



# PERFORMANCE OF LOKAYUKTAS

**(State level Ombudsman Institutions)  
in Indian States**

## Snippet



Transparency International India (TII) is a leading non-political, independent, non-governmental anti-corruption organization of India. TII has extensive expertise and understanding of issues of corruption in India.

From villages in rural India to the corridors of power in Delhi, TII gives voice to the victims and witnesses of corruption. We work in constructive manner in the interest of the country together with Union and State governments, like minded civil society organizations, corporate, academia, media and common citizens. The main aim is to reduce corruption, bribery, create deterrence for abuse of power, promote good governance and the rule of law.

We raise awareness about corruption; advocate legal and policy reforms at national and state levels; design practical tools for institutions, individuals and companies wishing to combat corruption; and act as a leading centre of anti-corruption expertise in India.

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## Preamble

**(The Lokpal and Lokayuktas Act, 2013)**

***“.....Government's commitment to clean and responsive governance has to be reflected in effective bodies to contain and punish acts of corruption.”***

***"Corruption begets more corruption, and fosters a corrosive culture of impunity. The United Nations Convention against Corruption is among our primary tools for advancing the fight. Sustainable Development Goal 16 and its targets also offer a template for action."***

***— UN Secretary-General, António Guterres***

**The UN General Assembly designated 9 December as International Anti-Corruption Day, to raise awareness of corruption and of the role of the Convention in combating and preventing it. The Convention entered into force in December 2005.**

## Scope of the report

- Number of the cases received by the Lokayuktas from the year 2012 to 2015.
- Number of the cases disposed by the Lokayuktas from the year 2012 to 2015.
- Number of the cases pending in the Lokayuktas from the year 2012 to 2015.
- Publication of Annual Reports for 2015-16, 2016-17.
- Analysis of websites of the State Lokayuktas.

## Methodology

The findings of the report are based on analysis of the replies to the RTI Applications sent by Transparency International India to infer about the effectiveness of Lokayuktas (state-level ombudsman institutions) in the states of India. Along with this, websites of the respective Lokayuktas were also analysed to get complete picture of the real situation. The process involved, inquiring the information missing on their own portals through personal intervention and tabulating the same along with information from the respective websites. The data were segregated into cases received, disposed, pending, complaints, fees and annual report to get a vivid picture. On compiling these, the analysis was done on the basis of the availability of a functional website, user friendly usage of the portal, online tracking system, availability of annual reports and regularity in updating the relevant documents on their respective websites. Additionally, the trends in the number of cases received, disposed, pending, complaints, fees, annual reports were also meticulously studied to bring out a clear picture of the state of functioning of various Lokayuktas. The report also brings out various other interesting elements concerning the same.

## Institutional Context

In order to tackle the menace of corruption the institution of ombudsman plays the most important role. The institution of ombudsman was first set up in the year 1809 in Sweden. Finland has had the institution of parliamentary ombudsman since 1920. India enacted law for similar institution in the year 2014. In India, the Lokpal (Union Level) and Lokayuktas (State Level) is the nomenclature for the office of ombudsman.

The Section 63 of the Lokpal and Lokayuktas Act 2013 envisages that every State shall establish a body to be known as the Lokayukta within a period of one year from the date of commencement of the Act. However, many States have not complied with this section. One Advocate had filed a Public Interest Litigation (PIL) seeking the effective implementation of Lokpal and Lokayuktas Act, 2013, which came into force on January 16, 2014. However, the executive has not established a Lokpal at the union level till date. Hon'ble Apex Court in March 2018 also directed the states to appoint Lokayuktas within a stipulated time period as it is mandated in the Lokpal and Lokayukta Act, 2013. Recent CBI VERSUS CBI crisis clearly shows that the anti-corruption constitution in the country is not in good shape. Hence, institutions are not able fight against corruption effectively.

The term *Lokpal* and *Lokayukta* was first coined by L.M Singhvi in 1963. The Lokpal & Lokayukta Act was passed by the Indian Parliament with the main objective to provide for a Lokpal at the centre and Lokayukta at the state to inquire into the complaints of corruption against certain public functionaries and public servants. The Lokpal and Lokayukta can also address the inadequacies of the current anti-corruption systems and have the power to investigate and prosecute cases of corruption against public functionaries.

On the basis of first Administrative Reform Commission's recommendations the Lokpal and the Lokayuktas bill 1968 was introduced in the Fourth Lok Sabha and was passed in 1969. However, the Lok Sabha was dissolved while it was pending in the Rajya Sabha and hence the bill could not be passed. The bill was revived in the following years: 1971, 1977, 1985, 1989, 1996, 1998 and 2001 but to no avail. It was only after the Lokpal movement in 2011, the Lokpal and Lokayuktas Act, 2013 passed which came into force on January 16, 2014. But Union & many State Governments have failed to establish the institution till date.

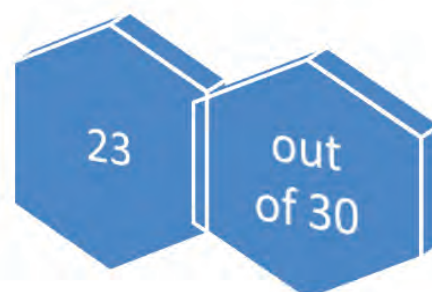
India can combat corruption effectively only if strong independent institutions at the National and State level mandated to prosecute and punish the corrupt are established. Transparency International India hopes this publication provides a clear insight into the working of the existing state level Ombudsman and acts as a tool in catalyzing effectiveness of ombudsman type institutions in the country.

# Highlights of the Report

## The States which have enacted Lokayukta Act and also have an office/establishment for Lokayukta

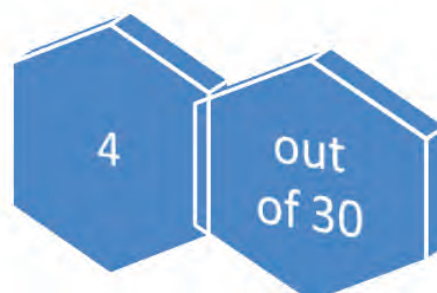
Out of 29 States and 1 Union Territory (Delhi), 23 States have a functional office set up/establishment for Lokayukta office after enacting the Lokayukta Act whereas three states- Arunachal Pradesh, Nagaland and Tamil Nadu have enacted the act but are yet to make necessary arrangement for anti corruption institution.

Here it is important to point out that most of state's laws on Lokayukta are not drafted by taking Union law i.e. the Lokpal and Lokayuktas Act 2013 as model legislation.



## The States which have not yet enacted the Lokayukta Act

Out of 29 States and 1 Union Territory (Delhi) total 30 State Governments, 4 States are yet to enact or implement enabling legislation for the institution of Lokayukta namely: Jammu and Kashmir (Accountability Commission exist as on date), Mizoram & Manipur (has passed the bill recently) and Telangana (Yet to enact law) .



## The Vacancy of the Hon'ble Lokayukta in States - 5 Vacancy out of 23

Out of these 23 states which have the institution of Lokayukta in them, only 18 of them have the post of Hon'ble Lokayukta filled.

The states which have the post of the Hon'ble Lokayukta vacant are: Himachal Pradesh, Odisha, Punjab, Uttarakhand and Assam



## The Provision for Upa Lokayukta

Out of the 23 states, only 11 provide a post for the Upa Lokayukta.

The states which do not have a provision for Upa lokayukta are: Kerala, Haryana, Himachal Pradesh, Jharkhand, Meghalaya, Odisha, Sikkim, Tripura, Uttarakhand and West Bengal.



## Website of the Lokayukta.

Out of these 23 states, only 14 states have an official website. 9 Lokayuktas are without dedicated websites.

The states which do not have official websites are: Delhi (has a webpage which can be accessed through the Delhi government website), Goa, Gujarat, Meghalaya, Odisha, Sikkim, Tripura, Uttarakhand and West Bengal.



## Fees Necessary to File a Complaint: Rs. 3 to Rs. 2000.

Out of these 23 States, Only 7 States do not require any amount of fees for the submission of the corruption complaints. Other states have varied rates respectively, ranging from Rs. 3/- in Himachal Pradesh to Rs. 2000/- in Uttar Pradesh and Gujarat. Six States- Odisha, Tripura, Sikkim, Meghalaya, Nagaland and West Bengal have not disclosed information about fee required for filing complaints.

## Mode of Payment of Fees

Only 5 States allow cash as mode of payment whereas 5 states have provision for judicial stamp as the only mode of payment, rest states fall under undisclosed category.

## Online Filing of Complaint

Out of the 23 States, only 1 State- Maharashtra provide this facility.

## Publication of Annual Report in the Public Domain (2015-16 & 2016-17)

Out of these 23 states, only 4 states- Haryana, Andhra Pradesh, Maharashtra and Rajasthan have published on their respective websites the latest annual reports for the years 2015-2016 and 2016-2017.

## Total Number of Cases Received by State Lokayuktas (2012-2017)

S.No.	States	Cases Received	Data available for the years	Remarks
1.	Delhi	2356	2012-2017	-----
2.	Andhra Pradesh and Telangana	19700	2012-2015	Data for received cases not available for 2016 and 2017
3.	Assam	128	2012-2016	-----
4.	Bihar	47803	2012-2016	-----
5.	Chattisgarh	1235	2012-2016	-----
6.	Goa	70	2012-2017	Year wise data not provided.
7.	Gujarat	2139	2013-2016	Data for cases received during year 2012 and 2017 not disclosed.
8.	Haryana	3037	2012-2016	-----
9.	Himachal Pradesh	330	2012-2016	-----
10.	Jharkhand	2858	2012-2016	-----
11.	Karnataka	21480	2012-2016	-----
12.	Kerala	9990	2012-2016	-----
13.	Madhya Pradesh	26656	2012-2016	-----
14.	Maharashtra	43533	2012-2017	-----
15.	Odisha	1046	2012-2016	-----
16.	Punjab	Not maintained	2012-2016	Data for the received cases not maintained regularly
17.	Rajasthan	20485	2012-2017	-----
18.	Tripura	27	2012-2016	-----
19.	Uttar Pradesh	16550	2012-2015	Data provided but
20.	Uttarakhand	1970	2012-2016	-----

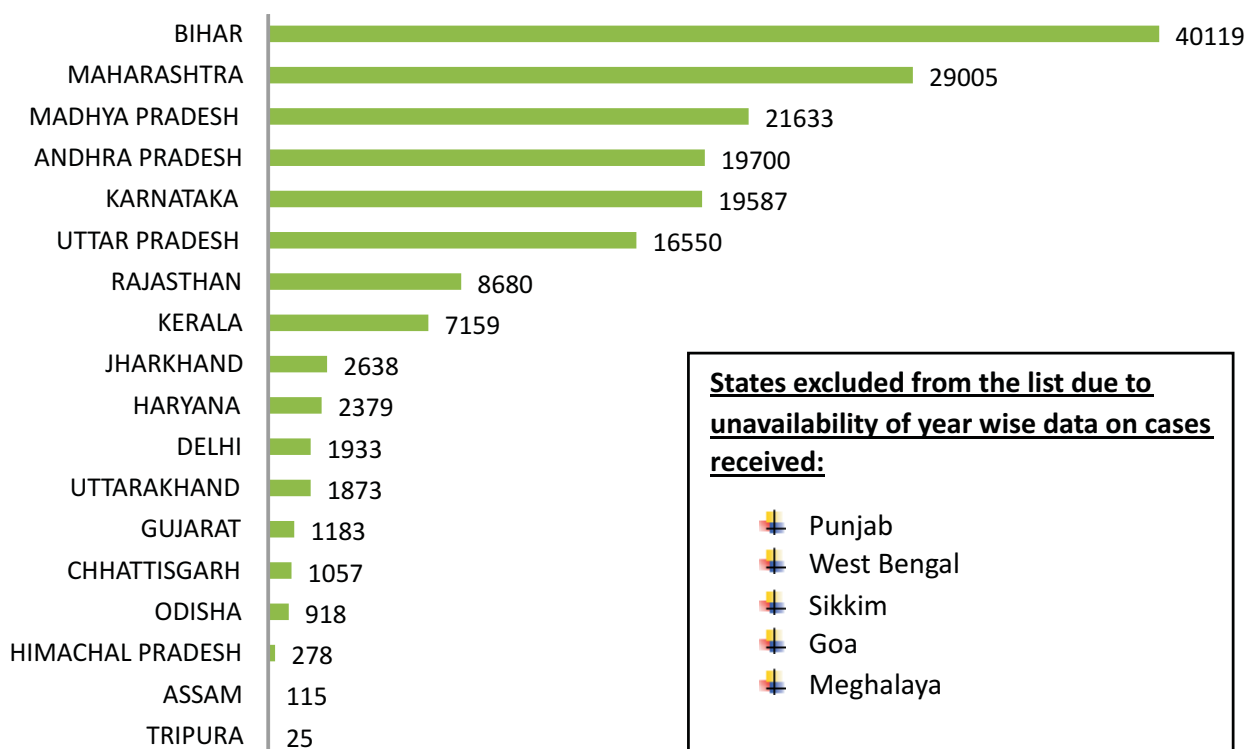
(as on 6<sup>th</sup> December, 2018)

Note: West Bengal, Nagaland and Sikkim have not disclosed data related to the number of cases received



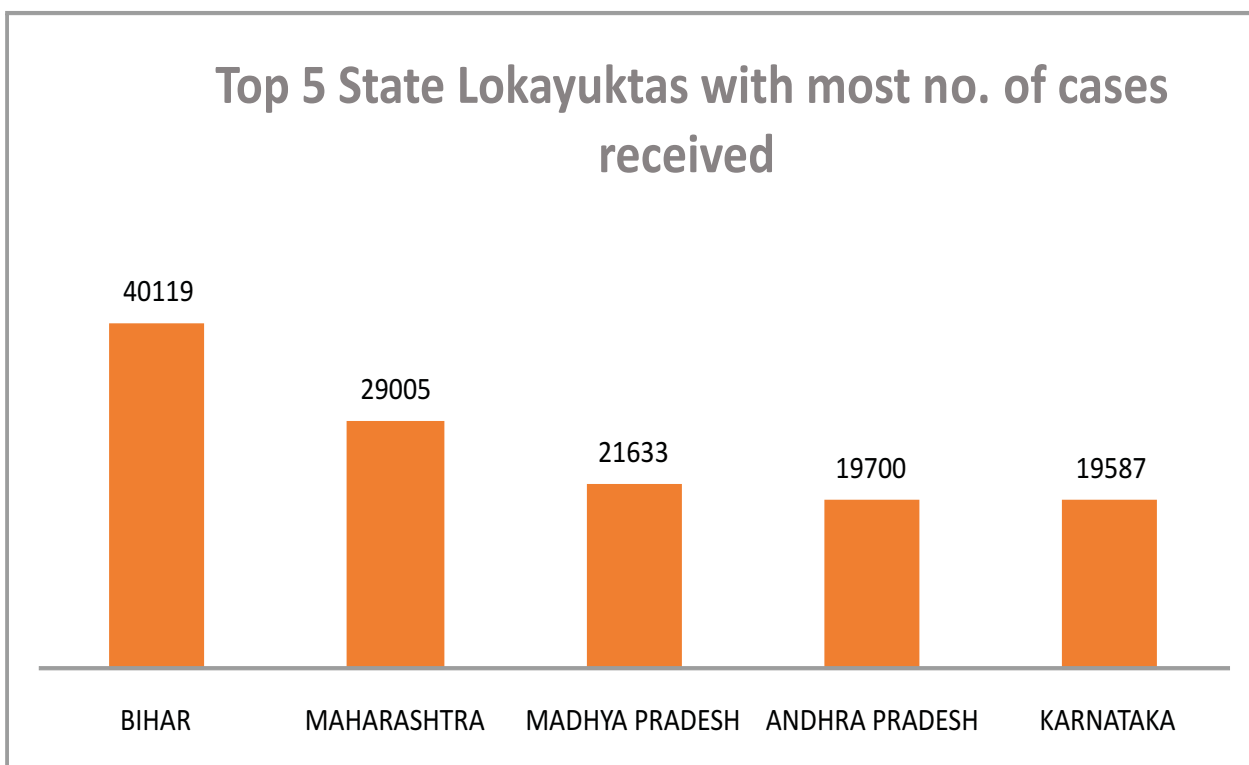
## Total Number of Cases Received by the Lokayuktas (2012 - 2015)

### Total Number Of Cases Received in Year 2012-15

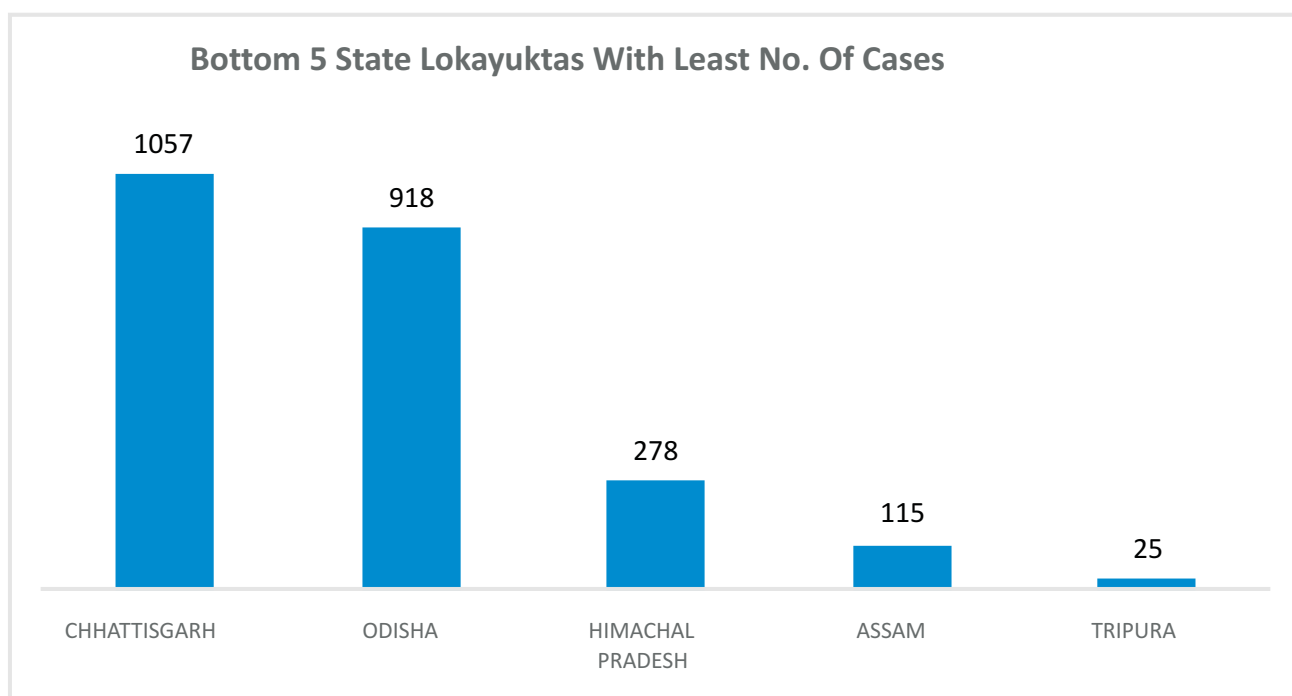


## Top 5 State Lokayuktas with most number of cases received (2012-2015)

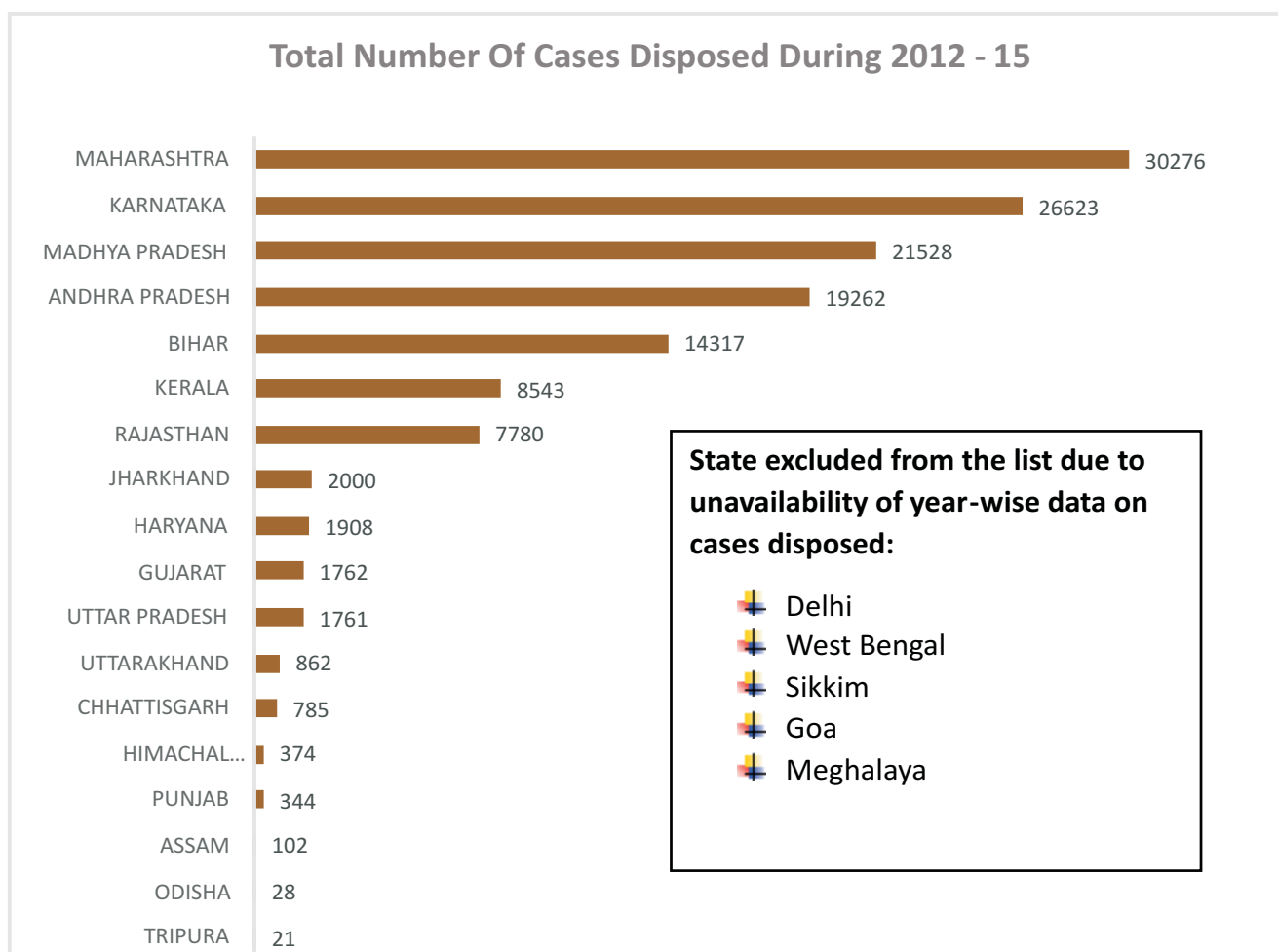
### Top 5 State Lokayuktas with most no. of cases received



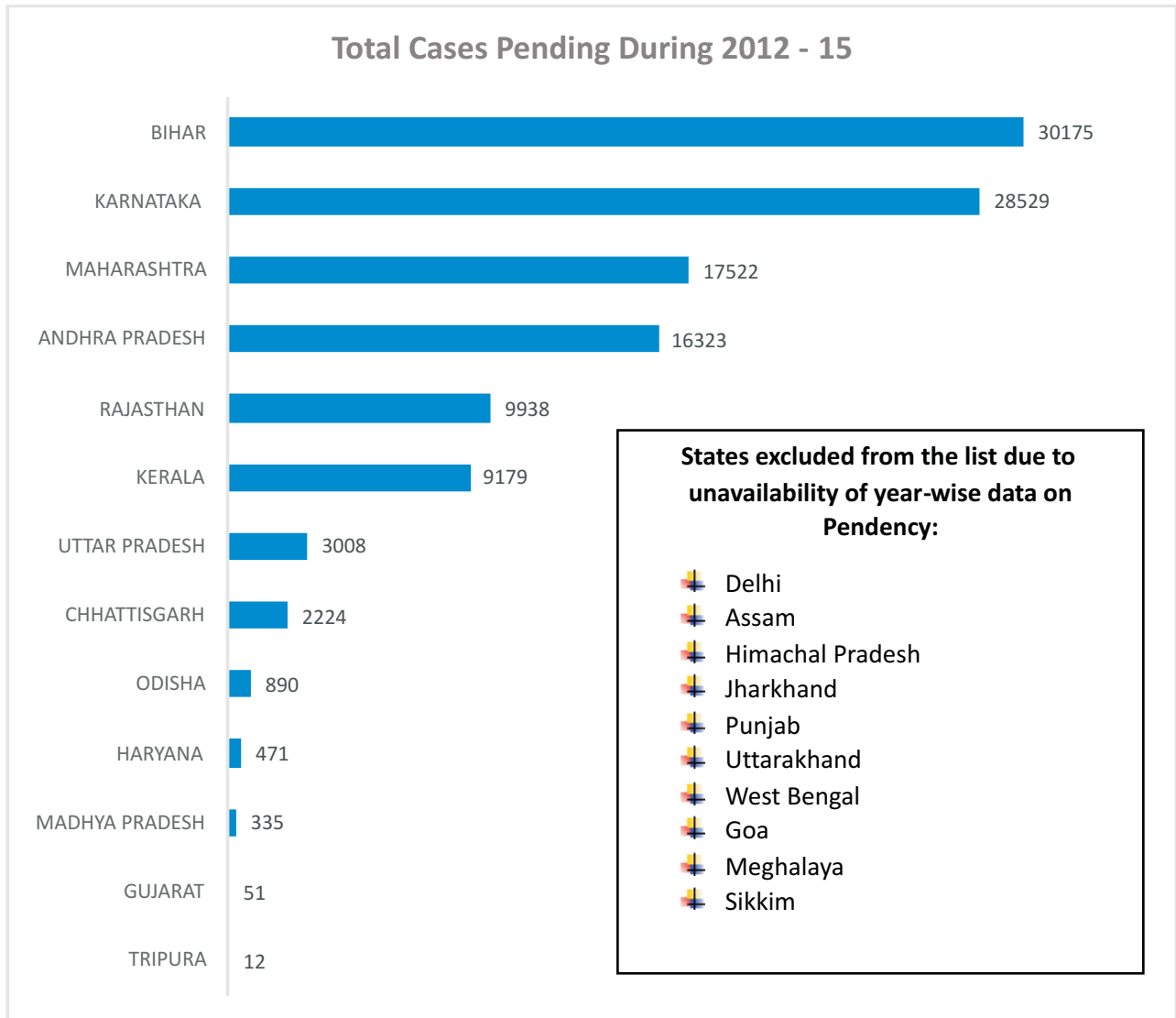
## Bottom 5 State Lokayuktas with least number of cases received (2012-2015)



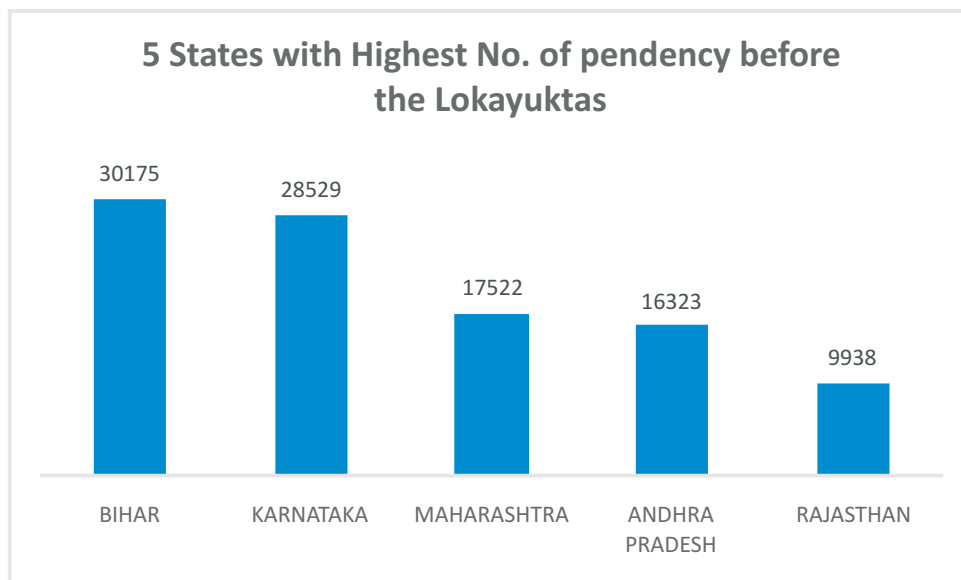
## Total Number of Cases Disposed by the Lokayuktas (2012 - 2015)



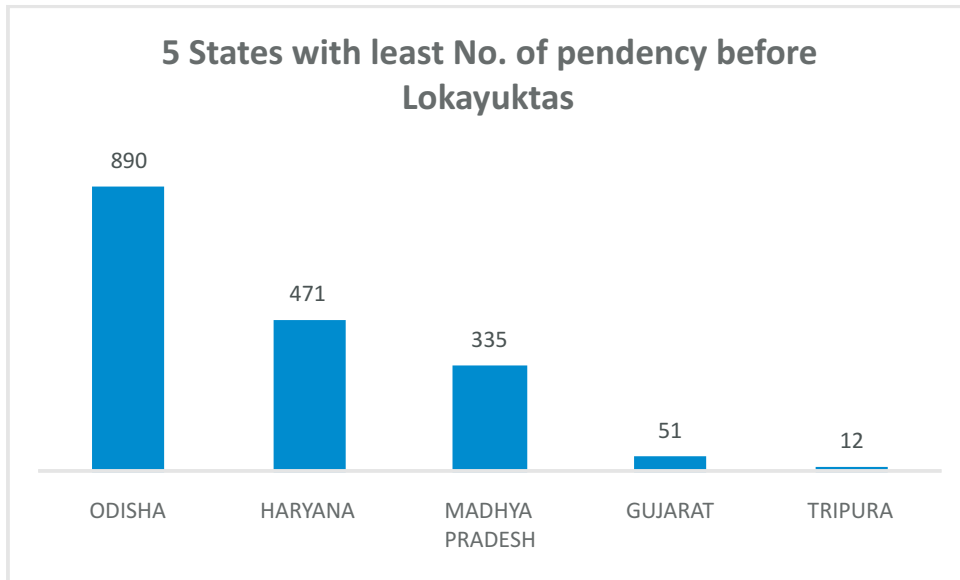
## Total Number of Cases pending in the Lokayuktas (2012 - 2015)



## 5 States with Highest No. of pendency before the Lokayuktas (2012-2015)



## 5 States with least No. of pendency before Lokayuktas (2012-2015)





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