

FREQUENTLY ASKED QUESTIONS

1. What are the powers of Kerala Lok Ayukta?

a. Lok Ayukta can investigate any action/inaction of a Public Servant that may have resulted in maladministration, corruption, nepotism, favoritism etc.

b. After investigation, if the allegation/grievance are substantiated then the Lok Ayukta / Upa Lok Ayukta can forward a recommendation to Government specifying suitable remedial action. Subsequently Govt shall file an Action Taken Report to Lok Ayukta. If Lok Ayukta is not satisfied with the ATR then he may make a Special Report to Governor who shall with an explanation lay the same before the Assembly.

c. Lok Ayukta can order payment of compensation

d. As per Section 14 of the Act, after investigation, the Lok Ayukta can declare that a Public Servant should not continue to hold the post held by him. A declaration to that effect is binding on the person/Government.

e. Lok Ayukta can issue orders for search and seizure of any file, document etc and for that purpose shall have the powers specified in CrPC.

f. Lok Ayukta can issue any interim order including injunction, issuance of Commission, direction etc and enjoys the same power that a High Court or a Civil Court has in this regard.

2. How can I file a complaint?

Complaint should be filed in a prescribed format accompanied by an affidavit. Form and affidavit can be downloaded from the website (lokaayuktakerala.gov.in) or obtained free of cost from the filing section attached to the Registry of Lok Ayukta. Complainant can enter the relevant details by hand in

the printed form (simple plain paper) or print the entire complaint in green bond paper.

3. Who can file a complaint?

Any person aged 18 and above can file a complaint. Persons aged below 18 must be represented by a legal guardian. Complaints can be filed in person or through an Advocate

4. Enumerate the major points that are to be kept in mind while preparing a complaint

a. Name address telephone number and designation/position shall be stated clearly

b. Name address and designation of Respondents shall be stated clearly

c. Vakkalath should be attested by another advocate

d. complaints filed in person shall be attested by Advocate/Gazetted Officer

e. Complaints shall be written parawise and each para shall be numbered

f. Each paper shall be numbered (Beginning with the first page that shows details of complainant and respondent and to the last page which invariably should be a blank paper the entire complaint shall be in numerical order. (ie, 1,2,3,...))

g. Index showing contents/Exhibits and their respective page numbers should be displayed prominently

h. Exhibits/Documents presented by Complainant/Petitioner should be marked P1, P2, P3, ...

i. Exhibits/Documents presented by Respondents should be marked R1, R2, R3, ...

J. If the space provided in the prescribed/downloaded complaint form for writing the actual allegation grievance is not

sufficient then the same can be written in separate sheets of paper.

k. The papers should be bound together with twine for which two holes may be made at the middle left side of the paper

l. In order to protect the documents/papers from wear and tear, the complaint must be covered with a thick sheet that can be used as a docket.

5. Explain the order in which a normal complaint is prepared, fastened and submitted

a. Cause title

b. Index/Contents

c. Name and address of Complainant and Respondent/Respondents

d. Description/nature of complaint

e. Relief sought

f. Vakkalath, if any

g. two additional blank sheets of paper

h. Thick sheet (to be used as docket)

6. How many copies of the complaint are to be filed?

Every complaint and the documents accompanying it shall be in quadruplicate (4 sets) plus as many number of spare copies as there are respondents.

7. Where should I file the complaint?

Complaint can be filed at the filing section attached to the Registry of Lok Ayukta or forwarded to the address Registrar, Kerala Lok Ayukta, Legislative Assembly Complex, Vikas Bhavan

P O, Palayam, Trivandrum by registered post. Complaints can also be filed at places where camp sittings are conducted. At present Camp sittings are conducted at Kannur (SB), Thalassery (DB), Kozhikode(DB & SB), Ernakulam (DB & SB) and Kottayam (DB & SB)

8. Is there any fees to be remitted for filing complaint?

There is no need for any fees or stamps.

9. How will I know that my complaint will be taken up?

When you file a complaint you will be given a complaint number and asked to present yourself on a particular day. On that day your complaint will be taken up for admission hearing during which a preliminary enquiry will be initiated. If his Lordship is convinced that your complaint is a fit case for investigation, it will be admitted and notice will be send to the Respondents. If it is found that the complaint is not fit for investigation, then the complaint will be dismissed at that stage.

10. What if I am not able to be present before the Lok Ayukta on the appointed day?

You can file a leave application and request for postponing the hearing. Your complaint will be adjourned to another date.

11. Can I withdraw my complaint at any stage

Yes you can withdraw with permission

12. What if I need to produce additional documents to reinforce my complaint?

You have to file a memo for that purpose

13. Can I pray for search and seizure of documents/records?

Search and seizure can be carried out by an order of Lok Ayukta. The service of Police attached to Lok Ayukta (SP, DySp, CI, CPOs) or any other agency can be used for that purpose.

14. Will I get a stay/injunction during admission stage/any other time?

Yes . The order of stay will be issued on the same day and can be delivered to the Respondents on the same day/next day/as early as possible on payment of messenger fees.

15. How will I know that my complaint is admitted?

Orders to that effect will be pronounced in open court. If notices are ordered then steps have to be taken

16. Who will send notice?

Notice is sent by Registrar, Lok Ayukta via Registered post and for that purpose Complainant will have to submit envelop (with address of Respondents written) and stamp at filing section.

17. How can I obtain an interim order?

Interim Order can be obtained by filing an Interlocutory Application along with an affidavit. You can obtain such an order at the admission stage itself provided an Interlocutory Application is filed for that purpose.

18. How do you serve an urgent stay order to the Respondent?

You can serve an urgent stay order by Special Messenger or by Speed Post.

19. What is Special Messenger?

The fastest way to serve a notice is by utilizing the service of an employee of the court to personally hand over the notice to the Respondent. In order to obtain such a service you have to make a submission before the Court that you may be permitted to use Special Messenger facility. If Special Messenger is permitted, then you have to approach the Deputy Registrar and request his assistance.

20. Is there any fees for Special Messenger?

Yes. This is fixed on the basis of distance to be covered

21. What is Complaint number? What is its significance?

Every complaint will have a number. (eg:- 2345/2014). Decoded it means 2345th complaint in the year 2014. You will have to quote this number whenever you are communicating with the Registry. You will have to write this number on top of every document , paper that you submit before Lok Ayukta.

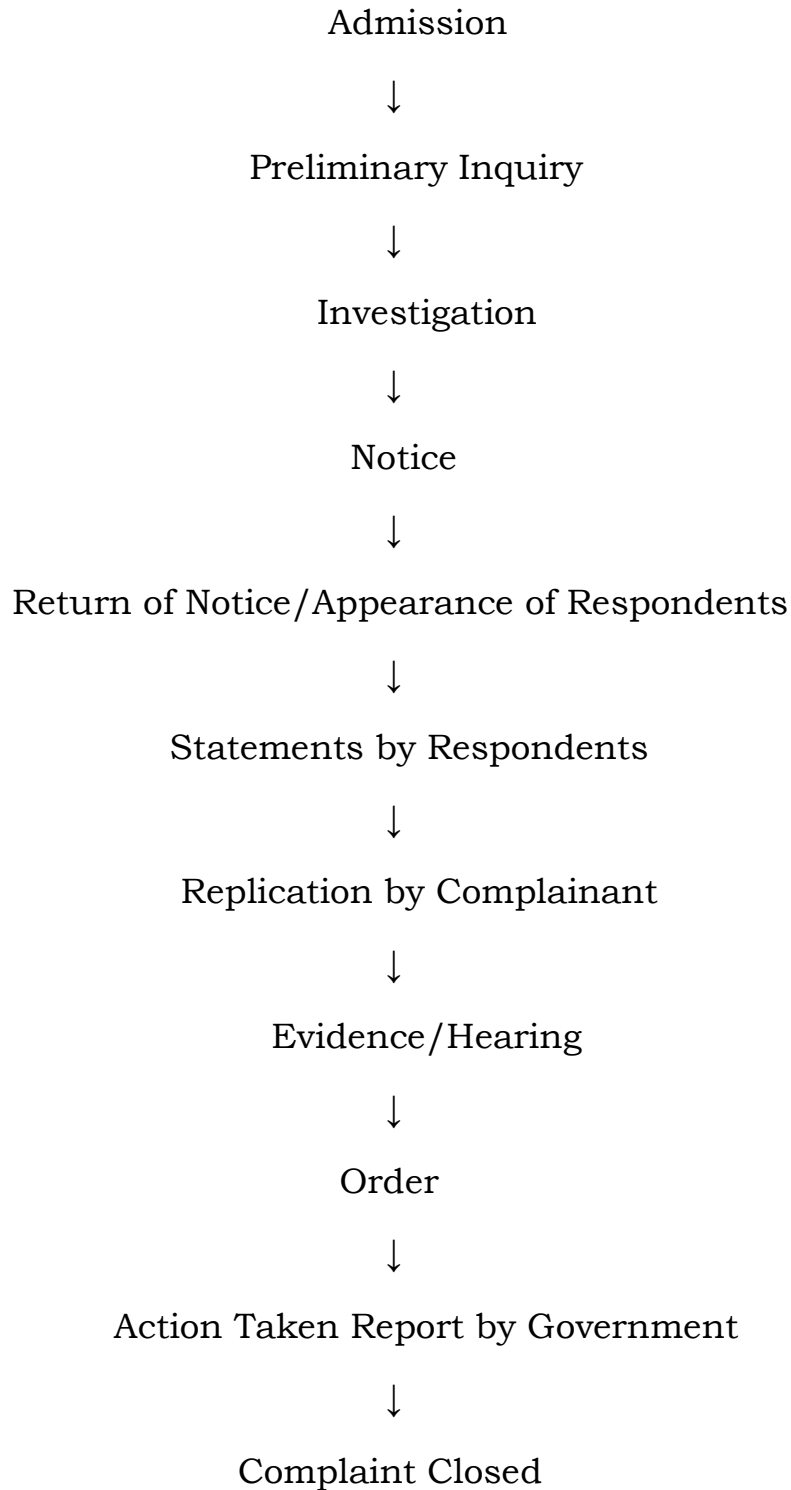
22. What is posting date?

Posting date is the date on which your complaint is posted for consideration. If the complaint is not closed/dismissed on a particular day it will be adjourned for further steps on another day. That day is the next posting date of your complaint. Your complaint will be taken up only on that date.

23. What if I have to advance the complaint for consideration on any day earlier than the next posting date/

You have to file an Interlocutory Application for advancing the case. This petition should specify the complaint number, date of next posting, date of filing the IA and the reason for advancing the case along with an affidavit.

24. Can you explain the natural progression of a complaint with the aid of a flow chart



21. If I forgot to note the next posting date, how can I trace out the date?

You can call 0471 2300495 or directly approach any of the Court Officers and ask for help. If you can remember any of the previous posting date then they can trace out the next posting date. If you do not remember any of the previous dates then they can still trace out the next posting date by searching the ripe register.

22. If there is no sitting on a particular day what will happen to the cases posted?

The cases will be adjourned by 10.45 AM on that date to the next available date

23. If notice is not received/refused by the respondents what is the future course of action?

Bailable/Non Bailable Warrant of arrest can be issued to the SHO concerned.

24. When a Respondent receive a notice what is the course of action he needs to take?

He should either appear in person before the court on the appointed day or engage a lawyer to appear for him. When the complaint is mentioned during roll call, he should come forward and mark his presence. He should state his version by filing a statement at the filing section.

25. What is a replication?

Replication is the reply given by the complainant clarifying the points raised by the Respondent in his statement.

26. What if both the parties need to give additional information after the stage of statement and replication?

Additional statement can be filed

27. What if evidence need to be taken?

After pleadings are complete (pleadings are statements submitted before court) the court may post the case for steps/evidence. If you do not need any evidence then you can submit accordingly and then the case will go for hearing. If you need to give evidence then the case will go for evidence before hearing

28. What is the procedure for taking evidence?

Prior to taking evidence you must file witness schedule/proof affidavit/chief affidavit

29. What is witness schedule?

Witness schedule contains the name and address of the persons who are to be summoned for giving evidence

30. What is chief affidavit?

Chief affidavit is a written statement submitted by the witness. This is filed in lieu of Chief examination

31. How and why do you mark a document?

Prior to commencement of examination of witness, documents produced must be marked by the Court. Permission is to be sought for marking document. The documents produced by Complainant is marked P1, P2, P3 etc and that by Respondents R1, R2, R3 etc.

32. Can I engage a lawyer after appearing in person?

Yes

33. How can I change my lawyer?

You have to obtain a relinquishment letter from your lawyer and submit it along with a fresh vakkalath before the court

34. If the authorities concerned do not implement the order passed by Lok Ayukta what are the options available?

You can file a contempt petition before the Lok Ayukta Bench that passed the order.

35. Persons/Institutions against whom complaint cannot be filed before Lok Ayukta?

a. Members/Employees of Local Self Government Institutions. As per Section 271 (O) of Panchayat Raj Act, Lok Ayukta cannot investigate their action/inaction.

b. Judicial Organisation

c. Chairman and Members of PSC

d. Accountant General

e. Speaker/ Legislative Assembly

f. CEC

g. Central Govt Organisations

36. Where can I file my property statement?

Property statement must be filed before 30th of June once in two years. It can be forwarded by post to The Registrar, Lok Ayukta

37. Who should file property statement?

Public servants as defined in the Kerala Lok Ayukta Act of 1999 must file property statement.

38. Who is a Competent Authority?

Every Public Servant has a Competent Authority and property statement must be filed before him.

Position

Competent Authority

Chief Minister/MLA/
Office bearers
Of Political party at
state level/

Governor

Minister/Secretary

Chief Minister

IAS/IPS/IFS

Minister concerned

Govt Servant other
than Secretary

Government of Kerala

Chairman/Vice Chairman/
Member/Employee of local
Authority /statutory or non
Statutory body/ cooperative
society/Govt Company/
Corporation/Board/University/
trade Unions/aided school, college/
private colleges affiliated to
Universities/ Devaswoms/
Autonomous bodies/PSU/

Registrar , Kerala Lok
Ayukta (District Judge)

39. How can I obtain the forms required for filing property Statement?

Directly from the Registry at Trivandrum or from the website **www.lokayuktakerala.gov.in**

40. Is it necessary to include the assets of my wife, children and parents in my property statement?

Yes

41. What are the consequences of not filing the property statement?

Details received from various agencies can be forwarded to Vigilance/ CBI/ Income Tax Dept as well as published in Newspapers

42. What are the consequences of filing incorrect property statement?

Details received from various agencies can be forwarded to Vigilance/ CBI/ Income Tax Dept as well as published in Newspapers

43. Is it necessary to include the date/amount/source/seller/buyer/quantity/bill number/document number etc of registration of land deed, purchase of Gold, vehicle and other movable and immovable properties

Yes