

To
The Hon'ble Chief Minister
Nagaland
Kohima

Sub: ACAUT Nagaland Memorandum to the Chief Minister on I) Enactment of Lokayukta for the state of Nagaland and II) Setting up of CBI Branch in the state.
Sir,

On the subject cited above, we wish to bring to your kind attention that the ACAUT movement, representative of the mood of the Naga people holds that the issue of corruption in governance needs to be tackled with outmost commitment as the fruits of development are yet to make tangible effects at the grassroots level even after 50 years of statehood. Our state is still grappling with basic infrastructural under-development such as bad roads, poor road connectivity, deficient water supply, non-electrification, poor quality of hospitals and almost non-existent quality health care, etc., when other states have long forged ahead in tourism, services, banking, industries, manufacturing, agriculture and allied sectors. Even North-Eastern states such as Mizoram, Meghalaya and Manipur which attained statehoods long after ours have left us behind by at least 15 to 20 years and it is a matter of grave concern as to the legacy we are leaving behind for the younger generation.

Corruption is a social disease for which every section of our society has to shoulder blame in one way or the other. Therefore, to tackle this menace calls for *collective effort* from every responsible citizens, including those in governance, by formulating appropriate laws to arrest this trend, including criminal diversion of funds for vested benefits. *An institutionalised anti-corruption ombudsman such as the Lokayukta* should be able to address the issue of corruption which is alienating and radicalising vast sections of people, being perpetrated by an elite few at the cost of the vast majority. The disproportionate distribution of income and wealth is not only alien to our Naga ethos of equality but is also a gross violation of human rights. Again in Nagaland context, disproportionate distribution of income and wealth is not by reason of ineffective mechanism in resource distribution but by reason of illegal hoarding of public resources or diversion of developmental funds by a privileged few. Therefore, the government of the day has a moral obligation to set up Nagaland Lokayukta to address this burning issue and stop the rot in the system and reassure the younger generation that indeed the government is sincerely committed to the welfare of the society.

Accountability and transparency being the twin pillars of any progressive society, it's time these two ethos of conduct are assimilated into our work culture. *ACAUT would like to further apprise the government that anti-corruption has nothing to do with Article 371 (A) which we Nagas have frequently misinterpreted to our disadvantage.* ACAUT members believe that the Government will listen to the voice of the people in our fight against corruption and therefore, the ACAUT Nagaland demands:

Passage of Nagaland Lokayukta Bill during the forthcoming winter session of the Nagaland Legislative Assembly
The ACAUT Nagaland puts forth some of the suggestions to be mandatorily included in Nagaland Lokayukta Act;

Corruption includes anything made punishable under Chapter IX of the Indian Penal Code (Central Act 45 of 1860), or Prevention of Corruption Act, 1988.

• **Coverage of Nagaland Lokayukta:**

1. Former Chief Ministers, Ministers, MLAs and all Government servants.
2. Serving Chief Minister, Ministers, MLAs, members of Municipal Councils and Town Committees, Village Council Chairman and VDB Secretary.
3. Any officer of any Body, Board, Corporation, or autonomous body established under state legislature or wholly or partly financed by the central or state government.
4. Trusts or bodies receiving government grants.
5. Government registered Contractors engaged by the government, Supply and Outsource agencies engaged by the government.
6. Any society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860).
7. Every Vice-Chancellor and every Registrar of a University in the State, established by law made by the state Legislature.
8. All investigating agencies including Vigilance Commission.
 - *Religious organisations and charities to be excluded from the purview.*

• **Composition of Selection Committee to nominate members to state Lokayukta**

1. The Chief Minister.
2. Leader of the Opposition. If there is no Leader of Opposition in the Assembly, the leader of single Largest Party.
3. Chief justice of the High Court or any judge nominated by the Chief Justice of High Court.

• **Composition of Nagaland Lokayukta:** The Lokayukta should comprise of 7 members- 3 judicial members and 4 non-judicial members. Its members should not be less than 40 years of age and should not hold any office of profit or trust or practicing any profession.

1. Retired Judge of Supreme Court or High Court or any judicial person with at least 25 years of judicial experience.
2. (two) Judicial members having held judicial office with at least 20 years of legal experience.
3. An eminent woman of social standing without any political affiliation presently or before. She should not be a retired Government Servant with at least 15 years of public service relating to anti-corruption policy, public administration and management
4. (three) members of social standing without any political affiliation presently or before and should not be retired Government Servants with atleast 15 years of public service relating to anti-corruption policy, public administration and management.
 - *Any member having ceased to be a member of state Lokayukta cannot stand for election for MLA or MP seat for the next 5 years from the date of his/her stepping down as a member.*

• **Powers of Lokayukta**

1. It will have powers to initiate suo motu action or receive complaints of corruption from the general public.
2. It will have the power to initiate prosecution of anyone found guilty (see clause A).
3. It will have police powers as well as the ability to register FIRs.
4. It can issue contempt orders, and has the ability to punish those in contempt.
5. It can set up Special courts for speedy trial of cases.
6. The state government should as per recommendation of Lokayukta should transfer and suspend any public servant found guilty.
7. The Lokayukta will have the powers of superintendence and direction over any agency or investigating agency, including the State vigilance and police.
8. It Should have the power to hand over the case to CBI.
9. It has the Power for search and seizure including property attachment.
10. Its Inquiry wing will have powers of civil courts.
11. Punishments will be a minimum of 1 year and a maximum of up to life imprisonment.
12. Whistle blowers who alert the Lokayukta to potential corruption cases will also be provided with protection.

• That a member of ACAUT Nagaland should be included in the Lokayukta drafting committee to be set up by the government.

- Setting up of CBI Branch office in the state: The other demand is that there should be a CBI branch office in the state to give teeth to State Lokayukta.

Thanking you,

(Joel Nillo Kath)
Co-Chairman
ACAUT Nagaland

(Dr. Khekugha Muru)
Co-Chairman
ACAUT Nagaland

Copy to:

1. The Home Minister
2. The Chief Secretary