

Important Instructions to Lodge a Complaint

The complainant is advised to read the instructions before filing the complaint.

1. A complaint can be filed only in the prescribed form annexed with the Lokpal (Complaint) Rules, 2020. The complaint can be filed online through the LokpalOnline portal. However, if the complainant wishes to send the complaint 'By Post', the prescribed form is available (as a part of the Lokpal (Complaint) Rules, 2020) on the website of the Lokpal of India i.e. (https://lokpal.gov.in/pdfs/gazette_notification.pdf). A fillable complaint form is also available at (https://lokpal.gov.in/pdfs/complaint_form.docx).
2. A complaint can be filed with Lokpal of India against the functionaries of Central Government or certain organizations as described in Section 14 of the Lokpal and Lokayuktas Act, 2013. Complaints can also be filed against officials of State Government who have served in connection with the affairs of the Union during the period of the alleged offence.
3. In terms of provisions under 2(e) of the Lokpal and Lokayuktas Act, 2013, a complaint can be filed with Lokpal of India only for the offences alleged to have been committed by a public servant under the Prevention of Corruption Act, 1988 such as Offence relating to public servant being bribed, taking undue advantage to influence public servant by corrupt or illegal means or by exercise of personal influence, Offence relating to bribing of a public servant, Public servant obtaining (undue advantage), without consideration

from person concerned in proceeding or business transacted by such public servant,
Criminal misconduct by a public servant.

4. Limitation period- In terms of provisions under Section 53, of the Lokpal and Lokayuktas Act, 2013, a complaint cannot be made after the expiry of seven years from the date on which the offence mentioned in the complaint is alleged to have been committed.
5. The complainant should enclose with his complaint the documents and evidence he has relied upon in his complaint.
6. Filing a false and frivolous or vexatious complaint with the Lokpal of India is punishable with imprisonment for a term which may extend to one year and with a fine which may extend to one lakh rupees under sections 46 & 47 of the Lokpal and Lokayuktas Act, 2013.
7. Section 20 of the Lokpal Act defines the procedure in respect of Preliminary Inquiry and Investigation. On receipt of a complaint, in order to ascertain whether there exists a prima facie case for proceeding in the matter, the Lokpal orders a Preliminary Inquiry in the matter. If prima facie allegations are substantiated by the preliminary inquiry report, the Lokpal seeks an explanation from the public servant (complained against) before ordering Investigation as per the provisions of the Lokpal Act.

8. Alternatively, after considering the Inquiry Report, the Lokpal may also order initiation of departmental proceedings against the public servant. As per the Act, after considering the Investigation Report, the comments of the competent authority and the public servant are also to be obtained before granting sanction for filing a charge-sheet in the matter.

9. In terms of the provisions under Section 20(7), the Lokpal may -
 - a) grant sanction to its Prosecution Wing or investigating agency to file charge-sheet or direct the closure of report before the Special Court against the public servant;
 - b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servant.

10. The online application form is available in the English language only. A complaint can be filed -
 - a) through LokpalOnline Module
 - b) By Email to 'complaint-to-lokpal@gov.in'
 - c) By post addressed to-

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

- d) In-person at the reception of the office of the Lokpal of India.

At the top of the envelope, '**Complaint to the Lokpal of India under Lokpal and Lokayuktas Act-2013**' should be written clearly.

11. If the complaint is filed Online (through LokpalOnline or email), a hard copy of the PDF generated online including the original Affidavit and documents must be submitted to the office of the Lokpal of India within 15 days from the date of filing of the complaint.
12. The hard copy of the complaint can be sent by post or by hand to the office of the Lokpal of India at the following address and at the top of the envelope, '**Complaint to the Lokpal of India under Lokpal and Lokayuktas Act-2013**' should be written clearly.

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13. Shortcomings and removal of defects:- On receipt of the complaints, the same shall be scrutinized and if any shortcomings and defects are found in the complaint, they are placed before the Hon'ble Scrutiny Bench. Further as per the order of Scrutiny Bench, the complainant will be informed through a letter/email pointing out the defects/ shortcomings in the application to be removed by the complainant. On receipt of the correction/removal of defects pointed out in the letter the complaint will be processed and put up to the Hon'ble Bench of Lokpal for passing necessary order.

14. After scrutiny, if it is found that the complaint is in order, the same would be registered and the complaint number would be communicated to the complainant.
15. The complainant can check the status of his complaint after logging in to the LokpalOnline portal.
16. **Identity of the complainant-** The name of the complainant or the public servant is not disclosed unless it is necessary to conduct the preliminary inquiry
17. Appeal/Review of the order of the Lokpal of India: There is no provision in the Lokpal and Lokayuktas Act, 2013 for appeal, review, or reconsideration of an order passed by the Lokpal of India.