

Irregularities in State lotteries of Kerala

710. DR. T.N. SEEMA: Will the PRIME MINISTER be pleased to state:

(a) whether the Central Bureau of Investigation (CBI) is conducting any investigation into the irregularities committed by the operators of other State lotteries in Kerala during the period 2001-2010;

(b) whether any charge-sheet has been filed against the culprits on the basis of these investigations and if so, the details thereof; and

(c) if not, the reasons for the delay in the investigation?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): (a) Yes, Sir CBI is investigating the irregularities committed by the operators of other State lotteries in Kerala during 2001-2012 (upto 31.10.2012).

(b) No, Sir.

(c) For conducting investigation in connection with Sikkim lotteries and collecting evidence from Sikkim, matter has been taken up with the Government of Sikkim for obtaining their consent under Section 6 of DSPE Act, 1946. Cases relating to sale of Sikkim lotteries in Kerala are at various stages of investigation and completion of investigation culminates in filing of Police report in the Court of law and issue of charge sheet against the culprits.

In connection with the Bhutan lotteries, approval of Ministry of Home Affairs (MHA) has been received for issuance of Letter Rogatory (LR), and the same will be issued by filing application in the competent Court shortly. Execution of LR leads to Police report in the Court of law and issue of charge sheet.

State's Lokayukta Conference in Delhi

†711. SHRI MUKHTAR ABBAS NAQVI: Will the PRIME MINISTER be pleased to state:

(a) the details of major issues discussed in presence of the Prime Minister in the State's Lokayukta Conference held in Delhi in recent past;

(b) whether the attention has been drawn by the State's Lokayukta towards the different problems being faced by them in their respective State, if so, the details thereof;

†Original notice of the question was received in Hindi.

(c) whether the Lokayukta of some States take action against various institutions and persons merely in order to get publicity;

(d) whether Government is taking any steps to resolve such problems and complaints against Lokayukta; and

(e) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): (a) The Delhi Lokayukta organized the 11th All India Lokayuktas Conference, 2012 from 2nd November, 2012 to 4th November, 2012 at Delhi. The Prime Minister did not participate in the said conference and no issues were, therefore, discussed in the presence of the Prime Minister.

(b) As per the information provided by the Delhi Lokayukta, during the said conference, each of the Lokayuktas made presentations on the working of their Institutions in the States, problems faced and the remedies within the existing frame work, which could be adopted. A copy of the Resolution adopted at the end of the Conference, which reflects and indicates common problems generally faced by the Lokayuktas in their jurisdiction, is given in the Statement (See below).

(c) to (e) The State Lokayuktas work under different legislations passed by the respective State legislatures. The Central Government does not maintain any data of the cases handled by the Lokayuktas. It is for the respective State Governments to resolve the problems or issues faced by the Lokayuktas.

Statement

Resolution passed by the Lokayukta/Uplokayuktas participating in the conference after detailed deliberations in the colloquium

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 investigating 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.

Complaints of misuse of RTI Act

†712. SHRI MUKHTAR ABBAS NAQVI: Will the PRIME MINISTER be pleased to state:

- (a) whether complaints regarding a large scale misuse of RTI Act are being received from various States and Union Territories;
- (b) if so, the number of complaints regarding misuse of RTI Act received so far and from where they have been received;
- (c) whether Government is contemplating to make necessary changes, amendments, modifications in the RTI Act in order to check such misuse, if so, by when; and
- (d) if not, the reasons therefor?

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

- (b) This information is not maintained centrally.
- (c) Government is not proposing to make amendment to the RTI Act to check its alleged misuse.
- (d) Does not arise.

†Original notice of the question was received in Hindi.