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## Office of the Lokayukta, Odisha

B-2, Ground Floor, Toshali Bhawan, Satyanagar, Bhubaneswar-751007.

### NOTIFICATION

Dated the 27<sup>th</sup> September 2019

No. 2917 / LY, In exercise of the powers conferred by sub-section (1) read with clauses (b), (c), (d) and (e) of sub-section (2) of section 58 of the Odisha Lokayukta Act, 2014 (Odisha Act 12 of 2018) and in supersession of all pervious rules, order and instructions issued on the subject under the Odisha Lokpal and Lokayuktas Act, 1995, so repealed, except as respect things done or omitted to have been done before such supersession, the Lokayukta do hereby make the following Regulations, namely:-

#### Chapter I

#### Preliminary

1. **Short title and commencement.** - (1) These regulations may be called the Odisha Lokayukta (General) Regulations, 2019.  
  
(2) They shall come into force on the date of their publication in the Odisha Gazette.
2. **Definitions.** - (1) In these regulations, unless the context otherwise requires:-
  - (a) "Act" means the Odisha Lokayukta Act, 2014 (Odisha Act 12 of 2018);

- (b) “rules” means the rules made under the Act;
- (c) “Secretary” means the Secretary of the Lokayukta appointed under sub-section (1) of section 10; and
- (d) “section” means the section of the Act.

(2) All other words and expressions used hereinafter, but not defined herein, shall have the same meaning as respectively assigned to them in the Act.

## Chapter II

### (Conduct of Business)

3. **Date and place of hearing to be notified.** – The Secretary or any other officer authorized by the Chairperson shall notify the parties of the date and the place of hearing of the complaint.

4. **Sitting of the Lokayukta.** – The Lokayukta shall ordinarily hold its sitting at Bhubaneswar.

5. **Working and sitting hours of the Lokayukta.** – (1) except on non-working Saturdays, Sundays and other public holidays, the office of the Lokayukta shall, subject to any order made by the Lokayukta, remain open from 10:00 A.M. to 05:30 P.M. with half an hour lunch break from 1.30 P.M. to 2.00 P.M.

(2) The sitting hours of the Lokayukta shall ordinarily be from 11:00 A.M. to 01.15 P.M. and 02.00 P.M. to 03.30 P.M., subject to any order made by the Chairperson.

6. **Action on complaint of complainants.** - (1) Where, on the date fixed for hearing of the complaint or on any other date to which such hearing may be adjourned, the complainant does not appear when the complaint is called on for hearing, the Lokayukta may, in its discretion, either dismiss the complaint for default or hear and decide it on merit or pass such other order as it may deem fit.

(2) Where complaint has been dismissed for default and the complainant appears afterwards within thirty days from the date of dismissal and satisfies the Lokayukta that there was sufficient cause for his non-appearance when

the complaint was called on for hearing, the Lokayukta shall make an order setting aside the order of dismissal of the complaint and restore the same.

**7. Hearing on complaint ex-parte.-** (1) Where on the date fixed for hearing of the complaint or on any other date to which such hearing may be adjourned, the complainant appears and the public servant or the person or institution (hereinafter referred as the respondent) does not appear when the complaint is called for hearing, the Lokayukta may, in its discretion, adjourn or hear and decide the complaint ex-parte.

(2) Where the complaint has been heard ex-parte against a respondent or respondents such respondent or respondents may apply within thirty days from the date of ex-parte order to the Lokayukta for an order to set it aside and if such respondent or respondents satisfy the Lokayukta that the notice was not duly served or that he or they were prevented by any sufficient cause from appearing when the complaint was called for hearing, the Lokayukta may make an order setting aside the ex-parte order as against him or them upon such terms as it may think fit, and shall appoint a day for proceeding with the complaint:

Provided that where the ex-parte hearing of the complaint is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also.

**8. Adjournment of hearing.** - The Lokayukta may, adjourn the hearing of the complaint at any stage of the proceeding on such terms as it may deem fit:

Provided that no adjournment shall normally be granted for more than three times to a party during the proceeding before the Lokayukta:

Provided further that no such adjournment shall be allowed merely for asking by a party.

**9. Communication of the order to the Parties.** - Every final order passed on a complaint shall be communicated to the complainant and respondent and to the competent authority concerned either in person or by registered post free of cost under the seal and signature of the Secretary.

**10. Authentication of the order of Lokayukta.** - Any order passed or notices issued by the Lokayukta under the Act and rules, shall be

authenticated in such manner as the Lokayukta may, by general or special order, specify from time to time.

11. **Powers and duties of the Secretary.** - (1) The Secretary shall have the custody of the records of the Lokayukta and shall exercise such other functions as are assigned to him by the Chairperson.

(2) Without prejudice to the provisions of sub-regulation (1), the Secretary shall have the following powers and duties, namely:--

- i. to receive all complaints and other documents;
- ii. to decide all questions arising out of the scrutiny of the complaints after they are registered;
- iii. to require any complaint presented to the Lokayukta to be amended for compliance of any provision of the Act or rules;
- iv. subject to the direction of the respective Benches, to fix the date of hearing and to issue notices therefor;
- v. to order grant of copies of documents to the parties to the proceedings;
- vi. to grant leave to inspect the records of the Lokayukta;
- vii. to dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices and for extending the time for filing such applications and to grant time not exceeding thirty days for filing a reply or rejoinder, if any, and to place the matter before the Bench for appropriate orders after the expiry of the aforesaid period; and
- viii. to receive and dispose of applications by the parties for return of documents.

(3) The official seal shall be kept in the custody of the Secretary.

(4) Subject to any general or special direction by the Chairperson, the seal of the Lokayukta shall not be affixed to any order, summons or other process save under the authority in writing of the Secretary.

(5) The seal of the Lokayukta shall not be affixed to any certified copy issued by the Lokayukta save under the authority in writing of the Secretary.

**12. Maintenance and Preservation of Records.** - (1) All records relating to complaints in which the Lokayukta decides under sub-section (8) of section 20 for filing of charge sheet or initiation of departmental proceedings, shall be classified as Class-I (A) and shall be preserved in the record room permanently.

(2) The records relating to complaint in which the Lokayukta decides to file closure report under sub-section (8) of section 20, shall be classified as Class-I (B) and shall be preserved for three years.

(3) The Record Keeper shall be responsible for the records consigned to the record Room and shall scrutinize the records received by him within three days and prepare an index.

(4) If on scrutiny, any deficiency is found in the records, the Record Keeper shall return the records back to the concerned Branch or Section.

**13. Inspection of records of proceedings and supply of certified copies**

– (1) Records of every proceeding, except those parts which, for reasons to be specified by the Lokayukta, are considered to be confidential or privileged or otherwise not to be disclosed to any person, shall be open to inspection either during the proceeding or after the orders have been passed, subject to such person complying with such terms and conditions as the Lokayukta may direct, from time to time, including in regard to time, place and manner of inspection and payment of fees.

(2) Any person may be entitled to obtain certified copies of the orders, decisions and directions given by the Lokayukta as well as the pleadings, papers and other parts of the records of the Lokayukta to which he is entitled to inspect on payment of fee and complying with other terms and conditions which the Lokayukta may direct.

**14. Fee for inspection of records and issue of certified copy.** - (1) A fee of fifty rupees per day for a duration not exceeding three hours shall be payable for inspection of complaint records as permissible under these regulations.

(2) A fee of twenty rupees per page shall be payable for issue of certified copies of the documents forming part of the complaint records.

15. **Mode of payment of fees.** – All fees payable under these regulations shall be remitted by the applicant in the form of Court fee Stamps affixed to such application.

16. **Seal and emblem.** – The official seal and emblem of the Lokayukta shall be such as the Lokayukta may specify.

### Chapter III

#### (Manner of Preliminary inquiry and Investigation)

17. **Manner of conducting Preliminary inquiry.-** (1) Where the Lokayukta makes order for holding preliminary inquiry against the public servant under clause (a) of sub-section (1) of section 20 either by its Inquiry wing or by any agency as may be entrusted by the Lokayukta, such Inquiry wing or agency so appointed shall collect the materials, informations and documents filed by the complainant.

(2) After receipt of the material, information and documents as referred to in sub-regulation (1), the Inquiry wing or agency so appointed shall issue notice by registered post specifying the date, time, place and the purpose of such inquiry seeking comments on the allegations made in the complaint from the public servant concerned and the Competent Authority and after obtaining the comments from the concerned public servant and Competent Authority, shall submit the report to Lokayukta within the time stipulated in the Act.

(3) The Inquiry wing or agency shall complete the inquiry and submit its report to the Lokayukta in terms of reference made to it by the Lokayukta.

18. **Manner of conducting investigation.** – (1) Where the Lokayukta makes an order for conducting investigation against the public servant under clause (b) of sub-section (1) of section 20 of the Act by any investigating agency or the authority, the investigating agency or authority so empowered shall collect the materials, information and documents filed by the complainant and also the inquiry report, if any.

(2) The investigating agency or the authority, after receipt of the order from the Lokayukta for investigation into the complaint, shall, as far as practicable, follow the procedure relating to commission of cognizable offence under Chapter XII of the Code of Criminal Procedure, 1973 and subject to the orders of the Lokayukta under section 26 of the Act, the investigating agency or the authority shall have power to search and seize any document relevant to the proceeding under the Act and for the purpose of search and seizure, the provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall, so far as may be, apply to search and seizure made under the Act.

(3) The investigating agency or the authority, after completion of the investigation, shall submit the report to the Lokayukta.

#### Chapter IV

##### Miscellaneous

**19. Appointment of Authorized Officer.** - For the purpose of retaining the documents seized under sub-section (1) of section 26 of the Act, the Lokayukta may, by special order, authorize any of its officers as Authorized Officer to retain such documents in his custody.

**20. Return of Documents.** – Any person from whom documents have been seized under section 26 of the Act, desirous of receiving back any such document, may apply to the Lokayukta for its return and the Authorized Officer in whose custody the seized documents are to be kept, on the order of the Lokayukta, before returning such documents, shall make copies of such documents and obtain Signature of the person from whom such documents have been seized and after examining and comparing the copies with the original, certify it to be correct and get it authenticated by the Secretary.

**21. Display of Status of complaint etc. in Website.** – (1) For the purpose of information to the public, the status and number of complaints pending before the Lokayukta and the number of complaints disposed of by it shall be displayed through a Website of Lokayukta (Lokayukta.odisha.gov.in) in the State Data Centre (SDC) ;with Cyber Security in accordance with the

Guidelines of Indian Government Website (GIGW) Audit and Compliance as may be issued by the Government of India, from time to time.

(2) The Design input and Format for uploading the status of the complaints referred to in sub-regulation (1), in the Lokayukta Portal shall be such as may be decided by the Chairperson, from time to time.

(3) The Secretary or such other officer as may be authorized by the Chairperson shall supervise the work of uploading of the information relating to status of complaint in the Lokayukta Portal on a day-to-day basis.

**22. Suits by or against the Lokayukta.** - The Lokayukta may sue or be sued by the name of Odisha Lokayukta and the Secretary to the Lokayukta shall represent in such suits or legal proceedings.

**23. Fees Payable to legal Practitioners.** – (1) For the purpose of providing legal assistance to any person as per section 54 of the Act, the Lokayukta shall prepare for a period of three years a panel of legal practitioners:

Provided that no legal practitioner shall be eligible to be empanelled under this Regulation unless he or she has active practice experience of minimum of five years to be certified by the District Judge.

(2) The legal practitioner shall be paid of Rs. 1,000.00 per appearance for effective hearing and Rs. 750.00 for non-effective hearing subject to maximum of Rs. 7,500.00 per case.

By order of the Lokayukta

MANAS RANJAN TRIPATHY

Secretary