

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)****NOTIFICATION**

New Delhi, the 17th January, 2014

G.S.R. 31(E).— In exercise of the powers conferred by sub-section (1) read with clause (b) of sub-section (2) of section 59 of the Lokpal and Lokayuktas Act, 2013 (1 of 2014), the Central Government hereby makes the following rules to provide for the terms and conditions relating to constitution of the Search Committee and the manner of drawing panel of names for consideration of the Selection Committee for appointment of Chairperson and Members of the Lokpal, namely:-

1. **Short title and commencement.** — (1) These rules may be called the Search Committee (Constitution, Terms and Conditions of appointment of members and the manner of selection of Panel of Names for appointment of Chairperson and Members of Lokpal) Rules, 2014.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.** - In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Lokpal and Lokayuktas Act, 2013 (1 of 2014);
 - (b) "member" means a member of the Search Committee;
 - (c) "Search Committee" means the Search Committee referred to in sub-section (3) of section 4 of the Act;
 - (d) "Selection Committee" means the Selection Committee specified in sub-section (1) of section 4 of the Act.
3. **Constitution of Search Committee.** — (1) The Selection Committee shall constitute the Search Committee consisting of eight persons from the fields and the categories of persons specified in sub-section (3) of section 4 of the Act.
(2) The Selection Committee shall nominate one of the members as the chairperson of the Search Committee.
(3) The Secretary to the Government of India in the Department of Personnel and Training shall function as the convenor of the Search Committee.
4. **Term of the Search Committee.** — A member of the Search Committee, including its chairperson, shall hold office for a period of two years from the date of his appointment and shall be eligible for re-appointment:

Provided that the Selection Committee may, where it is of the view that the continuance of a member of the Search Committee is not expedient in the public interest, it may, after giving him an opportunity of being heard, remove such member before the expiry of his term.

5. **Resignation of members.** — A member may resign his office by a letter addressed to the chairperson of the Selection Committee.
6. **Absence of members out of India.** — If a member intends to be absent from India for a continuous period exceeding six months, he shall tender his resignation.
7. **Meetings of Search Committee.**— (1) The Search Committee shall hold its meetings at New Delhi or at such place as may be decided by the chairperson of the Search Committee.
(2) The notice for meeting shall be issued in such manner so as to reach the chairperson and members at least three days in advance.
8. **Procedure at meetings.** — (1) The chairperson of the Search Committee shall preside over the meetings of the Search Committee:
Provided that if the chairperson is not present, the members of the Search Committee may elect a person from amongst the members present to preside over the meeting.
(2) In case of a difference of opinion amongst the members of the Search Committee, the matter shall be decided by the majority of the members present and voting.
(3) Each member of the Search Committee shall have one vote, and in case of equality of votes on any question to be decided by the Search Committee, the chairperson or the member presiding over the meeting shall have a casting vote.
9. **Fees and travelling allowance for attendance at meetings.** — (1) A non-official member of the Search Committee shall be entitled to a sitting fee of three thousand five hundred rupees for each day, for attending the meetings of the Search Committee.
(2) A non-official member of the Search Committee shall be entitled to Travelling Allowance and Daily Allowance as are admissible to a Secretary to the Government of India for attending the meetings of the Search Committee.
10. **Preparation of panel of names by Search Committee.** — (1) The Search Committee shall prepare a panel of persons to be considered by the Selection Committee for appointment as the Chairperson and Members of the Lokpal, from amongst the list of persons provided by the Central Government in the Department of Personnel and Training.
(2) The Central Government shall for the purposes of sub-rule (1),—
(i) circulate the vacancies to the Registrar of the Supreme Court and Registrars of High Courts, Chief Secretaries of the State Governments and Secretaries in the Departments and Ministries of the Central Government calling for nomination of eligible candidates; and
(ii) advertise the vacancies to directly invite applications from the eligible candidates:
Provided that in case of applicants applying directly, the applicants shall furnish a letter of recommendation from one eminent person who is or has been associated with vigilance or dealing with anti-corruption issues.
(3) The Search Committee may, for the purpose of short-listing of persons, adopt such short-listing norms, which shall not be less than the criteria specified in sub-rule (4).
(4) In case of persons falling under clause (b) of sub-section (3) of section 3 of the Act, such persons having special knowledge and expertise of not less than twenty-five years in matters relating to,—
(i) anti-corruption policy, public administration, vigilance or law and such persons must have held or must be holding the post of Secretary to the Government of India or any equivalent post thereto under the Central Government or a State Government;
(ii) finance including insurance and banking, and management and such persons must have held or must be holding the position of Chairman, Managing Director or Chief Executive Officer of a Public Sector Undertaking or of a relevant private institution of comparable status, and
who have attained outstanding achievements or acquired eminence in the fields aforesaid:
Provided that in case of a person holding the position in a private institution referred to in sub-clause (ii), the consideration of such person shall be subject to his furnishing a declaration about his willingness to comply with the requirements of sub-section (4) of section 3 of the Act as regards holding of any office of trust or profit or carrying on any business or practising any profession.
(5) The Search Committee may devise its own procedure or lay down guidelines for evaluating persons for the purpose of empanelment.
11. **Submission of panel or panels of names to Selection Committee.**— (1) The Search Committee shall submit the panel or panels of names, as the case may be, for consideration of the Selection Committee within a period not exceeding thirty days from the date of receipt of the list of eligible candidates and other applicants referred to in sub-rule (2) of rule 10 from the Central Government.
(2) The Search Committee shall recommend, —
(a) in case of Chairperson of Lokpal, a panel of at least five names; and

(b) in case of Members of Lokpal, a panel containing at least three times the number of vacancies advertised,

for the consideration of the Selection Committee.

(3) While selecting the panel of names to be recommended, the Search Committee shall have due regard to the representation of the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women in accordance with the proviso to clause (b) of sub-section (2) of section 3 of the Act.

12. Period for which panel shall be valid. — A panel prepared by the Search Committee for consideration of the Selection Committee for the vacancies advertised, shall remain valid for a period of one year from the date of its submission to the Selection Committee or till the appointment of the Chairperson or as the case may be the Member or Members, is made, whichever is earlier.

(2) If any fresh vacancy arises in the Lokpal, it shall be filled up from a panel of eligible candidates prepared by the Search Committee under rule 10.

13. Residuary matters. — Any residuary matters relating to members of the Search Committee, with respect to any other allowances for which no express provision has been made in these rules, shall be governed by such rules as are applicable to the Secretary to the Government of India.

[F. No. 407/02/2014-AVD-IV(B)]

DEEPTI UMASHANKAR, Jt. Secy.