

Panaji, 27th November, 2014 (Agrahayana 6, 1936)

SERIES I No. 35

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 34 dated 20-11-2014, namely, Extraordinary dated 24-11-2014 from pages 1219 to 1220 regarding The right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Goa Amendment) Ordinance, 2014.—Not. No. 8/1/2014-LA from Department of Law & Judiciary (Legal Affairs Division).

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27TH NOVEMBER, 2014

nt, Lokayukta (Forms and Notices for conducting
all the Enquiries and Investigation) Regulations,
2014.

— (2) They shall come into force at once.

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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.

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
prior 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

interpretation shall lie with the Government, which shall be final and binding on all concerned.

10. *Redressal of grievances and dispute.*— Grievances or disputes if any, arising out of implementation of this scheme, shall be referred to the Secretary, NCES to Government who shall hear and decide such matters and the decision of the Secretary to the Government in this regard shall be final and binding on all concerned:

Provided no grievance or dispute regarding the decision of the Government under clause 6 (iii) above shall lie with any authority or tribunal or court, in respect of the decision.

11. This scheme has been issued with the administrative approval of the Government under No. 8036 - F dated 28-08-2014 and concurrence of the Finance (Exp.) Department vide their U. O. No. 1848 - F dated 08-08-2014.

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

Levinson J. Martins, Director & ex officio Jt. Secretary (S & T).

Saligao, 20th October, 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 prior 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

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

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

Subj: 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:
Proceeding 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 byunder
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 alongwith 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 byunder
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)

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

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

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).

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

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.

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.

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

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

Registrar
Institution of Goa Lokayukta

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

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/ Date:-
WARRANT TO SEARCH AFTER RECEIPT OF A COMPLAINT

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

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..... (mentioned 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

ANNEXURE-B

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 make 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.