

**HIGH COURT OF UTTARAKHAND, NAINITAL**

**NOTIFICATION**

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

**THE UTTARAKHAND HIGH COURT VIGILANCE RULES, 2019**

**(amended)**

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

(Amended vide NOTIFICATION No. 391 /UHC/Admin. A /2021 Dated: December 28, 2021.)

(Amended vide NOTIFICATION No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023)

In exercise of the powers conferred under Article 235 of the Constitution, High Court of Uttarakhand makes following Rules to promote transparency and accountability in working of the Judicial Officers and the Staff:-

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.
  - [(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.]<sup>1</sup>*

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<sup>1</sup> Inserted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

4. (a) There shall be a Vigilance Cell in the High Court of Uttarakhand, which shall act as a separate Branch 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, [***and not otherwise***]<sup>2</sup>.
- (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. [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:**

a. *It shall comprise of the followings:-*

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. *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.*
3. *One Head Constable having minimum 10 years of service.*
4. *Three 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 three names forwarded by the State Government.*

c. *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.]<sup>3</sup>*

7. **Jurisdiction of Vigilance Cell:** Vigilance Cell of the High Court shall have jurisdiction to deal with complaints received against judicial officers subordinate

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<sup>2</sup> Inserted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>3</sup> Amended vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

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, [*only with the express approval of Hon'ble the Chief Justice*]<sup>4</sup>. 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 functions:

- (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, [*with the express approval of Hon'ble the Chief Justice.*]<sup>5</sup>
- (iii) [*Maintain*]<sup>6</sup> Annual Confidential Remarks of Judicial Officers.
- (iv) [*Issue the*]<sup>7</sup> vigilance clearance in the matter of Retirement/Promotion/ Awarding of Selection Grade/ Super- Time Scale/ Passport/ applying for deputation etc.
- (v) [*Scrutinize*]<sup>8</sup> statements furnished by judicial officers every year regarding movable & immovable property.
- (vi) [*Maintain*]<sup>9</sup> record of final disciplinary enquiries, and place the status before Hon'ble Chief Justice from time to time.
- (vii) [*Monitor*]<sup>10</sup> 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.

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<sup>4</sup> Inserted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>5</sup> Inserted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>6</sup> Substituted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>7</sup> Substituted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>8</sup> Substituted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>9</sup> Substituted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>10</sup> Substituted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

- (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. Hon'ble the Chief Justice may seek views of the Hon'ble Administrative Judge concerned, where the judicial officer concerned was posted.]***<sup>11</sup>

\*9(iii) - Deleted -

\*9(iv) - Deleted -

***[(iii) The complaint against officers and staff of the High Court shall be placed before Hon'ble the Chief Justice by the Registrar (Vigilance)]***<sup>12</sup>.

***[(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***

<sup>11</sup> Substituted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

\* Deleted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>12</sup> Renumbered as 9(iii) vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

*complaint on a discreet enquiry conducted on the order of Hon'ble the Chief Justice.]*<sup>13</sup>

[(v)]<sup>14</sup> Complaints making allegations purely in connection with a judicial order passed by a court, may be filed/lodged.

[(vi)]<sup>15</sup> Complaints received against advocates may be forwarded to the concerned Bar Council for further action, or filed.

[(vii)]<sup>16</sup> 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.

[(viii)]<sup>17</sup> 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/-  
Registrar General

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<sup>13</sup> Renumbered as 9(iv) and substituted vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>14</sup> Renumbered as 9(v) vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>15</sup> Renumbered as 9(vi) vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>16</sup> Renumbered as 9(vii) vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023

<sup>17</sup> Renumbered as 9(viii) vide notification No. 250 /UHC/Admin.A/2023 Dated: Nainital: June 06, 2023