# FAQ

Q. What is the Nagaland Lokayukta?

A. The Nagaland Lokayukta is a statutory body, an ombudsman, constituted under the Nagaland Lokayukta Act, 2017 to inquire into complaints of corruption and maladministration by public servants and is tasked with speedy redressal of public grievances.

The Nagaland Lokayukta is located in Kohima.

Q. What is the composition of the Nagaland Lokayukta?

A. The Nagaland Lokayukta came into existence in 2018 with the appointment by the State Government, initially of a Upa-Lokayukta and later in 2019 of a Lokyukta. The Nagaland Lokayukta Act, 2017 provides for appointment of a Lokayukta and a maximum of 4(four) Upa-Lokayukta.

Q. What are the powers and functions of the Nagaland Lokayukta?

i. The Lokayukta or Upa-Lokayukta may investigate into any complaint involving a grievance or an allegation against a public servant that is made by:

* + Any citizen.
  + Referred by the State Government.
  + Suo moto, without any complaint.

ii. The Lokayukta or Upa-Lokayukta has all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908.

iii. Any proceeding before the Lokayukta or Upa-Lokayukta is deemed to be a judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code, 1860.

iv. The Lokayukta or Upa-Lokayukta is deemed to be a court within the meaning of the Contempt of Courts Act, 1971 and have the same judicial powers and authority of a High Court.

v. The Lokayukta or Upa-Lokayukta is empowered to authorize the conduct of a search or an inspection as per the provisions of the provisions of the Code of Criminal Procedure, 1973 relating to search and seizure.

Q. Is a complainant or a witness in regards to a complaint that is filed before the Lokayukta, protected under any provision of the law?

A. As per Section 19 of the Nagaland Lokayukta Act, 2017 the identity of the complainant and the public functionary is protected, unless the complainant himself/herself declares.

* Proceedings of the investigation or any part of it, at any stage of the proceedings will not be publicized unless the Lokayukta or Upa-Lokayukta allows it, for reasons to be recorded.
* As per Section 35 of the Nagaland Lokayukta Act, 2017 the complainant/witnesses are protected under the Whistle Blowers Protection Act, 2011.

“*Whistle Blower*” means any person who provides factual information with prima facie evidence about corruption or is a witness or a victim in a case of corruption before the Lokayukta. He/she/they is/are protected when subjected to any harm as a consequence to making the complaint to the Lokayukta.

**Q.** Who is a public servant under Section 2 (p) of the Nagaland Lokayukta Act, 2017?

1. A public servant means a person who is or was at anytime:
   1. The Chief Minister of Nagaland
   2. A Minister
   3. A Member of the State Legislature (MLA)
   4. A Government servant
   5. An officer of any body or board or corporation or authority or company or society or autonomous Body established or constituted under any Act of the Nagaland Legislative Assembly or wholly or partly financed by the State Government or controlled by it.

This definition covers among others: Village Council and the various boards under it – VDB, VEC, VHC, WATSAN, VEMB - Municipal Council/Town Council.

**Q.** What is the meaning of a complaint involving an **allegation**?

1. A complaint involving an allegation is a complaint which alleges that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988 concerning:
   * Wilful misuse of power or wilful misuse of discretion by virtue of which demonstrable loss is caused to the Government or demonstrable wrongful gain accrues to the public servant or to any third party
   * Attempt to commit or the commission of a criminal offence by a public servant
   * Fraudulent drawals of monies
   * Misappropriation of public funds

**Q.** What is the meaning of **grievance**?

**A.** The term “Grievance” is defined in Section 2 (g) of the Nagaland Lokayukta Act, 2017. As per the definition, “Grievance” means a claim by a person that he/she, that is, the complainant himself/herself has suffered injustice or hardship as a consequence of mal-administration.

**Q.** What action constitutes **mal-administration** under Section 2(k) of the Nagaland Lokayukta Act, 2017?

1. Mal-administration is the action of a government servant which can be seen as causing an injustice through insufficient/dishonest administration, mismanagement, misrule, mishandling, mis-governance, incompetence, lack of care and judgment, while discharging his/her official duty.

**Q.** What are the examples of mal-administration?

**A.** i. Undue delay in disposal of matters

* 1. Negligent or distortion of procedures/ practices
  2. Unreasonable/ Improper/ Oppressive
  3. Unjust/ Discriminatory

**Q.** Who can file a complaint?

**A.** i. Any citizen.

ii. The person aggrieved by the act(s) of mal-administration.