



GOVERNMENT OF SIKKIM
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK

No. 03 /L& PAD/2023

Dated: 02.03.2023.

NOTIFICATION

THE SIKKIM LOKAYUKTA (AMENDMENT) BILL, 2023

(Bill No. 03.....OF 2023)

A

BILL

further to amend the Sikkim Lokayukta Act, 2014.

BE it enacted by the Legislature of Sikkim in the Seventy-fourth Year of the Republic of India, as follows:-

Short title, extent and commencement	1.	(1)	This Act may be called the Sikkim Lokayukta (Amendment) Act, 2023.
		(2)	It shall extend to the whole of Sikkim
		(3)	It shall come into force at once
Amendment of Section 5	2.		In the Sikkim Lokayukta Act, 2014 (hereinafter referred to as the "principal Act"), in section 5, after sub-section (1), the following sub-section shall be inserted, namely:- “(2) The Chairperson and every member shall before entering their office, make and subscribe before the Governor an oath or affirmation in the form set out for this purpose in the Schedule.”
Amendment of Section 9	3.		In the principal Act, in section 9, for the existing sub-sections (1) and (2), the following sub-sections shall be substituted, namely:- “(1) There shall be a Secretary to the Lokayukta in the rank of Secretary to the Government of Sikkim who shall be appointed by the chairperson from the panel of names sent by the State Government. (2) There shall be an Inspector of Inquiry and a Public Prosecutor, who shall be appointed by the Lokayukta from the panel of names sent by the State Government.”
Insertion of new Section 32 A and 32 B	4		In the principal Act, after section 32, the following new sections shall be inserted, namely:- “32 (A).The State Government may, after due appropriation made by Assembly by law in this behalf, make to the Lokayukta grants of such sums of money as are required to be paid for the salaries and allowances payable to the Chairperson and Members and the administrative expenses, including the salaries and allowances and pension payable to or in respect of officers and other employees of the Lokayukta.



		<p>32 (B) (1) The 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 Accountant General of the State.</p> <p>(2) The accounts of the Lokayukta shall be audited by the Accountant General of the State at such intervals as may be specified by him.</p> <p>(3) the Accountant General or any person appointed by him in connection with the audit of the accounts of Lokayukta under this Act shall have the same rights, privileges and authority in connection with such audit, as the Accountant General of the State 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 Lokayukta.</p> <p>(4) The accounts of the Lokayukta, as certified by the Accountant General of the State 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 Legislature."</p>
<p>Insertion of Schedule-I and Schedule-II</p>	<p>5.</p>	<p>In the said Act, after section 46 the following Schedules shall be inserted, namely:-</p> <p style="text-align: center;">" SCHEDULE - I</p> <p>(See sub-section (2) of Section 5)</p> <p>Form of oath or affirmation to be made by a Chairperson of Lokayukta, Sikkim:</p> <p>" I,HAVING BEEN APPOINTED CHAIRPERSON OF THE LOKAYUKTA, SIKKIM, AT GANGTOK, DO SWEAR IN THE NAME OF GOD THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE CONSTITUTION OF INDIA AS BY LAW ESTABLISHED, THAT I WILL UPHOLD THE SOVEREIGNTY AND INTERGRITY OF INDIA, THAT I WILL DULY AND FAITHFULLY AND TO THE BEST OF MY ABILITY, KNOWLEDGE AND JUDGEMENT PERFORM THE DUTIES OF MY OFFICE WITHOUT FEAR OR FAVOUR, AFFECTION OR ILL WILL AND THAT I WILL UPHOLD THE CONSTITUTION AND THE LAWS."</p> <p>GOVERNOR OF SIKKIM CHAIRPERSON, LOKAYUKTA</p> <p>Date:</p> <p>Place:</p>



SCHEDULE - II

(See sub-section (2) of Section 5)

Form of oath or affirmation to be made by a Member of Lokayukta, Sikkim:

" I,HAVING BEEN APPOINTED MEMBER OF THE LOKAYUKTA, SIKKIM, AT GANGTOK, DO SWEAR IN THE NAME OF GOD THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE CONSTITUTION OF INDIA AS BY LAW ESTABLISHED, THAT I WILL UPHOLD THE SOVEREIGNTY AND INTERGRITY OF INDIA, THAT I WILL DULY AND FAITHFULLY AND TO THE BEST OF MY ABILITY, KNOWLEDGE AND JUDGEMENT PERFORM THE DUTIES OF MY OFFICE WITHOUT FEAR OR FAVOUR, AFFECTION OR ILL WILL AND THAT I WILL UPHOLD THE CONSTITUTION AND THE LAWS."

GOVERNOR OF SIKKIM

MEMBER, LOKAYUKTA

Date:

Place:

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STATE OF OBJECTS AND REASONS

The State Government has deemed it expedient to amend section 5 and section 9 of the Sikkim Lokayukta Act, 2014 and to insert new sections 32 (A) and 32 (B) and the Schedules with a view to maintain uniformity with the provisions of Lokpal and Lokayukta Act, 2014 and the Lokayukta Acts of the other States.

With the above object in view the Bill has been framed.

Date:

Place:


K.N. LEPCHA,
MINISTER IN CHARGE,
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT.

Kunpa Lama Lepcha
Minister
Education Dept. Law Dept.
LRD & Disaster Mgmt. and Sports & Youth
Government of Sikkim

FINANCIAL MEMORANDUM

- NIL -

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (1) and (2) of section 9 of the Sikkim Lokayukta Act, 2014 empowers the Chairperson to appoint the Secretary, Lokayukta, Inspector of Inquiry and Public Prosecutor from among a panel of names sent by the State Government.

The delegation of power is therefore of normal in character.

