

# The Odisha Gazette

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## GENERAL ADMINISTRATION & PUBLIC GRIEVANCE DEPARTMENT

### NOTIFICATION

The 1st October, 2020

**S.R.O. No.211/2020.**— In exercise of the powers conferred by Section 57 read with clause (d) of sub-section (1) of Section 2 of the Odisha Lokayukta Act., 2014 (Odisha Act.12 of 2018) and in supersession of all rules issued in this regard under the Odisha Lokpal and Lokayuktas Act., 1995 (Odisha Act. 8 of 1995) so repealed, except as respects things done or omitted to have been done before such supersession, the State Government do hereby make the following rules, namely: —

**1. Short title and commencement.**— (1) These rules may be called the Odisha Lokayukta (Procedure of filing of Complaint) Rules, 2020.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires, —

(a) "Act" means the Odisha Lokayukta Act., 2014 (Odisha Act. 12 of 2018);

(b) "complainant" means any person who files a complaint under clause (d) of sub-section (1) of Section 2;

(c) "form" means a Form appended to these rules;

(d) "offence" means an offence punishable under the Prevention of Corruption Act., 1988 (49 of 1988);and

(e) "section" means a section of the Act.

(2) All other words and expressions used but not defined in these rules shall have the meanings, respectively, assigned to them in the Act.

**3. Form and manner of complaint.** - (1) For the purposes of clause (d) of sub-section (1) of Section 2 of the Act., a complaint shall be filed in Form-A.

(2) A complaint shall be filed in any of the following manner, namely: —

(i) Electronically, in the manner, as laid down by the Lokayukta; or

(ii) by post; or

(iii) in person:

Provided that where the complaint is filed electronically, the hard copy thereof shall be required to be submitted to the Lokayukta within a period of fifteen days from the date of filing:

Provided further that the Lokayukta shall not keep the said complaint, received electronically, as pending, if the same is complete in all respects.

(3) A complaint shall contain the details of allegations about commission of an offence by the public servant.

(4) Every complaint under the Act shall be made to the Lokayukta in Odia or English language.

(5) The following documents shall be appended to the complaint, namely: –

- (a) copy of the identity proof as specified in the form of complaint;
- (b) registration or incorporation certificate of the organisation, on whose behalf the complaint is being made, if it is a board, body, corporation, company, limited liability partnership, authority, society, association of persons or trust;
- (c) copy of authorization certificate in favour of the signatory if the complaint is being made on behalf of the board, body, corporation, company, limited liability partnership, authority, society, association of persons or trust;
- (d) an Affidavit in the form as specified in the Part D of Form A; and
- (e) duly signed detailed statement making out the allegation.

(6) The complaint filed against a public servant referred to in clauses (a), (b) and (c) of sub-section (1) of Section 14 of the Act. shall be decided by the bench as referred to in sub-section (3) of Section 20 of the Act., in the first instance, at the admission stage.

(7) The Lokayukta may seek such other information and affidavit relating to a complaint, as it deems fit, from the complainant.

**4. Processing of complaint.** – (1) The Lokayukta may process a complaint in the following manner, namely:-

- (a) protect the identity of the complainant and the public servant complained against till the conclusion of the inquiry or investigation:

Provided that the protection shall not be applicable in cases where the complainant himself has revealed his identity to any other office or authority while making a complaint to the Lokayukta;

- (b) protect the integrity of the process of inquiry or investigation;
- (c) dispose of the complaints, *in limine*, on any of the following grounds, namely:-
  - (i) where the contents of the complaint are illegible;
  - (ii) where the contents of the complaint are vague or ambiguous;
  - (iii) where the contents of the complaint are trivial or frivolous;
  - (iv) where the complaint does not contain allegation against a public servant;
  - (v) where the complaint is not filed within the period of limitation under section 52; or
  - (vi) where the cause of the complaint is pending before any other Court or Tribunal or Authority.

(2) The Lokayukta shall dispose of the complaints satisfying the conditions as contained in clause (c) of sub-rule (1) within a period of thirty days:

Provided that the Lokayukta for the reasons to be recorded, in writing, may extend the said period by a further period not exceeding fifteen days at a time.

**5. Service of notice to the public servant etc.—** Where the Lokayukta is satisfied that there exists a case for an inquiry or investigation against the public servant including any person or institution as mentioned in Section 14, a notice in Form - B shall be served on such public servant, person or institution as mentioned in Section 14 by registered post or by such courier service as may be approved by the Chairperson or by Fax message or by electronic mail service or by any other means as may be decided by the Chairperson calling for explanation from the notice.

**6. Filing of reply and other documents.—** (1) The notice may file his reply to the complaint in three complete sets, one being signed and two other copies, along with the documents in a paper book with the Secretary within forty-five days of service of notice under rule 5:

Provided that the Lokayukta may, in its discretion, on an application filed by the notice, allow such further time as it may deem fit for filing of reply.

(2) If the notice fails to file reply under sub-rule (1), the Lokayukta may proceed and pass an order on the complaint as it may deem fit and proper.

**7. Supply of copies of Orders.—** The complainant and affected parties and respective Departments concerned may be supplied a copy of all orders of the Lokayukta that affect them, on an application by the affected party.

**8. Exercise of powers of Civil Court by the Lokayukta.**— For the purpose of giving effect to the provisions of the Act, and these rules, the provisions relating to issue and service of summons and examination of witness by the Commission provided in Order V and Order XXVI of the Code of Civil Procedure, 1908, respectively, shall apply.

**9. Discontinuance of inquiry.**— (1) The Lokayukta may, in their discretion, at any time, after the commencement of any inquiry under the Act, order discontinuance of further inquiry of any complaint involving an allegation or refuse to inquire or cease to inquire any complaint, if in his opinion, —

- (i) there are no sufficient grounds for inquiring or as the case may be, for continuing the inquiry;
- (ii) other remedies are available to the complainant and in the circumstance of the case, it would be more proper for the complainant to avail of such remedies; or
- (iii) there exists no other reason to continue the inquiry.

(2) In any case where the Lokayukta decides to discontinue any inquiry in respect of a complaint, it shall record the reasons therefor and communicate the same to the complainant and the public functionary concerned.

**10. Transmission of letter of request by the Special Court.**— On an application made to the Special Court by an officer of the Lokayukta authorized in this behalf under sub-section (1) of Section 36 that any evidence is required in connection with the preliminary inquiry or investigation into an offence, the Special Court being satisfied that such evidence is required for the purpose, it may issue a letter of request in the format specified in Form - C to a Court or an Authority in the contracting State competent to deal with such request by registered post or by such courier service as may be approved by the Chairperson or by Fax message or by electronic mail service or by any other means as may be decided by the Chairperson.

**11. Payment of interest on failure to return assets etc.**— If, the assets, proceeds, receipts and benefits confiscated under sub-section (1) of Section 31 cannot be returned to the public servant, after modification or annulment of the order of confiscation or upon his acquittal, he shall be paid the price thereof including the money so confiscated with an interest at the rate of five per centum per annum thereof calculated from the date of such confiscation.

**12. Manner of forwarding the attachment order.**— Where any property is attached under sub-section (1) of Section 29, a copy of the order of attachment and documents relating to such attachment shall be forwarded to the concerned Special Court in a sealed envelope through a Special Messenger duly authorized by the Lokayukta or the Investigating Officer, as the case may be.

## FORM-A

## FORM OF COMPLAINT

[See rule 3]

## PART-A

## DETAILS TO BE FURNISHED BY THE COMPLAINANT/ SIGNATORY TO THE COMPLAINT

1. Specify if the complaint is being made by

 Individual  Society  Association of persons  Trust  Company

 Limited Liability Partnership  Board  Body  Corporation

 Authority  Others

2.	Name of the complainant (in block letters) @ @ attach an identity proof. NOTE: Any of the following documents will be considered as a valid proof of identity - Driving License, Service Identity Cards with photograph issued to employees by Central/State Government/Public Sector Undertaking/Public Limited Company, Passbook with photograph issued by a Bank/Post Office, PAN Card, Smart Card issued by Registrar General of India under National Population Register, MNREGA Job Card, Health Insurance Smart Card issued under the scheme of Ministry of Labour, Pension document with photograph, Official identity cards issued to MPs/MLAs and Aadhaar Card.		
	Title (Shri/Smt./Kum./Dr. etc.)		
	Surname		
	Middle Name		
	First Name		
3.	Gender	Male	Female . Transgender
4.	Age [in complete years]		
5.	Nationality* (in case the complainant is not a citizen of India, only a copy of the Passport will be accepted as a proof of identity)		

6.	Details of identity/residence proof to be enclosed with the complaint					
	Document attached (Tick the appropriate box)	Driving Licence	Passbooks with photograph issued by Bank/ Post Office	Smart Card issued by Registrar General of India under National Population Register	MNREGA Job Card	Aadhaar Card
		PAN Card	Service Identity Card with photograph issued by Central/ State Govt./PSUs/ Public Limited Companies to its employees	Health Insurance Smart Card issued under the scheme of Ministry of Labour	Official identity cards issued to MPs/ MLAs/	Pension document with photograph
	(a) Number					
	(b) Date of issue					
	(c) Validity upto					
	(d) Issuing Authority					
7.	Permanent Address					
	House/Property Number/Locality					
	Village/District/City					
	State					
	Country					
	Pin Code/Postal or Zonal Code					
8.	Address for correspondence					
	House/Property Number/Locality					
	Village/District/City					
	State					
	Country					
	Pin Code/Postal or Zonal Code					
9.	Occupation/ designation/ avocation:					

10.	(a) Telephone Number ( with ISD/STD codes)		(b) Mobile Number (with country code)	
11.	e-mail id			
12.	Mode of presentation of the Complaint (Tick the appropriate column) [see sub-rule (2) of rule 3]	(a) In person		
		(b) By Post		
		(c) Electronically Note: A physical copy is to be provided to the Lokayukta within a period of fifteen days.		
13.	Whether a duly notarized affidavit as annexed to this form has been enclosed?	YES		NO
14.	Whether the complainant is the victim?	YES		NO

It is certified that to the best of my knowledge, belief and information:

- (i) the alleged offence in respect of which present complaint is being made is within the period of seven years [limitation as laid down under section 52 of the Odisha Lokayukta Act, 2014];
- (ii) no matter or proceeding related to allegation of corruption under the Prevention of Corruption Act, 1988 (49 of 1988) being made under this complaint is pending before any Court or Committee of the Legislative Assembly of the State or before any other authority and the complaint is not barred from being made before the Lokayukta under section 15 of the Odisha Lokayukta Act, 2014.

Place

Date

Signature of the complaint/  
authorized signatory

#### PART -B

ADDITIONAL DETAILS TO BE FURNISHED BY THE SIGNATORY TO THE COMPLAINT IF THE COMPLAINT IS BEING FILED ON BEHALF OF A BODY OR BOARD OR CORPORATION OR AUTHORITY OR COMPANY, SOCIETY OR ASSOCIATION OF PERSONS OR TRUST OR LIMITED LIABILITY PARTNERSHIP

1.	In case the complaint is made by a body or board or corporation or authority or company, society or association of persons or trust or limited liability partnership, then please indicate:		
(a)	Whether such organisation as referred to above is based in India? (Tick the appropriate column)	YES	NO
(b)	If the answer to (a) above is "YES" then whether the certificate of registration/ incorporation [as issued by the authority competent to issue such certificate in India or by authority competent to issue such	YES	NO

	certificate as per the regulating law of the Foreign State, as the case may be], in respect of such organisation has been enclosed? (Tick the appropriate column)		
(c)	Indicate the name of the Competent Authority which has issued the certificate of registration/ incorporation of the organisation		
(d)	Address for correspondence with the Organisation		
	House/Property Number/Locality		
	Village/District/City		
	State		
	Country		
	Pin Code/Postal or Zonal Code		
(e)	Telephone Number (with ISD/STD Code)	(b) Mobile Number (with Country code)	
(f)	e-mail id		
2.	Personal details of office bearers and head of the organisation	Furnish details in respect of each Office Bearer and Head of Organisation in the format as contained in Part A of this form. [please see Section 47]	

Attach separate sheets in respect of each individual

3.	Details of the person who has authorised the signatory to file the complaint on behalf of the organisation		
4.	Name of the person authorising the signatory to file the complaint (in block letters) @ @ attach an identity proof. NOTE: Any of the following documents will be considered as a valid proof of identity - Driving License, Service Identity Cards with photograph issued to employees by Central/State Government/Public Sector Undertaking/Public Limited Company, Passbooks with photograph issued by a Bank/Post Office, PAN Card, Smart Card issued by Registrar General of India under National Population Register, MNREGA Job Card, Health Insurance Smart Card issued under the scheme of Ministry of Labour, Pension document with photograph, Official identity cards issued to MPs/MLAs and Aadhaar Card.		
	Title (Shri/Smt./Kum./Dr. etc.)		
	Surname		
	Middle Name		
	First Name		



5	Gender	MALE	FEMALE	TRANSGENDER		
6.	Age					
7.	Nationality (in case the person authorising the signatory is not a citizen of India, only a copy of the Passport will be accepted as a proof of identity)					
8.	Details of identity/residence proof of the person authorising the signatory enclosed with the complaint					
	Document attached (Tick the appropriate box)	Driving Licence	Passbooks with photograph issued by Bank/Post Office	PAN Card	MNREGA Job Card	Aadhaar Card
		Smart Card issued by Registrar General of India under National Population Register	Service Identity Card with photograph issued by Central/State Government /Public Sector Undertaking/ Public Limited Company to its employees	Health Insurance Smart Card issued under the scheme of Ministry of Labour	Official identity cards issued to MPs/ MLAs	Pension document with photograph
	(a) Number					
	(b) Date of issue					
	(c) Validity upto					
	(d) Issuing Authority					
9.	Permanent Address of person authorising the signatory					
	House/Property Number/Locality					
	Village/District/City					
	State					
	Country					
	Pin Code/Postal or Zonal Code					

10	Address for correspondence		
	House/Property Number/Locality		
	Village/District/City		
	State		
	Country		
	Pin Code/Postal or Zonal Code		
11	Occupation/ designation/ avocation:		
12	(a) Telephone Number (with ISD/STD codes)	(b) Mobile Number (with country code)	
13	e-mail id		
14	Whether an authorisation document has been enclosed? (Please tick the appropriate box)		
15	Details of third party, if any, likely to be affected by the complaint		
(a)	Name		
(b)	Gender	MALE	FEMALE
			TRANSGENDER
(c)	Age		
(d)	Full Address		
(e)	Telephone Number (with ISD/STD codes)	(b) Mobile Number (with Country code)	
(f)	e-mail Id		

## PART - C

DETAILS AS REGARDS THE PUBLIC SERVANT AGAINST WHOM THE COMPLAINT IS BEING MADE

1.	<p>Name of the public servant(s) against whom complaint is being made (in block letters)* * attach a separate sheet in respect of each public servant against whom a complaint is being made. Note: Details of third party/ parties, if aware, whose interests are likely to be prejudicially affected by the said</p>	
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	complaint as contemplated under Section 21 may also be separately furnished		
2.	Present designation/status of the public servant(s) against whom complaint is being made		
3.	Whether the complaint is against any officer or employee or agency, under or associated with the Lokayukta? (tick the appropriate box) [see Section 38 ]	YES	NO
4.	With respect of serial No. 2 above, indicate	Designation of the officer/employee	Organisation/Agency having administrative control over the said officer/employee
5(a)	Category of public servant against whom the complaint is being made (tick the appropriate box) [see Section 14]	The Chief Minister	
		A Minister of the State	
		A Member of the Odisha Legislative Assembly	
		Chairperson or Member by whatever name called, of a Panchayat or a Municipality	
		An officer or employee of the State	
		A Chairperson or a Member of a Body	
		A Chairperson or a Member of a Board	
		A Chairperson or a Member of a Corporation	
		A Chairperson or a Member of an Authority	
		A Chairperson or a Member of a Company	
		A Chairperson or a Member of a Society	
		A Chairperson or a Member of an Autonomous body	
		A Chairperson or a Member of a Trust	
		An officer or employee of a Body	
		An officer or employee of a Board	
		An officer or employee of a Corporation	
		An officer or employee of an Authority	
		An officer or employee of a Company	
		An officer or employee of a Society	
		An officer or employee of an Autonomous body	
		An officer or employee of a Trust	
		A Director, Manager, Secretary or other officer of association of persons, society or trust referred to in clauses (g) and (h)	
		Any other category	

5(b).	In case the complaint is made against any other category of public servants, specify		
6.	In case the complaint is against any Chairperson/Member/Officer/Employee of a Trust or an Association of Persons or Society, indicate:		
(a)	Whether the organisation is wholly or partly financed by the Government. (tick the appropriate box)	YES	NO
(b)	Whether the annual income of the organization exceeds as specified by the State Government by notification. (tick the appropriate box) [see clause (g) or clause (h) of sub-section (1) of Section 14] *strike out which is not applicable*	YES	NO
(c)	Whether the Organisation is in receipt of any donation from any foreign source under the Foreign Contribution (Regulation) Act., 2010 in excess of ten lakh rupees in a year? (tick the appropriate box) [see clause (h) of sub-section (1) of Section 14]	YES	NO
7.	Please state, if aware, as to whether the public servant is presently serving the affairs of the State or in any body or Board or Corporation or Authority, etc. established by an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it? (tick the appropriate box) [see proviso to clause (f) of sub-section (1) of Section 14 and proviso to sub-section (3) of Section 14]	YES	NO
8.	Post held by the public servant at the time of commission of alleged offence under the Prevention of Corruption Act., 1988. [see Explanation to Section 14]		

9.	Details of the Cause of Action/ offence under the Prevention of Corruption Act., 1988.					
	(i) Period during which alleged misconduct was committed.  [see Explanation to Section 14]	From	to			
	(ii) Place of occurrence:					
	(iii) District:					
	(iv) State:					
10.	Summary of facts/allegations of corruption:  [Detailed complaint duly signed to be enclosed]	Facts and Circumstances:				
	Details of the offences alleged under the Prevention of Corruption Act. (Briefly indicate the facts and consequential allegations against the public servant which constitute offence(s) under the Prevention of Corruption Act., 1988)	Allegations <sup>^</sup>				
		<sup>^</sup> if possible, indicate the statutory provision alleged to have been violated by a particular act of commission or omission				
11	Names of Witnesses in support of the allegations, if any:					
	(a) Number of Witnesses:					
	(b) Name (s):	1.	2.	3.	4.	5.
	(c) Gender:					
	(d) Age:					
	(e) Full Address:					
	(f) Mobile No.:					
	(g) E-mail Id:					

12.	Particulars/List of the documents relied upon by the Complainant in support of the allegation:		
13	Any other information, the complainant desires to furnish/disclose which may be relevant to the inquiry/investigation into the allegation of corruption.		
14	Whether copies of the documents and other material evidence (including electronic evidence, if any) relied upon by the complainant and referred to in the complaint have been submitted ?	YES	NO
15	If the complaint is being filed electronically whether pdf formats of the documents and other material relied upon has been attached to the electronic format of the complaint (tick the appropriate box)  [see sub-rule (2) of rule 3]	YES	NO

Signature of the complainant/  
Authorised person

Place			
Date	day	Month	Year

PART-D

AFFIDAVIT

(to be sworn on a non-judicial stamp paper)

I ..... aged ..... years, s/o .....  
r/o.....do hereby solemnly affirm and declare on oath as under-

1. That I am filing this complaint on my own behalf

OR

That I am filing this complaint on behalf of body/Board/ Corporation/ Authority/ Company/ society/trust/association of persons/Non-Governmental Organisation/ Limited Liability Partnership (give its name and registration number, if any) having their office at (give contact address/email/phone/fax of the organization) and that I am authorized to sign and make this complaint vide its resolution dated .....

2. That I have filed the present complaint under the provisions of the Odisha Lokayukta Act, 2014 (Odisha Act 12 of 2018) and the rules made thereunder.

3. That I have gone through the provisions of the Odisha Lokayukta Act, 2014 and do hereby affirm that the present complaint is in conformity therewith and I am fully aware that under the provisions of Sections 46 and 47 of the said Act making any false and frivolous or vexatious complaint is punishable with imprisonment for a term which may extend to one year and with fine which may extend to one lakh rupees.

4. That neither I nor any other person in the organisation / institution / body that I represent in this complaint has filed any complaint in this matter before any Court or Committee of the Legislative Assembly of the State or before any other Authority and this complaint does not attract the provisions of Section 15 of the said Act.

5. I state that before filing this complaint I have collected and presented the information and supporting evidence to the best of my knowledge, ability and capacity which are relevant in support of the allegations of corruption against the concerned public servant and I further confirm that I have not concealed any data / material / information in this complaint.

Solemnly affirmed at ..... this ..... day of ..... 20 .....

DEPONENT

Verification

I ..... the above named deponent do hereby verify that the contents of the aforesaid paragraphs 1 to 5 are true and correct to the best of my knowledge and belief and nothing is concealed therefrom.

Verified at ..... this ..... day of ..... 20 .....

DEPONENT

FORM - B  
(See rule 5)

NOTICE

In the Office of the Lokayukta  
Complaint No.

.....

Complainant

.....

Public Servant Complained Against

To

(Govt. name and address of the public servant)

Upon considering the material before him, the Lokayukta has decided to conduct an inquiry/investigation under the Odisha Lokayukta Act., 2014 (Odisha Act. 12 of 2018) in respect of the complaint made by .....  
.....(name and address of the complainant) against you and a copy of the complaint is appended ..... Statement setting out the grounds therefor is appended.

Take notice that you are hereby required to file your reply within forty-five days from the date of service of this notice and to offer your comments and explanations supported by an affidavit and produce true copies under your signature of the documents (if any) on which you want to rely in your defence.

Take further notice that if, on or before the date aforesaid you fail to appear in person to file the reply and offer your comments and explanation or fail to send the reply etc., by post or otherwise, the matter may be decided in your absence.

Given under my hand and the seal of the office.

Dated the            day of            20

Secretary,  
(Lokayukta, Odisha)



FORM - C  
(See rule 10)

LETTER OF REQUEST

To

.....  
.....

(Name of the Court/Authority and Address)

Whereas on the basis of a complaint alleging corruption against Mr./Mrs....., the Lokayukta, Odisha is conducting inquiry/ investigation into the allegations under the provisions of the Odisha Lokayukta Act., 2014 and for the purpose of inquiry/investigation, the Lokayukta requires the following evidence/documents (specify particulars of evidence/documents);

And, whereas, this Court is satisfied that such evidence/ documents is available with ..... which is required for the purpose of the inquiry/ investigation under the Odisha Lokayukta Act., 2014;

This Court, therefore, requests you to examine the facts and circumstances of the case and take all necessary steps for collection/ seizure of such evidence/ documents and forward the same to this Court by .....

Dated this ..... day of ..... 20

Judge

Seal of the Court

[No.22045-GAD-LK-LOK-0002-2019/Gen.]

By Order of the Governor

SANJEEV CHOPRA

Principal Secretary to Government