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GOVERNMENT OF MANIPUR  
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS  
DEPARTMENT

**NOTIFICATION**

Imphal, the 22nd December, 2011

No. 2/30/2011-Leg/L.—In pursuance of the rule 150 of the Rules of Procedure and Conduct of Business in Manipur Legislative Assembly, the Manipur Lokayukta Bill, 2011, as introduced in the Legislative Assembly, Manipur in its sitting held on 20-12-2011 is hereby published in the Manipur Gazette.

TH. KAMINI KUMAR SINGH,  
Deputy Secretary (Law),  
Government of Manipur.

## THE MANIPUR LOKAYUKTA BILL, 2011

### A

### BILL

*to provide for the establishment of the institution of Lokayukta to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.*

BE it enacted by Manipur Legislative Assembly in the Sixty-second Year of the Republic of India as follows:—

#### CHAPTER I PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Manipur Lokayukta Act, 2011.
- (2) It extends to the whole of Manipur.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires,-
  - (a) “Chief Minister” means the Chief Minister of Manipur;
  - (b) “Chairperson” means the Chairperson of the Manipur Lokayukta;
  - (c) “competent authority” means, in relation to-
    - (i) the Chief Minister, the Manipur Legislative Assembly;
    - (ii) a member of the Council of Ministers, the Chief Minister;

Provided that during the period of operation of any proclamation issued under article 356 of the Constitution of India, the Governor;

- (iii) a member of State Assembly, the Speaker of the Manipur Legislative Assembly—

Explanation.—The Speaker of the Legislative Assembly shall act in consultation with the Chief Minister and the Leader of the Opposition in the State Legislative Assembly. .

- (iv) an officer in the Department of the State Government, means the Minister in charge of the Department under which such officer is serving;
- (v) a chairperson or members of any body, or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted by an Act of Parliament or the Manipur Legislative Assembly or wholly or partly financed by the Central Government or the State Government, means the Minister in charge of the administrative Department of such body, or Board or corporation or authority or company or society or autonomous body;

- (vi) an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted by an Act of Parliament or the Manipur Legislative Assembly wholly or partly financed by the Central Government or the State Government, means the head of such body or Board or corporation or authority or company or society or autonomous body;
  - (vii) any other case not falling under sub-clauses (i) to (vi) above, the State Government;
  - (c) “complaint” means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;
  - (d) “inquiry” means an inquiry conducted under this Act by the Manipur Lokayukta;
  - (e) “Lokayukta” means the Manipur Lokayukta established under section 3;
  - (f) “Member” means a Member of the Lokayukta;
  - (g) “prescribed” means prescribed by rules made under this Act;
  - (h) “public servant” means a person referred to in clauses (a) to (g) of sub-section (1) of section 15;
  - (i) “rules” means rules made under this Act;
  - (j) “Schedule” means a Schedule to this Act;
  - (k) “Special Court” means the court of a Special Judge appointed under sub-section (1) of section 3 of the Prevention of Corruption Act, 1988.
- (2) Words and expressions used herein and not defined in this Act but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in that Act.
- (3) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

## CHAPTER II ESTABLISHMENT OF MANIPUR LOKAYUKTA

- 3.** (1) As from the commencement of this Act, there shall be established, for the purpose of making inquiries in respect of complaints made under this Act, an institution to be called the “Manipur Lokayukta”. Establishment of Manipur Lokayukta.
- (2) The Manipur Lokayukta shall consist of-
- (a) a Chairperson, who has been a Chief Justice of High Court; and
  - (b) such number of Members, not exceeding two who shall be of high integrity and eminence.
- (3) The Chairperson or a Member shall not be a member of Parliament or a member of the Legislature of any State or Union territory and shall not hold any office of

trust or profit (other than the office as the Chairperson or a Member) or be connected with any political party or carry on any business or practise any profession and accordingly, before he enters upon his office, a person appointed as the Chairperson or a Member, as the case may be, shall, if-

- (a) he holds any office of trust or profit, resign from such office; or
- (b) he is carrying on any business, sever his connection with the conduct and management of such business; or
- (c) he is practising any profession, cease to practise such profession.

(4) The Chairperson and every Member shall, before entering upon his office, make and subscribe before the Governor an oath or affirmation in the form set out in the First Schedule.

Appointment of Chairperson and Members and Selection Committee.

4. (1) The Chairperson and Members shall be appointed by the Governor after obtaining the recommendations of a Selection Committee consisting of-
- (a) the Chief Minister - Chairperson;
  - (b) the Speaker of the Manipur Legislative Assembly -Member;
  - (c) the Leader of Opposition in the Manipur Legislative Assembly-Member;
- (2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee.
- (3) The Selection Committee may, if it considers necessary for the purposes of selecting the Chairperson and Members of the Manipur Lokayukta and for preparing a panel of persons to be considered for appointment as such, constitute a Search Committee.
- (4) The Selection Committee shall regulate its own procedure for selecting the Chairperson and Members of the Manipur Lokayukta which shall be transparent.
- (5) The term of the Search Committee referred to in sub-section (3), the fee and allowances payable to its members and the manner of selection of panel of names shall be such as may be prescribed.

Filling up of vacancies of Chairperson and Members.

5. The Governor shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and Members at least three months before the expiry of the term of such Chairperson or Member, as the case may be, in accordance with the procedure laid down in this Act.

Term of office of Chairperson and Members.

6. The Chairperson and every Member shall, on the recommendations of the Selection Committee, be appointed by the Governor by warrant under his hand and seal and hold office as such for a term not exceeding five years from the date on which he enters upon his office :

Provided that he may-

- (a) by writing under his hand addressed to the Governor, resign his office; or
- (b) be removed from his office in the manner provided in section 8.

Salary, allowances and other conditions of service of Chairperson and Members.

7. The salary, allowances and other conditions of service of the Chairperson and Members shall be such as may be prescribed.

- 8.** (1) The Chairperson or a Member of the Manipur Lokayukta shall not be removed from his office except by an order of the Governor, passed after an address by the Legislative Assembly of the State 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 that House present and voting, has been presented to the Governor in the same session for such removal on the ground of proved misconduct including corrupt practice or incapacity.
- (2) The procedure for the presentation of an address and for the investigation and proof of the misconduct including corrupt practice or incapacity of the Chairperson under sub-section (1) shall be as provided in the Judges (Inquiry) Act, 1968, in relation to the removal of a Judge and, accordingly, the provisions of that Act shall apply, *mutatis mutandis*, in relation to the removal of the Chairperson as they apply in relation to the removal of a Judge.
- 9.** (1) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Governor may, by notification, authorize the senior-most Member to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.
- (2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, the senior-most Member available, as the Governor may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.
- 10.** There shall be such officers and employees as may be prescribed to assist the Manipur Lokayukta in the discharge of its functions under this Act.

Removal and suspension of Chairperson and Member of Manipur Lokayukta.

Member to act as Chairperson or to discharge his functions in certain circumstances.

Staff of Lokayukta, etc.

### CHAPTER III INVESTIGATION

- 11.** Every investigation on any complaint alleging corrupt practices against the public servants under this Act shall be initiated by the Manipur Lokayukta with the prior approval of the competent authority.
- 12.** (1) The Lokayukta shall not investigate any complaint alleging corrupt practices against any public servant, if such complaint is made after the expiry of one year from the date on which the action complained of is alleged to have taken place:
- Provided that the Lokayukta may, on being satisfied on the facts and circumstances of the case that the delay has been properly explained or that it is necessary so to do in the interest of justice, condone the delay and investigate the complaint.
- (2) The Lokayukta shall not, except on a reference by a Court of law, investigate any matter which is under adjudication by such Court of law.
- 13.** (1) For the purpose of investigation under this Act, the Lokayukta may, with the concurrence of the State Government, utilize the services of any officer or investigating agency including the Police of that Government or any other person and such officer or investigating agency including the Police or person shall do all such act or deed, which shall be essential for such investigation.

Investigation.

Matters not subject to investigation by Lokayukta and limitation thereof.

Investigation officer to inquire on direction of Manipur Lokayukta.

(2) The investigation officer or investigating agency or person on receipt of an order under sub-section (1) shall complete the investigation and submit his report within the time specified under that sub-section.

#### CHAPTER IV JURISDICTION IN RESPECT OF INQUIRY

Jurisdiction  
of Manipur  
Lokayukta.

**14.(1)** Subject to the other provisions of this Act, the Manipur Lokayukta shall inquire into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:-

- (a) a Chief Minister;
- (b) any other person who is or has been a Minister of the State;
- (c) any Group “A” officer or equivalent or above, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruptions Act, 1988 when serving or who has served, in connection with the affairs of the Union;
- (d) any person who is or has been a chairperson or member or officer equivalent to Group “A” officer referred to in clause (d) or equivalent or above in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or the State Legislature or wholly or partly financed by the State Government or controlled by it;
- (e) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) wholly or partly financed or aided by the State Government and the annual income of which exceeds such amount as the State Government may by notification specify;
- (f) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from the public and the annual income of which exceeds such amount as the State Government may by notification specify;

Provided that any person referred to in this clause shall be deemed to be a public servant under clause (c) of section 2 of the Prevention of Corruption Act, 1988 and the provisions of that Act shall apply accordingly.

(2) Notwithstanding anything contained in sub-section (1), the Manipur Lokayukta shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any Member of State Legislature in respect of anything said or a vote given by him in the House of the State Assembly or any committee thereof.

(3) The Manipur Lokayukta may inquire into any act or conduct of any person other than those referred to in sub-section (1), if such person is associated with the allegation of corruption under the Prevention of Corruption Act, 1988:

Provided that, no action under this section shall be taken in case of a person serving in connection with the affairs of a State, without the consent of the State Government.

(4) No matter in respect of which a complaint has been made to the Manipur Lokayukta under this Act, shall be referred for inquiry under the Commissions of Inquiry Act, 1952.

*Explanation.*—For the removal of doubts, it is hereby declared that a complaint under this Act shall only relate to a period during which the public servant was holding or serving in that capacity.

**15.** In case any matter or proceeding related to allegation of corruption under the, Prevention of Corruption Act, 1988 has been pending before any court or committee of the Manipur Legislative Assembly or before any other authority prior to commencement of this Act or prior to commencement of any inquiry after the commencement of this Act, such matter or proceeding shall be continued before such court, committee or authority,

Matters pending before any court or committee or authority for enquiry before Manipur Lokayukta not to be affected.

*Explanation.*—For the removal of doubts, it is hereby declared that continuance of such matter or proceeding before any court or committee of the State Legislative Assembly or before any other authority, except for such matters as are protected under clause (2) of article 105 of the Constitution or are pending before a court, shall not affect the power of the Manipur Lokayukta to inquire into such matter under this Act.

## CHAPTER V PROCEDURE IN RESPECT OF INQUIRY AND INVESTIGATION

**16.** (1) Subject to other provisions of this section, for the purposes of any investigation (including preliminary enquiry, if any, before such investigation) under this Act, the Lokayukta may require any public servant or any other person, who in his opinion, is able to furnish information or produce documents, relevant to the investigation, to furnish such information or produce such document.

Provisions relating to complaints and inquiry and investigation

(2) For the purposes of any investigation (including the preliminary inquiry), the Manipur Lokayukta shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of any document;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning any public record or copy thereof from any court or office;
- (v) issuing commissions for the examination of witnesses or documents.

(3) Any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code, 1860.

Previous sanction not necessary for investigation and initiating prosecution by Manipur Lokayukta in certain cases.

Action on inquiry in relation to public servants not being Ministers or Members of State Legislature.

Special Courts to be notified by State Government.

Letter of request to a contracting State in certain cases.

**17.** (1) No sanction or approval shall be required by the Manipur Lokayukta under section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988 for the purpose of making inquiry by the Manipur Lokayukta or investigation into any complaint against any public servant or for filing of any complaint in respect thereof before the Special Court under this Act.

(2) A Special Court may, notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988, on a complaint filed by the Manipur Lokayukta or any officer authorised by it in this behalf, take cognizance of offence committed by any public servant.

**18.** (1) Where, after the conclusion of the inquiry or investigation, the findings of the Manipur Lokayukta disclose the commission of an offence under the Prevention of Corruption Act, 1988 by a public servant referred to sub-section (1) of section 14, the Manipur Lokayukta may-

- (a) file a case in the Special Court and send a copy of the report together with its findings to the competent authority;
- (b) recommend to the competent authority the initiation of disciplinary proceedings under the rules of disciplinary proceedings applicable to such public servant;
- (c) provide a copy of the report to the public servant or his representative.

(2) The competent authority shall, within a period of thirty days of the receipt of recommendation under clause (b) of sub-section (1), initiate disciplinary proceedings against the delinquent public servant accused of committing offence under the Prevention of Corruption Act, 1988 and forward its comments on the report, including the action taken or proposed to be taken thereon, to the Manipur Lokayukta ordinarily within six months of initiation of such disciplinary proceedings.

**19.** (1) The State Government shall constitute a Special Court in consultation with the Chief Justice of the High Court to hear and decide the cases under this Act.

(2) The Special Courts constituted under sub-section (1) shall ensure completion of each trial within a period of one year from the date of filing of the case in the Court:

Provided that in case the trial cannot be completed within a period of one year, the Special Court shall record reasons therefor and complete the trial within a further period of not more than three months or such further periods not exceeding three months each, for reasons to be recorded in writing, before the end of each such three months period, but not exceeding a total period of two years.

**20.** (1) Notwithstanding anything contained in this Act or the Code of Criminal Procedure, 1973 if, in the course of an inquiry or investigation into an offence or other proceeding under this Act, an application is made to a Special Court by the Investigation Officer of the Manipur Lokayukta that any evidence is required in connection with the inquiry or investigation into an offence or proceeding under this Act and he is of the opinion that such evidence may be available in any place in a contracting State, and the Special Court, on being satisfied that such evidence is required in connection with the inquiry or investigation into an offence or proceeding under this Act, may issue a letter of request to a court or an authority in the contracting State competent to deal with such request to –



- (i) examine the facts and circumstances of the case;
  - (ii) take such steps as the Special Court may specify in such letter of request; and
  - (iii) forward all the evidence so taken or collected to the Special Court issuing such letter of request.
- (2) The letter of request shall be transmitted in such manner as the State Government may prescribe in this behalf.
- (3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be evidence collected during the course of the inquiry or investigation.

#### CHAPTER VI COMPLAINTS AGAINST CHAIRPERSON, MEMBERS AND OFFICIALS OF MANIPUR LOKAYUKTA

**21.** (1) The Manipur Lokayukta shall not inquire into any complaint made against the Chairperson or any Member.

(2) Any complaint against the Chairperson or Member shall be made by an application by the party aggrieved, to the Governor.

(3) The Governor shall, in case there exists a prima facie case for bias or corruption, make a reference to the Chief Justice of the High Court in such manner as may be prescribed for inquiring into the complaint against the Chairperson or Member.

(4) The Governor shall decide the action against the Chairperson or Member on the basis of the opinion of the Chief Justice of the High Court and in case the Governor is satisfied, on the basis of the said opinion that the Chairperson or the Member is biased or has indulged in corruption, the Governor shall, notwithstanding anything contained in sub-section (1) of section 8, remove such Chairperson or Member and also order for initiation of prosecution in case of allegation of corruption.

Complaints  
against  
Chairperson  
and  
Members  
not to be  
inquired by  
Manipur  
Lokayukta.

#### CHAPTER VII FINANCE, ACCOUNTS AND AUDIT

**22.** The Manipur Lokayukta shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Manipur Lokayukta and forward the same to the State Government for information.

Budget.

**23.** The State Government may, after due appropriation made by the State Legislative Assembly by law in this behalf, pay to the Manipur Lokayukta by way of grants such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

Grants  
by State  
Government.

**24.** (1) The Manipur Lokayukta shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

Annual  
statement  
of  
accounts.

(2) The accounts of the Manipur Lokayukta shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.

(3) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Manipur Lokayukta under this Act shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Manipur Lokayukta.

(4) The accounts of the Manipur Lokayukta, as certified by Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government and the State Government shall cause the same to be laid before the State Legislative Assembly.

Furnishing of returns, etc., to State Government.

**25.** (1) The Manipur Lokayukta shall furnish to the State Government, at such time and in such form and manner as may be prescribed or as the State Government may request, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Manipur Lokayukta, as the State Government may, from time to time, require.

(2) The Manipur Lokayukta shall prepare, once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the State Government.

(3) A copy of the report received under sub-section (2) shall be laid by the State Government, as soon as may be after it is received, before the State Legislative Assembly.

## CHAPTER VIII OFFENCES AND PENALTIES

Prosecution for false complaint and payment of compensation etc., to public servant.

**26.** (1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious complaint under this Act shall, on conviction, be punished with imprisonment for a term which shall not be less than two years but which may extend to five years and with fine which shall not be less than twenty-five thousand rupees but which may extend to two lakh rupees.

(2) No Court, except a Special Court, shall take cognizance of an offence under sub-section (1).

(3) No Special Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom the false, frivolous or vexatious complaint was made.

(4) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the State Government.

(5) In case of conviction of a person [being an individual or society or association of persons or trust (whether registered or not)], for having made a false complaint under this Act, such person shall be liable to pay compensation to the public servant against whom he made the false complaint in addition to the legal expenses for contesting the case by such public servant, as the Special Court may determine.

CHAPTER IX  
MISCELLANEOUS

- 27.** No suit, prosecution or other legal proceedings under this Act shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers. Protection of action taken in good faith by any public servant.
- 28.** No suit, prosecution or other legal proceedings shall lie against the Manipur Lokayukta or against any officer, employee, agency or any person, in respect of anything which is done in good faith or intended to be done under this Act or the rules or the regulations made thereunder. Protection of action taken in good faith by others.
- 29.** The Chairperson, Members, officers and other employees of the Manipur Lokayukta shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code. Members, officers and employees of Manipur Lokayukta to be public servants.
- 30.** No civil court shall have jurisdiction in respect of any matter which the Manipur Lokayukta is empowered by or under this Act to determine. Bar of jurisdiction.
- 31.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act. Act to have overriding effect.
- 32.** The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force. Provision of this Act to be in addition to other laws.
- 33.** (1) The State Government may, by notification make rules to carry out the provisions of this Act. Power to make rules.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the form of complaint referred to in clause (c) of sub-section (1) of section 2;
  - (b) the term of the Search Committee, the fee and allowances payable to its members and the manner of selection of panel of names under sub-section (5) of section 4;
  - (c) the procedure of inquiry into misbehaviour for removal of the Chairperson or any Member under sub-section (1) of section 8;
  - (d) other matters for which the Manipur Lokayukta shall have the powers of a civil court under sub-section (2) of section 16;
  - (e) the manner of making reference to the Chief Justice of the High Court under sub-section (3) of section 21;

- (f) the form for maintaining the accounts and other relevant records and the form of annual statement of accounts under section 24;
- (g) the form and manner and the time for preparing the returns and statements along with particulars under sub-section (1) of section 25; .
- (h) the form and the time for preparing an annual report giving a summary of its activities during the previous year under sub-section (2) of section 25;
- (i) any other matter which is to be or may be prescribed.

Laying of  
rules and  
regulations.

**34.** Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before State Legislative Assembly, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, in making any modification in the rule or regulation, or agree that the rule or regulation should not be made, the rule or regulation 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 rule or regulation.

Power to  
remove  
difficulties.

**35. (1)** If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislative Assembly.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

1. Sub-clause (5) of clause 4 of the Bill empowers the State Government for prescribing term and condition, fee and allowances of the Selection Committee;
2. Clause 7 of the Bill empowers the State Government for prescribing the salaries and allowances of the Chairperson and the Members of the Lokayukta;
3. Clause 33 of the Bill empowers the State Government to make rules for the purpose of carrying out into effect the provisions of the Bill.

The delegations are normal in character.

**THE FIRST SCHEDULE**  
**[See section 3(4)]**

I, A.B ....., having been appointed Chairperson (or a Member) of the Manipur Lokayukta, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, 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.

## STATEMENT OF OBJECTS AND REASONS

A need has been felt to constitute a mechanism for dealing with complaints on corruption against public functionaries in high places.

The Bill is based on the deliberations and having regard to the need for establishing a strong and effective institution of Manipur Lokayukta keeping in mind the Lokpal Bill to inquire into allegations of corruption against public functionaries.

The Bill seeks to achieve the above objects.

O. Ibobi Singh

Imphal;

*The* ....., 2011.

**FINANCIAL MEMORANDUM**

The Bill when enacted and brought into operation shall involve expenditure of rupees sixty-five lakhs approximately annually from the Consolidated Fund of the State.



**EXTRACT FROM THE PREVENTION OF CORRUPTION ACT, 1988**

\* \* \* \* \*  
\* \* \* \* \*

**2. Definitions.**

(c) “public servant” means,-

- (i) any person in the service or pay of the government or remunerated by the government by fees or commission for the performance of any public duty;
- (ii) any person in the service or pay of a local authority;

**3. Power to appoint Special Judges.** (1) The Central Government or the State Government may, by notification in the Official Gazette, appoint as many Special Judges as may be necessary for such area or areas or for such case or group of cases as may be specified in the notification to try the following offences, namely,-

- (a) any offence punishable under this Act; and
- (b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (a).

**19. Previous sanction necessary for prosecution.** (1) No court shall take cognizance of an offence punishable under sections 7, 10, 11, 13 and 15 alleged to have been committed by a public servant, except with the previous sanction,-

- (a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that government;
- (b) in the case of a person who is employed in connection with the affairs of a State Government, of that government;
- (c) in the case of any other person, of the authority competent to remove him from his office.

(2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),-

- (a) no finding, sentence or order passed by a special Judge shall be reversed or altered by a court in appeal, confirmation or revision on the ground of the absence of, or any error, omission or irregularity in, the sanction required under sub-section (1), unless in the opinion of that court, a failure of justice has in fact been occasioned thereby;
- (b) no court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of justice;

(c) no court shall stay the proceedings under this Act on any other ground and no court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial, appeal or other proceedings,

(4) In determining under sub-section (3) whether the absence of, or any error, omission or irregularity in, such sanction has occasioned or resulted in a failure of justice the court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings.

*Explanation:* For the purposes of this section, -

(a) error includes competency of the authority to grant sanction; -

(b) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.

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#### EXTRACT OF SECTION 197 OF THE CODE OF CRIMINAL PROCEDURE, 1973

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**197. Prosecution of Judges and public servants.**-(1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to Act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction-

(a) in case of a person who is employed or, as the case may be, was at the time of Commission of the alleged offence employed, in connection with the affairs of the Union, of the Central Government;

(b) in the case of a person who is employed or, as the case may be, was at the time of Commission of the alleged offence employed, in connection with the affairs of a State, of the State Government:

Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of Article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression "State Government" occurring therein, the expression "Central Government" were substituted.

(2) No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union while acting or purporting to Act in the discharge of his official duty, except with the previous sanction of the Central Government,

(3) The State Government may, by notification, direct that the provisions of sub-section (2) shall apply to such class or category of the members of the forces charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that sub-section will apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted.

3(A) Notwithstanding anything contained in sub-section (3), no Court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to Act in the discharge of his official duty during the period while a Proclamation issued under clause (1) of Article 356 of the Constitution was in force therein, except with the previous sanction of the Central Government.

3(B) Notwithstanding anything to the contrary contained in this Code or any other law, it is hereby declared that any sanction accorded by the State Government or any cognizance taken by a Court upon such sanction, during the period commencing on the 20th day of August, 1991 and ending with the date immediately preceding the date on which the Code of Criminal Procedure (Amendment) Act, 1991 (43 of 1991), receives the assent of the President, with respect to an offence alleged to have been committed during the period while a Proclamation issued under clause (1) of Article 356 of the Constitution was in force in the State, shall be invalid and it shall be competent for the Central Government in such matter to accord sanction and for the Court to take cognizance thereon.

(4) The Central Government or the State Government, as the case may be, may determine the person by whom, the manner in which, and the offence or offences for which, the prosecution of such Judge, Magistrate or public servant is to be conducted, and may specify the Court before which the trial is to be held.

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#### EXTRACT OF SECTION 21 OF THE INDIAN PENAL CODE, 1860

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**21. “Public servant”**— The words “public servant” denote a person falling under any of the descriptions hereinafter following, namely :-

First.- [Repealed by A.O. 1950]:

Second.- Every Commissioned Officer in the Military, Naval or Air Forces of India;

Third.-Every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons any adjudicatory functions;

Fourth.-Every officer of a Court of Justice (including a liquidator, receiver, or Commissioner) whose duty it is, as such officer to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

Fifth.-Every juryman, assessor, or member of a Panchayat assisting a Court of Justice or public servant;

Sixth. -Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh.-Every person who holds any office by virtue of which he is, empowered to place or keep any person in confinement;

Eight.-Every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth.-Every officer whose duty it is, as such officer, to take, receive or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the investigate, or to report, on any revenue - process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the infraction of any law for the protection of the pecuniary interests of the Government;

Tenth.-Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any document for the ascertaining of the rights of the people of any village, town or district;

Eleventh.-Every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise, an electoral roll or to conduct an election or part of an election;

Twelfth.-Every person-

(a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in Section 617 of the Companies Act, 1956 (I of 1956).