

LEGAL_AWARENESS IN AUGUST 2023 ITEM 68 EXTRACT OF EMAIL DATED 31 08 2023 TO LOKAYUKTA ODISHA REGARDING LETTER NO 6929 LY DATED 28 08 2023

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CASE NO LY / 199 / 2023 LETTER NO 6929 LY DATED 28 08 2023

jayanti das <jayantidasorissa2012@gmail.com>

Thu, Aug 31, 2023
8:56 PM)

to lokayukta.odisha, supremecourt, secy.president, vpindia, govodisha, connect, CMO, mljoffice, lci-dla, rg.orihc, Prashant, Ramesh, Srinivas, aku.aor

To

SECRETARY JUDICIAL

**OFFICE OF THE LOKAYUKTA, ODISHA
B-2, GROUND FLOOR, TOSHALI BHAWAN,
SATYA NAGAR BHUBANESWAR-751007**

To

Secretary Judicial Lokayukta Odisha

Copy to

Hon'ble Chief Justice of India

Hon'ble President of India

Hon'ble Vice president of India

PMO

Governor Odisha

CMO

MINISTRY OF LAW AND JUSTICE

LAW COMMISSION

Registrar General Odisha High Court on behalf of MIGLAS OHC

Shri Prashant Bhushan Advocate Supreme Court

Shri Ramesh Mishra Advocate Supreme Court

Shri Srinivas Mohanty Advocate Orissa High Court

Shri Ashwini Upadhyay Advocate Supreme Court

Sir

SUBJECT-CASE NO LY / 199 / 2023

LETTER NO 6929 LY DATED 28 08 2023 RECEIVED ON 31 08 2023

You have forwarded a copy of the order of the above mentioned case.

It is pertinent to mention that no signature is made for the chairperson and the member except two empty rubber stamps which was not required if it was not signed by the authorities and their names were also not mentioned.

You have also not considered the para 3, 5, 6, 7, 8 and 9 of my email dated 10 07 2023 during the time of hearing of my case and I really do not know whether all my correspondence and written submissions made through speed post and email addressed to Lokayukta were placed before the bench or not as there is no mention of these matters in the order dated 23 08 2023 except the cause of rejection was given that I have failed to file the notarized affidavit and identity proof as required under rule 3 (1) of Odisha Lokayukta and hence the complaint is dismissed in limine.

The bench did not mention anything about my written submission where I had explained that why I cannot remove the defects and why there is no necessity for that as it is a referred case from Hon'ble Orissa High Court and due procedure was already followed in the High Court and Hon'ble Orissa High Court had already sensed the corruption matter which was referred to you.

You are silent on your jurisdiction for directing a CBI enquiry or not; if it is not in your domain then this case is not yours.

I have information under RTI that some members of Lokayukta have availed plots under Discretionary Quota from HUD ministers of Odisha and this case is now for your perusal about the documents which are already with you and it gives no right to hear the case by Lokayukta about their fellow members because of CONFLICT OF INTEREST where this court is not an ordinary court but is made for corruption matters and it may be anyone.

There is also apprehension of miscarriage of justice as the cadre officers who have served the ruling party and saluting the high commands of ruling party for several years and now they are selected as member of Lokayukta to make enquiry and hear the cases against their previous bosses sounds ridiculous and cannot be trusted in an anti corruption court.

These two things happened in Lokayukta Odisha which needs to be rectified on war footing by the higher court and others who make appointments and the selection of Lokayukta members and then cases against corrupt govt officials will be heard or else it is just an eye wash.

It is realized that the complainant is always a victim and has to fill up several forms, do due diligence, file affidavit again and again whereas the accused officers are left scot free although documentary RTI

evidences are placed before the Lokayukta because of the faulty system and there are serious objectionable loopholes exist in the system.

My cases are placed before you only because of High Court order and these are the issues where suo motu cognizance should have been taken by Lokayukta instead of saying cognizance cannot be taken although the evidence is lying before them for reasons best known to them.

Under the circumstances you are suggested to go through all the materials placed before you referred from the High Court which YOU CAN ALSO CALL FOR FROM THE HIGH COURT REGISTRY INSTEAD OF ASKING ME TO NOTARIZE AGAIN AND AGAIN WHICH ARE ALREADY IN THE NOTARIZED FORM IN HIGH COURT.

You are also suggested to make an internal enquiry about your members since inception that whether they have availed any form of favour from anybody from political parties costing to state exchequer and there should be a culture of filling up Form A by Lokayukta itself and uploaded in their website.

You are also suggested to repeal the order of Lokayukta dated 23 08 2023 and initiate fresh enquiry into the matter as there are no lawful defects in my case and it is not an ordinary case related to some CORRUPTION BY BDO or ANGANWADI BUT HERE IT IS A CASE AGAINST CONSTITUTIONAL AUTHORITIES PROVED UNDER RTI.

It is pertinent to mention that in my cases no LY 198 and LY 199 of 2023 all the evidences are lying before you being scrutinized from Hon'ble Supreme Court and Hon'ble High Court of Orissa as well as the Accountant General Odisha who has endorsed under RTI that for more than 20 years there were no survey by the present govt regarding the selection of ration card holders but the money of state exchequer was spent on undeserving persons for the ruling party to come to power again and again just like the Discretionary Quota land allotment to undeserving constitutional authorities.

Under the circumstances you have to clarify that my cases no LY 198 and LY 199 of 2023 are falling into the purview of rule 3 (1) of Odisha Lokayukta or not as they are different from other minor corruption cases where some amount of millet or midday meal were siphoned by some lower level staff of govt whereas in this two cases the constitutional authorities have abused their official power and position to loot the odisha state exchequer.

Perhaps we need a Lokayukta like Shri Santosh Hegde ex Lokayukta of Karnataka who was also a part of Anti Corruption Movement during 2012-2013 and a direct intervention of Hon'ble Chief Justice of India Shri D Y Chandrachud to adjudicate the corruption case of their fellow members as revealed under RTI.

It took me 11 years to come to this stage when my PIL was transferred to Hon'ble High Court of Orissa from Hon'ble Supreme Court in 2013 with a direction to approach Hon'ble High Court of Orissa and now after 10 years Hon'ble High Court of Orissa directed me in my PIL to approach Lokayukta Odisha which I did.

So as these are not ordinary cases you are requested to repeal the orders in my cases no LY 198 and LY 199 of 2023 where judicial mind is not applied and due course of law is not followed.

You provide me with the references of Lokayukta Act about how Lokayukta handles corruption cases referred from Hon'ble High Court as you have referred to rule 3 (1) of Odisha Lokayukta of 2022.

If it is not there then make proper amendment to Lokayukta Act.

You are requested to reply before Sept 15 2023 about my queries and objections paragraph wise and after that I shall be free from any legal binding from Lokayukta to approach the appropriate forum.

Jayanti Das