

HIGH COURT OF UTTARAKHAND, NAINITAL

NOTIFICATION

No. 325 /UHC/Vigilance/2019 Dated: 21st December, 2019

THE UTTARAKHAND HIGH COURT VIGILANCE RULES, 2019

(Approved by the State Government vide letter no. 355/XXXVI(1)/2019-345/2019 dated 20.12.2019)

In order to provide more effective machinery for the prevention of corruption, to strengthen the Vigilance in Judiciary and to take appropriate action against the corrupt officers and officials in the establishment of High Court of Uttarakhand and in the State Judiciary, High Court of Uttarakhand, in exercise of the powers conferred under Article 235 of the Constitution of India, frame the following Rules:-

1. These Rules shall be called "The Uttarakhand High Court Vigilance Rules, 2019.
2. These Rules shall come into force with immediate effect.
3. **Definitions:**
 - (a) 'High Court' shall mean High Court of Uttarakhand, At – Nainital.
 - (b) 'Chief Justice' shall mean Chief Justice of High Court of Uttarakhand.
 - (c) 'Administrative Judge' shall mean Judge-Incharge of a District, as nominated by Hon'ble the Chief Justice.
 - (d) 'Subordinate Court' shall mean subordinate courts in the State of Uttarakhand including Family Courts and all other Courts under the supervision of High Court of Uttarakhand.
 - (e) 'Judicial Officer' shall mean all the judicial officers in the State of Uttarakhand subordinate to High Court of Uttarakhand, including all those judicial officers, who are posted on deputation for the time being.
 - (f) 'Officials' shall mean all the staff in the establishment of High Court of Uttarakhand from the cadre of class-IV till Joint Registrar and of all the subordinate courts.
 - (g) 'Vigilance Cell' shall mean vigilance cell in the High Court of Uttarakhand established under Rule 4.

4. (a) There shall be a Vigilance Cell in the High Court of Uttarakhand, which shall act as a separate Department of the High Court. Vigilance Cell shall work under the direct control and supervision of Hon'ble the Chief Justice.
(b) The officers and staff of the Vigilance cell shall discharge such functions and duties as may be assigned to them from time to time by the Hon'ble Chief Justice.
(c) Vigilance Cell shall maintain absolute confidentiality and shall not divulge any information in their possession, except on the specific directions of Hon'ble the Chief Justice.
5. Registrar (Vigilance) shall be overall in-charge of the Vigilance Cell, and shall work under the direct control and supervision of Hon'ble the Chief Justice.
6. (a) The Vigilance Cell shall comprise of two Sections as mentioned below.

Administrative Section: It shall comprise of the following:-

- (1) One Assistant Registrar
- (2) One Section Officer
- (3) One Assistant Review Officer
- (4) Stenographer (English)
- (5) Stenographer (Hindi)
- (6) One Peon

Investigation Section: It shall comprise of the following:-

- (1) One Vigilance Officer (of SSP/SP level, on deputation from police department, having minimum 8 years of service, preferably with experience in Vigilance/anti-corruption work/CID.
- (2) One Vigilance Officer (of Dy. SP level, on deputation from police department, having minimum 8 years of service, preferably with experience in Vigilance/anti-corruption work/CID.
- (3) Three Inspectors of Police having minimum 15 years of service, preferably with experience in Vigilance/anti-corruption work/CID.
- (4) Three Head Constables having minimum 10 years of service.
- (5) Six Constables with minimum 5 years of service.

(b) Deputation of Police Officers to the Vigilance Cell shall be decided by the Hon'ble Chief Justice from a panel of five names forwarded by the State Government.

(c) The Police Officers on deputation to the Vigilance Cell will have a tenure of 02 years, extendable by 01 more year. Any extension of their deputation will be at the discretion of the Hon'ble Chief Justice. However, if the conduct/performance of any Police Officer

is found unsatisfactory, the High Court may revert him to his parent department, at any time.

7. Jurisdiction of Vigilance Cell: Vigilance Cell of the High Court shall have jurisdiction to deal with complaints received against judicial officers subordinate to the High Court, staff of the High Court and subordinate courts. Vigilance Cell may inquire into any matter brought to its notice through a complaint or otherwise or which may have come in its notice, in which, allegations of corruption, impropriety, misconduct, indiscipline or any conduct which shows lack of integrity, are made. Apart from that, it may inquire any other matter, on the specific directions of Hon'ble the Chief Justice.

8. Work profile of Vigilance Cell: Vigilance Cell shall perform the following works:

- (i) Process complaints.
- (ii) Make enquiries (discreet or preliminary) and investigations into cases of corruption, bribery, misconduct or any conduct which shows lack of integrity.
- (iii) Maintaining Annual Confidential Remarks of Judicial Officers.
- (iv) To issue vigilance clearance in the matter of Retirement/Promotion/Awarding of Selection Grade/Super-Time Scale/Passport/applying for deputation etc.
- (v) Scrutiny of statements furnished by judicial officers every year regarding movable & immovable property.
- (vi) Maintaining record of final disciplinary enquiries, and place the status before Hon'ble Chief Justice from time to time.
- (vii) Monitoring of any prosecution launched in the course of any vigilance enquiry before a Court of Law.
- (viii) Any other work assigned by Hon'ble the Chief Justice.

9. Procedure to be adopted by the Vigilance Cell:

(i) Vigilance Cell, on receiving information/complaint through any mode, shall reduce the same into writing, if not made in writing and shall register it in the manner as prescribed hereinafter.

(a) Three Complaint Registers (one for judicial officers, second for staff of High Court and third for staff of subordinate courts) shall be maintained by the Vigilance Cell, in which, on the first page, a certificate shall be given that this register contains so many pages. Each page of the register shall be numbered. The Certificate shall be signed by the Registrar (Vigilance).

(b) Every information/complaint shall be given a number in the form s.no.- I/II/III(Register)/UHC/Vigilance/ year.

(c) Existing data shall be maintained with the same number given to it.

(d) A computerized Database shall be prepared, which shall contain the following information with respect to all the judicial officers:

- (i) Name of the Judicial officer
- (ii) Date of Birth and Home Town
- (iii) Place of postings, where the officer remained posted along with current posting and duration of postings.
- (iv) Annual Confidential Remarks along with the integrity report.
- (v) Complaints received against the officer, in which, the number of the complaint, name of complainant, action taken on the complaint and date of filing of complaint shall be mentioned.
- (vi) All existing data shall be entered in the Database.

(e) Two Guard Files (A & B) shall be maintained in the Vigilance Cell. In first guard file (A), particulars of all the Registers and all the orders relating to vigilance cell shall be pasted. In second guard file (B), other orders, copies of which, are received in vigilance cell, shall be pasted.

(f) One folder/file shall be maintained for each judicial officer and all complaints/information received against a judicial officer shall be placed in a single file. Index in each file shall be properly maintained.

(g) In case, final disciplinary inquiry is conducted in any matter, copy of complete record upto the stage of orders for final disciplinary inquiry, shall be prepared, which will be kept in the vigilance cell, and the original file shall be handover to the Inquiry Officer.

(ii) After registration, the complaints received against the judicial officers and the staff of the High Court shall be placed before Hon'ble the Chief Justice and complaints received against staff of subordinate courts shall first be placed before the Administrative Judge of the district concerned, and thereafter before Hon'ble the Chief Justice along with their opinion/recommendation, for orders.

(iii) Further action on the complaint shall be taken on the directions of Hon'ble the Chief Justice.

(iv) If it appears that a trap be laid in a matter of corruption, Registrar (Vigilance) shall, with the previous approval of the Chief Justice, direct the Superintendent of Police and, thereafter, Superintendent of Police shall do the needful as per prescribed procedure.

(v) Copy of every complaint routed through the District Judge, or comments sought from the district, shall be kept in the concerned district and an endorsement of this fact shall be mentioned in the correspondence made with the High Court that the said complaint/comments has been entered at s.no/register no. along with a copy of the same.

(vi) Complaints making allegations against members of the subordinate judiciary, if not accompanied by a duly sworn affidavit and/or verifiable material, shall be lodged. Nothing mentioned hereinbefore shall preclude action being taken on any complaint even if it is an anonymous/pseudonymous one, if on a discreet inquiry or verification of contents, undertaken with the approval of Hon'ble the Chief Justice, it is considered necessary that action be taken.

(vii) Complaints making allegations purely in connection with a judicial order passed by a court, shall be filed/lodged without taking any steps thereon.

(viii) All outcomes pertaining to enquiries, on the complaints received or investigations (including laying of traps) shall be forwarded by the Superintendent of Police to the Registrar (Vigilance).

(ix) No trap shall be laid except under the specific directions from Hon'ble the Chief Justice.

(x) The Superintendent of Police will be responsible for assigning duties to the officers under him, with respect to the functions pertaining to the Vigilance Cell.

(xi) The Registrar (Vigilance) will scrutinize the Performance Appraisal Reports of the Police Officers in the Vigilance Cell and sign them.

(xii) Complaints received against Advocates shall be forwarded to the concerned State Bar Council for further action.

(xiii) Other complaints, which are outside the purview of the Vigilance Cell will either be returned to the sender or to the other Authorities concerned. If it is not possible to return them for want of sufficient details, they shall be closed.

(xiv) Complaints containing allegations, other than of corruption, will be forwarded to the Registry for further action.

(xv) All matters of the Vigilance Cell shall be placed before Hon'ble the Chief Justice through the Registrar (Vigilance), except when the matter pertains to the Registrar (Vigilance) himself.

10. Assistance by other authorities: All the authorities in the State whether administrative/police/revenue shall cooperate and provide required assistance in vigilance matters on a request made by the Registrar (Vigilance).

11. In making a discreet enquiry, Registrar (Vigilance) or any other officer deputed by him, shall proceed to the place and make such enquiry as he deems fit, without recording any statement in writing, and prepare his confidential report.

12. If the discreet enquiry is made by any officer, other than Registrar (Vigilance), he shall submit his report to the Registrar (Vigilance), who shall study the same, prepare his report and submit it to Hon'ble the Chief Justice.

13. In conducting a preliminary enquiry, the Registrar (Vigilance) or any other officer deputed by him, shall proceed to the place and record the statements of such persons, who can throw light on the allegations made in the complaint, and shall submit his report to the Chief Justice.

14. Residuary powers of Hon'ble the Chief Justice: Nothing contained hereinbefore shall preclude Hon'ble the Chief Justice for making any order or issue any directions for the administration of justice, and to give effect to the provisions of these Rules or for effective implementation of these Rules or for such matters, for which, no specific provision has been made.

By order of the Court,

Sd/-
(Hira Singh Bonal)
Registrar General

No. 8219 /UHC/Vigilance/2019

Dated: 21st December, 2019

Copy forwarded for information and necessary action to: -

1. Secretary (Law)-cum-L.R., Government of Uttarakhand, Dehradun.
2. Secretary, Legislative, Parliamentary Affairs & Language Department, Govt. of Uttarakhand, Dehradun.
3. Principal Secretary, Personnel, Government of Uttarakhand, Dehradun.
4. Director, Government Press, Uttarakhand, Industrial Area, Ramnagar, Roorkee-247667, District Hardwar for Publication of the Notification in the next issue of the Gazette of Uttarakhand and also to furnish copy of Gazette to this Court.
5. All the District & Sessions Judges, Uttarakhand with a request to circulate the Rules in your Judgeship.
6. Principal Judge/ Judges, Family Courts.
7. All the Tribunals of the State.
8. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
9. Member-Secretary, State Legal Services Authority, Nainital.
10. All the Registrars of High Court of Uttarakhand.
11. Joint Registrars/Deputy Registrars of the Court.
12. P.P.S. to Hon'ble the Chief Justice.
13. Assistant Registrars/Librarian/Section Officers of the Court.
14. P.S./P.A. to Hon'ble Judges of this Hon'ble Court with the request to place the Notification for kind perusal of Hon'ble Judges.
15. P.A. to Registrar General.
16. I/c N.I.C., High Court of Uttarakhand, Nainital for uploading the notification on the website of the High Court.
17. Guard File/Assistant concerned.

Registrar Vigilance