

FREQUENTLY ASKED QUESTIONS (FAQs)

1. How was the Lokpal of India established? What were the different stages in Parliament which finally led to establishment of Lokpal of India?

Ans-

- On 3rd April 1963, suggestion was made for setting up of a Parliamentary Commission on the pattern of Ombudsman to tackle corruption.
- On 20th October, 1966, first Administrative Reforms Commission recommended two-tier machinery consisting of Lokpal and Lokayuktas to redress the grievances of the public.
- On 9th May, 1968, Lokpal and Lokayuktas Bill was presented for the first time in Fourth Lok Sabha.
- On 20th August, 1969, first Jan Lokpal Bill was passed in the Fourth Lok Sabha.
- On 11th August, 1971, the Bill was tabled again in Lok Sabha.
- On 28th July, 1977, the Bill was tabled for third time.
- On 26th August, 1985, the Bill was tabled for the fourth time.
- On 29th December, 1989, the Bill was tabled for the fifth time.
- On 13th September, 1996, the Bill was tabled for the sixth time.
- On 8th March, 1998, the Bill was tabled for the seventh time.
- On 14th August, 2001, the Bill was tabled for the eighth time.
- On 31st March, 2002, National Commission to review the working of the Constitution recommended constitutional provisions for the appointment of Lokpal and Lokayuktas.
- On 9th May 2011, India ratified the Resolution passed by the United Nations Convention Against Corruption (UNCAC) by deposit of instrument of ratification.

- Bill was introduced in various sessions of the Lok Sabha until its final introduction on 4th August, 2011.
- Bill underwent scrutiny by the Department related Parliamentary Standing Committee from 8th August, 2011.
- Based on the recommendations of the Parliamentary Standing Committee, the Lokpal Bill, 2011 was withdrawn and a revised Bill titled 'The Lokpal and Lokayuktas Bill, 2011' was introduced in Lok Sabha on 22nd December, 2011.
- The Lok Sabha passed the Bill on 27th December, 2011 with certain amendments.
- The Bill was deliberated by the Select Committee and based on its recommendations, the Rajya Sabha passed the amended Lokpal and Lokayuktas Bill on 17th December, 2013.
- The Bill was sent back to the Lok Sabha, which passed it on 18th December, 2013.
- Bill received assent of the Hon'ble President of India on 1st January, 2014.
- On 16th January, 2014, the Act finally came into force.

2. What is the composition of Lokpal? Who appoints the Lokpal?

Ans- Lokpal and Lokayuktas Act, 2013 predicates establishment of a high powered body called the Lokpal of India, comprising of Chairperson, not exceeding eight Members (Four Judicial and Four Non-Judicial) who are appointed by the President of India after seeking recommendations from the Selection Committee constituted as per Section 4 of the Act.

3. Who can be appointed as Chairperson?

Ans- A person who is or has been a Chief Justice of India or is or has been a Judge of the Supreme Court.

4. Who can be appointed Judicial Member of Lokpal?

Ans- A person who is or has been a Judge of the Supreme Court or is or has been a Chief Justice of a High Court.

5. Who can be appointed as a Non-Judicial Member?

Ans- A person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than working twenty five years in subjects prescribed in Clause (b) of sub-section 3 of Section 3 of the Act.

6. Does the Lokpal have Secretarial support for its functioning?

Ans- Lokpal, as a body, is assisted by Secretariat staff appointed as per the provisions of the Act.

7. Who are the key statutory officers in Lokpal?

Ans- The Act provides for statutory posts of Secretary, Director of Inquiry and Director of Prosecution in the Lokpal. The Secretary is a person who is or has been in the rank of Secretary to the Government of India; and the Director of Inquiry and Director of Prosecution is not below the rank of Additional Secretary to the Government of India.

8. What are the powers of Lokpal?

Ans- Lokpal, as a body, is bestowed with wide powers to direct inquiry investigation and to accord sanction to prosecute the public officials/functionaries referred to in Section 14 of the Act and other persons involved in commission of offence of corruption. Exhaustive

procedure in respect of preliminary inquiry and investigation has been predicated in Chapter VII of the Act.

9. Against whom a complaint can be filed with Lokpal of India?

Ans- In terms of Section 14 of the Act, a complaint can be filed against-

- a) Any person who is or has been a Prime Minister.
- b) Any person who is or has been a Minister of Union.
- c) Any person who is or has been a Member of either House of Parliament.
- d) Any person who is or has been a Group 'A' or Group 'B' officer or equivalent serving in connection with the affairs of the Government of India.
- e) Any person who is or has been a Group 'C' or Group 'D' official or equivalent serving in connection with the affairs of the Government of India.
- f) Any person who is or has been a Chairperson, Member, Officer or employee in any Board, Corporation, Authority, Company, Society, Trust or Autonomous body established by an Act of Parliament wholly or partly established or controlled by the Government of India.
- g) Any person who is or has been a Director, Manager, Secretary or other Officers of any Society, Association of persons or Trust registered wholly or partly financed by Government of India and the annual income of which exceeds such amount as the Central Government may by notification, specified (presently Rs 10 lakh).
- h) Any person who is or has been a Director, Manager, Secretary or Other officers of any Society, Association of persons or any Trust registered under the law and is in receipt of any donations from any foreign source under

Foreign Contribution (Regulation) Act, 2010 over Rupees One crore in a year.

10. What complaint can be filed against the Prime Minister?

Ans- Except on matters relating to international relations, external and internal security, public order, atomic energy and space, allegations in respect of any other activity involving commission of offence of corruption relating to the provisions of the Prevention of Corruption Act, 1988.

11. Whether a complaint can be filed against a State Government official?

Ans- A complaint can be filed against a State government official for his actions when serving or who has served in connection with the affairs of the Union but are working in connection with the affairs of the State. [see Section 14(1)]. A complaint cannot be otherwise filed against the State Government official in the office of Lokpal, for the conduct while serving exclusively in the State.

12. Whether a person can raise a general grievance against a public servant to Lokpal of India? Against what kind of irregularity, misconduct or corruption, a complaint can be filed?

Ans- In terms of provisions under section 2(e) of the Lokpal and Lokayuktas Act, 2013, a complaint can be filed before the Lokpal of India only if a public servant is alleged to have committed an offence punishable under the Prevention of Corruption Act, 1988.

13. Who can file a complaint against a public servant?

Ans - According to the form appended with the Lokpal (Complaint) Rules 2020, notified on 02.03.2020, a complaint can be filed by any-

1. Individual

2. Society
3. Association of Persons
4. Trust
5. Company
6. Limited Liability Partnership
7. Statutory Board
8. Body (Juristic Person)
9. Corporation
10. Statutory Authority

14. Whether a person, who is not a resident nor a citizen of India can file a complaint in the Office of Lokpal of India?

Ans - Yes, provided identity is furnished by way of attaching a photocopy of his/her passport.

15. How can a person file a complaint against a public servant? Is there any prescribed form? From where a person can get the complaint form?

Ans - A complaint may be filed with the office of Lokpal of India physically or online in the prescribed “Form of the complaint” annexed to the Lokpal (Complaint) Rules 2020. The form can be downloaded also from the website of the Lokpal of India from the following links:-

https://lokpal.gov.in/pdfs/gazette_notification.pdf

A fillable complaint form is also available at:

https://lokpal.gov.in/pdfs/complaint_form.docx

16. How can a person send a complaint to the Lokpal of India?

Ans- The complainant can forward the complaint form duly filled-up and signed, along with notarized affidavit, to the office of Lokpal on the following address-

i.) By post, addressed to-

**Judicial Wing,
Lokpal of India,
Plot No-6, Phase II,
Institutional Area, Vasant Kunj,
New Delhi-110070.**

ii.) By hand, at the reception counter of the office of the Lokpal of India, on the address given above.

[At the top of the envelope containing the complaint, ‘Complaint to the Lokpal of India under Lokpal and Lokayukta Act, 2013’ should be written clearly.]

iii.) A complaint can also be filed online on the website of Lokpal of India via LokpalOnline portal. However, if a complaint is filed through the LokpalOnline portal, a duly signed hardcopy thereof shall be required to be submitted to the Lokpal of India within 15 days from the date of filing.

17. In which language can a complaint be filed in Lokpal?

Ans- A complaint may ordinarily be made in English. However, Lokpal can also entertain a complaint in any language referred to in the Eighth Schedule to the Constitution.

18. Does a complainant have to pay any fees for filing a complaint?

Ans- No fee is required to be paid for filing a complaint.

19. What are the documents to be attached with the complaint form?

Ans- The complainant has to enclose the following documents: -

- i.) An identity proof (Driving Licence, Passbook with photograph issued by Bank/Post Office, MNREGA Job Card, Aadhaar Card, PAN Card, etc). In case a person is not a citizen of India, only a copy of the passport will be accepted.
- ii.) Proof of residence (Driving Licence, Passbook with photograph issued by Bank/Post Office, MNREGA Job Card, Aadhaar Card, etc).
- iii.) The complainant has to enclose an affidavit with the complaint form as specified in Part D of the Annexure of Lokpal (Complaint) Rules, 2020.
- iv.) Certificate of incorporation/registration and Authorization document (only if the complaint is being filed on behalf of a body, board, corporation, authority, company, society, association of persons, trust, or Limited Liability Partnership).
- v.) A duly signed detailed statement making out the allegation.
- vi.) Copies of documents and other material evidence relied upon by the complainant.

20. How Part C of the Complaint Form is to be filled up in case of more than one public servant is involved in a complaint?

Ans- A separate sheet of Part C is to be enclosed with the complaint form for each public servant against whom the complaint is being filed.

21. Whether confidentiality of the complainant and the public servant named in the complaint will be maintained?

Ans- Yes. The name of the complainant and the public servant is not disclosed until the completion of Inquiry/Investigation, unless the Lokpal directs otherwise.

22. Whether Email/Mobile Number of the complainant will be kept confidential?

Ans- Yes. The Email/Mobile No. of the complainant will be kept confidential and will not be used or shared with anyone for any other purpose. It will be used by the Authorised Officer of the Lokpal exclusively for communicating with the complainant in connection with his/her complaint.

23. Is there any Limitation period to file a case?

Ans- Yes. In terms of provisions under Section 53, of the Lokpal and Lokayukta Act, 2013, a complaint can be entertained only in respect of acts committed within a period of seven years from the date on which the offence mentioned in the complaint is alleged to have been committed.

24. Who can attest affidavit to be attached with the complaint form?

Ans- According to Section 139 of the Code of Civil Procedure, 1908, the affidavit can be attested by -

- i.) any Court or Magistrate, or
- ii.) any notary appointed under the Notaries Act, 1952 (53 of 1952); or
- iii.) any officer or other person whom a High Court may appoint on this behalf, or

iv.) any officer appointed by any other Court which the State Government has generally or specially empowered in this behalf may administer the oath to the deponent.

NOTE: The Affidavit can be by way of Non-Judicial Stamp Paper, E-Stamping, Franking Machine, Notary Stamp, Revenue Stamp, Adhesive/Non-adhesive Stamp, Court Fee Stamp as per prevailing procedure in the concerned state.

25. Within how much time after filing of a complaint in the Lokpal, a complaint is considered by the Bench of Lokpal of India?

Ans – Generally, a complaint is placed before the Bench of Lokpal within 15 working days of its receipt which includes all pre-requisites including, its diary, scrutiny etc.

26. Are orders of Lokpal of India available in Public Domain?

Ans- All the “Final Orders”, disposing of the registered complaint, including the following Orders are uploaded, unless the order(s) in the given case expressly provides that it shall not be uploaded on the official website for maintaining confidentiality as mandated by the Act of 2013:

- i. Complaints finally disposed of under Rule 4(c) of the Lokpal (Complaint) Rules, 2020.
- ii. Orders directing initiation of the departmental proceedings or any other appropriate action under Section 20(3) (b) of the Lokpal & Lokayuktas Act, 2013.
- iii. Closure of proceedings under Section 20(3)(c) of the Act.
- iv. Orders to proceed against the complainant under Section 46 of the Act.
- v. Order according sanction to prosecute the accused under Section 20(7)(a) of the Act and directing the Prosecution Wing or Investigating Agency to file a charge-sheet or direct the closure of report.

- vi. Orders directing the Competent Authority to initiate departmental proceedings or any other appropriate action against the public servant under Section 20(7)(b) of the Act.
- vii. Orders for the safe custody of the documents under Section 20(9) of the Act.

27. Whether details/ status of all the complaints registered, disposed and pending before the Lokpal of India is available to the public?

Ans- Yes, the Lokpal of India, from time to time, displays to the public on its website, the status of all the complaints registered, disposed and pending before it.

This status can be accessed by visiting the following URL :

https://lokpal.gov.in/?menu_bar?complaints_statistics?0301

28. Whether an Appeal, Review, or Reconsideration application can be filed against the order of Lokpal?

Ans- There is no express provision in the Lokpal and Lokayukta Act, 2013 for appeal, review, or reconsideration of an order passed by the Lokpal of India.

29. Whether assets of the public servant can be attached?

Ans- In terms of the provisions under section 29 of the Lokpal and Lokayuktas Act, 2013, assets of the public servant can be attached provisionally under certain circumstances as per the order of the Lokpal of India.

30. What remedy is provided against the Order of attachment passed by the Lokpal?

Ans- The Order of attachment is subject to confirmation by the special court as per provisions of Section 30 of the Lokpal and Lokayuktas Act, 2013.

31. Whether public servants can be transferred during the inquiry?

Ans- In terms of the provisions of Section 32 of the Lokpal and Lokayukta Act, 2013, while directing a preliminary inquiry into allegations of corruption the Lokpal may recommend to the Competent Authority to transfer or suspend the concerned public servant, from the post held by him till such period as may be specified in the order.

32. Whether documents of the public servant can be seized?

Ans- Yes. In terms of Section 26 of the Lokpal and Lokayuktas Act, 2013, if the Lokpal has reason to believe that any documents which, in its opinion, shall be useful for, or relevant to, any investigation are secreted in any place, it may authorize any agency to whom the investigation has been given to search for and to seize such documents as per the order of the Bench of the Lokpal of India.

33. Whether Lokpal is empowered to exercise the powers of Civil Court?

Ans- Yes. In terms of sub section 2 of Section 27, the proceedings before the Lokpal shall be deemed to be a Judicial proceeding within the meaning of Section 193 of the erstwhile Indian Penal Code.

In certain cases for the purpose of any Preliminary Inquiry, the Inquiry Wing of Lokpal has all the powers of a Civil Court under the Code of Civil Procedure, 1908, namely (i) summoning and enforcing the attendance of

any person and examining him on oath; (ii) Requiring the discovery and production of any document; (iii) Receiving evidence on affidavits; (iv) Requisitioning any public record or copy thereof from any Court or Office; (v) Issuing commissions for the examination of witnesses or documents; (vi) Such other matters as may be prescribed.

34. Whether the public servant named in the complaint will get an opportunity to defend his case before the Lokpal?

Ans- Yes. The public servant gets opportunity to put across his case at the following stages: -

- (i) Before directing investigation, without a Preliminary Inquiry Report.
- (ii) During the conduct of Preliminary Inquiry, before the Inquiring Officer.
- (iii) Before directing investigation, after consideration of the Preliminary Inquiry Report.
- (iv) Before according sanction to prosecute, after considering the Investigation Report.

35. Whether a public servant can be represented by an authorized representative or advocate?

Ans- Yes. A public servant can be represented by an authorized representative or an advocate as per the order of the Lokpal.

36. Whether the personal hearing in the complaint proceedings before the Lokpal is in public?

Ans- It is in camera, because of the necessity to maintain confidentiality during the inquiry and investigation as mandated by the Act. Only the persons against whom Inquiry / Investigation is directed, Inquiry Officer,

complainant and their authorised representatives are allowed to remain present during the personal hearing.

37. Whether prosecution sanction will be taken from supervisory/ appointing authority before launching prosecution against a public servant?

Ans- No. Only Lokpal is empowered to accord sanction to prosecute in respect of complaints before it. The sanction accorded by the Lokpal is final and no further sanction of the Competent Authority is necessary to prosecute the named public servant.

38. Does Lokpal have powers of superintendence over CBI?

Ans- Lokpal has powers of superintendence over CBI limited to giving directions in respect of matters referred to it by the Lokpal for preliminary inquiry and investigation.

39. Can Lokpal utilize the services of any office or Organisation?

Ans- Lokpal may, for the purpose of conducting any preliminary inquiry or investigation, utilise the services of any office or organisation or investigation agency of Central / State Government, in terms of Section 28 of the Act of 2013.

40. What action can be taken against the complainant by the Lokpal, in case of a false complaint?

Ans- Any person who makes a false, frivolous or vexatious complaint is liable to action under Section 46 of Lokpal and Lokayuktas Act, 2013, and if convicted, be punished with imprisonment for a term which may extend to one year, and fine as may be prescribed.

41. Whether the Budget allocation and expenditure of Lokpal is available in public domain?

Ans- Yes.

The budget of the Lokpal of India is charged upon Consolidated Fund of India. The budget of the Lokpal of India is provided under three categories-

- (i) Establishment
- (ii) Capital Outlay - Acquisition of Land & Construction of Building for Lokpal
- (iii) Capital Outlay on Other Administrative Services

The details are provided in the relevant Annual Report published by Lokpal of India and available on its official web-site.

The year-wise budget allocation and expenditure details can also be accessed in the link given below:

Sl. No.	Financial Year	Budget Allocation & Expenditure
1.	2019-20	View
2.	2020-21	View
3.	2021-22	View
4.	2022-23	View
5.	2023-24	View
