



भारत के लोकपाल
Lokpal of India

Plot No. 6, Phase-II,
Vasant Kunj Institutional Area,
New Delhi, dated 6th June, 2024

CIRCULAR NO. 02/2024

Subject: - Procedure for dealing with the complaints received in the Lokpal of India including its listing, uploading of orders on website and related matters-reg.

The Lokpal and Lokayuktas Act 2013 was enacted with the mandate to inquire into the allegations of corruption against specified public functionaries and for matters connected therewith or incidental thereto. In line with the mandate of the Act, the procedure for dealing with the complaints received in the Lokpal of India including its listing, uploading of orders on the official website and related matters had been issued vide Circular(s), Notice, Order(s) and Office Memorandum(s) of different dates*.

Now, in supersession of the referred communications*, a consolidated guideline regarding procedure for dealing with the complaints received in the Registry of Lokpal of India including its listing, uploading of orders on website and related matters are hereby issued for compliance by all concerned:

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- i. Circular No. 01/2021 issued vide File No. I-11/2/2021-LOKPAL dated 28.07.2021
- ii. Notice issued vide File No. I-11/2/2021-LOKPAL dated 05.01.2023
- iii. Order No. I-11/1/2023-Lokpal dated 18.04.2023
- iv. Circular No. 01/2023 issued vide File No. I-11/2/2021-LOKPAL dated 06.12.2023
- v. Order No. F-12016/05/2024-Lokpal dated 20.03.2024
- vi. Circular No. 01/2024 issued vide File No. I-11/2/2021-LOKPAL dated 28.03.2024
- vii. Office Memorandum No. I-11/2/2021-LOKPAL dated 10.04.2024
- viii. Office Memorandum No. I-11/2/2021-LOKPAL dated 15.05.2024

A. Mode of Receipt of Complaint:

1. A complaint can be made in the office of the Lokpal of India in the following modes:
 - a) In person, by hand at the Reception/Registry of the Lokpal;
 - b) by Post; or
 - c) Online (<https://lokpalonline.gov.in/lokpalonline>).
2. If the complaint is being filed electronically (through Lokpal Online Portal), the hard copy thereof shall be submitted in the Registry of the Lokpal within 15 days from the date of filing. At the top of the envelope, 'Complaint to the Lokpal of India under Lokpal and Lokayuktas Act-2013' should be written clearly.
3. The complaint(s) would be received ordinarily at the Reception Counter only. The Receptionist will issue acknowledgement to the person handing over the complaint personally.
4. A complaint would then be forwarded to the Registry Wing (Scrutiny Branch). The Receptionist shall hand over all the complaints to the Scrutiny Branch and take a receipt therefor, on the same working day.
5. The complaints received in Lokpal of India, by any mode, that are not in prescribed form shall not be entertained at any level and would be filed without any action.

B. Diary of Complaints

6. The complaint filed electronically (through Lokpal Online Portal) is automatically assigned a **Diary Number**. The complaints received in the Office/Registry of the Lokpal through physical mode (in person or by post) shall be entered in the Lokpal Online Portal with all the details in relevant columns, **within four (4)** working days from the date of receipt of the complaint and a **Diary Number** shall be generated thereto.
7. If any communication is received in respect of a pending complaint, the same be processed in the **same case file number** of the pending complaint. Even, if automated Diary Number is generated by the Lokpal Online Portal, the same shall be tagged with the pending complaint and shall not be processed as a separate or independent complaint.
8. If any communication is received in a disposed of complaint, the same shall be regarded as an application filed in the disposed of complaint and processed accordingly; and not as a separate or independent complaint.

C. Processing of Complaints

9. The concerned officer/official dealing with the complaint shall prepare the **Scrutiny Report** highlighting the office remarks/objections **within eight (8)** working days from the complaint is diarized.
10. The complaint which has been received through Lokpal Online portal, a physical copy of which has not been received, shall also be examined and a scrutiny report be prepared after getting a printout from the portal. However, the fact of non-receipt of physical copy by the office shall be reflected in the scrutiny report along with the due date in terms of the Lokpal (Complaint) Rules, 2020.
11. If **no defect** (being free from all defects in accordance with Lokpal (Complaint) Rules, 2020), is noted by the Scrutiny Officer, the **Complaint Number** shall be generated forthwith; and the complaint file, along with a sufficient number of folders containing a copy of the Scrutiny Report and the complaint (*without annexures if the same are bulky*), shall be placed before the Hon'ble Chairperson for allocation of Bench. The annexures will remain part of the file and shall be sent to the Hon'ble Member concerned as directed.
12. In cases where the Scrutiny Officer **records defect(s)/objection(s)**, the complaint file on **Diary Number** along with a sufficient number of folders containing a copy of the Scrutiny Report and the complaint (*without annexures if the same are bulky*), shall also be placed before the Hon'ble Chairperson for allocation of Bench. The annexures will remain part of the file and shall be sent to the Hon'ble Member concerned as directed.
13. In cases with Diary Number [mentioned as above] placed before the Bench, be allotted Complaint Number only after the Bench condones the recorded defects and/or the complainant cures the defect within the time granted by the Bench.
14. In defective cases, where the Bench has passed an order on merits of the complaint without the remarks/objections of Scrutiny Report expressly condoned, the Registry shall proceed on the assumption that the **defects have been impliedly condoned** (deemed to have been condoned by the Bench) and as such Complaint Number shall be generated in such complaints.
15. The complainant be informed about the number (Complaint Number or Diary Number) assigned to his complaint by the Registry after the order is passed by the Bench, not later than a week.

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D. Listing of Cases

16. All the officials must ensure that, in whatever circumstance, the complaints (on Diary Number or regular Complaint Number) shall be **placed before the Hon'ble Chairperson** for allocation of bench for first listing, within a **maximum of fifteen (15) working days** from the date of its receipt/filing. Non-adherence to the time schedule due to justifiable reasons shall be recorded in writing by the concerned official in the scrutiny report itself.
17. **Non-adherence of time schedule on five occasions by the same officer** shall be brought to the notice of Hon'ble Chairperson; and concerned official may be liable for a Show-Cause for such failure.
18. All the complaints placed before the Hon'ble Chairperson for allocation of a Bench during the entire week, shall be placed before the Full Bench ordinarily on the following working Friday or on any other working day after obtaining directions from Hon'ble Chairperson; and be listed before the Bench on such working day as may be fixed by the Hon'ble Chairperson.
19. Subsequent miscellaneous directions (**procedural only**), to be given in respect of the pending complaints, including regarding the extension of submission of Inquiry/Investigation reports, shall be placed before the Division Bench constituted by the Hon'ble Chairperson for that purpose from time to time. If the Agency fails to adhere to the timeline for submitting its reports on **two occasions** in succession, despite the mandate of the Act of 2013 to complete the preliminary inquiry within ninety days and investigation within six months, on the **third (3rd) consecutive occasion** the Registry shall list the matter before the Full Bench for its consideration. Further steps in respect of such complaints will have to adhere to the directions of the Full Bench in such a case.
20. After the Inquiry/ Investigation report (Interim/Final) is submitted by the concerned agency within the given time frame, that case shall be listed by the Registry for consideration of the Full Bench not later than in the following week.
21. In cases, where the conditional order is passed by the Bench and the complainant removes/cures only few (not all) objections/defects within the specified time, such a case shall be placed before the Hon'ble Chairperson for allocation of Bench with revised Scrutiny Report specifying all the details, within the same time frame of fifteen Days for first listing, from the date of its filing.

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22. In disposed of cases because of the conditional order, owing to non-removal of defect(s), if the complainant removes/wishes to remove the objections/defects **after the expiry of conditional time** specified in the order of the Bench, the Registry shall advise the complainant **to make a request in writing to the Bench** for giving further time by **condoning the delay** in doing so, by **giving sufficient cause**. Such request be placed by the Registry before the Bench within one week from its receipt, by processing it as an application in the disposed complaint, for passing appropriate order/direction.

E. Conveying and Uploading the Order(s) of the Hon'ble Bench:

23. After the Bench passes an order, all the directions given by the Bench shall be **complied** with ordinarily **within three (3) working days** from the receipt of the order in the Registry. In cases, where bulky reports and annexures are required to be referred to the agency or the public servant, a **maximum of five (5) working days** shall be allowed by the Superior Officer with justifiable reasons.

24. Further, upon the directions of the Bench, while referring the complaints/matters to the inquiring/investigating agencies, respondents or any third-party, absolute confidentiality shall be maintained in accordance with Rule 4(a) of Lokpal (Complaint) Rules, 2020 and following principle shall be followed:

- (a) While referring the complaints/matters to the inquiring/investigating agencies viz. Central Vigilance Commission (CVC), Central Bureau of Investigation (CBI) etc. the complaint along with the related documents or annexures shall be sent **in the form received** from the complainant.
- (b) In cases where status report is sought by the order of the Bench from the Ministry/Department/Organisation or any other respondent or any third party, the identity of the complainant shall be **appropriately protected or redacted**.
- (c) In cases, where registry finds that the particulars of the complainant needs to be disclosed to Ministry/Department/Organisation or any other respondent or any third party for obtaining the status of the complaint, **prior written approval of Hon'ble Chairperson or of the Member nominated by the Chairperson for that purpose**, shall be obtained by the Registry.

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25. **Final Orders:** In cases, where the Hon'ble Bench has passed "Final Orders", disposing of the registered complaint, including the Orders, such as,* the following principle shall be followed:

- a) "Final Orders", disposing of the registered complaint, including the Orders, such as,* shall be uploaded by the Office as early as possible, after the same are signed by the Members concerned forming part of the proceedings unless the order(s) in the given case expressly provides that it shall not be so uploaded on the official website for maintaining confidentiality as mandated by the Act of 2013.
- b) The order(s) with regard to the above excepted category, which are not to be uploaded on the official website, shall contain the heading on the top right side of the order in bold '**NOT TO BE UPLOADED**'. All Sr PPS/PPS attached with Hon'ble Chairperson/Hon'ble Members shall ensure that the headings as above are clearly reflected in such orders. The Court Master shall ensure that such orders are not uploaded on the official website to maintain confidentiality.
- c) A pdf version of the Final Order [mentioned as above] bearing the signature of Court Master shall be uploaded on the official website of Lokpal of India.
- d) The Final Orders disposing of the registered complaint shall also be sent via post/e-mail to all the concerned parties (viz. agencies concerned, complainant, etc.)

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- 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 (Act).
- 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 to grant sanction to its Prosecution Wing or Investigating Agency to file a charge-sheet or direct the closure of report under Section 20(7)(a) of the Act.
- 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.



26. **Interim Orders:** The interim orders shall be sent only to the agency concerned on whose part action is required to be taken with a note to adhere to the mandate of Rule 4(a) of the Rules of 2020 regarding confidentiality.
27. **Conditional Orders:** In cases, where the Hon'ble Bench has passed conditional order for the complainant to rectify the defects in the complaint, the following principle shall be followed:
- (a) Orders/notices shall be communicated to the complainant/respondent **by post and also through email address**, if available. In case of complaints made through Lokpal Online portal, the orders/notices shall mandatorily be sent through the email given in the portal. If the notices have been sent only through post and is returned as 'Unclaimed', a **second notice** shall be served by the Registry, *suo moto*, without any reference to the Bench.
 - (b) In cases where the notices are returned with the remarks 'No address or Insufficient address' no further action shall be required until the Bench issues directions, if the complainant has not furnished its e-mail address.
 - (c) Further, such conditional orders, where no merits have been stated (including the name of the Complainant/Public Servant is not disclosed), in the order of the Bench, shall also be uploaded on the official website of Lokpal of India.
 - (d) If the conditional order discloses any details/particulars of any person capable of exposing the identity, it may be uploaded on the official website only after duly protecting/redacting the relevant portion of such order. In other words, the **details/particulars capable of exposing the identity of any person be protected/redacted before uploading the order** on the website.
 - (e) In cases, where the complainant fails to remove the objections/defects within the conditional time specified in the order of the Bench, the Registry shall regard such complaints **as filed and disposed of if the Bench has directed to do so** without any reference to it (Bench).

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F. Applications seeking reports/documents relating to a complaint:

28. The applications/requests by the complainant, public servants or other concerned parties, seeking reports (including Preliminary Inquiry/investigation), and other related document, after a complaint is disposed of, shall be forwarded to the Agency/Departments, who have prepared the report, for necessary action at their end.

This issues with the approval of the Hon'ble Chairperson.



(Rahul Kumar)
Under Secretary
Lokpal of India