

- (d) the reasons for amendment in RTI Act;
- (e) whether RTI activists have registered their protest against the intention of Government to amend it;
- (f) if so, the details thereof; and
- (g) the response of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY) : (a) No, Sir.

(b) to (d) Do not arise.

(e) No, Sir.

(f) and (g) Do not arise.

Effectiveness of Lokayuktas

2251. DR. JANARDHAN WAGHMARE : Will the PRIME MINISTER be pleased to state:

- (a) whether Sixteen Lokayuktas have sent several recommendations to the Union Government to enhance their “effectiveness” which include making the anti-corruption body, the nodal agency for receiving all graft complaints and confessing the jurisdiction over probe agencies at State level;
- (b) if so, the details of recommendations made by the Lokayuktas and whether the Union Government has since examined those recommendations;
- (c) if so, the details thereof; and
- (d) the further response of Government on the implementation of those recommendations?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY) : (a) As per the information available in the Department, the Delhi Lokayukta has forwarded the Resolution passed by the 11th All India Lokayuktas Conference, 2012 held at New Delhi from 2nd November, 2012 to 4th November, 2012 to the Union Law Ministry.

(b) to (d) A copy of the said Resolution, indicating the issues raised and the recommendations made therein, is given in the Statement (*See below*).

The State Lokayuktas work under different legislations passed by the respective State legislatures. It is for the respective State Governments to consider the issues raised and recommendations made by the Lokayuktas. The Central Government has no role in the matter. However, to establish the Institution of Lokpal at the Centre level and a uniform Institution of Lokayuktas in all the States, the Government has introduced “The Lokpal and Lokayuktas Bill, 2011” on 22.12.2011 in Lok Sabha. The Lokpal and Lokayuktas Bill, 2011 has been passed by Lok Sabha on 27.12.2011 and presently is pending in the Rajya Sabha.

Statement

*Resolution passed by the Lokayuktas/Uplokayuktas participating in the Conference
after detailed Deliberations in the Colloquium*

11th All India Lokayuktas Conference, 2012 held at Vigyan Bhawan, New Delhi
under the aegis of Justice Monmohan Sarin, Lokayukta, Delhi from 2nd to 4th
November, 2012

All the participating Lokayuktas/Uplokayuktas in the 11th All India Lokayuktas Conference, 2012, hereby resolve as under:-

It is resolved that:-

1. The definition of ‘public servant/public functionaries’ shall also include persons who are members of the Civil Service or All India Service and/or persons holding civil posts under the Union or employed in connection with the affairs of the State. “Public Functionary” shall also include Principal Officer of an NGO receiving grant or financial aid from the State or the Central Government.
2. The Lokayuktas be conferred with powers to take cognizance on receipt of a complaint, other information or *suo moto*.
3. The Lokayuktas being former Judges of High Courts and, having regard to the nature of their functioning, need to be vested with powers to initiate and punish for contempt of Court on the same lines/analogy as the High Courts.

4. During investigation, Lokayuktas/Uplokayuktas may themselves exercise powers of search and seizure and delegate the same powers to any Officer investigation into any complaint(s) under his order/directions.
5. The Lokayuktas/Uplokayuktas, in appropriate cases, seek intervention or impleadment in any proceedings before any Court.
6. The Competent Authority, unless specifically permitted under the statute, shall not carry out any further inquiry or afford hearing to any indicted person, after receiving the recommendations from the Lokayuktas. The Competent Authority, in case of not accepting recommendations, shall give the reasons therefor.
7. The Institution of Lokayukta be made the Nodal Agency for receipt of all complaints for registration of cases against corruption and mal-administration/practices. The Lokayuktas shall forward, where necessary, the complaints to the appropriate authority for action.
8. The Lokayukta(s) as Nodal Agency be also conferred with appropriate supervisory jurisdiction over the anti-corruption bodies/agencies.
9. The Lokayuktas shall enjoy adequate financial and administrative autonomy and, for this purpose, necessary allocation of funds shall be made to them.
10. The Lokayuktas shall take necessary steps to promote awareness and knowledge about the Institution of Lokayuktas, its functioning, powers, responsibilities, jurisdiction etc., so that a common man is informed as to on what all complaints or issues he can approach the Lokayukta or Uplokayukta for redress.
11. Appeal to the print, electronic and social media to strength and build credibility of institutions engaged in eradicating corruption, by objective, balanced and truthful reporting and publication. Further, to endeavor to build a strong public opinion to discourage and deter the indolent, dishonest and corrupt.
12. Appeal to the higher judiciary to appreciate the sensitivity of functioning and objectives of the Lokayukta and inquiries, investigations being conducted by them and the desirability of the same being continued unimpeded, except in exceptional circumstances, specially so, since the findings and conclusions are for the purpose of the recommendations only.
13. Lokayukta(s)/Uplokayuktas be treated as “State Guest” by those States that are not observing this protocol.