

Lokpal (Complaint) Rules, 2020

UNION OF INDIA

India

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Rule LOKPAL-COMPLAINT-RULES-2020 of 2020

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Lokpal (Complaint) Rules, 2020 Published vide Notification No. G.S.R.148(E), dated 2.3.2020 Last Updated 6th June, 2020 G.S.R.148(E). - In exercise of the powers conferred by section 59 of the Lokpal and Lokayuktas Act, 2013 (1 of 2014), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.

(1) These rules may be called the Lokpal (Complaint) Rules, 2020. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition.

- In these Rules, unless the context otherwise requires-(a) "Act" means the Lokpal and Lokayuktas Act, 2013 (1 of 2014); (b) "offence" means an offence punishable under the Prevention of Corruption Act, 1988 (49 of 1988); (c) words and expressions used and not defined in these rules, but defined under the Act shall have the same meaning as respectively assigned to them under the Act.

3. Form and manner of complaint.

(1) For the purposes of clause (e) of sub-section (1) of section 2 of the Act, a complaint shall be filed in the form appended to these rules as Annexure. (2) A complaint shall be filed in any of the following manner, namely: -(i) electronically, in the manner, as laid down by the Lokpal; or (ii) by post; or (iii) in person: Provided that where the complaint is filed electronically, the hard copy thereof shall be required to be submitted to the Lokpal within a period of fifteen days from the date of filing: Provided further that the Lokpal shall not keep the said complaint, received electronically, as pending, if the same is complete in all respects. (3) A complaint shall contain the details of allegations about commission of an offence committed by the public servant: Provided that no complaint shall be filed against the public servant under the Army Act, 1950 (45 of 1950) or the the Navy Act, 1957

(62 of 1957) or the Air Force Act, 1950 (46 of 1950) or the Coast Guard Act, 1978 (30 of 1978), as the case may be.(4)A complaint may ordinarily be made in English:Provided that the Lokpal may also entertain a complaint in any of the languages referred to in the Eighth Schedule to the Constitution.(5)The following shall be required to be annexed with the complaint, namely: -(a)copy of the identity proof as specified in the form of complaint;(b)registration or incorporation certificate of the organisation, on whose behalf the complaint is being made, if it is a board, body, corporation, company, limited liability partnership, authority, society, association of persons or trust;(c)copy of authorization certificate in favour of the signatory if the complaint is being made on behalf of the board, body, corporation, company, limited liability partnership, authority, society, association of persons or trusts;(d)an Affidavit in the form as specified in the Part D of the Annexure; and(e)duly signed detailed statement making out the allegation.(6)The complaint filed against a public servant referred to in clause (a) of sub-section (1) of section 14 of the Act, shall be decided by the full bench referred to in sub-clause (ii) of clause (a) of sub-section (1) of section(7)The complaint filed against a public servant referred to in clauses (b) and (c) of sub-section (1) of section 14 of the Act shall be decided by the bench as referred to in sub-section (3) of section 20 of the Act, in the first instance, at the admission stage.(8)The Lokpal may seek such other information or affidavit relating to a complaint, as it deems fit.

4. Handling form(s) of complaint.

- The Lokpal may process a complaint in the following manner, namely:-(a)protect the identity of the complainant or the public servant complained against till the conclusion of the inquiry or investigation:Provided that the protection, shall not be applicable, in cases where the complainant himself has revealed his identity to any other office or authority while making a complaint to the Lokpal;(b)protect the integrity of the process of inquiry or investigation;(c)dispose of the complaints, in limine, under the following conditions, namely:-(i)where the contents of the complaint are illegible;(ii)where the contents of the complaint are vague or ambiguous;(iii)where the contents of the complaint are trivial or frivolous;(iv)where the complaint does not contain allegation against a public servant;(v)where the complaint is not filed within the period of limitation under section 53 of the Act; and(vi)where the cause of the complaint is pending before any other Court or Tribunal or Authority.(d)the Lokpal shall dispose of the complaints satisfying the conditions as contained in clause (c) above within a period of thirty days. Annexure Form of Complaint [See Rule 3]

Part A – Details to be Furnished by the Complainant/ Signatory to the Complaint

1. Specify if the complaint is being made by

Individual Society Association of persons Trust Company Limited Liability Partnership Board Body Corporation Authority Others

2.

Name of
the complainant (in
block letters) @@
attach an
identity proof. Note.-Any
of the following
documents will be
considered as a
valid proof of identity
-Driving
License, Service
Identity Cards with
photograph issued to
employees
by Central/State
Government/Public
Sector
Undertaking/Public
Limited Company,
Passbook with
photograph issued by
a Bank/Post
Office, PAN Card,
Smart Card issued by
Registrar General of
India under National
Population Register,
MNREGA Job Card,
Health
Insurance Smart Card
issued under the
scheme of Ministry of
Labour,
Pension document
with photograph,
Official identity cards
issued
to MPs/MLAs/MLCs,
and Aadhaar Card.
Title
(Shri/Smt./Kum./Dr.
etc.)
Surname

	Middle Name					
	First Name					
3.	Gender	Male	Female	Transgender		
4.	Age [in complete years]					
5.	Nationality \$\$ in case the complainant is not a citizen of India, only a copy of the Passport will be accepted as a proof of identity					
6.	Details of identity/residence proof to be enclosed with the complaint					
	Document attached (Tick the appropriate box)	Driving Licence	Passbooks with photograph issued by Bank/Post Office	Smart Card issued by Registrar General of India under National Population Register	MNREGA Job Card	Aadhaar Card
		PAN Card	Service Identity Card with photograph issued by Central/State Govt./PSUs/Public Limited Companies to its employees	Health Insurance Smart Card issued under the scheme of Ministry of Labour	Official identity cards issued to MPs/MLAs/MLCs,	Pension document with photograph
7.	(a) Number (b) Date of issue (c) Validity up to (d) Issuing Authority Permanent Address					

- House/Property
Number/Locality
Village/District/City
State
Country
Pin Code/Postal or
Zonal Code
8. Address for
correspondence
House/Property
Number/Locality
Village/District/City
State
Country
Pin Code/Postal or
Zonal Code
9. Occupation/
designation/
avocation:
10. (a) Telephone
Number (with
ISD/STD codes) (b) Mobile
Number (with
country code)
11. e-mail id
12. Mode of presentation
of the Complaint
(Tick the appropriate
column) [see rule
4(1)] (a) In
person
(b) By Post
(c)
Electronically
- Note:
A physical
copy is to be
provided to
the Lokpal
within a
period of
fifteen days.
13. Whether a duly
notarized affidavit as
annexed to this form YES NO

has been enclosed?

14. Whether the complainant is the victim? YES NO

It is certified that to the best of my knowledge, belief and information: (iii) the alleged offence in respect of which present complaint is being made is within the period of seven years limitation as laid down under section 53 of the Lokpal and Lokayuktas Act, 2013; (iv) no matter or proceeding related to allegation of corruption under the Prevention of Corruption Act, 1988 being made under this complaint is pending before any court or committee of either House of Parliament or before any other authority and the complaint is not barred from being made before the Lokpal by section 15 of the Lokpal and Lokayuktas Act, 2013. Signature of the complainant/ authorised signatory Place Date

Part B – Additional Details to be Furnished by the Signatory to the Complaint If the Complaint is Being Filed on Behalf of a Body or Board or Corporation or Authority or Company, Society or Association of Persons or Trust or Limited Liability Partnership

1. In case the complaint is made by a body or board or corporation or authority or company, society or association of persons or trust or limited liability partnership, then please indicate:

- (a) Whether such organisation as referred to above is based in India? (Tick the appropriate column) YES NO

- If the answer to (a) above is "YES" then whether the certificate of registration/incorporation [as issued by the authority competent to issue such certificate in India or by authority competent to issue such certificate as per the regulating law of the Foreign State, as the case may be], in respect of such organisation has been enclosed? (Tick the appropriate column) YES NO

- Indicate the name of the competent authority which has
- (c) issued the certificate of registration/ incorporation of the organisation
- (d) Address for correspondence with the Organisation
House/Property Number/Locality

Village/District/City

State

Country

Pin Code/Postal or Zonal Code

(b) Mobile
Number
(with
country
code)

(f) Telephone Number (with ISD/STD x codes)

(g) e-mail id

2. Personal details of office bearers and head of the organisation

furnish details in respect of each Office Bearer and Head of Organisation in the format as contained in Part A of this form. [please see section 47 of the Act]

{|

+ ADD

| Attach separate sheets in respect of each individual. |}

Details of the person who has authorised

3. the signatory to file the complaint on behalf of the organisation

4. Name of the person authorising the signatory to file the complaint (in block letters) ® @ attach an identity proof. Note.- Any of the following documents will be considered as a valid proof of identity -Driving License, Service Identity Cards with photograph issued to employees by Central/State Government/Public Sector

Undertaking/Public
Limited Company,
Passbooks
with photograph issued
by a Bank/Post Office,
PAN Card, Smart
Card issued by
Registrar General of
India under National
Population Register,
MNREGA Job Card,
Health Insurance
Smart Card
issued under the
scheme of Ministry of
Labour, Pension
document
with photograph,
Official identity cards
issued to
MPs/MLAs/MLCs,
and Aadhaar Card.

Title
(Shri/Smt./Kum./Dr.
etc.)

Surname

Middle Name

First Name

5. Gender Male Female Transgender

6. Age

Nationality \$ \$ in case
the person authorising
the signatory is not a

7. citizen of India, only a
copy of the Passport
will be accepted as a
proof of identity

8. Details of
identity/residence
proof of the person
authorising the

signatory enclosed
with the complaint.

Document attached
(Tick the appropriate
box)

Driving Licence	Passbooks with photograph issued by Bank/PostOffice	PAN Card	MNREGA Job Card	Aadhaar Card
Smart Card issued by Registrar General of India under National Population Register	Service Identity Card with photograph issued by Central/State Government /Public Sector Undertaking/ Public Limited Company to its employees	Health Insurance Smart Card issued under the scheme of Ministry of Labour	Official identity cards issued to MPs/ MLAs/MLCs,	Pension document with photograph

(a) Number

(b) Date of issue

(c) Validity up to

(d) Issuing Authority

Permanent Address of

9. person authorising
the signatory,

House/Property

Number/Locality

Village/District/ City

State

Country

Pin Code/Postal or

Zonal Code

10. Address for
correspondence

House/Property

Number/Locality

Village/District/City

State

Country

- Pin Code/Postal or
Zonal Code
- Occupation/
11. designation/
avocation:
12. (a) Telephone Number (with ISD/STD codes) (b) Mobile Number (with country code)
13. e-mail id
- Whether an
authorisation
document has
14. been enclosed? (Please YES NO
tick the appropriate
box)
- Details of third party,
if any, likely to
15. be affected by the
complaint
- (a) Name
- (b) Gender Male Female Transgender
- (c) Age
- (d) Full Address
- (e) Telephone Number (with ISD/STD codes) (b) Mobile Number (with country code)
- (f) e-mail Id

Part C – Details As Regards The Public Servant Against Whom The Complaint Is Being Made

1. Name of the public servant(s) against whom complaint is being made (in block letters)** attach a separate sheet in respect of each public servant against whom a complaint is being made. Note: Details of third party/ parties, if aware, whose interests are likely to be pre-judicially affected by the said complaint

	as contemplated under Section 21 of the Act may also be separately furnished		
2.	Present designation/status of the public servant(s) against whom complaint is being made		
3.	Whether the complaint is against any officer or employee or agency (including the Delhi Special Police Establishment), under or associated with the Lokpal? (tick the appropriate box)[see section 38 of the Lokpal and Lokayuktas Act, 2013]	NO	YES
4.	With respect to serial no. 2 above, indicate:	Designation of the officer/employee	Organisation/Agency having administrative control over the said officer/employee
5(a).	Category of the public servant against whom the complaint is being made (tick the appropriate box) [see section 14 of the Lokpal and Lokayuktas Act, 2013]	The Prime Minister	
	A Minister of the Union		
	A Member of the Council of States (Rajya Sabha)		
	A Member of the House of the People (Lok Sabha)		
	A Group 'A' or Group 'B' officer in the Ministry or Department of the Central Government		

A Group 'C' or
Group 'D'
officer in the
Ministry or
Department of
the Central
Government

A Chairperson
or a Member of
a Body

A Chairperson
or a Member of
a Board

A Chairperson
or a Member of
a Corporation

A Chairperson
or a Member of
an Authority

A Chairperson
or a Member of
a Company

A Chairperson
or a Member of
a Society

A Chairperson
or a Member of
an
Autonomous
body

A Chairperson
or a Member of
a Trust

An officer or
employee of a
Body

An officer or
employee of a
Board

An officer or
employee of a
Corporation

An officer or
employee of an
Authority

An officer or
employee of a
Company

An officer or
employee of a
Society

An officer or
employee of an
Autonomous
body

An officer or
employee of a
Trust

A Director,
Manager,
Secretary or
other officer of
association of
persons,
society or trust

Any other
category

5(b)	In case the complaint is made against any other category of public servants, specify		
6.	In case the complaint is against any Chairperson/Member/ Officer/Employee of a Trust or an Association of Persons or Society, indicate:		
(a)	Whether the organisation is wholly or partly financed by the Government (tick the appropriate box)	YES	NO
(b)	Whether the annual income of the organisation exceeds one crore rupees as specified by the Central Government vide notification No.407/02/2016-AVD-IV(Lokpal)(Pt.	YES	NO

1) -[Notifications
Numbers S.O.2154(E) and S.O.
2155(E)] dated 20th June, 2016 (tick
the appropriate box)[see clause (g) of
sub-section (1) of section 14 of the
Lokpal and Lokayuktas Act, 2013]

(c) Whether the Organisation is in receipt of any donation from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year? YES NO
(tick the appropriate box)[see clause (h) of sub-section (1) of section 14 of the Lokpal and Lokayuktas Act, 2013]

7. Please state, if aware, as to whether the public servant is presently serving the affairs of the State or in any body or Board or corporation or authority, etc. established by an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it? YES NO
(tick the appropriate box)[see proviso under clause (f) of subsection (1) of section 14 and proviso to sub-section (3) of section 14 of the Lokpal and Lokayuktas Act, 2013]

8. Post held by the public servant at the time of commission of alleged offence under the Prevention of Corruption Act, 1988.[see Explanation to section 14 of the Lokpal and Lokayuktas Act, 2013]

9. Details of the Cause of Action/offence (under the Prevention of Corruption Act, 1988).

(i) Period during which alleged misconduct was committed.[see Explanation to section 14 of the from to

Lokpal and Lokayuktas Act, 2013]

(ii) Place of occurrence:

(iii) District:

(iv) State:

10. Summary of facts/allegations of corruption: [Detailed complaint duly signed to be enclosed] Facts and Circumstances:

Details of the offences alleged under the Prevention of Corruption Act (Briefly indicate the facts and consequential allegations against the public servant which constitute offence(s) under the Prevention of Corruption Act, 1988)

Allegations[^]:[^]
if possible, indicate the statutory provision alleged to have been violated by a particular act of commission or omission

11. Names of Witnesses in support of the allegations, if any:

(a) Number of Witnesses:

(b) Name (s):

1.

2.

3. 4.

(c) Gender:

(d) Age:

(e) Full Address:

(f) Mobile No.:

(g) E-mail Id:

Add additional sheets if the number of witnesses exceeds

12. Particulars/List of the documents relied upon by the Complainant in support of the allegation:

13. Any other information, the complainant desires to furnish/disclose which may be relevant to inquiry/investigation into the allegation of corruption.

14. Whether copies of the documents and other material evidence (including electronic evidence, if any) relied upon by the complainant and referred to in the complaint have been submitted? (tick the appropriate box) YES NO

15. If the complaint is being filed electronically whether pdf formats of the documents and other material relied upon has been attached to the electronic format of the complaint (tick the appropriate box) [please also see sub-rule (2) of rule 3 of these rules] YES NO

Signature of the complainant/ authorised person

Place

Date ____ day ____ month ____ year

Part D – Affidavit

(to be sworn on a non-judicial stamp paper) I aged years, s/o r/o do hereby solemnly affirm and declare on oath as under-

1. That I am filing this complaint on my own behalf

Or That I am filing this complaint on behalf of body/Board/ Corporation/ Authority/ Company/society/trust/association of persons/Non-Governmental Organisation/ Limited Liability Partnership (give its name and registration number, if any) having their office at (give contact address/email/phone/fax of the organization) and that I am authorized to sign and make this complaint vide its resolution dated

2. That I have filed the present complaint under the provisions of the Lokpal and Lokayuktas Act, 2013 and the rules made thereunder.

3. That I have gone through the provisions of the Lokpal and Lokayuktas Act, 2013 and do hereby affirm that the present complaint is in conformity therewith and I am fully aware that under the provisions of sections 46 and 47 of the Act making any false and frivolous or vexatious complaint is punishable with imprisonment for a term which may extend to one year and with fine which may extend to one lakh rupees.

4. That neither I nor any other person in the organisation / institution / body that I represent in this complaint has filed any complaint in this matter before any Court or Committee of either House of Parliament or before any other Authority and this complaint does not attract the provisions of section 15 of the Act.

5. I state that before filing this complaint I have collected and presented the information and supporting evidence to the best of my knowledge, ability and capacity which are relevant in support of the allegations of corruption against the concerned public servant and I further confirm that I have not concealed any data / material / information in this complaint.

Solemnly affirmed atthis.....day
of.....20.....Deponent Verification I..... the above named deponent do hereby
verify that the contents of the aforesaid paragraphs 1 to 5 are true and correct to the best of my
knowledge and belief and nothing is concealed therefrom. Verified at.....this.....day of
.....20.....Deponent