

# HIGH COURT OF UTTARAKHAND, NAINITAL

## NOTIFICATION


No. 250 /UHC/Admin.A/2023

Dated: Nainital: June 06, 2023


In exercise of the powers conferred by Article 235 of the Constitution of India, High Court of Uttarakhand, with the approval of the Government of Uttarakhand hereby makes the following amendments in "The Uttarakhand High Court Vigilance Rules, 2019" :-

Existing Rule	Amended/Substituted Rule
-----	In Rule 3, after clause (g), clause (h) would be inserted as under: <i>(h) 'Vigilance Complaint' or 'Vigilance Matter' shall mean a complaint or matter, which has a bearing on the conduct of the judicial officer/official to whom the complaint/matter relates, which would amount to misconduct under the service rules applicable to the concerned judicial officer or official.</i>
Rule 4(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.	Rule 4(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, <i>and not otherwise.</i>
Rule 6. The Vigilance Cell shall comprise of two Sections as mentioned below: <b>Administrative Section:</b> 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  <b>Investigation Section:</b> It shall comprise of such Officers and Staff of the establishment of the High Court, which, Hon'ble the Chief Justice deems fit and appropriate.	Rule 6. The Vigilance Cell shall comprise of two Sections as mentioned below: <b>Administrative Section:</b> 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  <b>Investigation Section:</b> <i>a. It shall comprise of the following:-</i> 1. <i>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.</i> 2. <i>Two Inspectors of Police having minimum 15 years of service, preferably with experience in Vigilance/anti-corruption work/CID. One may have considerable service in Garhwal Region and another in Kumaon Region.</i> 3. <i>One Head Constable having minimum 10 years of service.</i> 4. <i>Three Constables with minimum 5 years of service.</i>  <i>b. Deputation of Police Officers to the Vigilance Cell shall be decided by the Hon'ble Chief Justice from a panel of three names forwarded by the State Government.</i>



	<p>c. <i>The Police Officers on deputation to the Vigilance Cell will have 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.</i></p>
<p><b>Rule 7. Jurisdiction of Vigilance Cell:</b> 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.</p>	<p><b>Rule 7. Jurisdiction of Vigilance Cell:</b> 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, <i>only with the express approval of Hon'ble the Chief Justice.</i> Apart from that, it may inquire any other matter, on the specific directions of Hon'ble the Chief Justice.</p>
<p><b>Rule 8. Work profile of Vigilance Cell:</b> Vigilance Cell shall perform the following works:</p> <ul style="list-style-type: none"> <li>(i) Process complaints.</li> <li>(ii) Make enquiries (discreet or preliminary) and investigations into cases of corruption, bribery, misconduct or any conduct which shows lack of integrity.</li> <li>(iii) Maintaining Annual Confidential Remarks of Judicial Officers.</li> <li>(iv) To issue vigilance clearance in the matter of Retirement/Promotion/Awarding of Selection Grade/Super-Time Scale/ Passport/applying for deputation etc.</li> <li>(v) Scrutiny of statements furnished by judicial officers every year regarding movable &amp; immovable property.</li> <li>(vi) Maintaining record of final disciplinary enquiries, and place the status before Hon'ble Chief Justice from time to time.</li> <li>(vii) Monitoring of any prosecution launched in the course of any vigilance enquiry before a Court of Law.</li> </ul>	<p><b>Rule 8. Work profile of Vigilance Cell:</b> Vigilance Cell shall perform the following <i>functions</i>:</p> <ul style="list-style-type: none"> <li>(i) Process complaints.</li> <li>(ii) Make enquiries (discreet or preliminary) and investigations into cases of corruption, bribery, misconduct or any conduct which shows lack of integrity, <i>with the express approval of Hon'ble the Chief Justice.</i></li> <li>(iii) <i>Maintain</i> Annual Confidential Remarks of Judicial Officers.</li> <li>(iv) <i>Issue the</i> vigilance clearance in the matter of Retirement/Promotion/Awarding of Selection Grade/ Super-Time Scale/ Passport/applying for deputation etc.</li> <li>(v) <i>Scrutinize</i> statements furnished by judicial officers every year regarding movable &amp; immovable property.</li> <li>(vi) <i>Maintain</i> record of final disciplinary enquiries, and place the status before Hon'ble Chief Justice from time to time.</li> <li>(vii) <i>Monitor</i> any prosecution launched in the course of any vigilance enquiry before a Court of Law.</li> </ul> 



(viii) Any other work assigned by Hon'ble the Chief Justice.	(viii) Any other work assigned by Hon'ble the Chief Justice.
9(ii). After registration, the complaint received against the Judicial Officers or Staff of the Subordinate Court shall be first placed before the concerned Administrative Judge. The Administrative Judge, if necessary, shall refer the complaint to a Committee of Hon'ble Judges, to be constituted by Hon'ble the Chief Justice.	Rule 9(ii) shall be substituted as under:  <i>9(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. Hon'ble the Chief Justice may seek views of the Hon'ble Administrative Judge concerned, where the judicial officer concerned was posted.</i>
9(iii). If the Committee, after considering the complaint, opines that allegations are made, which need to be enquired into, or for which a departmental inquiry needs to be initiated against the delinquent officer/staff, it shall submit its recommendations before Hon'ble the Chief Justice. The action to be taken on the complaint shall be the sole discretion of Hon'ble the Chief Justice.	<b>-Deleted-</b>
9(iv). In every case, where a complaint has been placed before the Administrative Judge under sub-rule (ii) or before the Committee under sub-rule (iii) above, the outcome shall be placed before Hon'ble the Chief Justice.	<b>-Deleted-</b>
Rule 9(v).	<i>Rule 9(v) would be re-numbered as 9(iii)</i>
9(vi). Complaint, if accompanied by a duly sworn affidavit or verifiable material shall only be registered. However, nothing in this sub-rule will prevent registration of a complaint on a discreet enquiry conducted on the order of Hon'ble the Chief Justice.	Rule 9(vi) would be re-numbered as 9(iv) and substituted as under:  <i>9(iv). Complaint, after registration shall be processed by the Vigilance Cell. If the complaint is not accompanied by a duly sworn affidavit or verifiable material, and the complainant does not furnish affidavit in support of complaint, despite grant of opportunity to do so by a written notice, giving at least two weeks time for the said purpose, the same shall be filed. However, nothing in this sub-rule will prevent processing of a complaint on a discreet enquiry conducted on the order of Hon'ble the Chief Justice.</i>
Rule 9(vii).	<i>Rule 9(vii) would be re-numbered as 9(v)</i>
9(viii). Complaints received against advocates shall be forwarded to the concerned Bar Council for further action.	Rule 9(viii) would be re-numbered as 9(vi) and substituted as under:  <i>9(vi) Complaints received against advocates may be forwarded to the concerned Bar Council for further action, or filed.</i>
Rule 9(ix).	<i>Rule 9(ix) would be re-numbered as 9(vii)</i>
9(x). Complaints containing allegations, other than of corruption, will be forwarded to the Registry for further action.	<b>-Deleted-</b>  



These amendments will come into force with immediate effect.

By order of the Court,

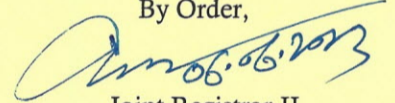
Sd/-  
(Anuj Kumar Sangal)  
Registrar General

No. 2794 /UHC/Admin. A /2023 Dated: June 06, 2023.

Copy forwarded for information and necessary action to:

1. P.P.S. to Hon'ble the Chief Justice with the request to place the Notification before His Lordship for kind perusal.
2. P.S. / P.A. to Hon'ble Judges of this Court with the request to place the Notification before His Lordship for kind perusal.
3. Secretary, Legislative, Parliamentary Affairs & Language Department, Govt. of Uttarakhand, Dehradun.
4. Secretary (Law)-cum-L.R., Government of Uttarakhand, Dehradun.
5. Secretary, Personnel, Government of Uttarakhand, Dehradun.
6. All the District & Sessions Judges, District Judiciary with a request to circulate the Rules in their Judgeship.
7. Principal Judge/ Judges, Family Courts of the State.
8. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
9. Member Secretary, State Legal Services Authority, Nainital.
10. All the Tribunals of the State.
11. All the Registrars of the Court.
12. Officer on Special Duty (O.S.D.) of the Court.
13. Secretary, HCLSC, Nainital.
14. Director, Printing & Stationery, Government Press, Roorkee, District Hardwar, for publication of the Notification in the next Gazette of the Uttarakhand.
15. P.S. to Registrar General.
16. All the Joint Registrar/ Deputy Registrars of the Court.
17. Joint P.P.S. / Head P.S. / Head B.S. of the Court.
18. Librarian of the Court with the direction that the above amendment be incorporated in all the relevant books immediately.
19. All the Assistant Registrars/ Section Officers of the Court.
20. Management Officer/ Protocol Officer/ Public Relations Officer of the Court.
21. Deputy Registrar (I.T.) of the Court with the direction to upload it on the Official website of High Court.
22. Guard file.

By Order,



Joint Registrar-II