



**FIRST  
ANNUAL REPORT  
OF THE  
LOKAYUKTA,  
ODISHA  
YEAR-2019**

# **LOKAYUKTA, ODISHA**

B-2, Ground Floor, Toshali Bhawan, Satya Nagar  
Bhubaneswar-751007

## **ANNUAL REPORT**

THIS ANNUAL REPORT IS BEING PRESENTED  
AS REQUIRED UNDER SECTION 48 OF THE  
ODISHA LOKAYUKTA ACT., 2014.

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**Justice Ajit Singh**

**Chairperson**

Lokayukta, Odisha, Bhubaneswar

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## PREFACE

Having served satisfactorily as an Advocate, Judge and Chief Justice in the High Courts of Madhya Pradesh, Rajasthan and Guwahati, in that order, I was in the process of setting down for leading a retired life in my home town at Jabalpur (MP). While I was preparing my routine for the last phase of my life, I suddenly received a God sent opportunity from the Government of Odisha to become the Chairperson of Lokayukta, and help in the eradication of corruption, if any, in the State. On the advice of elderly well-wishers and family members I decided to take on this challenge.

I joined on 20.03.2019. To begin with, my endeavor has been to create awareness among the people of State that it is their democratic right to be governed by a clean government. I firmly believe it is for this objective that the State Government has established this institution. This is fortified by a very noteworthy insertion in the State Lokayukta Act by way of Section-23 according to which once a charge sheet is filed against any public servant then no prior sanction of government is necessary for prosecution. So I decided that every month a new district should be selected to hold awareness drive in this regard. In due course, my learned members and I plan to cover the entire State to spread awareness and encourage citizens to complain to us, without fear, if they happen to experience any instance of abuse of authority in their area. During the last almost one year, that has gone by, I have found the result of this campaign quite encouraging. Also I am happy to inform that the Lokayukta is getting full cooperation of the State Government in spreading this awareness.

Till date about a thousand complaints have been received and many aggrieved citizens have been directly benefitted in the redressal of their grievances. Against many errant public servants action, both criminal and departmental, have been expedited.

The State Government is assiduously engaged in framing rules regarding the procedure to be adopted for making complaints and their redressal. I am confident that the rules will be notified without any further delay for more efficient and focused functioning of Lokayukta.

As a Chairperson, it will be my earnest endeavour to make the Lokayukta of Odisha a model institution to serve the simple people of the State with the greatest transparency.

**Chairperson**  
Lokayukta, Odisha

## FOREWORD

The Lokpal and Lokayuktas Act, 2013 was enacted by the Parliament to provide for establishment of a body of Lokpal for the Union and Lokayuktas for States to enquire into the allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto. In Section 63 of this Act, Parliament has provided that every State shall establish body to be known as Lokayukta for the State, if not so established, constituted or appointed by a law made by the State Legislature to deal with complaints relating to corruption against certain public functionaries. Accordingly, the Odisha State Legislature enacted the Odisha Lokayukta Act, 2014.

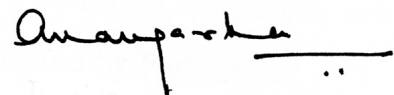
The Odisha Lokpal and Lokayukta Act, 1995 had also made provisions for Lokpal and Lokayukta, but these provisions were not adequate to deal with the allegations against various public functionaries. Therefore, the Odisha Legislative Assembly replaced the Odisha Lokpal and Lokayukta Act, 1995 with the Odisha Lokayukta Act, 2014 with various new provisions consistent with the provisions of the Lokpal and Lokayukta Act, 2013 enacted by Parliament. Section 3 of the Odisha Lokayukta Act, 2014 provides that, the Lokayukta will be a plural body consisting of a Chairperson and five other members. Section 4 of this Act provides that selection of the Chairperson and the members of Lokayukta will be made by a selection committee consisting of the Chief Minister of Odisha, the Speaker of the Odisha Legislative Assembly, the Leader of Opposition in the Odisha Legislative Assembly, the Chief Justice of the Orissa High Court and an eminent Jurist. This selection procedure as well as various provisions made in the Odisha Lokayukta Act, 2014 were to ensure that the Lokayukta functions independently and impartially in enquiring into the allegations of corruption against public functionaries. Section 14 of the Odisha Lokayukta Act, 2014 vests powers in the Lokayukta for directing enquiry and investigation into the allegations of corruption in complaints against the Chief Minister of Odisha, all Ministers, the Members of the Odisha Legislative Assembly, the Chairpersons of Panchayats and Municipalities, Officers of the State Government and Officers and employees of Government Corporations or Companies or of any society, association or body fully or partly aided by the State Government.

In accordance with the selection procedure provided in the Odisha Lokayukta Act, 2014, Justice Ajit Singh, former Chief Justice Guwahati High Court and three other members namely Justice Bijaya Kumar Nayak, former Judge, Orissa High Court, Dr. Debabrata Swain, former Principal Chief Conservator of Forests, Government of Odisha and Dr. Rajendra Prasad Sharma, former Director General of Police, Odisha have been duly appointed.

Due to public awareness programmes conducted by the Odisha Lokayukta, common people of Odisha have made complaints from all the 30 districts of Odisha and their complaints were made against public functionaries of 34 out of 41 departments of the Government of Odisha. After receiving the complaints, the Lokayukta has issued notices, heard the complainants as well as public functionaries and ordered for preliminary enquiry and investigation in 15 cases against various public functionaries where there was prima facie case of corruption, directed the concerned department to look into the grievances of the complainants where there was no case of corruption made out, but there was grievance and has dropped the cases against those public functionaries where complaints did not disclose a prima facie case of corruption or any grievance.

During the period from March, 2019 to December 2019, the Odisha Lokayukta received as many as 1132 complaints out of which it disposed of 548 complaints and 584 complaints are pending for disposal. There were 1418 complaints pending with the erstwhile Lokpal functioning under the Lokpal and Lokayukta Act, 1995 and these 1418 complaints were also transferred to the Odisha Lokayukta under Section 60(2) of the Odisha Lokayukta Act, 2014 and during March 2019 to December 2019 the Odisha Lokayukta has disposed of 166 complaints out of 1418 complaints pending. Hence in the period from March, 2019 to December 2019, the Odisha Lokayukta has disposed of as many as 714 complaints after following the procedure laid down in the Odisha Lokayukta Act, 2014.

The Odisha Lokayukta, however, does not have an investigation agency of its own and, therefore, has to entrust the investigation to other agency. The investigation agency entrusted with the investigation may not be impartial and may also delay the investigation. In my opinion, the Odisha Lokayukta will function more effectively in curbing corruption, if the Directorate of Vigilance of the Government of Odisha is put under the control of the Odisha Lokayukta. This step of putting the Directorate of Vigilance under the Odisha Lokayukta will also ensure that investigation into corruption cases are more speedy, credible and free from political influences. With more and more complaints filed against public functionaries, the Odisha Lokayukta will require an independent building of its own with adequate space and infrastructure to accommodate its increasing staff. With more of manpower and infrastructure made available to the Odisha Lokayukta, I have no doubt that the Odisha Lokayukta will be able to ensure in years to come clean governance for the common people of Odisha.



Hon'ble Justice  
**Shri A.K. Patnaik**  
Former Judge, Supreme Court of India  
and Member of the Selection Committee  
for selecting the members of the  
Odisha Lokayukta

## INTRODUCTION

In order to secure the goals and fulfillment of mandate of the Constitution of India there has been horizontal and vertical expansion of Government activities which are mainly directed towards the welfare of the people at large. Consequently the powers and functions of the public servants have been increased manifold over the years. While the expectations, which spring from the concept of a welfare State, are that the administration should be responsive to the needs of the people, accountable for all their activities, become clean and transparent, the expectations are hardly realized. Powers given to the public servants under different Statutes, Rules, Regulations, Resolutions and Instructions of the Government are more often misutilised by many mostly for personal gains of various forms. Maladministration, misuse of power and corruption of various forms in governance have almost become the order of the day, which not only deprive the citizens of their rights to social and economic justice, but also hinders the development of the country as a whole. Various machineries, for redressal of the grievances of the masses and eradication of corruption in administration put in place from time to time, have been subjected to severe criticism due to defects found therein and for their malfunction. The institution of Anticorruption Ombudsman to deal with corruption and mal administration and to redress the grievances arising out of the same has been considered by the Governments to be an appropriate corrective measure.

It is against this back drop that the institution of Ombudsman has been established in various countries. It was first established in Sweden in 1809, followed by Finland in 1919, Denmark in 1955, Norway and New Zealand in 1962. By the year 1996 as many as 90 countries of the world had adopted the institution of Ombudsman in some form or the other.

## Ombudsman in India

In India, since January, 1968 several attempts were made to establish the Ombudsman type of institution at the level of the Union Government in pursuance to the recommendation of the First Administrative Reforms Commission appointed by the Central Government on 05th January, 1966. In Paragraph-24 of its Interim Report dated 20.10.1966, the Commission had recommended for establishment of two institutions named as Lokayukta and Lokpal. The institution of Lokpal, to be called as 'Rastriya Lokayukta' was intended to be established at the Centre which would investigate the administrative action and corruption of Ministers in the Central Cabinet and State Cabinets and Secretaries both in the Central Government and in the State Governments. The institution of Lokayukta would be in each State and in the Centre to deal with the complaints against other officers. The Commission also indicated the main features and the composition of the institution of Lokayukta and Lokpal. Most significant of the main features recommended were that the institution would be demonstratively independent and impartial and that the proceedings of the institution should not be subjected to judicial interference, and they should have maximum latitudes and powers in obtaining information relevant to their duties.

As per the recommendation of the Commission, the Central Government introduced a Bill in the Parliament in 1968, which could not be passed, in spite of several attempts made in the subsequent years.

Another Commission was appointed in 2006 headed by Shri Moily by the Central Government. The Commission recommended for establishment of the institution of Lokpal in the Centre and the institution of Lokayukta in the States. The further recommendation was that the institution of Lokpal would be a body consisting of three persons in which the Chairman is to be from the judiciary, who would be either in service or retired as a Judge. Finally, however, the Central Government has passed the Lokpal and Lokayukta Act, 2013.

The institution of Ombudsman was adopted in some States of India in the name of Lokpal or Lokayukta. It is gratifying to note that Orissa (presently 'Odisha') was the first State in India to adopt this institution by enactment of the Orissa Lokpal and Lokayukta Act, 1970, followed by Maharashtra in 1971, Bihar and Rajasthan in 1973, Uttar Pradesh in 1975, Madhya Pradesh in 1981, Andhra Pradesh and Himachal Pradesh in 1983, Kerala in 1984, Karnataka in 1985, Gujurat in 1988 and Assam in 1989.



## Ombudsman In Odisha

The institution of Ombudsman was adopted in the State of Odisha (previously 'Orissa') on passing of the Orissa Lokpal and Lokayuktas Act 1970 which was repealed in 1992. Thereafter, the Orissa Lokpal and Lokayuktas Act 1995 was passed a new by the Odisha Legislative Assembly which came into force with effect from 08th July, 1995. The 1995 Act provided for appointment of a Lokpal and one or more Lokayuktas. Under this Act a person shall not be qualified to be appointed as Lokpal unless he is or has been a Judge of the Supreme Court or of a High Court and a person shall not be qualified for appointment as Lokayukta unless he is qualified to be a Judge of a High Court. The term of office of the Lokpal or Lokayukta was for five years from the date on which he enters upon his office. The jurisdiction and power of the Lokpal extended to investigate any action which is taken by or with the general or specific approval of a Minister or Chief Secretary or a Secretary or any other public servant of a Class or Sub-Class to be notified by the State Government in consultation with the Lokpal where the complaint involved a grievance or allegation. The jurisdiction of Lokayukta extended to investigate any action which is taken by or with the general or specific approval of any public servant not being the Minister, Chief Secretary or Secretary in respect of a complaint involving a grievance or allegation. The jurisdiction of Lokpal and Lokayukta was however subject to some exception as provided in Section 8 of the 1995 Act.

The Government of India enacted the Lokpal and Lokayukta Act, 2013 and Section 63 of the said Act provides that every State shall establish a body to be known as Lokayukta for the State, if not so established, constituted or appointed by a law made by the State Legislature to deal with complaints relating to corruption against certain public functionaries, within a period of one year from the date of commencement of the said Act. In pursuance to the said provision in the Central Act, the Odisha State Legislature enacted the present Odisha Lokayukta Act, 2014, (Odisha Act 12 of 2018). On coming into force of this new Act, the Odisha Lokpal and Lokayukta Act 1995 stood repealed in accordance with Section 60 of the Act and the institution of Lokpal functioning under the 1995 Act became extinct.

## The Odisha Lokayukta Act, 2014

The Odisha Lokayukta Bill, 2014 was introduced in the Odisha Legislative Assembly on 12th February, 2014. After two days debate the bill was unanimously passed on 14th February, 2014. The Act passed by the State Legislature received the assent of the President on 16th January, 2015.

### 6.1 Object & Enforcement of the Act.

The object of the Odisha Lokayukta Act, 2014 (Odisha Act 12 of 2018) is to provide for the establishment of a body of Lokayukta for the State of Odisha to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

Sub-Section (4) of Section 1 of the Act provides that the Act shall come into force on such date as the Government, may, by notification, appoint. In pursuance to such provision, the State Government in G.A. and P. G. Department issued Notification, S.R.O. No. 272/18 dated 07.07.2018 bringing the Act into force with effect from 07th July, 2018.

### 6.2. Salient Features of the Act.

#### A. Composition of Lokayukta and appointment of Chairperson and Members

The Act provides for establishment of a Body of Lokayukta consisting of a Chairperson and five Members, out of whom two shall be Judicial Members. A person who is or has been a Chief Justice of a High Court or a Judge of a High Court or an eminent person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty years in matters relating to public administration, finance including insurance and banking, law, anticorruption policy or management is eligible for appointment as Chairperson. A person who is or has been a Judge of a High Court is eligible to be appointed as the Judicial Member. At least one Member other than the Judicial Members, shall be from Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities or Women.

A person who is a Member of Parliament or a Member of the Legislature of any State or Union Territory or a Member of any Panchayat or Municipality or who is convicted of any offence involving moral turpitude, or less than fifty years of age, on the date of assuming Office, or who has been removed or dismissed from service of the Union or a State, or who is holding any office of trust or profit, or person connected with any political party or carries on any business or any profession is ineligible to be appointed as the Chairperson or a Member of the Lokayukta.

The Chairperson and the Members are to be appointed by the Governor by Warrant on the recommendation of the Selection Committee. The Act provides for a rigorous two tier selection process for selection of Chairperson and Members. The Selection Committee consisting of the Chief Minister-Chairperson, the Speaker of the Legislative Assembly, the Leader of Opposition in the Legislative Assembly, Chief Justice of the Orissa High Court or a Judge of the said High Court nominated by the Chief Justice and an eminent jurist as recommended by the Chairperson and other Members of the Selection Committee to be nominated by the Governor shall select the names and recommend to the Governor for appointment as Chairperson and Members of Lokayukta.

The Selection Committee is required to constitute a Search Committee of at least five persons who recommend a panel of names of eligible persons to the Selection Committee for appointment as Chairperson and Members of the Lokayukta. The Selection Committee is however has the prerogative to consider any person other than the person(s) recommended by the Search Committee.-(Sections 3 and 4).

As per Section 5 of the Act, the Chairperson and every Member shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier. However, the Chairperson or the Member of the Lokayukta may by writing under his hand addressed to the Governor, resign his office. Section 37 of the Act provides for the procedure for removal of the Chairperson or a Member from the Office.

## **B. Jurisdiction of Lokayukta**

The Lokayukta has the jurisdiction to inquire or cause an inquiry to be conducted into any matter involving, or arising from, or connected with any allegation of corruption made in a complaint in respect of a present or past Chief Minister or Minister of the State, present or past Member of the Odisha Legislative Assembly, Chairman or a Member, or employee of the Panchayat or the Municipality, or any Body or Board or Corporation or Company or Authority or Association or Trust or Autonomous Body established by any Act of Parliament or of a State Legislature which is wholly or partly financed by the Government or controlled by it. Every Director, Manager, Secretary or other Officer of every other Society or association of persons or trust, wholly or partly financed or aided by the Government and the annual income of which exceeds such amount as the Government may specify by notification comes within the jurisdiction of the Lokayukta. Also every Director, Manager, Secretary, other officer of any Society or Association or Trust in receipt of donation from the public and the annual income of which exceeds such amount as the Government may specify by notification or from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of rupees ten lakh in a year is amenable to jurisdiction of Lokayukta. Further a person or institution who enters into agreement with the Government for execution of any work or for rendering any service for the public on behalf of the Government or receives Government grants, aids or external grants for any purpose is also covered within the jurisdiction of the Lokayukta. Besides, jurisdiction of the Lokayukta also extends to conducting inquiry into any act or conduct of any person other than those referred to above, if such person is involved in the act of giving or taking or abetting the giving or taking of bribe relating to any allegation of corruption under the Prevention of Corruption Act, 1988 against the persons referred to above. (Section 14).

However, the Lokayukta shall have no jurisdiction in relation to any matter or proceeding involving allegation of corruption under the Prevention of Corruption Act, 1988 which is pending before any Court or Committee of the Legislative Assembly of the State or before any other Authority prior to commencement of this Act or prior to commencement of any inquiry after commencement of this Act, except the matters pending before the Lokpal under the Orissa Lokpal and Lokayuktas Act, 1995. – (Section 15).

### **C. Procedure for preliminary inquiry and investigation**

Section 20 of the Lokayukta Act, 2014 prescribes the procedure in respect of preliminary inquiry and investigation. Preliminary inquiry into any complaint of corruption by a public servant can be done by the Inquiry Wing of the Lokayukta or any Agency in order to ascertain whether there exists a prima facie case for proceeding in the matter. The Lokayukta may also order investigation into the complaint by any agency or authority empowered by law to investigate where it is satisfied that a Prima facie case exists. Adequate provision has been made to give opportunity of hearing to the public servant and also to obtain views of the competent authority in the matter of consideration of the inquiry report and the investigation report by the Lokayukta. Inquiry reports and the investigation reports are required to be considered by a Bench of not less than three Members. Apart from directing prosecution of a public servant where the investigation report makes out a prima facie case about commission of any offence by him under any of the Penal Provisions of the Prevention of Corruption Act, 1988, the Lokayukta may also recommend for initiation of departmental proceeding or any other appropriate action against the concerned public servant. In the absence of a prima facie case, the Lokayukta shall close the proceeding against the public servant.

### **D. Inquiry Wing and Prosecution Wing**

The Act makes provision for constitution of two Wings by the Lokayukta, namely, Inquiry Wing and the Prosecution Wing. The Inquiry Wing shall be headed by the Director of Inquiry and the Director shall be assisted by such number of officials and other staff which shall be made available by the Government. – (Section 11).

The Prosecution Wing of the Lokayukta shall be headed by the Director of Prosecution, who is or has been in the rank of Director of Prosecution in the State, for the purpose of prosecution of public servants in relation to any complaint made before the Lokayukta. On the direction of the Lokayukta, the Director of Prosecution shall, in accordance with the findings of the investigation report file case and conduct the prosecution before the Special Court in relation to any offence punishable under the Prevention of Corruption Act, 1988. - (Section-12).

For the purpose of any preliminary inquiry, the Inquiry Wing of the Lokayukta shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, while trying a suit in respect of the matters of summoning and enforcing the attendance of any person and examining him on oath, requiring the discovery and production of any document, receiving evidence on affidavits, requisitioning any public record or copy thereof from any Court or Office, and issuing commissions for the examination of witnesses or documents. – (Section 27).

As per Sub Section (2) of Section 27 any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of Section 193 of the Indian Penal Code, 1860.

## **E. Powers of Lokayukta**

The Lokayukta has following powers:

- It has powers of superintendence over, and to give direction to the investigating agency including the State Vigilance and Crime Branch in respect of matters relating to investigation under the Act.
- Lokayukta has power to utilize the services of any officer or organization for the purpose of inquiry or investigation.
- Powers to authorize investigating agency for search and seizure operations connected to investigation.
- The Inquiry Wing of the Lokayukta has been vested with the powers of a Civil Court.
- Lokayukta has powers to provisionally attach property and proceeds acquired by means of corruption in special circumstances.
- Lokayukta has powers to recommend transfer or suspension of a public servant connected with allegation of corruption.
- Lokayukta has power to give directions to prevent destruction and concealment of records and transfer of ill-gotten assets during preliminary inquiry.

## **F. Special Courts**

On the recommendation of the Lokayukta, the State Government shall constitute Special Courts to hear and decide cases arising out of the Prevention of Corruption Act, 1988 or under Lokayukta Act. Such courts are required to finish each trial within a period of one year from the date of filing of the case in the Court. This one year period may be extended for two years by recording reasons in writing. The Special Court is authorized to take cognizance of an offence under the Prevention of Corruption Act in a case in which charge sheet has been filed by the Lokayukta, notwithstanding the provisions of Section 197, Cr. P. C. and Section 19 of the P. C. Act.

## **G. Declaration of Assets and Liabilities by Public Servant**

Section 44 of the Act enjoins a duty on every public servant to furnish to his competent authority information relating to the assets of which he, his spouse and dependent children are jointly or severally owners or beneficiaries, and of the liabilities of self, spouse and dependent children. Such information is required to be furnished within thirty days of entering upon office by the public servant.

A public servant is also required to furnish to the competent authority annual returns of such assets and liabilities.

Failure to make declaration or submit annual return of assets and liabilities or giving misleading information has the consequence of raising presumption that the undisclosed assets have been acquired by corrupt means.

## **H. Power to frame Rules and Regulations**

Under Section 57 of the Act the Government has power to make rules, by notification, for carrying out the purposes of the Act.

Section 58 of the Act empowers the Lokayukta to make regulations providing for conditions of service of its Secretary and other Staff, place of sittings of the Benches of the Lokayukta, manner of displaying the status of the complaints pending or disposed of on its website, etc.

## **I. Complaint**

Proceeding before the Lokayukta is initiated on a complaint. Section 2 (1) (d) of the Lokayukta Act, 2014 defines complaint as under:

“Complaint means a complaint, made in such form as may be prescribed alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988”.

Section 52 of the Act prescribes the period of limitation for complaint. It is stated that the Lokayukta shall not inquire or investigate into any complaint, if the complaint is made after expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.

The Lokayukta has to exercise its jurisdiction by Benches consisting of two or more Members, to be constituted by the Chairperson. A Bench shall be presided over by the Chairperson or a Judicial Member.

## **J. Overriding Effect of the Act**

The Odisha Lokayukta Act, 2014 has overriding effect. Section 55 of the Act envisages that the provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Section 56 of the Act further provides that the provisions of this Act shall be in addition to, and not in derogation of, any other laws for the time being in force.

## Distinction Between the Orissa Lokpal and Lokayukta Act, 1995 (Orissa Act 8 of 1995) and the Odisha Lokayukta Act, 2014 (Odisha Act, 12 Of 2018)

### The Orissa Lokpal and Lokayukta Act, 1995

**Preamble:** An Act to make provision for the appointment and functions of Lokpal and Lokayukta for the investigation of administrative action taken by or on behalf of Government or certain local and public authorities in certain cases and for matters connected therewith and matter involving acts of injustice, corruption or favouritism.

**Appointment:** Lokpal was to be appointed by the Governor of Orissa after consultation with the Chief Justice of the High Court of Orissa and the Leader of Opposition, if there is any. It was provided that Lokayuktas were to be appointed by the Governor after consultation with the Lokpal. A person to be appointed as Lokpal, was either a Judge of the Supreme Court or of a High Court and person to be appointed as the Lokayukta was required to possess the qualification to be appointed as a Judge of the High Court.

### The Odisha Lokayukta Act, 2014

**Preamble:** An Act to provide for the establishment of a body of Lokayukta for the State of Odisha to enquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

**Appointment:** The Chairperson and the Members of the Lokayukta shall be appointed by the Governor by warrant under his hand and seal after obtaining the recommendations of a Selection Committee consisting of -

- (a) the Chief Minister – Chairperson;
- (b) the Speaker of the Legislative Assembly – Member;
- (c) the Leader of Opposition in the Legislative Assembly – Member;
- (d) the Chief Justice of the Orissa High Court or a Judge of the said High Court nominated by the Chief Justice – Member;
- (e) one eminent jurist as recommended by the Chairperson and members referred to in clauses (a) to (d) nominated by the Governor – Member.

A Chairperson of Lokayukta should be the Chief Justice of a High Court or a Judge of a High Court or an eminent person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty years in the matters relating to public administration, finance including insurance and banking, law, anti-corruption policy or management.

**Removal of Lokpal or Lokayukta:** The Lokpal or a Lokayukta could be removed from his office by the Governor on the ground of misbehaviour or incapacity and on no other ground. Before removal of the Lokpal, the Governor would have to consult the Chief Justice of High Court of Orissa and the Leader of the Opposition in the State Legislature and in case of removal of Lokayukta, the Governor was to consult Lokpal.

A person shall be eligible to be appointed as a Judicial Member if he is or has been a Judge of a High Court and as an Member other than Judicial Member, if he is a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty years in the matters relating to public administration, finance including insurance and banking, law, anti-corruption policy or management.

**Removal of Lokayukta:** The Chairperson or any Member of Lokayukta could be removed from his office by order of the Governor on the grounds of misbehaviour after the High Court of Orissa, on a reference being made to it by the Governor on a petition signed by at least twenty-five Members of the Legislative Assembly, has, on an inquiry reported that the Chairperson or such Member, as the case may be, ought to be removed on such ground.

(3) The Governor may suspend from the office, the Chairperson or any Member in respect of whom a reference has been made to the High Court under sub-section (2), on receipt of the recommendation or interim order made by the High Court in this regard until the Governor has passed orders on receipt of the final report of the High Court on such reference.

The Governor may, by order, remove from the office, the Chairperson or any Member of Lokayukta if the Chairperson or such Member, as the case may be, -

- (a) is adjudged an insolvent; or
- (b) engages himself during his term of office, in any paid employment outside the duties of his office; or
- (c) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body.

(5) If the Chairperson or any Member is, or becomes, in anyway concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government



of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a Member and in common with the other Members of an incorporated company, he shall, for the purposes of sub-section (2), be deemed to be guilty of misbehaviour.

**Jurisdiction:** Lokpal or Lokayukta were vested with jurisdiction to investigate any action in respect of which a complaint involving a grievance or an allegation was made in respect of the action.

Allegation as per the said Act implied abuse of position by a public servant to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person or was actuated in the discharge of his function as such public servant by personal interest or improper or corrupt motives; or is guilty of corruption or lack of integrity in his capacity as such public servant.

Grievance in the said Act implied a claim by a person that he sustained injustice or undue hardship in consequence of maladministration.

**Limitation:** For the purpose of invoking jurisdiction for conduct of investigation, there was limitation of 12 months period in respect of grievances from the date on which action complaint against became known to the complainant. For conduct of investigation into allegation, there was limitation of 5 years from the date on which action complained against was alleged to have taken place. Lokpal or Lokayuktawas vested with the authority to condone delay in respect of grievance.

**Provision relating to complaint:** A complaint could be made under the Lokayukta & Lokpal Act to the Lokpal or Lokayukta in the case of grievance by the person aggrieved, and in the case of allegation by any person other than a public servant.

By the Act, 1995, the investigation was done by Lokpal or Lokayukta or by his direction by the Lokayukta. Normally, the investigation by the Lokpal

**Jurisdiction:** Lokayukta is vested with jurisdiction to cause or conduct inquiry or investigation into the complaint, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988.

By and large, Lokayukta is vested with jurisdiction to conduct inquiry or investigation into allegation of corruption punishable under the Prevention of Corruption Act, 1988.

**Limitation:** Lokayukta is debarred from embarking upon inquiry or investigation into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed. No provision prescribed for condonation of delay under this Act.

**Provision relating to complaint:** By the Act, 12 of the 2018, the Lokayukta functions in Bench as and not individually. The Lokayukta on receipt of a complaint, if it decides to proceed further, may order –

(a) preliminary inquiry against any public servant by its Inquiry Wing or any agency to ascertain whether there exists a prima facie for proceeding in the matter; or

or the Lokayukta was ordained to be conducted in private unless directed by the Lokpal or Lokayukta to be done in public.

**Exclusion of jurisdiction:** Lokpal or aLokayukta was precluded from investigating any action which was taken by any Judge or servant of the Court, Chairman or Member of Public Service Commission, the Chief Election Commissioner or the Regional Commissioner referred to Article 324 of the constitution, the Speaker and the Deputy Speaker of Legislative Assembly, the Chairman, Vice-Chairman or the Member of the Odisha Administrative Tribunal.

**Provision with regard to compulsory disclosure of acquisition of properties**

Under the Act, 1995, there was no provision for disclosure of property acquired by a public servant or in the name of his or her family members.

**Attachment of properties:**

No power of Lokpal to attach properties of persons or organisations against whom corruption charge was established.

**Establishment of special Courts:**

Under the Act 8 of 1995, there was no provision for establishment of special Court.

(b) investigation by any agency or authority empowered under any law to investigate, where there exists a prima facie case.

**Exclusion of jurisdiction:** Lokayukta is vested with the authority to conduct inquiry or investigation into corruption alleged to have been done by any public servant who is deemed to have discharged the act complained of serving under the Government of Odisha.

**Provision with regard to compulsory disclosure of acquisition of properties**

Under the Act, 12 of 2018, every public servant is legally bound to disclose about acquisition of properties for himself or in the name of his family members and such disclosure for acquisition of property is to be forwarded to the competent authority.

**Attachment of properties:**

Lokayukta investigating into corruption cases will be empowered to attach properties of the persons guilty of the offence within a period of 90 days.

For such cases special Courts will be set up for trial. The Act gives authority to the Lokayukta to recommend the State Government to transfer and suspend any public servant found guilty.

**Establishment of special Courts:**

Under the Act 12 of 2018, there is provision for establishment of special Courts to try the offences, investigated on the direction of Lokayukta and there is time limit of one year for completion of trial which can be extended up to a maximum period of two years.

## Institution of Lokayukta in Odisha

The State Government in their G.A. and P.G. Department vide notification no. 6873/Gen., dated 01.03.2019 have established a body called the Lokayukta for the State of Odisha w.e.f. 28.02.2019. As per Section 3 (2) of the Odisha Lokayukta Act, 2014, the body shall consist of a Chairperson and five Members. Further, Section 16 (1) (f) of the said Act states that the Benches of the Lokayukta shall ordinarily sit at Bhubaneswar and at such other places as the Lokayukta may, by regulations, specify.

At present the Lokayukta, Odisha is functioning at Bhubaneswar with the Chairperson and three Members (out of whom one is Member Judicial). The names and the dates of assumption of office by them are appended below:-

Sl. No.	Name	Date of assumption of office
1.	Shri Justice Ajit Singh, Hon'ble Chairperson	20.03.2019
2.	Shri Justice Bijaya Kumar Nayak, Member (Judicial)	31.03.2019
3.	Dr. Debabrata Swain, Member	04.04.2019
4.	Dr. Rajendra Prasad Sharma, Member	08.08.2019

The Lokayukta has two Benches dealing with complaints of different districts. For sake of convenience, the Bench presided over by the Hon'ble Chairperson, Lokayukta is identified as Bench No.I and the one presided over by the Hon'ble Judicial Member as Bench No.II.

**Bench No. I** exercises territorial jurisdiction over the following districts

01	Mayurbhanj	02	Balasore	03	Jajpur
04	Puri	05	Keonjhar	06	Bargarh
07	Khordha	08	Sundargarh	09	Jharsuguda
10	Subarnapur	11	Kandhamal	12	Nuapada
13	Koraput	14	Malkangiri	15	Gajapai

Like-wise **Bench No.II** exercises territorial jurisdiction over the following districts:

01	Cuttack	02	Kendrapara	03	Jagatsinghpur
04	Ganjam	05	Dhenkanal	06	Nayagarh
07	Angul	08	Sambalpur	09	Bhadrak
10	Boudh	11	Bolangir	12	Kalahandi
13	Rayagada	14	Nabarangpur	15	Deogarh

For functioning of the Lokayukta besides creation of the post of Secretary, Director Prosecution and Director Inquiry, 137 nos. of posts in different categories were sanctioned initially by the Govt. vide G.A. & P.G. Department Notification No. 10113 dated 30.03.2018, with a stipulation that, the aforesaid sanctioned post shall be filled up proportionate to the actual strength of the body as per requirement. Thereafter, the State Govt. have sanctioned 17 Posts vide G.A. & P. G. Department Letter NO.35565/Gen dated 10.12.2019 for functioning of Prosecution Wing and Inquiry Wing. Now, the Lokayukta is functioning with its Establishment Section, Accounts Section, General Miscellaneous & Co-ordination Section, Court Section, Record Room, Diary Section and Issue Section besides the Prosecution and Inquiry Wing. In this regard a chart showing the detailed no. of posts sanctioned and men/women in position is placed vide Annexure I.

Initially, the Lokayukta started functioning in the Ground Floor of B-2 Block, Toshali Bhawan, Satya Nagar, Bhubaneswar. But due to want of accommodation on subsequent appointment of Members, Officials and staff, so also for more Court Rooms, the 3rd and 4th floor of A-2 Block of the Toshali Bhawan have been allotted and now the 3rd floor of A-2 Block has already been utilized for functioning of the Lokayukta. Furnishing work of 4th floor is in progress.

<b>Details of the post sanctioned and present incumbency of Secretary, Officials and Staffs of Lokayukta.</b>					
Sl. No.	Name of Post	Cadre	Sanctioned Strength	In Position	Vacancy
1	Secretary	IAS/OSJS	1	1	0
2	Director Prosecution	OSJS/OAS	1	1	0
3	Director Inquiry	OSJS/ OAS	1	1	0
4	Additional Secretary	OAS	1	1	0
5	Deputy Director Prosecution	OJS	1	0	1v
6	Finance Officer	OFS	1	1	0
7	Deputy Director Inquiry	OAS(SB)	1	1	0
8	Deputy Director (Finance)	OFS(SB)	1	0	1
9	Deputy Director (Engineering)	In the rank of Executive Engineer	1	0	1
10	Deputy Director (Forest)	In the rank of Divisional Forest Officer	1	0	1
11	Public Prosecutor	DPP	5	0	5

12	Deputy Secretary	OAS	1	1	0
13	Under Secretary	OSS	1	0	1
14	Sr. Private Secretary	Steno Cadre of Secretariat	1	0	1
15	Private Secretary / Personal Assistant	do	12	8 [3 regular+ 5 (reengaged)]	4
16	Court Master/ Section Officer	OSS	10	7 (reengaged)	3
17	Inspector of Police		1	0	1
18	Assistant Section Officer	OSS	24	10 [9 regular+1 (reengaged)]	14
19	Sub Inspector of Police		1	0	1
20	Sr. Steno/ Jr. Steno	Steno Cadre of Secretariat	10	2 [1(deputed) + 1(re engaged)]	8
21	Sr. Gr. Diarist	Odisha Lokayukta Cadre	1	1	0
22	Jr. Gr. Diarist	do	1	1	0
23	Jr/Sr. Driver	do	9	4 [2 regular+1 (deputed)+ 1 (out sourced)]	5
24	Librarian	do	1	0	1
25	Data Entry Operator (Issue & Despatch	do	2	0	2
26	Data Entry Operator	do	13	5 [1(contractual) +4 (out sourced)	8
27	Record Keeper	do	1	1	0
28	Receptionist	do	1	0	1
29	Zamadar	do	10	0	10
30	Choukidar-cum-Night Watchman	do	1	1	0
31	Peon	Odisha Lokayukta Cadre	41	27 [3 regular+3 (contractual) +21 (outsourced)]	14
	<b>TOTAL</b>		<b>157</b>	<b>74</b>	<b>83</b>

The details of the allotment and expenditure of funds for FY-2019-20 upto 31.12.2019 is presented below:

<b>Budget 2019-20 as on 19.02.2020 (Demand No. 02-2062-VIGILANCE-Administrative Expenditure-Establishment, Operation and Maintenance Expenditure-00-103-LOKAYUKTA-LOKAYUKTA-3353-Lokayukta)</b>				
<b>Sl. No.</b>	<b>Units</b>	<b>Allotment</b>	<b>Expenditure</b>	<b>Balance</b>
1	Pay	3,08,06,000	1,12,54,672	1,95,51,328
2	Arr. Pay	7,00,000	0	7,00,000
3	D.A.	67,64,000	46,16,631	21,47,369
4	H.R.A.	35,90,000	11,96,796	23,93,204
5	R.C.M.	10,00,000	26,763	9,73,237
6	O.A. & S.A.	18,22,000	12,39,798	5,82,202
7	C.P. C.A.	38,67,000	14,89,029	23,77,971
8	T.E.	17,00,000	52,875	16,47,125
9	L.T.C.	30,00,000	3,16,013	26,83,987
10	Electricity Dues	8,70,000	3,71,239	4,98,761
11	Water Charges	40,000	0	40,000
12	Telephone Charges	7,20,000	4,24,004	2,95,996
13	Motor Vehicles	1,26,16,000	94,09,637	32,06,363
14	Other Contingencies	50,00,000	20,57,971	29,42,029
15	Up gradation of Computer Facilities	50,00,000	6,41,426	43,58,574
16	Computer Consumables	10,00,000	39,170	9,60,830
17	Spares and Services	5,00,000	8,567	4,91,433
18	Consulting Charges	2,00,000	0	2,00,000
	<b>TOTAL :</b>	<b>7,91,95,000</b>	<b>3,31,44,591</b>	<b>4,60,50,409</b>

### Awareness programmes:

During this year, awareness programmes were organised at different places of the state as mentioned below to sensitise general public, public servants, NGOs and representatives of electronics and Print media about different provisions and aspects of "The Odisha Lokayukta Act" 2014.

Date	Place
29.06.2019	Sambalpur
20.07.2019	Baripada
17.08.2019	Berhampur
21.09.2019	Angul
19.09.2019	Boudh
02.11.2019	Keonjhar
30.11.2019	Paralakhemundi

### Press Conference:

During the year, Press Conference were held for wide publicity of the provisions of "The Odisha Lokayukta Act, 2014". Press reporters from electronics and print media attended the conference and interacted with the Chairperson and Members of the Lokayukta at the following places:

Date	Place Of Press Conference
24.06.2019	Office of Lokayukta, B-2, Toshali Bhawan, Bhubaneswar
29.06.2019	District Headquarters, Sambalpur
20.07.2019	District Headquarters, Mayurbhanj at Baripada
17.08.2019	District Headquarters, Ganjam at Berhampur
21.09.2019	District Headquarters, Angul
19.10.2019	District Headquarters, Boudh
02.11.2019	District Headquarters, Keonjhar
30.11.2019	District Headquarters, Gajapati at Paralakhemundi

### Development of Website:

It is apposite to mention that the work of creating a website for Lokayukta has been assigned to NIC and NICS and it is expected to be launched very soon.

## Rules & Regulations

The Lokayukta after its functioning has requested the State Government for framing of various rules as required. For facilitating the Government, the Lokayukta has sent the following draft Rules/ Regulations to the State Government for examination and notification:

1. The Odisha Public Servants (Furnishing of Information & Annual Return of Assets & Liabilities and Limits for Exemption of Assets in Filing Returns) Rules, 2019
2. The Odisha Lokayukta (Procedure of filing of Complaint) Rules, 2019
3. The Odisha Lokayukta (General) Regulations, 2019
4. The Odisha Lokayukta (Financial & Administrative Power) Rules, 2019
5. The Odisha Lokayukta (Appointment & Conditions of Service of Secretary, Officers & Staff) Regulations, 2019

Out of the above draft Rules/ Regulations the Odisha Lokayukta (General) Regulations, 2019 and Odisha Lokayukta (Financial and Administrative Power) Rules, 2019 have been notified by the Government and published in the Odisha Gazette. The other three are under active consideration of the State Government.



## Statistics of Work Done

### Number of complaints received, disposed of and pending during the year, 2019

In all 1132 complaints were filed from April, 2019 up to December, 2019.

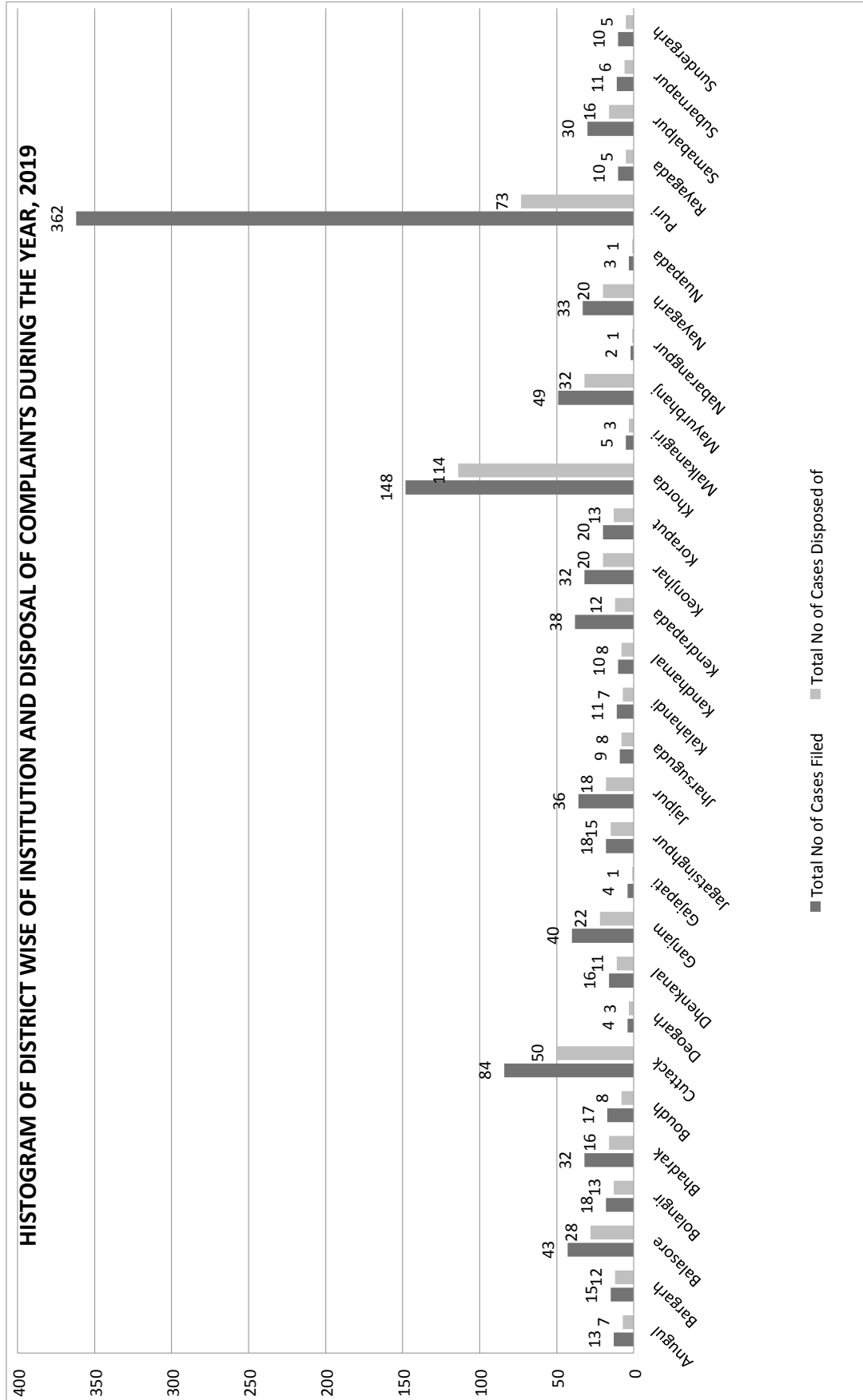
Added to it, 1418 complaints were received from the office of erstwhile Lokpal, out of which 1223 cases of public grievances were transferred to the Government under Section 60 (3) of the Lokayukta Act, 2014. And as many as 166 old complaints of erstwhile Lokpal relating to allegation of corruption have been disposed of during the aforesaid period and now only 29 complaints of erstwhile Lokpal are pending.

The details of complaints of the year 2019 are as follows:

i	Fresh complaints received from March, 2019 to 31.12.2019	1132
ii	Total fresh complaints disposed of as on 31.12.2019	548
iii	Total number of fresh complaints pending as on 31.12.2019	584
iv	No. of complaints received from office of the erstwhile Lokpal	1418
v	Total number of old complaints of erstwhile Lokpal relating to corruption disposed of during the period	166
vi	Total number of cases of Public Grievances directed to be transferred to Government. u/s. 60 (3) of the Lokayukta Act.	1223
vii	No. of complaints of erstwhile Lokpal relating to corruption pending	29
viii	Total number of complaints disposed of during the year, 2019 (548 + 166)	714

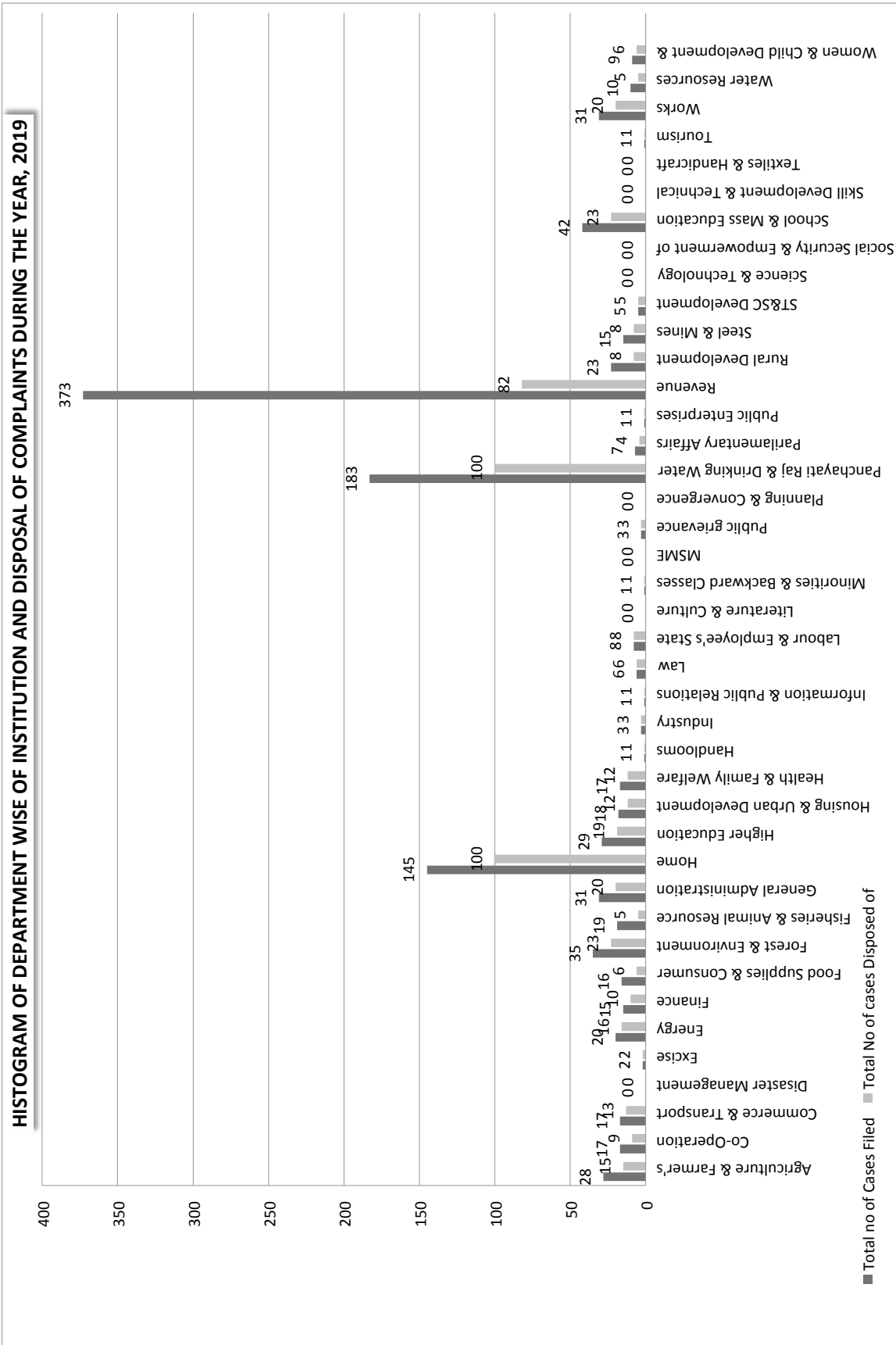
**District-wise break-up of the disposed of cases and pending cases**

<b>Complaints Instituted &amp; Disposed of (District Wise)</b>			
<b>Sl.No</b>	<b>Districts</b>	<b>Total No of Cases Filed</b>	<b>Total No of Cases Disposed Of</b>
1	Angul	13	7
2	Bargarh	15	12
3	Balasore	43	28
4	Bolangir	18	13
5	Bhadrak	32	16
6	Boudh	17	8
7	Cuttack	84	50
8	Deogarh	4	3
9	Dhenkanal	16	11
10	Ganjam	40	22
11	Gajapati	4	1
12	Jagatsinghpur	18	15
13	Jajpur	36	18
14	Jharsuguda	9	8
15	Kalahandi	11	7
16	Kandhamal	10	8
17	Kendrapada	38	12
18	Keonjhar	32	20
19	Koraput	20	13
20	Khorda	148	114
21	Malkanagiri	5	3
22	Mayurbhanj	49	32
23	Nabarangpur	2	1
24	Nayagarh	35	20
25	Nuapada	3	1
26	Puri	362	73
27	Rayagada	12	5
28	Samabalpur	30	16
29	Subarnapur	11	6
30	Sundergarh	15	5
		<b>1132</b>	<b>548</b>
	<b>Erstwhile Cases</b>		<b>166</b>
	<b>Total</b>		<b>714</b>

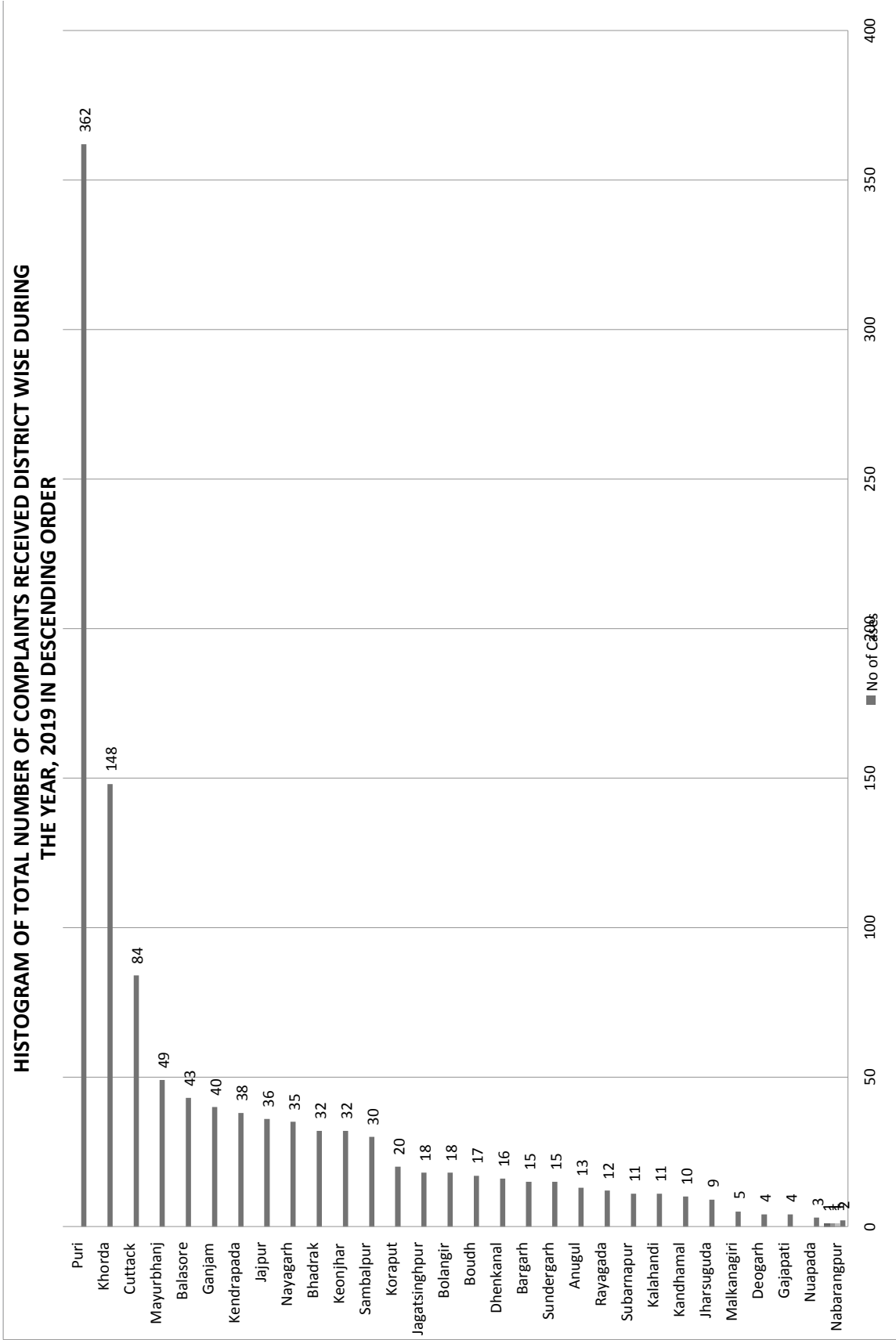


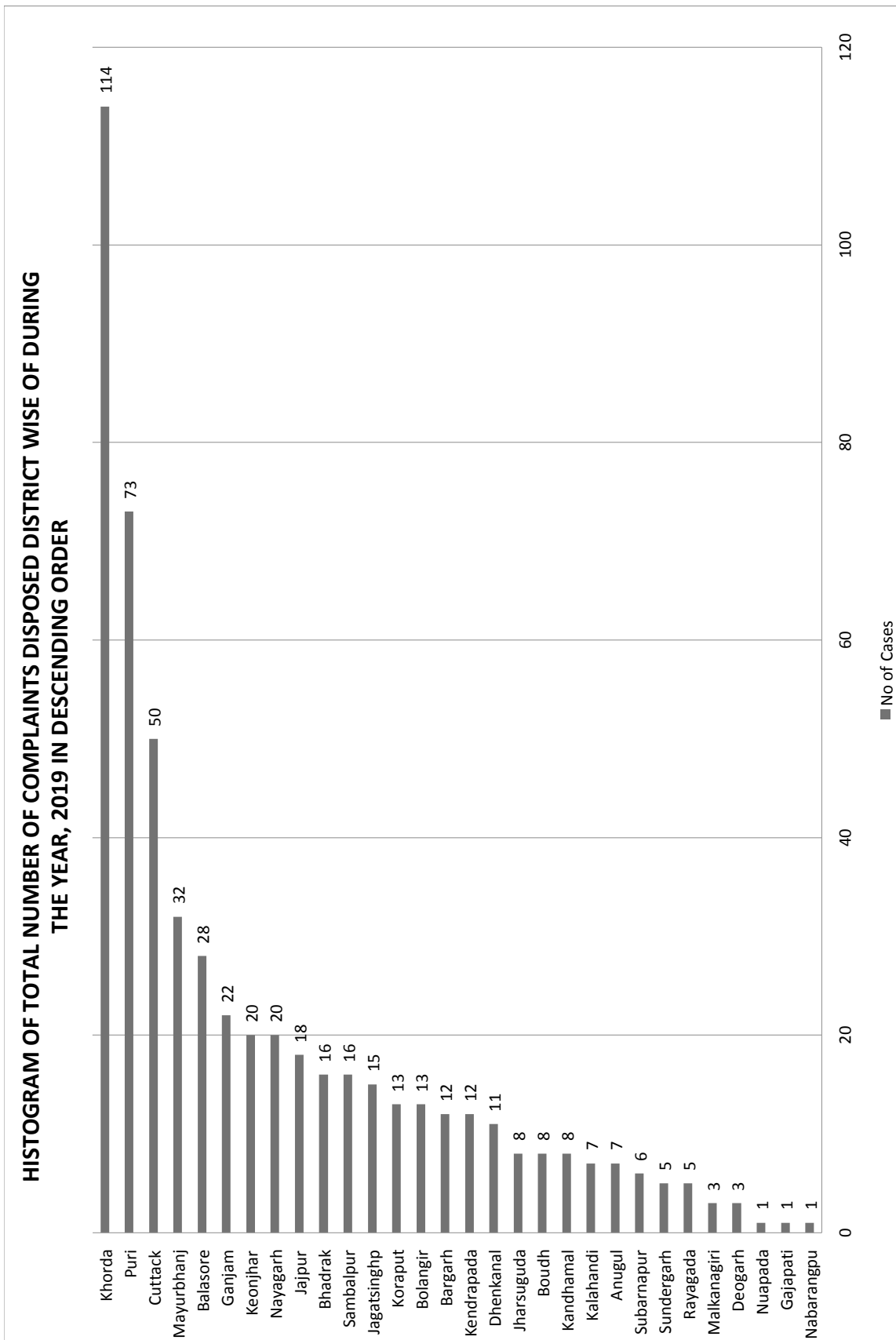
### Department-wise break-up of the disposed of cases and pending cases

Complaints Instituted & Disposed of by Department Wise			
Sl. No.	Departments	Total No of Cases Received	Total No of Cases Disposed Of
1	Agriculture & Farmer's Empowerment	28	15
2	Co-Operation	17	9
3	Commerce & Transport	17	13
4	Disaster Management	0	0
5	Excise	2	2
6	Energy	20	16
7	Finance	15	10
8	Food Supplies & Consumer Welfare	16	6
9	Forest & Environment	35	23
10	Fisheries & Animal Resource Development	19	5
11	General Administration	31	20
12	Home	145	100
13	Higher Education	29	19
14	Housing & UrbanDevelopment	18	12
15	Health & Family Welfare	17	12
16	Handlooms	1	1
17	Industry	3	3
18	Information & Public Relations	1	1
19	Law	6	6
20	Labour & Employee's State Insurance	8	8
21	Literature & Culture	0	0
22	Minorities & Backward Classes Welfare	1	1
23	MSME	0	0
24	Public Grievance	3	3
25	Planning & Convergence	0	0
26	Panchayati Raj & Drinking Water	183	100
27	Parliamentary Affairs	7	4
28	Public Enterprises	1	1
29	Revenue	373	82
30	Rural Development	23	8
31	Steel & Mines	15	8
32	ST&SC Development	5	5
33	Science & Technology	0	0
34	Social Security & Empowerment of Persons with Disability	0	0
35	School & Mass Education	42	23
36	Skill Development & Technical Education	0	0
37	Textiles & Handicraft	0	0
38	Tourism	1	1
39	Works	31	20
40	Water Resources	10	5
41	Women & Child Development & Mission Shakti	9	6
		<b>1132</b>	<b>548</b>



**HISTOGRAM OF TOTAL NUMBER OF COMPLAINTS RECEIVED DISTRICT WISE DURING THE YEAR, 2019 IN DESCENDING ORDER**





## Orders Passed by the Lokayukta for Conducting Inquiry/Investigation in the year 2019 under section 20 of the Odisha Lokayukta Act. 2014

Sl. No	Case No.	Date of Order of Lokayukta	Name of the Agency to conduct Inquiry	Date of Submission of Inquiry Report	Name of the Complainant	Name of the Respondent
1	LY-29/2019	12.07.2019	Director of Inquiry, Lokayukta, Odisha	21.08.2019	Binod Kumar Jena	Sarpanch, Pakhar G.P.
2	LY-06/2015	25.07.2019	Director of Inquiry, Lokayukta, Odisha	10.09.2019	Judhistir Roul	Babula Behera, GPTA
3	LY-02/2019	08.08.2019	Director of Inquiry, Lokayukta, Odisha	16.10.2019	R. C. Meher	Santosh Kumar Das (JE, ITDA, Baripada)
4	LY-48/2019	19.08.2019	Director of Inquiry, Lokayukta, Odisha	04.10.2019	Suresh Ch. Nayak	Sarpanch, Mousudha G. P.
5	LY-100/2019	19.08.2019	Director of Inquiry, Lokayukta, Odisha	30.09.2019	Swarnalata Panda	Surama Mohapatra, CDPO
6	LY-199/2019	23.10.2019	Director of Inquiry, Lokayukta, Odisha	13.02.2020	Amiya Kumar Pattnaik	Bimbadhar Sethi, Ex- Deputy Director, DPMU
7	LY-215/2019	29.10.2019	Director, Vigilance Odisha	Pending for Submission	Simanchal Jena	Suchitra Jena, GRS, Talasara GP
8	LY-398/2019	19.11.2019	Director, Vigilance Odisha	Pending for Submission	Manoranjan Sahoo	Ram Narayan Mohanty
9	LY-141/2019	21.11.2019	Director of Inquiry, Lokayukta, Odisha	08.01.2020	Shyamsundar Sahoo	Umakanta Samantaray, MLA, Satyabadi
10	LY-394/2019	21.11.2019	Director of Inquiry, Lokayukta, Odisha	08.01.2020	Jamuna Rath	Tahasildar, Nimapara
11	LY-439/2019	27.11.2019	Director, Vigilance Odisha	Pending for Submission	Secretary to Lokayukta	Exe. Engineer (R&B), Division-II, Cuttack & others
12	LY-285/2019	02.12.2019	Director of Inquiry, Lokayukta, Odisha	01.02.2020	Padma Charan Behera	BDO, Chandbali
13	LY-290/2019	06.12.2019	Director of Inquiry, Lokayukta, Odisha	Pending for Submission	Jayaguru Patra	Tahsildar, Bhuban
14	LY-320/2019	09.12.2019	Director of Inquiry, Lokayukta, Odisha	Pending for Submission	Kanhu Charan Panda	DEO, Mayurbhanj
15	LY-90/2019	17.12.2019	Director, Vigilance Odisha	Pending for Submission	Bamapada Tripathy	Collector & D.M., Mayurbhanj



## Gist of Important Cases Disposed of By The Lokayukta

### 1. LY Case No.113 of 2019

**(Sri Rashmi Ranjan Panda, Secretary, Odisha Pradesh Congress Committee–Versus-Rashmita Panda, Collector, Sundargarh)**

Sri Rashmi Ranjan Panda, Secretary, Odisha Pradesh Congress Committee in his complaint made allegations of corruption against Smt. Rashmita Panda, IAS, Ex-Chief Executive Officer, Rourkela Smart City Ltd., and Vice Chairman, Rourkela Development Authority in the renovation of Quarter No. 4R/1 allotted to her by the Rourkela Development Authority. The allegations of corruption were as follows:-

- (i) Smt. Rashmita Panda has spent a huge amount of Rs. 70 lakh in the renovation of Quarter by deviating funds from Rourkela Development Authority, Rourkela Municipal Corporation and Rourkela Smart City Ltd., to make her living luxurious.
- (ii) There has been tender fixing in the renovation work as no open tender was invited. Also the work was intentionally made to split into several Reaches limiting to Rs. 5 lakh and entrusted to some patronised contractors.
- (iii) Have spent more than Rs. 4 lakh separately for fixing mosquito proofing nets, construction of guard rooms and toilets which smell corruption in the execution of work.
- (iv) With the amount spent in renovation, a new building could have been constructed if open tender was invited.
- (v) The renovation work of the quarter has been executed in utter violation of the applicable Rules.

In response to the notice issued from the Lokayukta, Smt. Panda filed her reply denying all the allegations made in the complaint.

For better understanding the allegations made in the complaint and their denial by Smt. Panda, Lokayukta directed Secretary, Rourkela Development Authority to produce all the records pertaining to renovation and repair in question.

In compliance of the order, all the records containing tender notice, estimate, bills and work orders in respect of 16 numbers of works were produced. As per records the estimate for 16 numbers of works were prepared costing Rs. 68,78,954/-. The technical sanction was accorded by Executive Engineer, PHED in charge and administrative approval was granted by the Vice Chairman of Rourkela Development Authority. The record also revealed that the tender notice was published in the office notice board, inviting bids and works were awarded to the bidders as per the decision of the Tender Committee. The total agreement value of the 16 numbers of the works was of Rs. 66,67,959/- and the total bill amount was Rs. 55,77,692/-. The work wise details of expenditure was also produced. Since there was nothing on record to indicate even remotely, involvement of any corruption in the renovation of Quarter No. R/1 and because no one was found to have wrongfully gained (financially) in the execution of renovation works, the Lokayukta declined to proceed further with the complaint and directed to close the matter.

## **2. LY Case No. 209 of 2019**

**(Sri Trayambaka Barik –Vrs- Superintendent of Police, Vigilance, Sambalpur)**

The complainant namely Sri Trayambaka Barik alleged in his complaint that in the recruitment test for the post of Jail Warder held in the year 2012-13 some candidates who obtained less marks than his wife namely Champakalata Pradhan, were selected and appointed, but her wife was disqualified. The complainant further alleged that he had lodged a complaint at the Vigilance Office, Sambalpur Division, but no action was taken. Hence a report was called for, from the Superintendent of Police, Vigilance, Sambalpur. In his reply dated 16.10.2019 the Superintendent of Police, Vigilance Sambalpur Division admitted that the allegations made by the complainant are prima facie found to be true. He further informed vide his letter No. 2723 dated 15.11.2019 that on the basis of the enquiry report, Sambalpur Vigilance P.S. case No.57 dt.15.11.2019 U/s 13(2) r/w 13(1)(d) P. C Act, 1988 r/w Sec. 201/34 of the IPC has been registered against the examiners of the said recruitment test namely, (1) Sri Gopabandhu Mallick, Ex-D.I.G. (Prison), Berhampur Range (2) Dr. Birakishore Dash, Lecture in Sociology, Odisha Jail Training School, Berhampur & (3) Sri Gagan Bihari Sahoo, Jailor, Circle Jail, Koraput.

Considering the report of the Superintendent of Police, Vigilance, Sambalpur Division, the Lokayukta has directed to send a copy of the letter of Superintendent of Police, Vigilance, Sambalpur dated 16.10.2019 and 15.11.2019 along with First Information Report in Sambalpur Vigilance Division P.S Case No.57 dt.15.11.2019 to the Principal Secretary, Home Department, Government of Odisha, Bhubaneswar by Registered Post with A.D. Moreover since the enquiry report of Superintendent of Police, Vigilance, Sambalpur Division, revealed that Smt. Champakalata Pradhan was given less mark deliberately in the written examination and was unjustfully declared disqualified by the selection board causing grave injustice to her, the Lokayukta recommended the Government of Odisha to consider her case and give appointment to her as Jail Warder under SEBC (Female Home Guard category) if she is otherwise found to be qualified and suitable.

## **3. LY Case No. 440 of 2019**

**(Secretary to Lokayukta, Odisha – Vrs- Ex. Engineer, Lift Irrigation Division, Jajpur Road, Dist. Jajpur)**

A news item was published in the daily newspaper 'Sambad' dated 23.09.2019 under the caption "Chasinku Mohara Kari Koti Koti Tanka Chalu". It was reported that within a period of five years, hundred crores of rupees have been misappropriated by the Engineers, Lift Irrigation Division, Jajpur.

The news item was treated as complaint and the Lokayukta, Odisha took cognizance of the same. The competent authority i.e Minister in charge of Water Resources, Government of Odisha was called upon to file his comments Also the Executive Engineer, Lift Irrigation Division, Jajpur was directed to submit his response.

The Hon'ble Minister constituted an enquiry team comprising of the Superintending Engineer and Deputy Accounts Officer, Odisha Lift Irrigation Corporation and directed them to conduct an enquiry. On completion of enquiry, he forwarded a copy of the enquiry report to the Lokayukta.

The enquiry report revealed that almost all the Irrigation projects mentioned in the news item to be defunct were actually in functioning condition and the allegations made in the news item were false. The Executive Engineer, Lift Irrigation Division, Jajpur also refuted the news published in the newspaper 'Sambad' dt.23.09.2019.

Considering the enquiry report, the Lokayukta declined to proceed further and closed the matter on dt.16.12.2019.

#### **4. LY Case No.06 of 2015**

**(Sri Judhistir Roul, General Secretary, Koraput District Anti-Corruption Association, Jeypore, Koraput –Vrs- Babula Behera, GPTA, Lamtaput Block, Koraput)**

The complainant Judhistira Roul alleged that respondent Babula Behera, Gram Panchayat Technical Assistant has misappropriated crores of rupees by resorting to corruption. According to the complainant, Babula Behera prepared false bills in respect to construction of roads (1) Bandaraguda to Badapetta (2) Badapetta to Belaguda, (3) Badapetta to Mankedbandi and (4) construction of Lenjisuku culvert without actually doing those works.

Having regard to the allegations made in the complaint, the Lokayukta ordered for preliminary inquiry to be conducted by the Director of Inquiry, Lokayukta on the following reference.

"Whether Sri Babula Behera, GPTA, Lamataput Block has misappropriated Rs. 3.00 lakh for the road work from Bandaraguda to Badapetta, Rs.2.00 lakh for the road work from Badapetta to Belaguda, Rs. 2.00 lakh for the road work from Badapetta to Mankedbandi and Rs. 5.00 lakh for the construction of Lenjisuku culvert by preparing false bills without execution of those works."

Accordingly, the Director of Inquiry, Lokayukta conducted an inquiry and submitted his report on 10.9.2019. In the said report, the Director of Inquiry reported that the works were done and the labourers were paid their wages. In view of the aforesaid report, the Lokayukta concluded that there is no justification to proceed further with the complaint. Accordingly the matter was closed.

#### **5. LY Case No. 29 of 2019**

**(Sri Binod Kumar Jena –Vrs- Trilochana Panigrahi, Sarpancha, Pakhar Gram Panchayat, Soro and others)**

The complainant namely Sri Binod Kumar Jena in his complaint dated 18.01.2019 alleged that Sri Trilochana Panigrahi, Sarpanch, Pakhara G.P in the district of Balasore as well as Sudhakar Barik, Panchayat Executive Officer, have misappropriated Rs. 50,000/- which was sanctioned for development of playground situated at mouza Biripada.

In reply Sri Trilochana Panigrahi, Sarpanch denied the allegations and stated that the development work was carried out by one Smt. Madhusmita Kar wife of Sujit Kumar Panda and after verification payment was made to her. The Panchayat Executive Officer also took a similar stand.

Having regard to the specific allegation of misappropriation of a sum of Rs. 50,000/- in the guise of development of playground and its denial by Sarpanch and Panchayat Executive Officer, it was felt necessary and proper to order for a preliminary inquiry against the Sarpanch and Panchayat Executive Officer of Pakhar Grama Panchayat, under Soro Block. Accordingly the Director of Inquiry, Lokayukta was directed to conduct preliminary inquiry on the following reference.

“Whether any development work of playground falling within the jurisdiction of Pakhar Grama Panchayat was carried out by the Sarpanch and the Panchayat Executive Officer of that Gram Panchayat through Smt. Madhusmita Kar and a sum of Rs. 50000/- sanctioned for it has been misappropriated.”

On completion of inquiry, the Director of Inquiry submitted his report U/s 20(2) of “The Odisha Lokayukta Act”. In view of Sec. 20(3) of “The Odisha Lokayukta Act”, the matter has been placed before a bench of three members.

## **6. LY Case No.02 of 2019**

**(Sri R. C. Mehera –Vrs- Santosh Kumar Das, Junior Engineer, ITDA, Baripada)**

It was alleged in the complaint that a project of Rubber Plantation at Krushnachandrapur was undertaken by the Project Administrator, ITDA, Baripada in which a huge amount of Rs. 30. 00 lakh was spent. This amount was sanctioned under Mahatma Gandhi National Rural Employment Guarantee Scheme, but on account of some act of the Junior Engineer, namely Santosh Kumar Das, Rubber plantation was burnt into ashes. He also did nothing to save the plantation from fire. Also he was involved in various ways of misappropriating Government funds.

Sri Santosh Kumar Das, Junior Engineer filed his reply, but the Lokayukta was not satisfied with the same. Therefore, the Director of Inquiry, Lokayukta was directed to conduct preliminary inquiry on the following three references.

1. Whether Sri Santosh Kumar Das, Junior Engineer, ITDA, Baripada is responsible for burning of Rubber plantation for his unlawful gain.
2. What was the real cause of burning of Rubber Plantation.
3. Whether Sri Santosh Kumar Das, Junior Engineer, ITDA, Baripada is indulging in misappropriation of Government funds.

After completing the inquiry, Director of Inquiry submitted his preliminary report on 16.10.2019. The concluding paragraph of preliminary inquiry report read as follows:-

“The involvement of Sri Santosh Kumar Das, JE for burning the Rubber Plantation for his unlawful gain could not be established from the statement of the beneficiaries, report of the firemen who were deployed for extinguishing the fire on the date of the incident and the inquiry report of the District level inquiry team. The real cause of burning of Rubber Plantation may be due to accidental

fire. Misappropriation of scheme funds on execution of plantation could not be noticed. Funds under labour component of MGNREGS has been credited to the Bank Pass Book of the labourers. The cost of property damaged due to fire accident is approximately Rs. 31,72,599/-."

Thus, it was clear that Sri Santosh Kumar Das was neither responsible for burning of Rubber plantation nor he was found to have misappropriated the government fund in any manner.

The Director of Inquiry in his report mentioned some deficiencies which he noticed regarding plantation programme and suggested that had those factors been taken care of, burning incident of the plantation could have been avoided. So, it was decided to send a copy of the preliminary inquiry report to the Secretary, Scheduled Tribe & Scheduled Caste Development, Minorities & Backward Classes Welfare Department, Government of Odisha for doing the needful.

## **7. LY Case No.317 of 2019**

**(Sri Sarbeswar Beura –Vrs- Panchayat Executive Officer, Taranjia G.P Dharmasala Block and others)**

The complainant alleged that as many as four houses have been allotted to one family under different rural housing scheme of the government by the Panchayat Executive Officer, Taranjia Gram Panchayat of Dharmasala Block, Dist. Jajpur illegally. Hence notice was issued to (1) the Panchayat Executive Officer, Taranjia G.P of Dharmasala Block, (2) Block Development Officer, Dharmasala and to (3) Sri Rabindra Parida, in whose favour the houses were allotted.

The B.D.O, Dharmasala in his reply submitted that a joint inquiry was conducted by him and he found some irregularities in the allotment of house building assistance to the family of Sri Rabindra Parida. He further intimated that a notice has been served upon Sri Bikramjit Parida son of Rabindra Parida to refund the entire allotted amount immediately and the work order issued in his favour has been cancelled. Also the name of Rabindra Parida which was included in the beneficiary list of Prime Minister Yavas Jojana in the year 2019-20 has been deleted, since he had already availed the house building assistance under I.A.J in the year 2015-16. The B.D.O., Dharmasala further intimated that a show cause notice has been issued to the present Panchayat Extension Officer and Ex-Panchayat Executive Officer who wrongly submitted reports that Bikramjit Parida was eligible to avail Biju Pucca Gruha. Also the replies submitted by the aforesaid two erring officers along with show cause notice have been forwarded to the Collector, Jajpur for initiation of Disciplinary action against them.

Since the B.D.O, Dharmasala has already taken necessary steps to rectify the wrong done and also he has recommended for initiation of disciplinary action against the erring officers, the Lokayukta decided not to proceed further in the matter and dispose of this case finally.

## 8. LY Case No.189 of 2019

### (Kabindra Sekhar Fakir Ranjan Das –Vrs-Principal A.B College, Basudevpur, Bhadrak)

In the matter, the complainant alleged misutilisation/non-utilisation of UGC fund and other Government funds provided to Atal Bihari College, Basudevpur by the Ex-Principal in-charge, Sri Narahari Barik. According to him, in spite of report about such misappropriation by the successor Principal of the College vide his letter No.220, dated 19.02.2015, no action had been taken by the Government.

The record revealed that the Regional Director of Education, Bhubaneswar vide his letter No. 8468, dated 02.07.2015 had directed the District Audit Officer, Local Fund Audit, Bhadrak to take step for audit of misappropriation of UGC fund of A. B College, Basudevpur. So, notice was issued to the Regional Director of Education, Bhubaneswar to clarify whether audit was conducted and if yes, then the outcome of audit.

The Regional Director of Education, Bhubaneswar intimated that the Regional Director of Education, Balasore is the competent authority to submit reply as the above named College is situated within his jurisdiction. The Regional Director of Education, Balasore vide his letter No. 5330 dated 13.09.2019 submitted his reply along with audit report and the report of the Principal of the College regarding compliance of the audit objection. Hence notice was issued to the Principal of the A.B. College to appear and explain about the compliance.

Pursuant to the notice, the Principal appeared on 29.11.2019 and filed compliance report of dt. 28.11.2019.

From the material available on record, it transpired that there was an audit and as per the audit report certain objections were raised particularly regarding non-submission of utilisation certificates, non-disbursement of scholarships and non-return of books by the research fellows. The report of the Regional Director of Education, Balasore dated 11.10.2019 revealed that out of seventeen lecturers only one had failed to submit the utilisation certificate for final MRP and that the college did not refund the undisbursed scholarship of Rs.1.07 lakh to the sanctioning authority.

The main audit objection was regarding non-utilisation of UGC fund of Rs. 67,50,000/- granted for construction of Women's Hostel. But it appeared from the report of the Regional Director of Education that the entire money meant for hostel had been utilised.

The Principal who was present before the Lokayukta submitted that undisbursed scholarship money had already been refunded to the sanctioning authority earlier as per the records. Referring to the order sheet of the scholarship file, he stated that this fact was intimated to the Regional Director of Education, Balasore. He assured that the objections which have not yet been complied with, shall be complied with soon.

Having regard to the nature of allegations and keeping in view the reports submitted by the Regional Director of Education, Balasore and Principal of the college and because there was no material regarding misappropriation of public fund, the Lokayukta decided not to proceed further with the complaint. Accordingly, the case was disposed of with observation that the objections of the audit report which have not been complied with by the College, shall be complied soon.

## 9. LY Case No.183 of 2019

### (Sri Sarat Pradhan – Vrs - The Divisional Forest Officer, Baliguda, Kandhamal)

The complainant alleged that his application for removal of forest produce from his ticketed land was not being decided by the Divisional Forest Officer, Baliguda, District: Kandhamal for unknown reasons. Hence notice was issued to the Divisional Forest Officer, Baliguda on 16.09.2019. The D.F.O, Baliguda filed his reply wherein he stated that the land over which trees are standing and in respect of which the complainant has requested for issuance of T.T permit, is actually recorded in the name of Smt. Subhadra Pradhan. The complainant had not mentioned anything regarding his relationship with Smt. Subhadra Pradhan. Also he had not filed any documents showing his relationship in respect of the land in any manner. Moreover he had not filed necessary documents as required under "The Odisha Protection of Scheduled Castes and Schedule Tribes (Interest in trees), Act, 1981." Since the application of the complainant was found incomplete, he was requested vide letter no.3026 dated 01.07.2019 to make good the deficiency and submit the required documents for processing the application. Also, the Tahasildar, K.Nuagaon Tahasil, District- Kandhamal was requested vide letter no.3022 dt.30.6.2019 of the DFO, Baliguda to verify the documents and furnish clarification on certain points to dispose of the application of the complainant.

Hence, the Lokayukta decided to dispose of the matter with a direction to the complainant to make good the deficiencies pointed out by the DFO, Baliguda for disposal of his application.

## 10. LY Case No.03 of 2015

### (Sri Chandra Sekhar Panda – Vrs - The S.D.O., Electrical, Bhanjanagar, Ganjam)

As per the allegations in the complaint, Mr. Ashis Kumar Jena, S.D.O., (Electrical) of Sub-Division- No.II, Bhanjanagar (SOUTHCO Utility) demanded Rs.20,000/- from the complainant to change the meter installed in his Rice Mill. It was alleged that 11 K.V H.T line is hanging over his Rice Mill and the authorities were not taking any steps for diversion of the same. Hence notice was issued to Sri Asish Kumar Jena, SDO (Electrical), Division-II, Bhanjanagar who appeared and filed his reply. The complainant also filed rejoinder to the reply of Sri Jena.

Having regard to the allegations made in the complaint and reply submitted by the respondent, the Lokayukta thought it proper to direct the State Vigilance Department to conduct an inquiry. The inquiry was conducted by Mr. Sarat Kumar Sahu, Inspector, Vigilance, Berhampur. As per the inquiry report, the allegations could not be established. It was stated in the report that the Rice Mill in question did not belong to the complainant and instead it belonged to his brother namely Sri S.K.Panda, but the complainant was only looking after the same. The 11 K.V. High Tension electric line was installed prior to the year 1999. Previously, the old Mill house was constructed by the side of 11 KV line at some distance. During last 3 to 4 years, Sri Panda has extended his Mill towards the rear side and therefore the 11 K.V line is now running dangerously just over the extended portion of Rice Mill. The report further disclosed that Sri Panda had submitted an application for diversion of 11 K.V line. As per procedure, the work Diagram for the diversion was prepared and copy thereof was forwarded to the office of the Executive Engineer, Bhanjanagar Division. The cost of diversion was estimated at Rs.60,294/-. The same was sent to Mr. Panda by the Division Office vide letter of dated

27.8.2019 asking him to undertake the diversion work himself after depositing Rs.3,412/- with the SOUTHCO Utility as supervision cost plus GST. As yet, Mr. Panda had not deposited the supervision cost and also did not take any step for diversion.

In view of the enquiry report of the Inspector, Vigilance, Berhampur, the Lokayukta declined to proceed further with the complaint and closed the matter.

## **11. LY Case No. 439 of 2019**

**(Secretary to Lokayukta, Odisha – Vrs – Executive Engineer (R & B) Division No.II, Cuttack and another)**

A news report in the form of complaint was published in the daily newspaper 'Sambad' dated 17.09.2019 under the caption "Mahanga Poorta Section re Tender Ghotala-2 to 3 Barsha re 215 Gupta Tender".

It was reported that in the year 2015-16 an amount of Rs. 22,56,174/- was misappropriated in the construction of Balichandrapur - Lalitagiri road, without inviting tender. Again in the year 2016-17 an amount of Rs.1,14, 12,704/- was misappropriated without inviting tender. Likewise in the year 2017-18 an amount of Rs.1,71,00,472/- was misappropriated in the same manner. All these works were deliberately splitted with the connivance of concerned Engineers and Contractors for their wrongful gain. The details of some other works done during the year 2016-17, 2017-18 etc. wherein tender process was not adopted were mentioned in the report. A huge amount of Rs. 7,79,36,027/- was alleged to have been misappropriated.

The Lokayukta took cognizance of the report and issued notice to the respondent to explain the circumstances under which the above stated contracts were awarded. Notice was also issued to the competent authority i.e. Minister-in-charge of Works, Government of Odisha, for his views in the matter.

In reply, the Executive Engineer, R & B Division, No.-II, Cuttack explained that the tenders floated were within Rs. 5.00 lakh, hence there was no necessity for publishing advertisements.

The Hon'ble Minister-in-charge of Works, Government of Odisha intimated that he too had taken cognizance of the newspaper report and directed the Commissioner-cum-Secretary to Government, Works Department to get the matter inquired and to take appropriate action. In compliance to the direction, the matter was inquired, where after a detailed inquiry report dated 20.11.2019 prepared by the Chief Engineer (DP) & Roads and Engineer-in-Chief (Civil) was submitted.

The Hon'ble Minister confirmed that the allegations were prima facie correct. After perusing the inquiry report, the Lokayukta concluded that not only irregularities were committed in the tender process but also road work done was of poor quality. The report further disclosed that some of the works of the project road were still incomplete despite the expiry of completion of time period. The Hon'ble Minister further intimated that necessary corrective measures are being taken including action against the erring officers.

Since there was no proposal for initiating criminal proceedings against the erring officers, in spite of inquiry report dated 20.11.2019 clearly establishing existence of prima facie case for



investigation in to the allegations, the Lokayukta vide order dated 27.11.2029 in exercise of the power conferred U/s 20 (6) of the Odisha Lokayukta Act directed the Director, Vigilance, Odisha to carry out the investigation and complete the same within six months.

## **12. LY Case No. 398 of 2019**

**(Manoranjan Sahoo – Vrs – Ram Narayan Mohanty, Superintendent Engineer, R & B Circle, Bhubaneswar)**

In the complaint dated 26.09.2019, serious allegations of corruption were levelled against Rama Narayan Mohanty, Superintendent Engineer, (Mechanical), R&B Circle, Bhubaneswar. According to the complaint, despite prima facie evidence found against Sri Rama Narayan Mohanty by the Vigilance Department, no action is taken against him, either by the Vigilance Department, or by the Water Resource Department, Government of Odisha, Bhubaneswar. Hence notice was issued to the Director of vigilance, who in his reply dated 13.11.2019 intimated that on the allegation made by Sri Artatrana Bhuyan and others regarding misappropriation of Government money, by Sri Rama Narayan Mohanty, a secret verification has been initiated vide Bhubaneswar Vigilance IR No.10 dated 19.02.2016 but since the stage of inquiry was not known he has instructed the Superintendent of Police, Vigilance, Bhubaneswar Division to submit his secret verification report forthwith for further action in the matter.

The reply of the Director of Vigilance further revealed that Sambalpur Vigilance P.S Case No.51 dated 29.06.2018 U/s 13(2) read with S.13(1) (d) of the Prevention of Corruption Act, 1988 has been registered against Sri Mohanty on the allegation of showing undue official favour to some small scale industries units. The works have been awarded through Short Quotation Call notices without adhering to the tender process and also by violating the codal provisions of execution of fabrication, erection, joisting and commissioning of sluice gates. The reply further disclosed that involvement of Sri R. N. Mohanty in corruption matter has been duly intimated to the Department of Water Resources, vide Memo No.2694/V Cr.(N) dated 19.07.2018 where after the status report of investigation was also communicated vide letter dt.16.02.2019. Despite the aforesaid back ground, the Department of Water Resources vide letter dated 19.11.2019 had sought vigilance clearance in favour of Sri Rama Narayan Mohanty for his promotion to the rank of Chief Engineer (Mechanical).

The secret verification against Sri R. N. Mohanty was initiated as far back as in the year 2016 but interestingly, its status was still not known. Hence, the Lokayukta vide order passed on dt.19.11.2019 directed the Superintendent of Police, Vigilance Bhubaneswar Division to immediately conclude the enquiry of secret verification and submit his report, to the Director of vigilance, Odisha, Cuttack within a month with a copy in a sealed cover to the Lokayukta. Also the Superintendent of Police Vigilance Sambalpur Division has been directed to submit status report of the investigation of vigilance P.S case No. 51 within a month not only to the Director of vigilance, but also to Lokayukta in a sealed over.

Having regard to the facts and circumstances of this case, notices have also been issued to Sri R.N. Mohanty and Secretary, Water Resources Department for filing their reply.

The matter is still pending.

### **13. LY Case No.278 of 2019**

#### **(Indramani Kanhar – Vrs – The Divisional Forest Officer, Boudh)**

This complaint relates to grant of T.T permit in favour of the complainant in respect of trees standing on a private holding. It was alleged by the complainant that the ACF, Mr. D. K. Singh demanded bribe of Rs. 25, 000/- for him and Rs. 30,000/- for the DFO, Boudh to issue T.T Permit in spite of order already passed for issuance of the same. Further it was alleged by him that the in-charge Head Clerk of the office of DFO, Boudh has already taken Rs. 5000/- for himself and as he failed to meet demand of bribe, his application for issuance of T.T permit was finally rejected on dt. 02.07.2018 after which he has filed an appeal before the appellate authority i.e. the Regional Chief Conservator of Forest, Berhampur, and the same was still pending.

Notices were issued to (1) DFO, Boudh, (2) Sri S. Sahoo, in-charge Head Clerk of the office of DFO, Boudh (3) ACF, Boudh Forest Division, (4) The RCCF, Berhampur. All of them in their separate replies denied the allegation of the demand of bribe. They also stated that an identical application filed by the complainant in the year 2011 which was rejected against which he filed an appeal and it was dismissed, where after he filed W.P. No.21321 of 2011 before the High Court of Orissa, and it was also dismissed as withdrawn. The present application for T.T permit being exactly identical in respect of the same property, his request was naturally rejected but his Appeal dated 25.07.2018 was still pending.

Having regard to the stand taken by the forest officials the Lokayukta decided not to proceed further with the present complaint with observation to the Regional Chief Conservator of Forests, Berhampur to dispose of the Appeal of the complainant expeditiously.

### **14. LY Case No.124 of 2019**

#### **(Nishakar Sahu – Vrs – The Collector, Balasore and another)**

In the complaint, it is alleged by the complainant that although he is entitled for one house under Prime Minister Awas Yojana or Biju Pucca Gruha Yojana, the same has been denied by the Block Development Officer, Basta for extraneous reason.

In response to the notice, both the Collector, Balasore and B.D.O, Basta appeared in person and BDO, Basta filed her reply to the complaint.

During hearing, they stated that the complainant is eligible for a house either under PMAY or BPGY, but since his name was not enlisted earlier in SECC-2011, the house could not be provided to him. They further submitted that now the name of the complainant has been included in the list and very soon, a house will be provided to him. The complaint was therefore finally disposed of with a direction to both the aforesaid officers to ensure that one house is provided to the complainant as early as possible on priority basis before 31st December, 2019

## Some Suggestions for Improvement

The State Government should endeavour to bring Directorate of Vigilance under Lokayukta as it will not only enhance the trust and credibility of Lokayukta but also of the Vigilance amongst the people of Odisha. Not only this, bringing Directorate of Vigilance under Lokayukta will also substantially improve the functioning of both Lokayukta and Vigilance.

The Odisha Lokayukta (Procedure of filing Complaint) Rules, 2019, The Odisha Public Servants (Furnishing of Information and Annual Return of Assets and Liabilities and the Limits for Exemption of Assets in Filing Returns) Rules, 2019 and The Odisha Lokayukta (Appointment and conditions of service of Secretary, Officers and staff) Regulations-2019 are pending consideration with the State Government since long. These Rules and Regulations be immediately notified for effective functioning of the Lokayukta.

During the course of hearing, assistance of legal experts is being regularly felt for explaining various welfare schemes of the State Government as well as instructions and guidelines pertaining to implementation of schemes plus other related legal issues. Therefore, two legal experts, if appointed, functioning of the Lokayukta will improve considerably.

Section 22 of the Odisha Lokayukta Act provides that the Lokayukta may require any public servant to furnish information or produce documents relevant to preliminary inquiry or investigation. This casts a duty on the Government officials to respond to the notices issued by the Lokayukta for furnishing informations/reports and producing documents in the matter of conduct of proceeding before the Lokayukta. Similarly as per Section 28 of the Act, the Lokayukta can utilize the services of any officer or organization or investigating agency of the Government. But the experience so far shows that sometimes, the Government officials do not respond to the notices issued from the Lokayukta, even though the proceedings before the Lokayukta are deemed to be judicial proceeding within the meaning of Section 193 of the Indian Penal Code, 1860. Therefore, for proper functioning of the Lokayukta and speedy disposal of the matters or proceeding before it, the Government may consider to issue an advisory to all the Departmental Heads and other offices to promptly respond to the notices/instructions issued from the Lokayukta.

Presently the office of the Lokayukta is functioning from a multi storied building at Toshali Bhawan, Bhubaneswar, and the said building is also the house of various other Government Offices e.g. Odisha Human Rights Commission, State Election Commission, Odisha, Odisha State Commission for Women, Odisha Information Commission etc. The office of Lokayukta has been allotted three floors in the said building where various departments/sections e.g. Court Section, Accounts Section, Office Section etc. are spread. Very recently, the Government of Odisha has been pleased to create 150 posts of different cadres for the establishment of Lokayukta and in the event of appointment of all the staff against those newly created posts, which is very likely to be carried out within a short period, the office space for the establishment of Lokayukta will be highly inadequate. It is, therefore, proposed that separate land of two acres with a building of 15,000 sq.ft. be provided for proper functioning of the Lokayukta.

