

LOKAYUKTA HARYANA

ANNUAL REPORT FOR THE PERIOD 01.04.2006 TO 31.03.2007

The present Lokayukta had assumed charge of his office on 16.01.2006 and as such this is virtually the first full year of functioning.

The Haryana Lokayukta Act, 2002 (hereinafter referred to as the “Act”) empowers the Lokayukta to look into the complaints and grievances of general public against action or inaction of the public servants. Various steps are initiated from time to time for disposal of the complaints and/or redressal of the grievances. The complaints, which do not fall within the ambit of the Act or in which no prima-facie case is made out, are filed at the preliminary stage itself. However, in respect of complaints in which a prima-facie case is made out, the concerned public servant is called upon to give his comments and further investigation, if warranted, is made after due opportunity to the complainant as well as to the concerned official. A formal order is, thereafter, passed giving the result of the enquiry/investigation. Recommendations are made to the Competent Authority for action against the public servant if warranted from the facts and circumstances of the case.

A-I During the financial year 2006-2007 a total number of 133 complaints were received, which have been listed in Annexure-I. Out of these, 60 complaints have been disposed of as per details given in Annexure-II. The remaining complaints are at different stages of investigation/enquiry. In three cases as per Annexure-III, action has been recommended against the erring officials to the competent authority A- under section 17(2) of the Act. However, the response from the Competent

A-IV

Authority, as envisaged under section 17(3) of the Act, is still awaited. In seven cases as enumerated in Annexure-IV, action against the erring officials was taken by the concerned departments during the course of proceedings in this office and therefore, the complaints were disposed of without recommending any further action.

A perusal of Annexure -II shows that a large number of complaints had been filed at the preliminary stage itself. This can be attributed to the lack of awareness in the general public about the matters which can be raised under the Act. Copies of representations addressed to various State authorities are marked to this office in a routine manner without complying with the requirements prescribed in the Act for filing a complaint or a grievance. The need for creating general awareness had been highlighted in my report for the year 2005-06 also. For this purpose a few steps were taken this year. Press notes/news items/articles were published in different newspapers and in the Haryana Sanwad. Pamphlets were also published and distributed in all the departments of the State of Haryana through the Public Relations Department.

Website

One of the important steps towards creating general public awareness has been the launching of the website of Lokayukta, Haryana, which is available at www.hrlokayukta.gov.in and the email address is **hrlokayukta@hry.nic.in**. The website was formally launched by His Excellency Dr. A. R. Kidwai, the Governor of Haryana on 28th February, 2007 at Haryana Raj Bhawan, Chandigarh. Complete information about the Act, complaints and their status is available on this website. For the sake of clarification and simplification of the Act, the frequently asked questions (FAQs) alongwith their answers have also been put on this website. The

complainant can retrieve information about the status of his complaint from this website by inserting his complaint number and year.

However, much more is required to be done for making the public aware about the benefits available to it under the Act. The biggest road- block in this direction is the absence of rules which have not been notified upto the date of writing this report. In my last report also I had raised this issue. While placing that report before the State Legislative Assembly the following note was appended by the State Government:-

“Framing of Rules regulating the functions, powers, inquiry, investigation, financial and administrative powers by the Lokayukta is under active consideration of the Government and the rules will be notified at the earliest.”

However, I am constrained to observe that despite various reminders and assurances, the rules are yet to be notified. In the absence of the rules no effective public awareness drive can be launched as the forms and procedure for filing a complaint have to be provided in the rules.

Based on my experience in dealing with the complaints/grievances, I would like to make the following observations/recommendations:-

1. Most of the grievances/complaints arise on account of inaction on the part of various officials in dealing with the representations made by the public which remain pending indefinitely. This laxity, unfortunately, emanates from the lowest position. The applications received in various offices are not even put up before the concerned officials and even the reminders are ignored. This results in no action being taken. It is, therefore, necessary that an appropriate procedure should be evolved for dealing with the communications received in the various offices from the public and their disposal should be made time bound. Any violation of the procedure without a proper explanation should result in effective action against the erring officials. It may be pertinent to point out that in

most of the cases even the letters written by this office to various officials fail to evoke any response and reminders have to be issued. When such reminders also remain unacknowledged, the only course left open is to summon the official just to ask him to file his response. This not only results in wastage of time, but is also an avoidable financial burden on State Exchequer as the official so summoned is considered to be on duty and thus entitled to the TA/DA as per the Government rules.

This matter had been brought to the notice of the Chief Secretary, who had issued a circular dated 11.9.2006 followed by a reminder dated 2.5.2007 to all the heads of departments for promptly dealing with the communications sent from this office. However, despite these instructions, many of the letters of this office are not only not responded to but also remain unacknowledged.

2. It has also been observed that the departmental enquiries initiated against various public servants remain pending for a long time. Further, even in cases where enquiry reports are submitted, action against the persons found guilty remains pending for a long time. This results in the erring officials remaining unpunished and also sends out a wrong signal to the general public that the erring official is being protected by some one in the administration. It is, therefore, necessary that the departmental enquiries should be conducted expeditiously and prompt action is taken on the basis of findings recorded in the reports.

3. It has also been observed that in many cases Enquiry Officers are junior in rank and position to the public servant against whom enquiry has been instituted. The general public does not expect a fair enquiry in such cases as it is a common perspective that a junior officer would hesitate to record an adverse finding against an officer who is senior to him. Thus, in my view, departmental enquiries should be entrusted to a person who is superior in rank to the person against whom the enquiry is instituted.

4. There are many complaints against police officials for their laxity in taking action. There are many cases where police had ignored the complaint of a citizen, but came into action only after the complainant had filed a complaint in this office. At the intervention of this office action has been taken in some such cases against the erring policemen, who had either delayed the action or had not conducted proper enquiry in order to help the accused. In complaint No. 61 of 2006 decided on 20.12.2006 it was found that some police officials had furnished a totally false enquiry report in order to help the accused who had played a fraud with the State Government for obtaining a loan under the Swaran Jayanti Shehri Rozgar Yojna (SJSRY). Such officials need to be sternly dealt with and awarded stringent punishment as they bring a bad name to the entire police force in the eyes of general public.

Sd/-
(N. K. Sud)
Lokayukta, Haryana.