated in the discharge of his functions by personal interest [2][ ];

(iii) [3][has abused or misused his position to obtain any gain or favour to himself or to any other person or to his family members, namely, spouse, children, parents and siblings, mother-in-law, father-in-law, brother-in-law, sister-in-law and their respective spouses].

(iv) any person on his behalf, is in possession or has at any time during the period of his office been in possession of pecuniary resources or property disproportionate to his known sources of income, for which the public functionary cannot satisfactorily account;

(c) "Chief Minister" means the Chief Minister of the State of Goa;

(d) "Competent authority", in relation to a public functionary, means:—

(i) in the case of the Chief Minister or any Member of the State Legislative Assembly:	Governor;
(ii) In the case of a Minister or Secretary:	the Chief Minister or during the period of operation of any proclamation issued under Article-356 of the Constitution of India, the Governor;
(iii) in the case of a Vice-Chancellor of University:	the Chancellor of the University;
(iv) in the case of any other public functionary:	the Chief Minister or such authority as may be prescribed.

(e) "complaint" means a complaint by any person alleging or making allegations that a public functionary has committed acts of corruption or any other act mentioned in sub-clauses (i) to (iv) of clause (b) of section 2 and also includes a grievance;

(f) "corruption" includes anything made punishable under Chapter IX of the Indian Penal Code, 1860 (Central Act 45 of 1860) or under the Prevention of Corruption Act, 1988 (Central Act 49 of 1988);

(g) "family" of a public functionary means the spouse, parents, unmarried sisters/brothers and children or relatives of the public functionary as are dependent on him or her, as the case may be;

(h) "Governor" means the Governor of the State of Goa;

[1] The expression "nepotism or lack of integrity" is omitted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.
[2] The words "or improper or corrupt motive" is omitted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.
[3] Substituted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.

(i) "grievance" means claim by **any person against a public functionary, falling under clause (q) (xi) of Section 2 of this Act**, that he sustained injustice or undue hardship in consequence of [4][a corrupt act] by **such public functionary;**

(j) "local authority" means a Municipal Corporation or a Municipal Council or a Planning and Development Authority or a Township Committee or a Zilla Panchayat or a Village Panchayat or any other local self body;

(k) "Lokayukta" means the person appointed to be Lokayukta under section 3 of this Act;

[5][ ]

(m) "Minister" means a member (other than the Chief Minister) of the Council of Ministers for the State of Goa and includes a Deputy Chief Minister, a Minister of State and a Deputy Minister;

(n) "Notification" means a notification published in the Official Gazette of the Government of Goa and the expression "notified" shall be construed accordingly;

(o) "Officer" means a person appointed to a civil or public service or post in connection with the affairs of the State of Goa;

(p) "prescribed" means prescribed by the rules made under this Act;

(q) "public functionary" means a person, who is or was at any time:—

(i) the Chief Minister or a Minister of the State of Goa; or

(ii) a Member of the Legislative Assembly of the State of Goa; or

(iii) the President or the Vice-President or the Chairman or the Vice-Chairman or the Secretary or the Managing Director (by whatever name called) of:-

(1) a local authority; or

(2) a Government Company as defined in section 617 of the Companies Act, 1956 (Central Act 1 of 1956); or

(3) a statutory body or Corporation or Board established by or under a statute and owned or controlled by the Government of Goa, including a co-operative society; or

[6][(4) any other Corporation or Board or Society or non-statutory body or administrative committee, owned or controlled by the Government of Goa; or]

(iv) a member of a local authority; or

(v) a member of the State Transport Authority or any Regional Transport Authority; or

[4] The word "mal-administration" is substituted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.
[5] Clause (l) is omitted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.
[6] Substituted by Goa Act 8 of 2013 published in Official Gazette, Ext., No. 4, Series I No. 7 dated 22-05-2013.

(vi) The Chairman or Manager or Secretary or Corresponding Authority having control over the administration of a private school, whether under individual or corporate management, which receives or has received aid or grant from the Government under the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) or any other relevant law for the time being in force and the rules made there under; or

(vii) The Chairman or Manager or Secretary or Corresponding Authority having control over the administration of a private college, whether under a unitary or corporate management whether it is affiliated to a University in the State of Goa, or not, but which received aid or grant from the Government; or

(viii) The Chairman or Manager or Secretary or Corresponding Authority having control over the administration of a private engineering college or private polytechnic, whether under a unitary or corporate management, as the case may be, and which received aid or grant from the Government; or

(ix) an officer referred to in clause (o); or

(x) a person in the service or pay of a local authority, University, Statutory Body or Corporation, Society, Government Company, or other institution as is referred to in sub-clauses (iii) to (ix);

(xi) Any person who has received Government grant of whatever nature to the tune of Rs. 1 Lakh or more in a financial year for whatever purpose.

Explanation.— In this clause:—

(1) "co-operative society" includes a co-operative society registered or deemed to have been registered under the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) or under any other law in force in the State of Goa;

(2) "society" means a society registered in the State under the Societies Registration Act,1860 (Central Act 21 of 1860);

(3) "public servant" means a public servant as defined in section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860);

(4) "State" means the State of Goa;

(r) " Secretary" means a Secretary to the Government of Goa and includes the Chief Secretary, an Additional Chief Secretary, a Principal Secretary, Development Commissioner, Commissioner, a Special Secretary, an Additional Secretary, a Joint Secretary, Under Secretary or such Officer, by whatever name called;

(s) "Upa-Lokayukta" means a person appointed to be Upa-Lokayukta under section 3.

3. Appointment of Lokayukta or Upa-Lokayukta.— (1) For the purpose of conducting investigations and inquiries in accordance with the provisions of this Act, the Governor shall, by order under his hand and seal, appoint a person to be known as the Lokayukta and if need be, one or more persons to be known as the Upa-Lokayuktas:

Provided that the Lokayukta and/or Upa-Lokayuktas shall be appointed by the Governor on the advice tendered by the Chief Minister, in consultation with the Chief Justice of the High Court and the Leader of Opposition.

[7][(2) A person to be appointed as the Lokayukta shall be a person who has held the office of a Judge of the Supreme Court, or of a Judge of the High Court. A person to be appointed as the Upa-Lokayukta shall be a person of eminence in public life with impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty years in the matters relating to anti-corruption policy or public administration, finance, including insurance and banking or law or management].

(3) Every person appointed as the Lokayukta or Upa-Lokayukta, shall before entering his office, make and subscribe, before the Governor or such person appointed in that behalf by him an oath or affirmation in the form set out hereunder:—

"I, A, B ..... having been appointed as the Lokayukta/Upa-Lokayukta under the Goa Lokayukta Act, 2011 do hereby swear in the name of Goa/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that 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".

(4) If the offices of the Lokayukta or Upa-Lokayukta becomes vacant, or if the Lokayukta or Upa-Lokayukta, by reason of absence or for any other reason whatsoever, is unable to perform the duties of his office, those duties, shall, until some other person is appointed under sub-section (1) and enters upon such office or, as the case may be, until the Lokayukta or Upa-Lokayukta resumes his duties, 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 the Upa-Lokayukta or if there are two or more Upa-Lokayuktas, by such one of the Upa-Lokayuktas as the Governor may, appoint for the purpose;

(b) Where the office of the Upa-Lokayukta becomes vacant or where for any reason aforesaid he is unable to perform the duties of his office, by the Lokayukta himself or if the Lokayukta so directs, by the other Upa-Lokayuktas or as the case may be, such one of the other Upa-Lokayuktas as may be specified in the direction.

(5) The Upa-Lokayukta shall, while acting as or discharging the functions of Lokayukta, have all the powers and immunities of the Lokayukta and be entitled to salary, allowances and perquisites as are applicable in relation to the Lokayukta.

4. Lokayukta or Upa-Lokayukta to hold no other Office.— (1) The Lokayukta or Upa-Lokayukta shall not be a Member of Parliament or a Member of the Legislative Assembly of any State, nor shall he hold any office of trust or profit (other than his office as the Lokayukta or Upa-Lokayukta, as the case may be), nor shall be connected with any political party, nor shall carry on any business or practice any profession nor shall accept any assignment without prior approval of the Governor and accordingly, before he enters upon his office, a person appointed as the Lokayukta or Upa-Lokayukta, shall:—

[7] Substituted by Goa Act 8 of 2013 published in Official Gazette, Ext. No. 4, Series I No. 7 dated 22-05-2013 and further substituted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.

(a) if he holds any office of trust or profit, resign from such office;

(b) if he is connected with any political party, sever his connection with it;

(c) if he is carrying on any business, sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or

(d) if he is practicing any profession, suspend practice of such profession.

(2) A person who has been a member of a political party and contested the elections of Parliament, Assembly, Panchayat, Zilla Panchayat or any other local body at any time during the period of five years immediately preceding:—

(a) the commencement of this Act, in the case of first appointment, after such commencement; or

(b) the date on which the vacancy has arisen, in the case of any subsequent appointment, shall not be eligible to be appointed as Lokayukta or Upa-Lokayukta;

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 [8][five years] from the date on which he enters upon his office as Lokayukta or Upa-Lokayukta, as the case may be, or till he attains the age of [9][seventy-three] years, whichever is earlier:

[10][ ]

[11][Provided that].

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

(b) the Lokayukta or Upa-Lokayukta may be removed from office in the manner provided in section 7.

(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 Government of Goa or for any employment under any local authority, University, Statutory Body or Corporation, Society, Co-operative Society, Government Company, other body or corporation, as is referred to in sub-clauses (iii) to (x) of clause (q) of section 2;

6. Conditions of service of Lokayukta or Upa-Lokayukta.— [12][(1) The Lokayukta shall have the status of a Judge of the Supreme Court and the Upa-Lokayukta shall have the status of a Judge of the High Court, and they shall be entitled to salary, allowances

[8] Substituted by Goa Act 8 of 2013 published in Official Gazette, Ext. No. 4, Series I No. 7 dated 22-05-2013.
[9] The word "seventy" is substituted by Goa Act 10 of 2017 published in the Official Gazette Ext. No. 3 Series I No. 20 dated 18-08-2017.
[10] Inserted by Goa Act 8 of 2013 published in Official Gazette, Ext. No. 4, Series I No. 7 dated 22-05-2013 and later the same proviso is omitted by Goa Act 10 of 2017 published in the Official Gazette Ext. No. 3 Series I No. 20 dated 18-08-2017.
[11] Substituted by Goa Act 8 of 2013 published in Official Gazette, Ext. No. 4, Series I No. 7 dated 22-05-2013 and later the words "*provided further that*" is substituted by Goa Act 10 of 2017 published in the Official Gazette Ext. No. 3 Series I No. 20 dated 18-08-2017.
[12] Substituted by Goa Act 8 of 2013 published in Official Gazette, Ext. No. 4, Series I No. 7 dated 22-05-2013.

and pension and shall be subject to the same conditions of service, as a Judge of the Supreme Court and a Judge of the High Court, respectively:]

[13][ ]

Provided further that, if a person at the time of his such appointment is in receipt of pension in respect of any previous service, as a Judge under the Government of India or under the Government of a State, his salary in respect of service as the Lokayukta or Upa-Lokayukta shall be reduced,—

(a) by the amount of that pension, except pension received as a freedom fighter;

(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; and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity:

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

Provided further that the Lokayukta or Upa-Lokayukta shall not hold any other office.

(2) The expenditure in respect of the salaries and allowances of the Lokayukta or Upa-Lokayukta shall be charged on the Consolidated Fund of the State of Goa.

7. Removal of the Lokayukta or Upa-Lokayukta.—

(1) The Lokayukta or Upa-Lokayukta shall not be removed from his office except by an order of the Governor passed after an address by the State Legislative Assembly supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of the House 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) The procedure for the presentation of an address and for the investigation and proof of misbehavior or incapacity of the Lokayukta or Upa-Lokayukta under sub-section (1) shall be as provided in the Judges (Inquiry) Act, 1968 (Central Act 51 of 1968).

8. Staff of Lokayukta or Upa-Lokayukta.— (1) The Lokayukta or Upa-Lokayukta shall have a Secretary and such or other officers and employees as may be determined by the Governor in consultation with the Lokayukta or Upa-Lokayukta, to assist the Lokayukta or Upa-Lokayukta in the exercise of their powers and the discharge of their functions under this Act.

(2) The conditions of service of the Secretary and other officers and employees shall be such as may be specified by the Governor.

(3) Appointment of Secretary and such other officers and employees shall be made by the Lokayukta in consultation with the Upa-Lokayukta, if any:

[13] Omitted by Goa Act 8 of 2013 published in Official Gazette, Ext. No. 4, Series I No. 7 dated 22-05-2013.

Provided that where such appointment is made by direct recruitment, the Goa Public Service Commission shall be consulted.

(4) The rules for reservation of appointments and posts in Government service in favour of the Scheduled Castes, Scheduled Tribes and Other Backward Classes of Citizens shall, mutatis mutandis, apply to appointments to be made under this section.

(5) Without prejudice to the provisions of sub-sections (1), (2), and (4), the Lokayukta or Upa-Lokayukta may, for the purpose of dealing with any particular case or class of cases, secure:—

(a) the services of any officer or employee or investigating agency of the Government of Goa or the Government of India with the concurrence of that Government; or

(b) the services of any expert.

(6) The terms and conditions of service of the officers, employees, agencies and persons referred to in sub-section (5) shall be such as may be specified by the Lokayukta or Upa-Lokayukta.

(7) In the discharge of their functions under this Act, the officers and employees referred to in sub-section (1) and the officers, employees, agencies and persons referred to in sub-section (5) shall be subject to the exclusive administrative control and direction of the Lokayukta or Upa-Lokayukta.

9. Matters which may be investigated by Lokayukta or Upa-Lokayukta.— (1) Subject to the provisions of this Act, the Lokayukta or the Upa-Lokayukta (where the case is allotted to him by the Lokayukta) may, either suo motu or on complaint made to him under section 11, investigate any allegation against any Public functionary.

[14][(2) Notwithstanding anything contained in sub- section (1) or any other provisions of this Act, where any allegation of corruption against any public functionary comes to the knowledge or is brought to the notice of the Government, it may, if satisfied that it is necessary in public interest so to do, by order in writing refer such allegations of corruption to the Lokayukta for investigation and the Lokayukta, either himself or through the Upa-Lokayukta shall investigate the same as if it was a complaint presented under this Act].

(3) Notwithstanding anything contained in sub-sections (1) and (2) above or any other provisions of this Act, the Lokayukta in his discretion, may investigate any complaint either himself or allot the same to the Upa-Lokayukta to investigate, however, to the extent possible, the case distribution shall be equitable.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3) above or any other provisions of this Act, the Lokayukta may, for reasons to be recorded in writing, investigate any allegation which is being investigated by the Upa-Lokayukta.

(5) Notwithstanding anything contained in the above sub-sections or any other provisions of this Act, the Lokayukta or Upa-Lokayukta, as the case may be, may investigate any allegation against any person, a public functionary in so far as he

[14] Substituted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.

considers necessary so to do for the purpose of its investigation into any allegation against a public functionary.

(6) Notwithstanding anything contained in the above sub-sections or any other provisions of this Act, the Lokayukta may, at any stage, make over any complaint pending before him to an Upa-Lokayukta for disposal.

(7) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may, by general or special order, assign to each of them, matters which may be investigated by them under this Act:

Provided that no investigation made by the Upa-Lokayukta under this Act or action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation related to a matter which is not assigned to him by such order.

(8) Any matter which the State Government may require the Lokayukta to enquire into and/or submit a report thereon with recommendations shall be investigated by him.

10. Matters not subject to investigation.— (1) Except as hereinafter provided, the Lokayukta shall not investigate:—

(i) any matter, in respect of which, a formal and public inquiry has been ordered with the prior concurrence of the Lokayukta;

(ii) any matter which has been referred for inquiry, under the Commission of Inquiry Act, 1952 (Central Act 60 of 1952);

(iii) any complaint involving an allegation of corruption made after the expiry of a period of five years from the date on which the matter or conduct complained against is alleged to have taken place:

Provided that the Lokayukta or Upa-Lokayukta, as the case may be, may entertain a complaint made after the expiry of the period specified in sub-clause (iii) above, if the complainant shows sufficient cause for not making the complaint within the said period:

Provided further that in respect of an investigation of a complaint involving allegations of corruption, once the complaint is entertained and is being investigated, nothing shall prevent the Lokayukta or Upa-Lokayukta from investigating and enquiring into acts of corruption which may pertain to any period prior to the said period of five years.

[15][**10A. Statutory matters, etc.**— Nothing in this Act shall permit the Lokayukta or Upa-Lokayukta to examine the correctness of any Judgement or order passed by any Court of Law, Tribunal, Statutory Authority or Officer, under a Statute, or to decide any issue, question or dispute which is required to be settled, decided or adjudicated upon by a competent Court or Authority created under any statute.]

11. Provisions relating to complaints.— (1) Subject to the provisions of this Act, a complaint may be made under this Act, to the Lokayukta:—

[15] Inserted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.

(a) in case of grievance, by the aggrieved person,

and

(b) **in case of an allegation, by any person other than a public functionary**.

(2) Every complaint under sub-section (1) shall be made in such form and in such manner as may be prescribed and shall be accompanied by an affidavit in support of the allegations contained in the complaint. However, the Lokayukta or Upa-Lokayukta, as the case may be, may dispense with such affidavit in any appropriate case.

(3) Every complaint under sub-section (1), shall be verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the verification of pleadings.

(4) Notwithstanding anything contained in this Act or any other law for the time being in force, any letter written to the Lokayukta or Upa-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 Lokayukta or Upa-Lokayukta unopened and without delay but the police officer or any other person in charge of such jail and Lokayukta or Upa-Lokayukta if satisfied that it is necessary so to do, treat such letter as a complaint made in accordance with the provisions of this section.

12. Provision for holding preliminary inquiry.— (1) The Lokayukta or Upa-Lokayukta, on receipt of a complaint under section 11 or a reference under sub--section (2) of section 9 or in a case initiated on his own motion may, before proceeding to investigate such complaint or reference or case, as the case may be, make such preliminary inquiry as he deems fit for ascertaining whether there exists reasonable ground for conducting investigation. If, on such preliminary inquiry he finds that:—

(a) the complaint is frivolous or vexatious or is not made in good faith; or

(b) there are no sufficient grounds for proceeding further; 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;

he shall record a finding to that effect and thereupon the matter shall be closed and the complainant, the public functionary and the competent authority shall be informed accordingly.

(2) The procedure for conducting inquiry in respect of a complaint under sub-section (1) shall be such as the Lokayukta or Upa-Lokayukta deems appropriate in the circumstances of the case and in particular, the Lokayukta or Upa-Lokayukta may, if he deems it necessary so to do, call for the comments of the public functionary concerned.

(3) The Lokayukta or the Upa-Lokayukta may make such order as to the safe custody of documents or any other evidence relevant to the inquiry and investigation as he deems fit.

13. Procedure in respect of detail investigation.— (1) Where the Lokayukta or Upa-Lokayukta, after making the preliminary inquiry under section 12; finds that there are reasonable grounds for conducting a detail investigation and proposes to conduct such an investigation under this Act, he shall forward a copy of the complaint, alongwith it's

enclosures to the public functionary and the competent authority concerned and proceed to make a detailed investigation.

[16][Provided that if prior sanction of any authority is required under any law for the time being in force for such investigation then, such prior sanction shall be obtained from such authority before initiation of such investigation.]

(2) The Lokayukta or Upa-Lokayukta, shall afford to the public functionary concerned an opportunity to offer his comments on the complaint.

(3) Save as aforesaid, the procedure for conducting any such investigation shall be such as the Lokayukta or Upa-Lokayukta, as the case may be, considers appropriate in the circumstances of the case he shall have powers to regulate the same.

(4) The public functionary against whom investigation has to be made under this section and the complainant, if any, shall have the right to be represented in person or by counsel.

(5) In every detailed investigation under this Act, the Government shall be made a party and shall have the right to be represented by a counsel.

(6) The Lokayukta or the Upa-Lokayukta may, if he considers necessary so to do, having regard to the nature and circumstances of the case under investigation, appoint a counsel to assist him on such terms and conditions as may be prescribed.

(7) The Lokayukta or the Upa-Lokayukta may, at any stage, also permit:—

(a) any witness; or

(b) any other person,

who claims that he is to be represented in person or by counsel, to take such part in the proceedings as the Lokayukta or the Upa-Lokayukta may, in the interest of justice, think fit.

14. Issue of search warrants, etc.— (1) Where in the consequence of information in his possession, the Lokayukta or Upa-Lokayukta:—

(a) has reasons to believe that any person:—

(i) to whom a summon or notice under this Act has been issued or is likely to be issued, may not produce or cause to be produced, or may tamper with any property, document or things which will be necessary or useful or relevant to any inquiry or other proceeding to be conducted by him;

(ii) is in possession of any money, bullion, jewellery or other valuable articles or thing and such money, bullion, jewellery or other valuable articles or thing represents, either wholly or partly, income or property which has not been disclosed as required under any law or rule for the time being in force; or

(b) considers that the purpose of any inquiry, investigation or other proceedings to be conducted by him will be served by a general search or inspection,

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[16] Inserted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.

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 8 or any Commissioner appointed by him under clause (e) of sub-section (2) of section 15 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 or concealing about his person any articles or 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 sub-clause (i), where the keys thereof are not available;

(iv) seize or seal any such property, document, money, bullion, jewellery or other valuable articles 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 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to search and seizures under sub-section (1).

(3) A warrant issued under sub-section (1) shall, for all purpose, be deemed to be warrant issued by a Court under section 93 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

15. 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 other person who, in his opinion, is able to furnish information or produce documents relevant to the investigation or inquiry, to furnish any such information or produce any such document.

(2) For the purpose of any such investigation, including preliminary inquiry, the Lokayukta or Upa-Lokayukta shall have all the powers of Civil Court while trying a Suit under the Code of Civil Procedure, 1908 (Central Act 5 of 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) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) such other matter as may be prescribed.

(3) Any proceeding before the Lokayukta or Upa-Lokayukta shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (Central Act 45 of 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 the State Government or any public functionary, whether imposed by any enactment or by rule of law, shall apply to the disclosure of information for the purpose of any investigation or inquiry, to any such privilege in respect of the production of the documents or the giving of evidence as is allowed by any rule 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 produce so much of any document:—

(a) as might prejudice the interests of the State of Goa or Union of India or the Security or Defence or International Relations of India (including India's relations with the Government of any other country or with any other international organization);

(b) as might involve the disclosure of proceedings of the cabinet of the State Government or any Committee of that Cabinet.

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

Provided that the Lokayukta or Upa-Lokayukta, as the case may be, may 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 is of the nature specified in clause (a) or clause (b), to be disclosed to him in private for scrutiny and if no 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 that certificate to be of no effect.

(6) Subject to the provisions of sub-section (4), no person shall be compelled for the purpose of investigation and inquiry 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.

(7) For prosecution for an offence of giving or fabricating false evidence under section 193 of the Indian Penal Code, 1860 (Central Act 45 of 1860), when such an offence is alleged to have been committed in, or in relation to any proceeding before the Lokayukta or Upa-Lokayukta, as the case may be, the provisions of section 195 and 340 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall apply to the Lokayukta or Upa-Lokayukta, as they apply in relation to the same offence, when such offence is alleged to have been committed in, or relation to, any proceeding in any Court subject to the modification that a complaint under section 340 shall be signed by the Lokayukta or Upa-Lokayukta or such officer of the Lokayukta as the Lokayukta or Upa-Lokayukta may appoint and for the purpose of the said sections 195 and 340 the Lokayukta is declared to be Court.

16. Reports of Lokayukta.— (1) (a) If, after investigation of any complaint involving an allegation, the Lokayukta or the Upa-Lokayukta, as the case may be, is satisfied that such allegation is substantiated either wholly or partly, he shall, by report in writing

within a period of ninety days from the date of the completion of inquiry to the Government, communicate his findings and recommendations and as far as possible along with the relevant documents, materials, and other evidence to the competent authority concerned and a copy of the report regarding the findings and recommendations shall be submitted to the Government.

[17][ ]

[18][(2) The competent authority shall examine the report forwarded to it under sub-section (1), and within three months of 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 or the reasons for refusal to take action, on the basis of the report.]

[19][(3) If the Lokayukta or the Upa-Lokayukta, as the case may be, is satisfied with the action taken or proposed to be taken or the reasons for refusal to take action intimated to him under sub-section (2) by the Competent Authority, he shall close the case under information to the complainant, if any, the public functionary and the competent authority, but where he is not 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.]

(4) The Lokayukta or Upa-Lokayukta shall present annually a consolidated report on the administration of this Act to the Governor.

(5) On receipt of a report under sub-section (4), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before the Legislative Assembly of Goa.

[20][**16A. Public functionary to vacate office.**— (1) Where, after investigation into a complaint, the Lokayukta or the Upa-Lokayukta is satisfied that the complaint involving an allegation against the public functionary is substantiated and that the public functionary concerned should not continue to hold the office held by him, the Lokayukta or the Upa-Lokayukta shall make a declaration to that effect in his report under clause (a) of sub-section (1) of section 16. The Competent Authority shall, within a period of three months from the date of receipt of the report, either accept or reject such declaration after giving an opportunity of being heard to the public functionary concerned.

(2) If the declaration under sub-section (1) is accepted or rejected within such period of three months, the fact of such acceptance or rejection shall immediately be intimated by the Competent Authority to the Lokayukta or the Upa-Lokayukta, as the case may be, and to the public functionary concerned.

[21][ ]

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[17] Clause (b) is omitted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.
[18] Substituted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.
[19] Substituted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.
[20] Inserted by Goa Act 8 of 2013 published in Official Gazette, Ext. No. 4, Series I No. 7 dated 22-05-2013.
[21] sub-section (3) and sub-section (4) is omitted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021

(5) With effect from the date of intimation of acceptance [22][ ] of the declaration, notwithstanding anything contained in any law, order, notification, rule or contract of appointment, the public functionary,—

(i) specified under sub-clauses (iii) to (xi), except sub-clause (ix), of clause (q) of section 2, shall be deemed to have vacated his office;

(ii) specified under sub-clause (ix) of clause (q) of section 2, shall be deemed to have been placed under suspension:

Provided that if the public functionary is a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (Central Act 61 of 1951), the State Government shall take action to keep him under suspension in accordance with the Rules or regulations applicable to his service.]

[23][**17. Initiation of prosecution.**— If, after investigation into any complaint, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that the public functionary has committed a criminal offence and that he should be prosecuted in a court of law for such an offence, then the Lokayukta or Upa-Lokayukta, as the case may be, may pass an order directing the initiation of prosecution against the public functionary concerned:

Provided that before implementation of the direction for prosecution, prior sanction from the competent Authority shall be obtained for such prosecution against the public functionary:

Provided further that nothing in this section shall be construed as enabling the Lokayukta or Upa-Lokayukta to exercise powers under sub-section (3) of section 156 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974).]

18. Secrecy of Information.— (1) Any information obtained by the Lokayukta or Upa-Lokayukta or the members of his staff or any other officer, person or agency referred to in sub-section (5) of section 8, 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 be treated as confidential.

(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 proceeding, for an offence under the Official Secrets Act, 1923 (Central Act 19 of 1923), or for an offence of giving or fabricating false evidence under section 193 of the Indian Penal Code,1860 (Central Act 45 of 1860);

(c) for the purpose of supplying information under the Right to Information Act, 2005 (Central Act 22 of 2005).

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[22] The words "or deemed acceptance" is omitted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.
[23] Substituted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021

(d) for such other purpose as may be prescribed.

(3) The Lokayukta or the Upa-Lokayukta, as the case may be, may at his discretion, make available, from time to time, the substances of cases closed or otherwise disposed off by him which may appear to him to be of a general, public, academic or professional interest in such manner and to such persons as he may deem appropriate.

19. Costs.— (1) The Lokayukta or the Upa-Lokayukta, as the case may be, in case the allegation made in the complaint is found to be false or vexatious to the knowledge of the complainant, order the complainant to pay costs/compensation [24][which shall not be less than rupees ten thousand and which may extend to rupees one lakh,] to the public functionary against whom the allegation has been made.

(2) The Lokayukta or the Upa-Lokayukta, as the case may be, may, if he is satisfied that all or any of the allegations made in the complaint against the public functionary have or has been substantiated, either wholly or partly, order the public functionary, to pay such amount of costs, not exceeding rupees ten thousand as may be specified in the order, to the complainant and issue a certificate of recovery in respect of the amount so specified.

(3) Any person in whose favour a certificate is issued under sub-section (2) may apply to the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person against whom, a certificate is issued has a place of residence or business, for recovery of the amount specified in the certificate and such Court shall thereupon execute the certificate, or cause the same to be executed, in the manner and by the same procedure as if it was a decree for the payment of money passed by itself in a suit.

20. Intentional insult or interruption to, or bringing into disrepute the Lokayukta or Upa-Lokayukta.— (1) Whoever intentionally offers any insult or causes any interruption or obstruction to the Lokayukta or Upa-Lokayukta while the Lokayukta or Upa-Lokayukta is conducting any inquiry or investigation under this Act, shall, on conviction, be punished with 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 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 (Central Act 2 of 1974), 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 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 case of an offence against the Lokayukta, of the Lokayukta;

[24] Substituted by Goa Act 8 of 2013 published in Official Gazette, Ext . No. 4, Series I No. 7 dated 22-05-2013.

(b) in case of any offence against the Upa-Lokayukta, of the Upa-Lokayukta concerned.

21. Public functionary to submit property statements.— (1) Every Public functionary falling within the purview of the Lokayukta for the purpose of investigation under this Act, other than the officer referred to in clause (o) and sub-clause (ix) of clause (q) of section 2, shall, within six months from the date he enters upon his office and thereafter before the [25][5th November] 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 and those of the member of his family. The public functionaries falling under clause (o) and sub-clause (ix) of clause (q) of section 2, shall file statement before respective authorities as required under their respective service rules, who will act on the same in accordance with those rules [26][:]

[27][Provided that the provisions contained in sub-section (1) shall not be applicable to the public functionary after the expiry of one year from the date he ceases to hold such office]

(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 functionary concerned. If within two months of such report the public functionary concerned does not submit the statement of his assets and liabilities as above mentioned, the Lokayukta shall publish or cause to be published the names of such public functionaries in two newspapers having wide circulation in the State with a report to the Governor who may then place the matter before the Legislative Assembly of Goa.

22. Protection.— (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 sub-section (5) of section 8, 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, except on the grounds of jurisdiction, 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.

23. Prosecution and Courts not to be barred.— Notwithstanding that, on an investigation in respect of a public functionary, the Lokayukta or the Upa-Lokayukta, has held that any allegations made in the complaint have not been proved or substantiated, or that any grievance made in the complaint has not sustained injustice or undue hardship to the complainant, as the case may be, no prosecution shall be barred on any complaint, report, information or otherwise and no Court shall be barred from taking cognizance of any offence on the basis of the same or substantially the same allegation or grievance as in the complaint.

[25] The expression "30th June" is substituted by Goa Act 11 of 2018 published in the Official Gazette, Ext., Series I No. 23 dated 10-09-2018.
[26] Substituted by Goa Act 11 of 2018 published in the Official Gazette, Ext., Series I No. 23 dated 10-09-2018.
[27] Inserted by Goa Act 11 of 2018 published in the Official Gazette, Ext., Series I No. 23 dated 10-09-2018.

(d) for such other purpose as may be prescribed.

(3) The Lokayukta or the Upa-Lokayukta, as the case may be, may at his discretion, make available, from time to time, the substances of cases closed or otherwise disposed off by him which may appear to him to be of a general, public, academic or professional interest in such manner and to such persons as he may deem appropriate.

19. Costs.— (1) The Lokayukta or the Upa-Lokayukta, as the case may be, in case the allegation made in the complaint is found to be false or vexatious to the knowledge of the complainant, order the complainant to pay costs/compensation [24][which shall not be less than rupees ten thousand and which may extend to rupees one lakh,] to the public functionary against whom the allegation has been made.

(2) The Lokayukta or the Upa-Lokayukta, as the case may be, may, if he is satisfied that all or any of the allegations made in the complaint against the public functionary have or has been substantiated, either wholly or partly, order the public functionary, to pay such amount of costs, not exceeding rupees ten thousand as may be specified in the order, to the complainant and issue a certificate of recovery in respect of the amount so specified.

(3) Any person in whose favour a certificate is issued under sub-section (2) may apply to the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person against whom, a certificate is issued has a place of residence or business, for recovery of the amount specified in the certificate and such Court shall thereupon execute the certificate, or cause the same to be executed, in the manner and by the same procedure as if it was a decree for the payment of money passed by itself in a suit.

20. Intentional insult or interruption to, or bringing into disrepute the Lokayukta or Upa-Lokayukta.— (1) Whoever intentionally offers any insult or causes any interruption or obstruction to the Lokayukta or Upa-Lokayukta while the Lokayukta or Upa-Lokayukta is conducting any inquiry or investigation under this Act, shall, on conviction, be punished with 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 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 (Central Act 2 of 1974), 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 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 case of an offence against the Lokayukta, of the Lokayukta;

[24] Substituted by Goa Act 8 of 2013 published in Official Gazette, Ext.. No. 4, Series I No. 7 dated 22-05-2013.

(b) in case of any offence against the Upa-Lokayukta, of the Upa-Lokayukta concerned.

21. Public functionary to submit property statements.— (1) Every Public functionary falling within the purview of the Lokayukta for the purpose of investigation under this Act, other than the officer referred to in clause (o) and sub-clause (ix) of clause (q) of section 2, shall, within six months from the date he enters upon his office and thereafter before the [25][5th November] 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 and those of the member of his family. The public functionaries falling under clause (o) and sub-clause (ix) of clause (q) of section 2, shall file statement before respective authorities as required under their respective service rules, who will act on the same in accordance with those rules [26][:]

[27][Provided that the provisions contained in sub-section (1) shall not be applicable to the public functionary after the expiry of one year from the date he ceases to hold such office]

(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 functionary concerned. If within two months of such report the public functionary concerned does not submit the statement of his assets and liabilities as above mentioned, the Lokayukta shall publish or cause to be published the names of such public functionaries in two newspapers having wide circulation in the State with a report to the Governor who may then place the matter before the Legislative Assembly of Goa.

22. Protection.— (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 sub-section (5) of section 8, 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, except on the grounds of jurisdiction, 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.

23. Prosecution and Courts not to be barred.— Notwithstanding that, on an investigation in respect of a public functionary, the Lokayukta or the Upa-Lokayukta, has held that any allegations made in the complaint have not been proved or substantiated, or that any grievance made in the complaint has not sustained injustice or undue hardship to the complainant, as the case may be, no prosecution shall be barred on any complaint, report, information or otherwise and no Court shall be barred from taking cognizance of any offence on the basis of the same or substantially the same allegation or grievance as in the complaint.

[25] The expression "30th June" is substituted by Goa Act 11 of 2018 published in the Official Gazette, Ext., Series I No. 23 dated 10-09-2018.
[26] Substituted by Goa Act 11 of 2018 published in the Official Gazette, Ext., Series I No. 23 dated 10-09-2018.
[27] Inserted by Goa Act 11 of 2018 published in the Official Gazette, Ext., Series I No. 23 dated 10-09-2018.

24. Publication of reports.— Notwithstanding anything contained in sections 16 and 19 the Lokayukta may, in the interest of public or in the interest of a person, department or instrumentality of the State, publish reports relating generally to his exercise of powers and performance of functions and discharge of duties under this Act or to any particular case investigated by him or by Upa-Lokayukta, whether or not the matters to be dealt within the reports have been the subject matter of a report laid before the State Legislature under this Act.

25. Conferment of additional functions on Lokayukta or Upa-Lokayukta.— (1) The Governor, may order after consultation with the Lokayukta, by order, confer on the Lokayukta or Upa-Lokayukta, such additional functions in relation to the redressal of grievances, atrocities and eradication of corruption as may be specified in the order.

(2) The Governor may, after consultation with the Lokayukta, by order, confer on the Lokayukta or Upa-Lokayukta, such powers of supervisory nature or 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) the Governor may, by order in writing and subject to such conditions and limitations as may be specified in the order, require the Lokayukta or Upa-Lokayukta, to investigate any allegation or grievance (being an allegation or grievance in respect of which a complaint may be made under this Act to the Lokayukta or Upa-Lokayukta) and notwithstanding anything contained in this Act, the Lokayukta or Upa-Lokayukta, as the case may be, shall comply with such order.

(4) When any additional functions are conferred on the Lokayukta or Upa-Lokayukta under sub-section (1) or when the Lokayukta or the Upa-Lokayukta, is to investigate any allegation under sub-section (3), the Lokayukta or the Upa-Lokayukta shall exercise the same powers and discharge the same functions, as he would have exercised and discharged in the case of any investigation made on a complaint involving an allegation and the provisions of this Act shall apply accordingly.

26. Bar to inquiries.— No formal or open enquiry into any allegation or grievance against any public functionary in respect of which a complaint has been presented under section 11 shall be made at the instance of the Government under the Commission of Enquiry Act, 1952 (Central Act 60 of 1952), or by any other order or resolution of the Government, but nothing herein contained shall be construed affecting any right or power of any other person or authority under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), or under any other law for the time being in force, or as affecting the constitution of, or the continuance of the functioning of or exercise of powers by any Commission or Commission of Enquiry appointed before the commencement of this Act.

[28][ ]

28. Power to delegate.— Lokayukta or the Upa-Lokayukta may, by a general or special order in writing, direct that any power conferred or duties imposed on him by or

[28] Section 27 is omitted by Goa Act 3 of 2021 published in the Official Gazette, Ext., No. 2 Series I No. 46 dated 17-02-2021.

under this Act (except the power to make investigation or to report to the competent authority) may also be exercised or discharged by such officers, employees, agencies, referred to in section 8 and in the manners as may be specified in the order.

29. Lokayukta to make suggestions.— The Lokayukta or the Upa-Lokayukta, if in the discharge of his functions under this Act, notices a practice or procedure which in his opinion affords an opportunity for corruption, he may bring it to the notice of the Government and may suggest such changes in the said practice or procedure as he may deemed fit.

30. The provisions of this Act to be in addition to any other law for time being in force.— Nothing in this Act shall be deemed to affect the operation of any other law and the provisions of this Act shall be in addition to and not in derogation of the provisions of such other law.

31. Power of the State Government to make the rules.— (1) The Government may, by notification, make rules for the purposes of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for:—

(a) the competent authority to be prescribed, under sub-clause (iv) of clause (d) of section 2;

(b) the matters in respect of which the Lokayukta or Upa-Lokayukta shall have powers of the Civil Court;

(c) the other purpose in relation to disclosure of any information or evidence to be prescribed under clause (c) of sub-section (2) of section 18;

(d) the form in which complaints may be made under section 11 and the affidavits which may accompany such complaint and the fees if any which may be charged in respect thereof;

(e) the conditions of service of the Lokayukta and the Upa-Lokayukta.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rules or decides that the rules should not be made, the rules thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that such condition or annulment shall be without prejudice to the validity of anything previously done under these rules.

32. Power of Lokayukta to make regulations.— (1) Lokayukta may, by notification and with prior approval of the Government 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 foregoing power, such regulations made with prior approval of the Government may provide for all or any of the following matters, namely:—

(a) a normal working hours of the office of the Lokayukta and Upa-Lokayukta and holding of sittings of the Lokayukta and Upa-Lokayukta, outside normal working hours;

(b) holding of sittings of the Lokayukta and the Upa-Lokayukta at places other than the place of ordinary sittings;

(c) procedure which may be followed by the Lokayukta and Upa-Lokayukta for conducting proceedings including enquiries and investigation;

(d) such forms and notices as may be necessary in the opinion of the Lokayukta for conducting the enquiries and investigation; and

(e) matters relating to staff, its appointment, conditions of service, etc.

33. Removal of doubts.— For the removal of doubts, it is hereby declared that nothing in this Act shall be construed to authorize the Lokayukta or Upa-Lokayukta to investigate any complaint against,—

(i) the Chief Justice or any Judge of the High Court, or a Judicial Officer of subordinate Courts within the meaning of Chapter VI of Part VI of the Constitution of India;

(ii) any officer or servant of any Court as referred to in clause (i);

(iii) the Chairman or a member of the Goa Public Service Commission and

[29][ ];

(iv) the Election Commissioners and the Regional Commissioners referred to in Article 324 of the Constitution of India and the Chief Electoral office of Goa;

(v) functionaries appointed under Article 323-A and 323-B of the Constitution of India [30][ ]; and

[31][(vi) The State Election Commissioner referred to in Article 243 K of the Constitution of India.]

34. Power to remove difficulties:— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything, not inconsistent with provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(2) No order under sub-section (1) shall be made after expiration of a period of two years from the commencement of this Act.

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[29] Omitted by Goa Act 8 of 2013 published in Official Gazette, Ext., No. 4, Series I No. 7 dated 22-05-2013.
[30] Omitted by Goa Act 8 of 2013 published in Official Gazette, Ext., No. 4, Series I No. 7 dated 22-05-2013.
[31] Substituted by Goa Act 8 of 2013 published in Official Gazette, Ext., No. 4, Series I No. 7 dated 22-05-2013.

(3) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the order or decides that the order should not be made, the order 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 annulment shall be without prejudice to the validity of anything previously done under that order.

35. Repeal and savings.— (1) On and from the date of coming into force of this Act, the Goa Public Men's Corruption (Investigations and Enquiries) Act, 1988 (Goa Act 7 of 1991), shall stand repealed.

(2) Notwithstanding such repeal:—

(a) anything done or any action taken under the said Act shall, so for as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act, and shall continue to be in force unless and until it is superseded under the provisions of this Act.

(b) all notices, complaints, enquiries and investigation or other proceedings pending before the Commission under the repealed Act shall stand transferred to and be continued by the Lokayukta or Upa-Lokayukta, as the case may be, under the provisions of this Act, as if it were commenced before him under this Act.

Department of Vigilance

Directorate of Vigilance

—

Notification

13/26/2012-VIG/1893

In exercise of the powers conferred by sub-sections (1) and (2) of section 31 read with sections 6, 11(2), 13(6), 15(2)(f) and 21(1) of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Lokayukta Rules, 2012.

(2) They shall come into force from the date of coming into force of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012).

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012);

(b) "Complainant" means a person who makes a complaint under section 11 of the Act;

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

(d) "Government" means the Government of Goa;

(e) "Registrar" means Registrar to the Lokayukta and includes an Assistant Registrar;

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

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

3. Competent Authority.— The Competent Authority in case of other public functionary, specified under sub-clause (iv) of clause (d) of section 2 shall be the Chief Secretary.

4. Complaint.— (1) Every complaint made under sub-section (1) of section 11 of the Act shall be made in Form I hereto, signed by the complainant and accompanied by,—

(a) an affidavit in Form II hereto, duly sworn by the complainant before the Registrar or a person legally empowered to administer an oath, in support of the allegations contained in the complaint;

(b) the self-attested copies of the documents relied upon by the complainant in support of his allegations contained in the complaint. If the documents relied upon by the complainant are not in his power and possession, the person from whom they may be secured shall be stated; and

(c) the list of the witnesses, with their name/s and addresses, whom the complainant desires to examine in support of his allegations contained in the complaint; and

(d) a judicial stamp paper of Rs. 500/- (Rupees five hundred only) evidencing the payment of a fee in respect of the complaint.

(2) Every complaint may be presented in person or sent by a registered post AD to the Registrar. Such complaint shall be acknowledged by the Registrar.

5. Scrutiny and registration of complaints.— (1) On receipt of a complaint, the Registrar shall cause the particulars thereof to be entered in the "Register of Complaints".

(2) If the Registrar is of the opinion that any complaint is not in conformity with the provisions of the Act or these rules, he shall, within a period of fifteen days, excluding public holidays, from the date of receipt of complaint, issue a notice to the complainant directing the complainant to rectify the defects within the time specified in such notice:

Provided that the Registrar may, on an application of the complainant, extend the time specified in the notice, for sufficient cause.

(3) All complaints shall be placed before the Lokayukta or an Upa-Lokayukta, as the case may be, for orders, but the complaints in which action has been taken under sub-rule (2) shall be placed before the Lokayukta/Upa-Lokayukta only after the expiry of the

period as stipulated in the notice or the extended period, if any, whether any defect pointed out by the Registrar has been rectified, or not.

(4) Every person making a complaint shall be informed about the orders passed under sub-rule (3) if no further action on the complaint is to be taken.

6. Conditions of Service of Counsel appointed by the Lokayukta or Upa--Lokayukta.— The fees payable to and the duties, rights and liabilities of Counsel appointed by the Lokayukta or Upa-Lokayukta to assist it under sub-section (6) of section 13 of the Act shall be the same as are applicable to the Public Prosecutor/Government Advocate appointed by the Government:

Provided that, it shall be competent for the Lokayukta or Upa-Lokayukta, in special circumstance of a particular case or considering the nature of the work for which the Counsel is appointed, to sanction the payment of fees at a higher rate or a consolidated fee to the Counsel appointed by it.

7. Powers of Lokayukta or Upa-Lokayukta under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).— (1) The Lokayukta or Upa-Lokayukta, for the purpose of any investigation including inquiry, shall have the powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) to grant injunction;

(b) to issue commission for local inspection;

(c) to make, during the pendency of any complaint, any interlocutory order as may appear to the Lokayukta or Upa-Lokayukta to be just and necessary to meet the ends of justice;

(d) to allow amendment of the complaint or application;

(e) to add as parties the legal representatives of a deceased party in any complaint pending before it, subject to the provisions of Order XXII of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in so far as they are applicable;

(f) to review its decision or order on interlocutory applications;

(g) to dismiss a complaint for default or to decide it ex-parte;

(h) to set aside an order of dismissal of a complaint for default or any order passed ex-parte.

(2) The period of limitation for an application to implead the legal representatives of a party shall be ninety days from the date of his death.

(3) The period of limitation for applications under clauses (f) and (h) of sub-rule (1) shall be thirty days from the date of the decision or order.

(4) The provisions of section 5 of the Limitation Act, 1963 (Central Act 36 of 1963), shall be applicable to applications mentioned in clauses (e), (f) and (h) of sub-rule (1).

8. Power of Lokayukta or Upa-Lokayukta to correct errors.— (1) The Lokayukta or Upa-Lokayukta may, at any time, correct any clerical or arithmetical error in a report, declaration, decision or order arising from any accidental slip or omission, either suo motu or on application.

(2) Subject to the provision of section 153 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), the Lokayukta or Upa-Lokayukta may at any time and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding in a complaint.

9. Power to strike out or add parties.— The Lokayukta or Upa-Lokayukta may, at any stage of the proceeding in a complaint, either suo-motu or on application, delete the name of any party improperly joined or, add as party any person who ought to have been joined or whose presence before the Lokayukta or Upa-Lokayukta is felt necessary in order to enable the Lokayukta or Upa-Lokayukta, to decide effectively and completely the question involved in any complaint and the provision of rule 10 of Order I of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall, as far as may be, apply to such deletion or addition of parties.

10. Conditions of service of Lokayukta and Upa-Lokayukta.— (1) The status, salary, allowances, pension and other conditions of service of Lokayukta and Upa--Lokayukta shall be on par with those applicable to a Judge of a High Court:

Provided that the status, salary, allowances, pension and other conditions of service of a Judge of the Supreme Court or a retired Judge of the Supreme Court appointed as Lokayukta or Upa-Lokayukta shall be the same as a Judge of the Supreme Court.

(2) In respect of each completed year of service there shall be credited to the Lokayukta and the Upa-Lokayukta in their leave account thirty days on full allowances and forty-five days on half allowances.

(3) Any leave with allowances availed of by the Lokayukta or Upa-Lokayukta at any time, when there is no such leave at his credit, shall be set off against any such leave credited to his account subsequently.

(4) The Lokayukta or Upa-Lokayukta may, at any time, avail of any amount of leave out of the leave credited to his account, as leave on full allowances, and the monthly rate of leave allowances in that case, shall be equal to the monthly rate of his salary and other allowances for the entire period of such leave.

(5) The Lokayukta or Upa-Lokayukta shall have the option of commuting leave, on half allowances into leave on full allowances, at any time, subject to the following conditions, namely:—

(a) the total period of leave on full allowances availed of by him under this sub-rule shall be in addition to the leave referred to in sub-rule (4), but during the whole period of his service, it shall not exceed one twenty-fourth of the period last mentioned (including the period of leave on full allowances credited to his account) plus a maximum of three months on medical grounds; and

(b) the monthly rate of leave allowances payable to the Lokayukta or Upa--Lokayukta while on leave on full allowances under this sub-rule shall be governed by the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (Central Act 41 of 1958) High Court Judges (Salaries and Conditions of Service) Act, 1954 (Central Act 28 of 1954), as the case may be.

(6) The balance of leave to the credit or debit side of the leave account of the Lokayukta or Upa-Lokayukta at the end of any calendar year shall be carried forward to the next calendar year without limit as to accumulation.

(7) The Lokayukta or Upa-Lokayukta shall be entitled to encashment of leave accumulated to his credit at the end of his service subject to a maximum ceiling of 300 days on full allowances (inclusive of that resulting from commutation of leave on half allowances).

(8) The Authority competent to grant leave, leave not due, special disability leave to the Lokayukta or an Upa-Lokayukta shall be the Governor.

(9) In addition to the leave credited to his account under sub-rule (2), the Lokayukta or an Upa-Lokayukta may avail casual leave subject to the following conditions, namely:—

(a) such leave shall not be availed of except for unforeseen illness or for urgent and unforeseen private business; and

(b) such leave shall not be availed of for more than fourteen days in a calendar year or for a continuous period of more than five days.

11. Official residence to Lokayukta and Upa-Lokayukta.— (1) The Lokayukta and Upa-Lokayukta shall be entitled to the use of free furnished official residence throughout the term of their office and for a further period of one month or for such extended period not exceeding two months as may be determined by the Government.

(2) The official residence shall be maintained by the Government.

(3) If the Lokayukta or Upa-Lokayukta dies while in service then the members of the family of the Lokayukta or Upa-Lokayukta shall be entitled to the use of the official residence for a period of three months after such death.

(4) If the Lokayukta or Upa-Lokayukta is not provided with the official residence immediately after his appointment he shall be entitled for reimbursement of the actual rent paid by him for the entitled accommodation, if any, secured by him till the date of getting the official residence.

(5) Where the Lokayukta or an Upa-Lokayukta does not avail himself of the use of an official residence, he shall be paid every month, an allowance of Rs. 5,000/- and shall be entitled to reimbursement of charges on account of water and electricity consumed for his residence to the extent of 3,600 kilolitres of water and 10,000 units of power per annum.

Explanation:— For the purpose of this rule and rule 12,—

(a) "family" means wife or husband of the Lokayukta or Upa-Lokayukta or their dependent children, parents, brothers and unmarried sisters;

(b) "Official residence" means an accommodation owned or taken on hire by requisition or otherwise, by the Government and allotted to the Lokayukta or Upa-Lokayukta free of rent;

(c) "maintenance" in relation to an official residence includes payment towards local taxes and consumption of water and electricity:

Provided that such payment towards consumption of water and electricity shall be limited to charges payable for a maximum of 3,600 kilolitres of water and 10,000 units of electricity per annum in the case of the Lokayukta and the Upa-Lokayukta.

12. Penal rent for overstay after the Lokayukta or Upa-Lokayukta ceases to hold office, etc.— If the Lokayukta or Upa-Lokayukta or the members of his family continue to occupy the official residence beyond the period specified under rule 11, a penal rent at the rate of fifty percent of the salary which the Lokayukta or Upa-Lokayukta would have received had he continued in office shall be paid for each month of such overstay to the Government.

13. Form of statement of assets and liabilities.— The statement of assets and liabilities to be submitted by the public functionary to the Lokayukta, under sub-section (1) of section 21 of the Act, shall be in Form III hereto.

By order and in the name of the Governor of Goa.

B. Vijayan, Secretary (Vigilance).

Panaji, 24th September, 2012

FORM – I

[*See* rule 4-(*1*)]

BEFORE THE GOA LOKAYUKTA

Complaint No. /201____.

Mr./Mrs./Miss/Kum._____.
Flat/House No._____,
_____ Building/Apartments,
(Street), (Village)/(City),
(Taluka), (District), Goa. .... Complainant

V/s

(Name, designation and address of the
Public Functionary against whom
the complaint is made) .... Respondent

Complaint under section 11 of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012)

MAY IT PLEASE YOUR HONOUR:—

The Complainant above named most respectfully state and submit as under:—

(Brief facts leading to the Complaint)

(In case the complainant has/had made any previous complaint before the Goa Lokayukta or a competent Court of law or any other authority for redressal of the grievance which is the subject matter of this complaint, then the details in respect of the outcome/result of the same shall be stated and the copy of the judgement/order/direction thereto, if any, shall be enclosed to the Complaint.)

Place: _____.

Dated: ___ / ___ / 201___.

(Signature/LHTI of the Complainant)
COMPLAINANT

VERIFICATION

I, Mr./Mrs./Miss/Kum. ....., son/wife/daughter of ....., aged ..... (Nationality), Occupation ..... resident of Flat/House No. ....., ... (Building/Apartments) ....., (Street), ... (Village/City), (Taluka), (District) Goa, the Complainant above named, do hereby verify and state that what is stated by me in paragraphs ..... to ..... of the above Complaint are true to my own knowledge and belief and what is stated in the remaining paragraphs, namely ..... are in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Verified at (Place), on this ..... day of ....., 201 .....

(Signature/LHTI of the Complainant)
DEPONENT

Note:— (1) The self attested copies of the documents relied upon by the Complainant in support of his allegations contained in the Complaint shall be enclosed to the Complaint. If the documents relied upon by the Complainant are not in his power and possession, the person from whom they may be secured shall be stated in the Complaint.

(2) The List of witnesses, with their name/s and address, whom the Complainant desires to examine in support of his allegations in the Complaint shall be enclosed to the Complaint.

(3) Two sets of Complaint for the office use and as many sets equivalent to the number of public functionaries complained against shall be submitted by the Complainant to the Registrar at the time of presenting the Complainant.

FORM – II

[*See* rule 4-(*1*)(*a*)]

BEFORE THE GOA LOKAYUKTA

Complaint No. /201.....

Mr./Mrs./Miss/Kum. .....
Flat/House No. .....,
..... Building/Apartments,
(Street), (Village)/(City),
(Taluka), (District), Goa. ... Complainant

V/s

(Name, designation and address of the Public Functionary against whom the complaint is made) ... Respondent

AFFIDAVIT

I, Mr./Mrs./Miss/Kum. ....., son/wife/daughter of ....., aged ..... years,....., (Nationality), Occupation .....,
resident of Flat/House No. ....., (Building/Apartments), (Street), (Village/City), (Taluka), (District) Goa, the Complainant above named, do hereby on solemn affirmation state on oath as under:—

(1) I say that I have filed today a Complaint before this Hon'ble Authority the contents of the said Complaint shall be treated as reproduced herein for all legal purposes.

(2) I say that the Annexures which are enclosed to the Complaint are the attested photo copies of their respective originals.

(3) I say that what is stated by me in paragraphs ..... to ..... of the said Complaint are true to my own knowledge and belief and what is stated in the remaining paragraphs, namely ..... to ..... are in the nature of legal submissions and/or inferences of facts, which I believe to be true.

(4) I say that what is stated by me in paragraphs 1, 2 and 3 above is true to my own knowledge.

Solemnly affirmed at ..... on this ..... day of ....., 201.....

(Signature/LHTI of the Complainant)
DEPONENT

FORM – III

(*See* rule 13)

Statement of Assets and Liabilities filed by .....
..... (here specify the name and designation of the Public Functionary) for the financial year ending 31st March .....

(*Note*:— Every column appearing in the form has to be filled in words, not by dashes and dots)

(1) The permanent address (with Telephone No. and Mobile No., if any) of the Public Functionary.

(2) Names of the members of the family of the Public Functionary and his relationship with each of them.

(3) Present annual income of the Public Functionary and each one of the family members.

Note: Statement of Assets and Liabilities of the public functionary and his family members ("family of a Public Functionary" means the spouse, parents, unmarried sisters/brothers and children or relatives as are dependent on him or her, as the case may be):

4. Cash and other Liquid Assets as on 31st March .....

Particulars to be furnished	Public Functionary	Spouse	Dependent Father	Dependent Mother	Dependent Children 1st 2nd 3rd
1	2	3	4	5	6
(a) **Cash**					
i) Cash on hand					
ii) Cash kept in locker (give details)					
iii) Whether it is personal savings					
iv) If not, mention the source of acquisition					
(b) **Bank deposits**					
i) Account/Certificate No., nature of deposit, amount and name & branch of bank					
ii) Whether it is personal savings					
iii) If not, mention the source of acquisition					
iv) Date of deposit					
(c) **Bank Accounts**					
i) Account No. & nature of A/C amount and name & branch of bank					
ii) Whether it is personal savings					
iii) If not, mention the source of acquisition					

1	2	3	4	5	6

(d) **Post Office Accounts**
- i) Account/Certificate Nos., nature of deposit, amount and name & place of post office
- ii) Whether it is personal savings
- iii) If not, mention the source of acquisition

(e) **National Savings Certificates and other certificates obtained through the post office**
- i) No. of the NSCs and other certificates, amount, name & place of post office
- ii) Whether it is personal savings
- iii) If not, mention the source of acquisition

(f) **Units of Unit Trust of India**
- i) Particulars of units, name of the branch and amount
- ii) Whether it is personal savings
- iii) If not, mention the source of acquisition

(g) **Government and other Securities**
- i) Particulars of securities, name & place of office of Government/Company and amount invested
- ii) Whether it is personal savings
- iii) If not, mention the source of acquisition

(h) **Shares, Debentures or Deposits in Companies**
- i) Particulars of shares, debentures or deposits in companies (furnish address of company) and amount invested
- ii) Whether it is personal savings
- iii) If not, mention the source of acquisition

(i) **Money advanced to others as loan or Otherwise**
- i) Amount, date and name of the person to whom the money is advanced
- ii) Whether it is personal savings
- iii) If not, mention the source of acquisition

(j) **Insurance Policies and Provident Funds**
- i) Particulars of Insurance Policies and Provident Funds
- ii) Whether it is personal savings
- iii) If not, mention the source of acquisition

1	2	3	4	5	6

(k) **Other investments and being investments in immovable property**
- i) Particulars of investments, name & address of company and the amount invested
- ii) Whether it is personal savings
- iii) If not, mention the source of acquisition

5. Moveable property other than that covered by Item 4 as on 31st March .....

(a) **Jewellery and Bullion**
- i) Particulars
- ii) Cost and date of acquisition
- iii) Whether it is out of personal savings
- iv) If not, mention the source of acquisition

(b) **Vehicles**
- i) Particulars
- ii) Cost and date of acquisition
- iii) Whether it is out of personal savings
- iv) If not, mention the source of acquisition

(c) **Antiques beyond the value of Rs. 10,000/-**
- i) Particulars
- ii) Cost and date of acquisition
- iii) Whether it is out of personal savings
- iv) If not, mention the source of acquisition

(d) **Silverware**
- i) Particulars
- ii) Cost and date of acquisition
- iii) Whether it is out of personal savings
- iv) If not, mention the source of acquisition

(e) **Investments in Business Concerns**
- i) Particulars
- ii) Cost and date of acquisition
- iii) Whether it is out of personal savings
- iv) If not, mention the source of acquisition

(f) **Other Household goods including furniture costing more than Rs. 25,000/- each**

6. Immovable Property as on 31st March .....

(a) **Agricultural lands**
- i) Survey No. and place
- ii) Extent
- iii) Whether dry, wet, garden or plantation land
- iv) Whether ancestral, joint or separate property
- v) If not, mention the source of acquisition
- *vi) Cost and date of acquisition
- vii) Whether it is out of personal savings

1	2	3	4	5	6

(b) **Non-agricultural lands which have not been built upon**
- i) Number assigned to the land and place where situated
- ii) Extent
- iii) Whether ancestral
- *iv) Cost and date of acquisition
- v) Whether it is out of personal savings
- vi) If not, mention the source of acquisition

(c) **Buildings (including flats)**
- i) Complete address of the buildings with dimension
- *ii) Cost and date of acquisition
- iii) Whether ancestral, joint or separate property
- iv) Whether it is out of personal savings
- v) If not, mention the source of acquisition

(d) **Other immovable property**
- i) Particulars of other immovable property with dimension
- *ii) Cost and date of acquisition
- iii) Whether ancestral, joint or separate property
- iv) Whether it is out of personal savings
- v) If not, mention the source of acquisition

7. Liabilities as on 31st March .....

(a) Nature, extent and other particulars of liability and the date when it was incurred

(b) Name and address of the person to whom (creditor) liable

I _____ do hereby solemnly declare that the information furnished above is true and that nothing relevant has been omitted therefrom.

Station:

Date:

Signature of the Public Functionary

Designation .....

**Note:* Date of acquisition of assets/property may not be required if the same has been acquired by the Public Functionary, if he has acquired the assets /property prior to his assuming the office as public functionary for the first time.

(Forms and Notices for conducting the Enquiries and Investigation) Regulations, 2014

Department of Vigilance

Institution of Goa Lokayukta

—

ANNEXURE-A

Notification

ADMN/68/2013-IGL/369

In exercise of the powers conferred by section 32 of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012), the Goa Lokayukta, with approval of the Government of Goa, hereby make the following regulations, namely:—

1. Short title and commencement.— (1) These regulations may be called the Goa Lokayukta (Forms and Notices for conducting the Enquiries and Investigation) Regulations, 2014.

(2) They shall come into force at once.

2. Definitions.— (1) In these regulations, unless the context otherwise requires,—

(a) "Act" means the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012);

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

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

(d) "Government" means the Government of Goa;

(e) "Registrar" means Registrar to the Lokayukta and includes an Assistant Registrar;

(f) "Rules" means the Goa Lokayukta Rules, 2012;

(g) "Section" means a section of the Act.

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

3. Form of Register of complaints.— The Register of complaints specified in sub-rule (1) of rule 5 of the Rules, shall be in Form "A" hereto.

4. Form of acknowledgment.— The acknowledgment to be given by the Registrar under sub-rule (2) of rule 4 of the Rules shall be in Form "B" hereto.

5. Form of notice.— The notice to be issued by the Registrar under sub-rule (2) of rule 5 of the Rules shall be in Form "C" hereto.

6. Order on Complaint to be informed.— Registrar shall inform the Complainant about Orders referred in sub-rule (4) of rule 5 of the Rules, in Form "D" hereto.

7. Form of letter for seeking clarification/additional information.— The letter to be issued to the complainant for seeking clarification/additional information in respect of the complaint, for the purpose of making a preliminary inquiry under sub-section (1) of section 12 of the Act, shall be in Form "E" hereto.

8. Form of notice for calling comments.— The Registrar may issue notice to the public functionary for calling his comments under sub-section (2) of section 13 of the Act, in Form "F" hereto.

9. Form of letter to Competent Authority.— The letter to be issued to the Competent Authority forwarding therewith a copy of the complaint along with its enclosures, as stated in the sub-section (1) of section 13 of the Act, shall be in Form "G" hereto.

10. Government to be informed.— Where the Government is made as party, as stated in sub-section (5) of section 13 of the Act, it shall be informed in Form "H" hereto.

11. Summons to witness.— Where, the complainant or the public functionary in a particular case wishes to examine the witness in support of his/her case or wants the production of documents in support of his/her case through such witness, a summons to such witness shall be issued at the written request of the complainant or the public functionary, as the case may be, by the Lokayukta or the Upa-Lokayukta, for examining such witness, in Form "I" hereto. The concerned party shall deposit towards travelling and subsistence allowance of such witness, the requisite amount as may be determined by the Lokayukta or the Upa-Lokayukta.

12. Certificate of attendance.— Where a witness has attended the Institution of the Goa Lokayukta for giving evidence or to produce any documents, a certificate of attendance shall be issued to such a witness in Form "J" hereto.

13. Form of search warrant.— The search warrant specified under sub-section (1) of section 14 of the Act, shall be in Form "K" hereto.

14. Form of order for issuing commission.— The order for issuing commissions as specified in clause (e) of sub-section (2) of section 15 of the Act, shall be in Form "L" hereto.

By order and in the name of the Goa Lokayukta.

P. Mathew Samuel (IAS), Secretary, Institution of Goa Lokayukta.

Panaji, 19th November, 2014.

FORM "A"

(*See* regulation 3)

REGISTER OF COMPLAINTS

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Sr. No.	Date of Receipt of Complaint	Name & address of the Complainant	Name & address of the Public Functionary complained against	Gazetted/ /Non- -Gazetted	Complaint of allegations with brief facts	Complaint of Grievances with brief facts	Date of Final Disposal	Result	Manner of implementation of final order

FORM "B"

(*See* regulation 4)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

Acknowledgement of Complaint

Proceedings No. .....

To,
Shri/Shrimati .....

Sub.:- Your complaint dated .....

Sir/Madam,

Your complaint, dated ..... against Shri/Shrimati ..... has been registered and numbered as .....

Intimation will be sent to you in due course regarding the further action on your complaint.

Yours faithfully,

Registrar,
Institution of Goa Lokayukta

FORM "C"

(*See* regulation 5)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

Proceedings No. .....

To,
Shri/Shrimati .....

Sir/Madam,

Ref.:- Your complaint dated .....

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

Yours faithfully,

Registrar,
Institution of the Goa Lokayukta

Omissions to be supplied:-

(1) Prescribed fee of Rs. 500/- to be paid.

(2) Complaint is not signed by the complainant.

(3) Complaint is not verified by the complainant.

(4) Affidavit of the complainant in the prescribed form not enclosed.

(5) Name, designation and address of the public functionary 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, has not been stated.

(8) Required sets of copies of affidavits and documents not enclosed.

(9) Other reasons.

FORM "D"

(*See* regulation 6)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

Proceedings No. .....

To,
Shri/Shrimati .....

Sir/Madam,

Your complaint, dated ..... containing certain allegations against Shri/Shrimati ..... has been rejected vide order dated ..... of the Hon'ble Lokayukta/Upa-Lokayukta 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) The complaint, is,—

(a) frivolous.

(b) vexatious.

(c) not made in good faith.

(4) There are no sufficient grounds for investigation of the complaint.

(5) 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.

(6) The Public Functionary against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta.

(7) The complaint is made after the expiry of 5 years from the date on which the action complained against is alleged to have taken place.

(8) An earlier complaint based on the same allegation as those made in the present complaint was previously disposed of by the Lokayukta/Upa-Lokayukta or any other authority through proceeding No. ..... date .....

Yours faithfully,

Registrar,
Institution of the Goa Lokayukta

(**Strike out the reasons which are inapplicable.)*

FORM "E"

(*See* regulation 7)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

Proceedings No. .....

To,
Shri/Shrimati .....

Sub:- Your complaint dated .....

Sir/Madam,

Upon perusing the above complaint and the documents accompanying it, the Hon'ble Lokayukta/Upa-Lokayukta would like to have following clarification/s from you in the matter.

(i)

(ii)

(iii)

(iv)

You are, therefore, required to furnish all the above clarifications on or before _____, failing which the matter will be decided in absence of such clarifications.

Yours faithfully,

Registrar,
Institution of Goa Lokayukta

FORM "F"

(*See* regulation 8)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

Proceedings No. .....

To,
Shri/Shrimati .....

NOTICE

Whereas upon conducting the preliminary inquiry into the above complaint, the Hon'ble Lokayukta/Upa-Lokayukta proposes to conduct a detailed investigation into it.

And whereas you are afforded an opportunity to offer your comments in the matter.

(i) *The complaint dated ..... sent/filed against you by Shri/Shrimati ....., a copy of which is enclosed herewith along with copies of affidavits produced by the complainant;

(ii) *The statement containing an allegation against you which the Hon'ble Lokayukta/Upa--Lokayukta has on his own motion proposed to investigate for the grounds mentioned therein is enclosed herewith.

(iii) *The action in respect of which the Hon'ble Governor of Goa has required the Hon'ble Lokayukta/Upa-Lokayukta to conduct an investigation, copy thereof is enclosed herewith.

Now, therefore, you are hereby required to submit your comments as aforesaid on ..... at 10.30 a.m. before the Hon'ble Lokayukta/Upa-Lokayukta 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 represent yourself in the matter either in person or by counsel.

Take notice that in default of your appearance to submit your comments on the aforesaid date and time, further investigation will be proceeded with on the basis of the material available without any further notice.

Given under the hand and the seal of this Institution on this _____ (*date*) day of the month of _____20__ (*year*).

By Order

Registrar,
Institution of Goa Lokayukta

(**Strike out whichever is inapplicable.*)

FORM "G"

(*See* regulation 9)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

Proceeding No.

To,

Sir/Madam,

Under the directions of the Hon'ble Lokayukta/Upa-Lokayukta, I am to inform you that a complaint has been filed by _____under section _____ of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012) against the public functionary, namely, _____ who is functioning under your administrative control, inter alia alleging that _____.

A copy of the said complaint along with its enclosures are enclosed herewith for your perusal and necessary action.

By Order

Registrar
Institution of Goa Lokayukta

FORM "H"

(*See* regulation 10)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

NOTICE

Proceeding No.

To,
_____
_____
_____

Sir/Madam,

Under the directions of the Hon'ble Lokayukta/Upa-Lokayukta I am to inform you that a complaint has been filed by _____under section _____ of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012) against the public functionary, namely, _____ who is functioning under your administrative control, inter alia alleging that _____. A copy of the complaint along with its enclosures are attached herewith.

You are further informed that the Government of Goa has been impleaded as necessary party to the above proceedings.

You may, therefore, appear before the Hon'ble Lokayukta/Upa-Lokayukta on _____ at _____and submit your comments in the matter, if any, and participate in the proceedings.

You may appear in person or engage a legal practitioner of your choice to present your case, if you so desire.

Yours faithfully,

Registrar
Institution of Goa Lokayukta

FORM "I"

(*See* regulation 11)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/

Summons to witness

Proceeding No. ..... of 2013.

(Title)

To,

Whereas your attendance is required to depose/to give evidence on behalf of the ..... in the above complaint, you are hereby required [personally] to appear before this Institution on the ..... (*date*) day of ..... (*month*) 20...., (year) at ..... (*time*), and to bring with you the documents mentioned in the Annexure hereto. You will be paid travelling allowance and subsistence allowance at the admissible rates.

If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance as laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under the hand and seal of the Institution of Goa Lokayukta, on this ..... (*date*) day of ..... (*month*) 20.... (*year*).

Registrar
Institution of Goa Lokayukta

ANNEXURE

Description of the documents required to be produced.
(1)
(2)
(3)

FORM "J"

(*See* regulation 12)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

CERTIFICATE OF ATTENDANCE TO AN OFFICER OF GOVERNMENT SUMMONED AS A WITNESS IN A COMPLAINT TO WHICH THE GOVERNMENT IS A PARTY

Proceeding No.

(Title)

This is to certify that ..... (*Name*) ..... (*designation)* being a Government servant of the State of ..... (*name of State*) was summoned to give evidence in his official capacity in the above complaint and he has attended this Institution on ..... from ..... to ..... (*inclusive)* and that a sum of Rupees ..... has been paid/he has not been paid towards his/her travelling and subsistence allowance.

Dated the ..... (*date*) day of ..... (*month*) 20 ..... (*year*).

Registrar
Institution of Goa Lokayukta

FORM "K"

(*See* regulation 13)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/ Date:

WARRANT TO SEARCH AFTER RECEIPT OF A COMPLAINT

Proceeding No.

Title

To

(Name and designation of the police officer or other person or persons who is or are to execute the warrant).

Whereas in the consequence of information in my possession, I consider that the purpose of proposed inquiry/investigation to be conducted by me will be served by general search and the inspection, accordingly this search warrant has been issued authorizing ..... (mention the names of the Officers) to conduct a search and carry out the inspection and take possession of all the relevant documents or things i.e. ..... (specify the things to be attached and seized).

Accordingly, the above stated individuals are hereby authorized and required to conduct the internal search in the premises where such things or property are suspected to have been kept i.e. ..... (describe the house or place or part thereof to which the search is to be confined) and if found, as a result of such search, to produce the same forthwith before this Institution.

You are further commanded to return this search warrant with an endorsement certifying the day and the manner in which you have executed the search warrant.

Dated, this ..... (*date*) day of ..... (*month*) 20..... (*year*).

Goa Lokayukta

FORM "L"

(*See* regulation 14)

INSTITUTION OF GOA LOKAYUKTA
State Guest House, Ground Floor,
Altinho, Panaji-Goa 403 001
Phone No. 2222082, Fax No. 2222085

No. IGL/

Appointment of Commissioner for examination of witnesses or documents etc.

Proceeding No. ..... of 2013.

(Title)

To,

Whereas it is deemed necessary for the purpose of ..... (*indicate the purpose in detail)* in the above complaint, that a commission be issued:

You are, therefore, hereby appointed as the commissioner for the purpose of carrying out the following acts:

(a) examine the parties themselves and any witnesses whom they or any one of them may produce, and any other person whom you think proper to call upon to give evidence in the matter referred to you.

(b) call for and examine documents and things relevant to the subject of inquiry/investigation.

(c) at any reasonable time enter upon or into any land or building ..... (mention the details of land or building).

You are required to submit your report and your opinion on or before .....

Given under the hand and the seal of this Institution on this ..... (*date*) day of the month of ..... (*month*) 20..... (*year*).

Goa Lokayukta

The Goa Lokayukta (working hours of the Institution of Lokayukta) Regulations, 2014

Notification

In exercise of the powers conferred by section 32 of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012), the Goa Lokayukta, with prior approval of the Government of Goa, hereby makes the following regulations, namely:—

1. Short title and commencement.— (1) These regulations may be called the Goa Lokayukta (working hours of the Institution of Lokayukta) Regulations, 2014.

(2) They shall come into force at once.

2. Definitions.— (1) In these regulations, unless the context otherwise requires,—

(a) "Government" means the Government of Goa;

(b) "Registry" means the registry of Institution of Goa Lokayukta.

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

3. Working hours of the Institution of Lokayukta.— (1) The normal working hours of the Institution of Lokayukta shall be from 9.30 a.m. till 5.45 p.m. with 45 minutes lunch break from 1.15 p.m. to 2.00 p.m.

(2) The complaints shall be received by the Registry of the Institution of Lokayukta from Monday to Friday from 10.00 a.m. till 1.00 p.m.

(3) The judicial proceedings before the Lokayukta and Upa-Lokayukta shall be conducted from 10.30 a.m. till 1.00 p.m. There shall be no sittings of the Lokayukta or the Upa-Lokayukta for taking such proceedings in the afternoon session.

(4) The Institution of the Lokayukta and Upa-Lokayukta shall remain closed on Saturdays, Sundays and on public holidays as declared by the Government.

By order and in the name of Goa Lokayukta.

P. Mathew Samuel, (IAS), Secretary, Institution of Goa Lokayukta.

Panaji, 19th November, 2014.