

Ramachandran Master Vs. Kerala Lok Ayukta

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Court : Kerala

Decided On : Sep-15-2006

Reported in : 2006(4)KLT166

Judge : V.K. Bali, C.J. and; M. Ramachandran, J.

Acts : [Kerala Lok Ayukta Act, 1999](#) - Sections 2, 3, 7, 7(3), 9, 9(1), 9(2), 9(3), 21, 22(2), 23 and 23(2); [Prevention of Corruption Act, 1988](#); [Indian Penal Code \(IPC\), 1860](#); Kerala Public Men's Corruption (Investigations and Inquiries) Act, 1987; Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 - Sections 9; Maharashtra Lok Ayukta and Upa-Lok Ayuktas Act, 1971 - Sections 8; [Evidence Act, 1872](#) - Sections 78(2) and 81; Kerala Lok Ayukta Ordinance, 1998 - Sections 4 and 9(1); [Constitution of India](#); Kerala Lok Ayukta (Form and Manner of Complaint) Rules, 1999 - Rules 2, 3, 5, 6, 8 and 9; Kerala Civil Practice Rules

Appeal No. : W.P.(C) No. 5250 of 2006 etc.

Appellant : Ramachandran Master

Respondent : Kerala Lok Ayukta

Advocate for Def. : B. Raghunathan,; V.V. Mathew,; Sajeev Kumar K. Gopal

Advocate for Pet/Ap. : T.P. Kelu Nambiar, Sr. Adv.,; K. Ramakumar,; Thomas Abra

Judgement :

V.K. Bali, C.J.

1. Simple but significant question that arises in these three connected Writ Petitions is as to whether the Lok Ayukta, exercising powers under the [Kerala Lok Ayukta Act, 1999](#), hereinafter referred to as 'Act of 1999', has suo motu powers to conduct any investigation with respect to matters in its domain envisaged under the Act. Put in other words, whether the Lok Ayukta under the Act of 1999 would have jurisdiction to investigate grievance sought to be ventilated or projected in anonymous or pseudonymous letters, newspaper reports or a letter of complaint which may be received by him without complying with the necessary procedure as enshrined under the various provisions of the Act. Before we may, however, delve on the question as posed above in the context of rival contentions raised by the counsel representing the parties it would be useful to give a resume of the facts culminating into filing of the three petitions which the learned Counsel representing the parties ad idem need to be disposed of by a common order.

2. W.P.(C).5250 of 2006 has been filed by K.K. Ramachandran Master who, at the relevant time, was Minister for Health, Government of Kerala. On 16.08.2005, the President, Kerala Government Medical Officers Association, Thiruvananthapuram sent a letter addressed to the learned Lok Ayukta, Kerala making certain allegations against one Sri. P. Radhakrishnan, the 3rd respondent arrayed in the petition, who was at that time Additional Private Secretary to Minister for Health (Exhibit P1). It is the case of the petitioner that in the letter aforesaid, there was no allegation against him. The relief made in the letter to the Lok Ayukta was to

interfere in the issue and give direction to remove Sri. P. Radhakrishnan, Additional Private Secretary immediately from the personal staff or change the Portfolio of Health from Mr. K.K. Ramachandran immediately. There was also a request for a detailed vigilance enquiry against Sri. P. Radhakrishnan, which primarily pertained to his amassing wealth while discharging his duties. It may not be necessary to give further reference to the allegations made against Sri. K.K. Ramachandran Master. Suffice it, however, to mention that it has inter alia been stated in the letter Exhibit P1 that after Sri. K.K. Ramachandran Master took over the charge as Minister for Health in September 2004, his Additional Private Secretary started interfering in all Departmental matters out of way demanding huge amount of bribe from doctors and paramedical staff for transfer and posting and if anybody was not willing to give the amount, he would forcefully suspend or transfer the person from that post. He was also doing negotiations with the medical companies for purchase of medicines worth hundred crores every year and accepting commission on behalf of the Minister and this amount goes to the pocket of the Minister and not to the party. On 22.8.2005, Lok Ayukta made the following endorsement on Exhibit P1:

Registrar.

Send this to the S.P. Attached to this forum for an enquiry and report.

The Registrar, in compliance with the orders as reproduced above, it appears, sent the matter to the Superintendent of Police who, after some preliminary enquiries, sent a report on 30.12.2005 (Exhibit P2). The operative part of the report reads as follows:

I have visited Kalpetta and Mananthavady in Wayanad District and made enquiries. It is understood that Sri. P. Radhakrishnan, Additional Private Secretary to the Health Minister was at PWD Rest House Kalpetta on 11.11.05 and 12.11.05. It is stated by him that he had been there for looking into the development works of the Health Minister's constituency. His explanation cannot be taken into consideration on its face value because the interview was proposed to be held on 14.11.05 onwards. Hence his presence at Kalpetta on 11.11.05 and 12.11.05 read along with the news items appeared in 'Deshabhimani' and 'Madhyamam' dailies and the statement of Dr. Ravi, DMO, Wayanad would go to show without saying that he had been there for interfering in the process of selection of part time employees of Wayanad District.

Enquiry so far made into the allegations revealed that Sri. P. Radhakrishnan, Additional Private Secretary to the Health Minister has abused his official position and illegally and unauthorisedly interfered in the selection of Part Time employees of the Health Department especially in Kannur and Wayanad District.

Regarding the disproportionate assets of Sri. P. Radhakrishnan and allegation of acceptance of commission in the purchase of medicine and transfer and postings of Medical officers enquiry is not conducted as it requires much man power and time. More over it is the prime duty of the Vigilance and And Corruption Bureau.

Under the above circumstances, I am to submit that the allegations are substantiated in evidence and as such direction may please be given to the Director, Vigilance and Anti Corruption Bureau to conduct a vigilance enquiry into the allegations as mentioned above against Sri. P. Radhakrishnan, Additional Private Secretary to the Minister for Health. Further it is submitted that direction may be given to repatriate Sri. P. Radhakrishnan to his parent Department as the allegations are substantiated.

Press cuttings of Malayalam dailies 'Deshabhimani' dated 13.11.2005 and 'Madhyamam' dated 15.11.2005 are enclosed herewith.

On receipt of the report Exhibit P2, notice was sent to petitioner and others by Lok Ayukta in the matter shown as Complaint No. 14 of 2006. Notice was accompanied by a copy of the order dated 4.1.2006, complaint and enquiry report. A copy of the notice and the order dated 4.1.2006 passed by the Lok Ayukta have been placed on record as Exhibits P3 and P4 in the petition. It is the case of the petitioner that the allegations were only against Sri. P. Radhakrishnan and in the enquiry report also no allegation was pointed

out against the petitioner. The Lok Ayukta, however, observed as follows:

Prima facie we find it difficult to take the view that Sri. Radhakrishnan resorted to these courses without the knowledge of the Health Minister. Consequently we issue notice on this petition to:

1. Sri. K.K. Ramachandran (Ramachandran Master), Minister for Health, Kerala.

On 6.1.2006, the President and General Secretary of the Kerala Government Medical Officers' Association submitted a letter before the Honourable Chief Minister stating that the Association had not preferred any complaint. However, one N. Viswambharan who, according to the petitioner, is self-styled President of some Azhimathi Virudha Samithi, filed an application for impleading as an additional complainant. On that, the Lok Ayukta passed an order on 9.1.2006 allowing the application. A copy of the order dated 9.1.2006 passed in I.A. Nos. 20 of 2006 and 21 of 2006 has been placed on record as Exhibit P5. It is the case of the petitioner that the summons were issued on 4.1.2006 fixing the date for appearance on 27.1.2006 and, therefore, in between 4.1.2006 and 27.1.2006 the Lok Ayukta was not expected to do anything in the case. The matter was, however, posted on more than one occasion between 4.1.2006 and 27.1.2006 and orders issued or comments made and communication sent to the competent authority. On 21.01.2006, the petitioner filed a detailed counter affidavit before the Lok Ayukta (Exhibit P6). He also filed three interlocutory applications on the same date. In I.A. 71 of 2006, the petitioner prayed that the Lok Ayukta may first decide the maintainability of the alleged complaint as a preliminary issue and to hold that the alleged complaint is not maintainable (Exhibit P7). In I.A. 72 of 2006, a prayer was made that Lok Ayukta may recall the order dated 9.1.2006 by which Sri. Viswambharan was impleaded as an additional complainant (Exhibit P8). In I.A. No. 73 of 2006, the petitioner prayed for stay of all further proceedings in the complaint till orders are passed on I.A. Nos. 71 and 72 of 2006 (Exhibit P9). The petitioner entered appearance through counsel on 27.1.2006, on which date the Lok Ayukta passed the following order:

Respondents 1 and 2 filed detailed counter affidavit along with interlocutory applications. Copies have been served on the learned Counsel representing the petitioner.

Director of Health Services and Director of Medical Education filed statements of defence. On behalf of the Director of Ayurveda Medical Education, learned Government Pleader prays for time for filing proper statement of defence.

In all proceedings under the Kerala Lok Ayukta Act, Government is a necessary party. Government has not been impleaded as such. Now we are impleading the Government represented by the Chief Secretary as additional 7th respondent. Learned Government Pleader is directed to file the statement of defence on behalf of the Government before the next posting date.

Learned counsel representing the petitioner prayed for time for filing reply to the statement of defence filed by the respondents. Adjourned to 3.3.2006.

On 3.2.2006, petitioner moved I.A. No. 86 of 2006 in Complaint No. 14 of 2006 praying for an early hearing of I.A. Nos. 71 of 2006, 72 of 2006 and 73 of 2006. The Lok Ayukta passed an order on 3.2.2006, dismissing the application without assigning any reasons therefor. Further orders were also made to the following effect:

'Heard counsel on either side. IAs are dismissed.'

'Learned counsel representing the petitioner in the main petition is directed to file schedule of witnesses whom he wants to examine in the case within one week from today. Learned Counsel representing the petitioner, if wants this Court to issue summons to any of the witnesses, he must take out summons or get it issued, so that the witnesses will have to appear on 3.3.2006. Their examinations will be on day to day basis except on Sundays and holidays. Learned Government Pleader submitted that he will make available the statement bringing out the stand of the Government in the form of affidavit or statement of facts within two weeks from today. While filing that statement of facts before this Court, Government Pleader should give

advance copy to the learned Counsel representing the petitioner, so that if he wants to file any reply, he can file it within three days therefrom. Post on 3.3.2006 for evidence on day to day basis.

3. It is in the wake of the circumstances as detailed above, the present petition was filed calling in question the orders/directions as contained in Exhibits P1 to P5, P10 and P11. The petitioner also seeks a declaration that the entire procedure so far adopted by the learned Lok Ayukta, Kerala is wrong, illegal, without jurisdiction and highly arbitrary. The other prayer of the petitioner is to issue an appropriate writ, order or direction to the 1st respondent, Kerala Lok Ayukta to consider and dispose of Exhibits P7, P8 and P9 interlocutory applications and decide the question of maintainability of the complaint before proceeding any further with the complaint. Obviously, this prayer appears to be in the alternative or in the event the 1st prayer may not find favour with this Court.

4. Primarily, on the facts as mentioned above, it is pleaded and so argued by the learned Counsel representing the petitioner that the learned Lok Ayukta failed to note that Exhibit P1 is not a complaint under the provisions of the Act of 1999, the Kerala Lok Ayukta (Form and Manner of Complaint) Rules, 1999 and Kerala Lok Ayukta (Powers of Civil Court) Rules, 1999. The Lok Ayukta, it is urged, is a statutory authority governed by the provisions of the Act of 1999 and the Rules framed thereunder. The Act and Rules prescribe elaborate provisions and procedures for filing and considering complaints. By referring to the various provisions of the Act and the Rules, it is urged that it was at the most a defective complaint, which cannot be cured under the provisions of the Rules and had to be rejected. It is further urged that the Lok Ayukta has no power or jurisdiction to entertain any matter which is not in compliance with the form prescribed by the Act and Rules and there is no provision enabling the Lok Ayukta to take any suo motu proceedings. All the proceedings taken and orders passed in between 4.1.2006 and 27.1.2006 are wrong, illegal and absolutely without jurisdiction and further that in any case no further proceedings can be continued until such time orders on the interlocutory applications are passed.

5. The learned Single Judge before whom the matter came up for hearing on 22.2.2006 expressed the view that the matter needs to be decided by the Division Bench. The order passed by the learned Single Judge reads thus:

In this Writ Petition the petitioner challenges the jurisdiction of the 1st respondent to initiate proceedings pursuant to Ext.P1, which according to the petitioner, is not a complaint as provided in the Act and Rules, based on which the Lok Ayukta has initiated proceedings against the petitioner. Questions of substantial public importance, regarding the jurisdiction of the Lok Ayukta to initiate proceedings suo motu in public interest also is involved in this case. I feel that because of the general importance of the questions raised, it is appropriate that this Writ Petition be heard by a Division Bench. For that purpose I adjourn this case.

6. The Lok Ayukta, arrayed as the 1st respondent in the original lis, in response to the notice issued by this Court, through its Registrar Sri. K. Haripal has filed the counter affidavit wherein it has inter alia been pleaded that the Lok Ayukta had considered the matter in pursuance of Exhibit P1 bona fide and with the avowed intention to give effect to the object of the Legislature to eradicate corruption and mal administration in public life. On an anxious consideration of the contents of Exhibit P1, the Lok Ayukta thought it fit to get a report from the Superintendent of Police attached to the Lok Ayukta. With that intention and in terms of Section 9(3) of the Act of 1999, Exhibit P1 was sent to the Superintendent of Police for enquiry and report, on 22.8.2005. It was after receiving the report Exhibit P2 and on going through the findings thereon, the Lok Ayukta was convinced that there is prima facie case to be investigated and it had, thus, registered Exhibit P1 as Complaint No. 14 of 2006 and issued notice to the petitioner, respondents 3, 5, 6 and 7. After going through the report submitted by the investigation wing, the Lok Ayukta was of the view that the activities resorted to by the respondents in Exhibit P1 were activities which the legislature wanted to suppress. For advancing the object of the legislation, the Lok Ayukta took the view that technicalities in the procedure should not be allowed to have an upper hand. The Lok Ayukta is conceived with the aim of dealing with the grievances of the public arising out of mal administration and rampant corruption at administrative and

political levels. In that sense, there was nothing wrong in entertaining Exhibit P1, that too after fortifying the allegations in it through an enquiry report, Exhibit P2. It is then averred that it is not mandatory on the part of Lok Ayukta to strictly comply with the technicalities in the Rules framed under the Act. It is only in the interest of justice and of the public and also after taking into account the public conscience, proceedings followed soon after receipt of Exhibit P2. The letter Exhibit P1 could not be treated as a personal letter as it was one containing allegations and grievances of a responsible association. The contention of the petitioner that the direction to investigate into the correctness of it was wrong for lack of power and jurisdiction is also denied. Order Exhibit P5 allowing to implead respondent No. 8 is stated to be well within the realm of law. Order was passed on Exhibit P1 after taking the same on file as Complaint No. 14 of 2006. The contention of the petitioner that there was no complaint at all is denied, being without any basis. There would be no need to refer to the other averments made in the counter affidavit as the defence projected while opposing the relief contained in the petition is that for advancing the object of the legislation, the Lok Ayukta is not bound by the technicalities in the procedure or in other words, the object of the legislation would have precedence over observance of the procedure.

7. Kerala Government Medical Officers' Association, arrayed as 2nd respondent, has also filed a counter affidavit. Dr. Sunny P. Oratheel, President of the said Association has filed the affidavit. It has been mentioned therein that the President of the Kerala Government Medical Officers' Association, Thiruvananthapuram has sent no letter on 16.8.2005 addressed to Honourable Mr. Justice K. Sreedharan, Lok Ayukta making allegations against the 3rd respondent. The 2nd respondent had never sent any letter to the Lok Ayukta as alleged in the Writ Petition. No decision was taken by the said respondent to issue any such complaint. A perusal of Exhibit P1 would show that it is neither in the letter head nor it bears any signature and seal of the competent person to represent the association. Nothing further is required to be mentioned from the counter affidavit filed by the 2nd respondent.

8. N. Viswambharan, the added petitioner by orders passed by learned Lok Ayukta as mentioned above, has also filed a counter affidavit, wherein it has inter alia been pleaded that he is a retired Government servant and all along he had fought against corruption in the society. He has filed numerous complaints before various statutory authorities including Lok Ayukta against the corrupt practices of Government servants. With regard to the case of the petitioner, it has been stated that he had personal knowledge regarding the corrupt practices prevailing in the Health Ministry and he was collecting materials to enable filing of a complaint before the Lok Ayukta. It was at that juncture he came to know that the Lok Ayukta has initiated action on the basis of information by Kerala Government Medical Officers' Association. He also came to know that the Superintendent of Police attached to the Lok Ayukta had also found that the allegations raised in Exhibit P1 letter were substantiated. Subsequently, he came to know that the said Association was trying to wriggle out of the matter for reasons best known to them and was trying to withdraw from the issue. It was at that stage that he filed I.A. No. 20 of 2006 seeking to implead him to substantiate the corrupt practices in the Health Ministry. The application moved by him was allowed by the Lok Ayukta on 9.1.2006. After impleadment, he filed I.A. No. 35 of 2006 to accept Audio CD produced by him regarding the communication between the petitioner and one Dr. Ravi. Similarly, he filed I.A. No. 37 of 2006 seeking to cause production of the enquiry report submitted by Sri. T.P. Senkumar, I.G. of Police. He also filed LA. No. 66 of 2006 seeking search and custody of files regarding appointment of part time Sweepers with the D.M.O., Wayanad. He has reliable information regarding the corrupt practices of the petitioner which he could be able to substantiate with documents and evidence. Once again, there would be no need to make further reference to the pleadings made by him in the counter affidavit, but for to say that the legal issues raised by the petitioner have been rebutted in his counter affidavit.

9. W.P.(C). No. 6485 of 2006 has been filed by Sri. G. Mohandas, Managing Director, Kerala State Warehousing Corporation, Kochi. It is the case of the petitioner that on the basis of news report published in Malayala Manorama daily dated 24. J .2006, the Lok Ayukta initiated proceedings against him. It is his case that it would appear that Malayala Manorama daily published a news item on 24.1.2006 pointing out a difference of

opinion among two Kerala Ministers in the matter of functioning of the Kerala State Warehousing Corporation and also containing certain allegations about the Managing Director. It was not for the first time that a news paper like Malayala Manorama, which does not enjoy any credibility in truthful reporting but, on the other hand, is notorious for tendentious and malicious reports which it has become a regular customer in defamation Courts, is making false reports about the Corporation. Based on that report, the Upa Lok Ayukta initiated suo motu action against the Corporation and issued notice to the petitioner as well to appear on 28.2.2006. On receipt of notice, he appeared before the Lok Ayukta through counsel and raised preliminary objection that the matter is already engaging the attention of this Court. The Lok Ayukta adjourned the case for hearing the preliminary objection. In the meantime, the Division Bench of this Court seized of the similar issue granted stay. It appears to this Court that the petitioner apprehending no favourable decision from the Lok Ayukta with regard to preliminary objections as, such objections were already rejected by the Lok Ayukta in Complaint No. 14 of 2006, approached this Court challenging the very initiation of the proceedings.

10. W.P.(C). No. 11418 of 2006 has been filed by Sri. N. Sadasivan, Managing Director, Kerala State Women's Development Corporation. Kerala State Women's Development Corporation is a Government of Kerala undertaking which is rendering service to the women in Kerala particularly those belonging to the poor and deserving sections of the society. The Malayala Manorama daily published a news item on 15.10.2005 containing certain allegations about the functioning of the Corporation and particularly against the Managing Director of the Corporation, namely the petitioner (Exhibit P2). When the report came to the notice of the petitioner, on 16.10.2005 he addressed a letter to Sri. Thomas Jacob, the Trivandrum Unit Chief of Malayala Manorama, expressing deep concern of the Corporation against the aforesaid report. A copy of the same was sent to Sri. Jose Panachippuram, Chief News Editor, Malayala Manorama, Kottayam also. In the letter aforesaid, all the allegations levelled against the Corporation in the news report were categorically dealt with, a copy of which has been produced on the records as Exhibit P3. It is the case of the petitioner that a reading of Exhibit P3 letter would reveal that all allegations have been answered clearly without giving any room for any doubt whatsoever. So, on the basis of Exhibit P3 letter, the Malayala Manorama daily published a reply note on 18.10.2005. Unfortunately, however, the Daily did not publish the matter in full text. It is the case of the petitioner that the newspaper is not officially owning the contentions and allegations in its earlier report Ext. P2. Based on the newspaper report as referred above, Lok Ayukta initiated action against the Corporation and issued notice to the Chairperson and the Managing Director of the Corporation and also against the Secretary, Social Welfare Department. Along with the notice, order dated 19.10.2005 passed by the Lok Ayukta forwarding a copy of the petition to the Superintendent of Police to conduct an enquiry and file report within two months was also there. On 22.12.2005, the Chairperson of the Corporation, the petitioner, appeared before the Lok Ayukta and sought time for filing preliminary objection regarding the maintainability of the suo motu proceedings, particularly on the basis of news paper reports. The matter was adjourned for the report of the police officer, which has not so far been filed before it. Meanwhile, one Rajalal claiming to be the office bearer of a political youth organisation has been allowed to be impleaded as a party in the said proceedings. It is at this stage that petitioner apprehending the fate of the preliminary objections that have been raised before the Lok Ayukta, as similar objections raised in some other cases were rejected by it, filed the present petition.

11. Before we may proceed any further, we would like to mention that in a case such as one in the hand, the result of which will have far-reaching consequences, the State has not chosen to file its counter in any of the matters.

12. We may also mention that whereas in the first case, i.e., W.P.(C). No. 5250 of 2006, the proceedings have been initiated on the basis of a letter, disowned by its author both before the Lok Ayukta and also this Court, in the other two Writ Petitions, bearing Nos. 6485 of 2006 and 11418 of 2006, proceedings have been initiated on the basis of newspaper reports. Concededly, whereas in W.P.(C). No. 5250 of 2006 the orders passed by the learned Lok Ayukta would show that the case is between Association and the respondents mentioned therein, in the other two petitions, the proceedings have been shown to be initiated suo motu against the

respondents mentioned therein.

13. The question as posed above which needs adjudication has necessarily to be answered in view of the provisions contained in the Act of 1999 and the Rules framed thereunder. It would be thus useful to notice such provisions of the Act and Rules that may have bearing on the controversy in issue. 'Allegation' has been defined in Clause (b) of Section 2 of the Act, which reads as follows:

'Allegation', in relation to a public servant, means any affirmation that such public servant, -

(i) has abused his position as such public servant to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person;

(ii) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives; or

(iii) is guilty of corruption, favouritism, nepotism or lack of integrity in his capacity as such public servant.

'Corruption' as per Clause (e) of the same Section includes anything made punishable under Chapter IX of the Indian Penal Code or under the Prevention of Corruption Act. Clause (e) of Section 2 reads as follows:

'Corruption' includes anything made punishable under Chapter IX of the Indian Penal Code (Central Act 45 of 1860) or under the [Prevention of Corruption Act, 1988](#) (Central Act 49 of 1988).

'Grievance' means a claim by a person that he sustained injustice or undue hardship in consequence of mal-administration as per Clause (h) of Section 2. The same reads as follows:

'Grievance' means a claim by a person that he sustained injustice or undue hardship in consequence of mal-administration.

'Lok Ayukta' as per Clause (j) of the said Section reads as follows:

'Lok Ayukta' means the person appointed as the Lok Ayukta under Section 3.

'Mal-administration' means action taken or purported to have been taken in the exercise of administrative function. The same, as provided in Clause (k), reads as follows:

'Mal-administration' means action taken or purporting to have been taken in the exercise of administrative functions in any case where:

(i) such action or the administrative procedure or practice adopted in such action is unreasonable, unjust, oppressive or improperly discriminatory; or

(ii) there has been wilful negligence or undue delay in taking such action or the administrative procedure or practice adopted in such action involves undue delay.

The word 'prescribed' as per Clause (n) of Section 2 means prescribed by rules. The same reads as follows:

'Prescribed' means prescribed by rules made under this Act.

14. Sub-section (1) of Section 3, which deals with appointment of Lok Ayukta and Upa-Lok Ayuktas for the purpose of conducting investigations and inquiries, reads as follows:

For the purpose of conducting investigations and inquiries in accordance with the provisions of this Act, the Governor shall appoint a person to be known as Lok Ayukta and two other persons to be known as Upa-Lok Ayuktas.

The Lok Ayukta and one of the Upa-Lok Ayuktas, as may be nominated by the Lok Ayukta for the purpose,

may investigate any action which is taken by or with general or specific approval of Chief Minister, a Minister, a Member of the State Legislature, a Secretary, an office bearer of a political party at the State level or an officer referred to in Sub-clause (iii) of Clause (d) of Section 2, i.e., the Minister concerned in the case of an officer of the All India services, employed in connection with the affairs of the State. Except as otherwise provided, the Lok Ayukta or a Upa-Lok Ayukta should not conduct any investigation in the case of a complaint involving grievances in respect of any action, if the said action relates to any matters specified in Second Schedule. The procedure for conducting investigation on a complaint given in Section 9 in so far as it is relevant reads as follows:

9. Provisions relating to complaints and investigations:

(1) Subject to the provisions of this Act, any person may make a complaint under this Act to the Lok Ayukta or an Upa-Lok Ayukta.

(2) Every complaint shall be made in such form and in such manner, as may be prescribed, and shall be supported by an affidavit.

Section 21, which deals with prosecution for false complaint, reads thus:

21. Prosecution for false complaint.-

(1) Notwithstanding anything contained in this Act, whoever makes any complaint with malicious intention under this Act shall, on conviction, be punished with imprisonment for a term, which shall not be less than three months but which may extend to six months and with fine, which shall not be less than two thousand rupees but which may extend to five thousand rupees.

(2) No Court inferior to that of a Court of the Judicial Magistrate of the First Class shall take cognizance of an offence under Sub-section (1).

(3) No such Court shall take cognizance of an offence under Sub-section (1), except on a complaint made by a person against whom false, frivolous or vexatious complaint was made, after obtaining the previous sanction of the Lok Ayukta or the Upa-Lok Ayukta, as the case may be.

(4) The prosecution in relation to an offence under Sub-section (1) shall be conducted by the Public Prosecutor and all expenses connected with such prosecution shall be borne by the Government.

The rule making power of the Government is dealt with in Section 23. The same as may be relevant to controversy in issue reads as follows:

23. Power to make rules.-

(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for.-

(a) ...

(b) ...

(c) the form and the manner in which a complaint may be made.

15. In exercise of the powers conferred under Clause (c) of Sub-section (2) of Section 22 of the Act of 1999, the Government has made rules to prescribe the form in which a complaint may be made. These Rules are known as the Kerala Lok Ayukta (Form and Manner of Complaint) Rules, 1999. 'Complaint' has been defined under

Clause (c) of Rule 2. The same reads thus:

'Complaint' means a complaint presented to the Lok Ayukta under Section 9 of the Ordinance.

Every complaint shall, as far as practicable be, in accordance with the forms as set out in the Schedule, as made out from Rule 3 which reads as follows:

Every complaint shall, as far as practicable be, accordance with the form set out in the Schedule.

Rules 4, 5 and 6, dealing with copies of complaint, affidavit and contents of affidavit, read as follows:

4. Copies of complaint.--Every complaint and the documents accompanying it shall be in quadruplicate, accompanied by as many number of spare copies as there are public men against whom allegations of corruption have been made in the complaint.

5. Affidavit to accompany complaint.--Every complaint shall be supported by an affidavit by the complainant as provided in Sub-section (2) of Section 9.

6. Contents of affidavit.--Every affidavit filed before the Lok Ayukta shall be drawn up and authenticated in the manner (provided in) the Civil Rules of Practice, Kerala, for the time being in force.

Every complaint that has to be made to the Lok Ayukta or Upa-Lok Ayukta has to be filed before the Secretary of the Lok Ayukta or sent by registered post to the Secretary of the Lok Ayukta, per Rule 8. The same reads as follows:

8. Mode of presentation.--Every complaint shall be to the Lok Ayukta or Upa-Lok Ayukta shall be filed before the Secretary of the Lok Ayukta or sent by registered post to the Secretary of the Lok Ayukta.

A defective complaint which may not comply with any of the requirements of the Rules cannot be entertained. However, the same may be rejected only after giving the complainant an opportunity to cure the defects, as per Rule 9. It reads thus:

9. Defective complaint not to be entertained.- A complaint which does not comply with any of the requirements of the Ordinance or these rules shall not be entertained:

Provided that the complainant may be given an opportunity to cure the defects within such period and in such manner, as may be specified by the Lok Ayukta, or the Upa-Lok Ayukta as the case may be.

The form appended in the Rule as per Rule 3 is as follows:

SCHEDULE

(Rule 3)

Cause title:

Before the Lok Ayukta constituted under Section 4 of the Kerala Lok Ayukta Ordinance, 1998 (16 of 1998).

Complaint No.of 199Between A.B. (Add name and address - ComplainantAndC.D. (Add name, official designation (if any) and Address - Respondent1. Name of the complainant -2. Father's or Husband's name -3. (a) Age(b) Occupation(c) Whether the complainant is a public servant or aService Association or a Trade Union -4. Permanent Address -(a) Name -(b) House Number -(c) Street/Road -(d) Village/Ward -(e) Post Office - (f) Taluk -(g) District -5. Nature, description and particulars, including the approximate date or period of the action alleged to have been committed, in respect of allegations/grievances are made in the complaint

6. Name and address of other persons (if any) who have knowledge about the facts relating to the complaint

whom the complainant would like to be summoned by the Lok Ayukta/ Upa-Lok Ayukta.

7. Documents attached to the complainant

Place:Date: Signature of the ComplainantI/We declare that what is stated paragraph () is true to my/our knowledge and that what is stated in paragraph () is stated on information which is believed to be true.
Signature Date:

16. From Clause (j) of Section 2 of the Act of 1999 reproduced above, it is clear that Lok Ayukta means a person appointed so under Section 3. He is appointed in accordance with the provisions of the Act as would be made out from Section 3 of the Act of 1999. Lok Ayukta is thus a creation of statute. He is appointed for the purpose of conducting investigations and inquiries in accordance with the provisions of the Act as further made out from Section 3 itself. The conduct of investigations and inquiries and the procedure thereof has also been provided under the Act. The scheme of the Act would clearly manifest that Lok Ayukta and one of the Upa-Lok Ayukta, as may be nominated by the Lok Ayukta for the purpose, can investigate any action taken by or with the general or specific approval of Chief Minister or a Minister or a Member of the State Legislature or a Secretary or an office bearer of a political party at the State level or an officer referred to in Sub-clause (iii) of Clause (d) of Section 2, viz., officers of the All India Services employed in connection with the affairs of the State, as envisaged under Section 7 of the Act and on receipt of the complaint by it. Lok Ayukta or one of the Upa-Lok Ayuktas as may be nominated by Lok Ayukta may investigate any action which is taken by or with the approval of the Chief Minister or others as mentioned above under Section 7. In respect of high dignitaries, the statute ensures that a greater amount of caution requires to be maintained, which also is indicative of the concern of the Legislature that frivolous complaints are weeded out. The only situation where the Lok Ayukta may conduct investigation other than on receipt of a complaint is stipulated under Section 7(3) when Government makes a reference to them. Obviously, this is understandable. Sub-section (1) of Section 9 clearly stipulates that any person can make a complaint to Lok Ayukta or Upa Lok Ayukta and further that such a complaint would be made in such form and in such manner as may be prescribed, supported by an affidavit, as per Sub-section (2) of Section 9. The very appointment of the Lok Ayukta is made for the purpose of investigations and inquiries in accordance with the provisions of the Act and there cannot be any manner of doubt that Lok Ayukta cannot proceed with the matter, but for the eventualities emanating from Sections 7 and 9 respectively. The sine qua non for proceedings to investigate emanating from a complaint has to be such a complaint which is envisaged under Sub-section (1) of Section 9 which has to be in such form and in such manner as may be prescribed and has to be supported by an affidavit. Under Section 23 of the Act, Government has power to make rules for the purpose of carrying out the provisions of the Act. Sub-section (2) of the said Section provides that in particular and without prejudice to the generality of the provisions of the Act, the Government may provide rules for the form and the manner in which a complaint may be made as well. Clause (c) of Sub-section (2) of Section 23 pertains to power of the Government to make rules with regard to a complaint.

17. Clause (c) of Rule 2 defines 'complaint' to mean a complaint presented to Lok Ayukta under Section 9 of the Ordinance. 'Form of complaint' as per Rule 3 is every complaint, which, as far as practicable, be in accordance with the form set out in the Schedule. We have already reproduced Schedule which is proforma of the complaint. At the end of the proforma, the author of the complaint has to give a declaration that what is stated therein is true to his knowledge and information which is believed to be true. It is pertinent to note here that in the Explanatory Note appended to the proforma under the Schedule which, of course, is not part of notification, it is mentioned that:

According to Sub-section (1) of Section 9 of the Kerala Lok Ayukta Ordinance, 1998, any person may make a complaint to the Lok Ayukta or an Upa-Lok Ayukta and according to Sub-section (2) thereof, the complaint shall be in such form and in such manner as may be prescribed. Government have decided to make Rules in this regard.

The notification is intended to achieve the above object.

As per Rule 5 of the Rules of 1999, the proforma of a complaint as per Schedule has to contain a declaration as mentioned above and in addition to that the said complaint has to be supported by an affidavit of the complainant. Every affidavit filed before the Lok Ayukta has to be drawn up and authenticated in the manner provided in the Civil Rules of Practice, Kerala, for the time being in force as further set out in Rule 6. Every complaint that has to be made to the Lok Ayukta or Upa-Lok Ayukta has to be filed before the Secretary of the Lok Ayukta or sent by registered post to the Secretary of the Lok Ayukta, as per Rule 8. A defective complaint which may not comply with any of the requirements of the Rules cannot be entertained. However, the same may be rejected only after giving the complaint an opportunity to cure the defects, as per Rule 9.

18. The cumulative reading of the provisions of the Act and Rules as referred to above would clearly manifest that the Lok Ayukta is the person appointed under the Act to conduct investigations and inquiries, has necessarily to act under the provisions of the Act. When the Lok Ayukta may act on a complaint received by him or Upa-Lok Ayukta, the complaint has to be such which is under the Act and Sub-section (2) of Section 9 dealing with provisions related to complaints and investigations clearly mentions that such a complaint has to be in such form and in such manner as may be prescribed. The word 'prescribed' has been defined in Clause (n) of Section 2 to mean prescribed by Rules made under the Act. The Government, by virtue of powers conferred upon it under Section 23 of the Act, has prescribed the form and manner in which a complaint has to be made. The same is as per the Schedule reproduced above. The complaint which may be presented to the Lok Ayukta under section has to be, as far as practicable, in accordance with the form set out in the Schedule. It is further to be accompanied by an affidavit and further that a defective complaint, if not cured, has to be rejected. Based on the provisions of the Act and Rules as produced above, this Court is in a position to return a firm finding that the Lok Ayukta can enter upon an investigation only on a written complaint and further that such a complaint, as far as practicable, has to be as provided under the Schedule, which not only contains a declaration to the effect as mentioned above, but has also to be supported by an affidavit. A complaint which may not comply with the requirements of the Act and Rules cannot be entertained and thus has to be rejected, even though by virtue of the proviso appended to Section 9 an opportunity to cure the defects has to be given to the complainant. If that be so, it has to be held further that the Lok Ayukta would have no power to conduct any investigation with respect to any matter without a complaint as envisaged under the rules. The Lok Ayukta would, thus, have no suo motu powers to conduct any investigation. It has no jurisdiction to investigate grievance sought to be ventilated or projected in anonymous or pseudonymous letters, newspaper reports or a letter of complaint as well. We may mention that during the course of arguments the contention raised by the learned Counsel representing the petitioners that the provisions contained in the Act and Rules would not confer any suo motu power on the Lok Ayukta to proceed to investigate was not much disputed, even though what was sought to be projected by the learned Counsel representing the Lok Ayukta was that the procedural wrangles cannot be permitted to thwart the object of the legislation which is to eradicate corruption and mal administration in public life.

19. We have given our anxious thoughts to the only defence projected by the respondents as noted above. We are, however, of the view that the first golden rule in construction or interpretation of statutes is that at the first instance the grammatical sense of words is to be adhered to and where grammatical construction is unambiguous and without doubt, the said construction ought to prevail unless there may be some strong or obvious reasons to the contrary. If the provision is unambiguous and if from that provision the legislative intent is clear, we need not call into aid the other rules of construction of statutes. Reference in this connection may be made to the decisions of the Honourable Supreme Court in *Hiralal Ratan Lal v. Sales Tax Officer, Kanpur* : [1973]2SCR502 and *Jitendev Tyagi v. Delhi Administration* : 1990CriLJ322 . When the legislation is unambiguous, the doctrine of telescoping and the doctrine of pragmatic construction and contemporaneous construction have no application. We might have delved further on the interpretation of statutes in the context of the contention raised by the learned Counsel opposing the petition, but we are unable to gather such an intention either from the legislative history culminating into the Act of 1999, the

Preamble of the Act and Object and Reasons of the legislation. To the contrary, we, however, find provisions in the Act itself which would clearly indicate that whereas the object of the Act is to eradicate corruption in public life it is also to scuttle false, frivolous and unfounded complaints.

20. The Ombudsman concept is of Scandinavian origin. It is a mechanism originally evolved in Sweden to redress the grievances of the common man in society. The Scandinavian experiment attracted the attention of other countries also. Historically, in all countries introducing Ombudsman the mechanism has been adopted with one aim, viz., to control the activities of, and prevent abuses by, officials and administration after it was realised that the existing mechanism and procedures were inadequate for the purpose. Providing efficient, fair and inexpensive redressal of citizen's grievances is one of the basic duties of Government and an Ombudsman is concerned, as one of the dominant accountability mechanisms to ensure responsiveness and responsibility of administration towards its citizens. Interest in the establishment of Ombudsman type of institutions in India started in the early 1960's when the Administrative Reforms Commission submitted its report. Ombudsman in this country was conceived with the dual functions of dealing with the grievances of the people arising out of maladministration and fighting corruption at administrative and political levels. The State of Kerala was the 11th State in the country to introduce the Lok Ayukta Act. The Kerala Lok Ayukta Act came into being in 1999. The preamble of the Act would show that it was thought expedient to make provision for the appointment and functions of certain authorities for making enquiries into any action including any omission and commission in connection, with or arising out of such action, relating to matters specified in List II or List III of the Seventh Schedule to the [Constitution of India](#). The Objects and Reasons of the Act of 1999 reads as follows:

In pursuance of the declared policy of the State Government to eliminate corruption in public service, it has become necessary to strengthen the existing vigilance machinery in the State. Government considered that the Kerala Public Men's Corruption (Investigations and Inquiries) Act, 1987 in force in the State, was not sufficient to prevent, effectively, the corruption among public servants. Government considered it necessary to widen the ambit of the legislation by including all the Government servants, the members and the person in service of the local authority, statutory and non-statutory bodies and cooperative societies within the purview of the same. Therefore, it has been decided to bring forth a comprehensive new legislation for the effective inquiry and investigation of complaints against public servants and matters connected therewith or ancillary thereto.

21. The concept of Scandinavian Ombudsman or the Indian Lok Ayukta, no doubt, is conceived to eradicate corruption in public service may it pertain to politicians or bureaucrats and that is the object of the Act of 1999 as well. The provisions of the Act, however, contain inbuilt safeguards to curb false or frivolous complaints. The reading of the whole Act, inclusive of provisions providing such safeguards, would clearly show that whereas the legislature made efforts by enacting law to eliminate corruption in public life, it also intended that the image of public functionaries should not be unnecessarily lowered in the eyes of general public as that would, surely, result in the people losing faith in the very system of administration. Whereas, therefore, the object of the Act is to eradicate corruption in public service, it also appears to be the intent of the legislature to curb false accusation on persons holding high public office. The provisions in the Act and the Rules providing a set procedure in entertaining complaints also shows the clear legislative intent that innocent persons are not dragged in investigation of complaints against them which would not only demoralize them in the discharge of their duties, but also result in lowering their reputation amongst the public at large and sometimes even with their close friends and relations. It is a stark fact that holder of a high public office when falsely accused and tried on such allegations would lose his prestige and honour which is most sacred to every human being. When public at large, friends and relations of the person in dock lose respect of him, it is his civil death. Such is the intensity of being involved in investigation or trials that the allegations even ultimately proved to be false, the wounds of insult heaped on a person would never heal or in any case, the scars would permanently stay. Having said so, it is now time to find out the legislative intent of protecting such persons from false accusations from the provisions of the Act and the Rules framed

thereunder.

22. Lok Ayukta is appointed for the purpose of conducting investigations and inquiries in accordance with the provisions of the Act. There are only two modes by which the Lok Ayukta can enter inquiries or investigation. One is by a reference under Section 7(3) of the Act. The other is the most normal procedure, prescribed by Section 9. The complaint has to be in a form in the manner as prescribed, supported by an affidavit. Exercising its powers under Section 23, the Government has made Rules with regard to form and manner in which a complaint can be made. As per Rule 2(c), 'complaint' means a complaint presented to the Lok Ayukta under Section 9. Rule 3 mandates that the complaint shall be as per form as set out in the Schedule as provided under Rule 3. Rule 5 enjoins that every complaint shall be supported by an affidavit. This affidavit is in addition to the declaration to be given in the format of the complaint as mentioned above and every affidavit filed before Lok Ayukta has to be drawn up and authenticated in the manner provided in the Civil Rules of Practice of Kerala. Every complaint filed before the Secretary, Lok Ayukta or by registered post to the Secretary and defective complaint would not be entertained as would be clear from Rules 5, 6, 8 and 9 of the Rules. The Explanatory Note appended to the proforma under the Schedule clearly mentions that the notification was issued to achieve the object of making a complaint in a prescribed form and in such manner referred to in the Rules. The object even though not mentioned specifically, is easily discernible from the Explanatory Note, which shows that the form and manner of the complaint has been prescribed to achieve the object of eliminating false and frivolous complaints. The intention of the legislature to the effect aforesaid would be further fortified from Section 21 of the Act of 1999, which provides prosecution for false complaint. It has been clearly mentioned in the Section aforesaid that whoever makes a complaint with malicious intention shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to six months. It also empowers to impose fine, which shall not be less than two thousand rupees, but which may extend to five thousand rupees.

23. This Court is of the considered opinion that whereas it is indeed the legislative intent in enacting the Act of 1999 to eradicate corruption as also mal administration in public life, the object of the Act is also that the faith of the people in the administration is not lost and innocent politicians or bureaucrats are not subjected to humiliation and harassment. The Lok Ayukta, in our considered view, would have no jurisdiction to enter into inquiry or investigation when it may proceed on the basis of the complaint received from any person unless the complaint is in the form and manner as prescribed in the Rules fully detailed above. No doubt, a defective complaint can be rejected if it is not cured after giving the complainant a chance to do so, but, if the same is not either in the prescribed form with the declaration as mentioned above and further supported by an affidavit or if not cured as mentioned above, there would be no jurisdiction with the Lok Ayukta to proceed in the matter. If this safeguard is not strictly adhered to, the forum of Lok Ayukta may become a store house of unnecessary, baseless, false and frivolous litigations. There is no dearth of persons actuated because of enmity, jealousy and other human evil propensities in lodging false complaints. It would be travesty of justice if on the basis of such complaints innocent office holders are maligned and their reputation damaged beyond redemption.

24. We may mention that wherever the legislature intended to confer power on Lok Ayukta to proceed in the matter on receipt of letter, even though to a limited extent, which may not be a 'complaint' as prescribed, such power has been specifically conferred. Reference in that connection may be made to Section 9 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983, which reads as follows:

9. Provision relating to complaints:

(1) Subject to the provisions of this Act, a complaint may be made by any person under this Act to the Lokayukta or Upa-Lokayukta relating to an allegation in respect of any action:

Provided that where the person aggrieved is dead or is for any reason unable to act for himself, the complaint may be made by any person who in law represents his estate, or as the case may be, by any person who is

authorised by him in this behalf.

(2) Every complaint shall be made in such form and shall be accompanied by such affidavits as may be prescribed.

(3) Notwithstanding anything in any other law for the time being in force, any letter written to the Lokayukta or Upa-Lokayukta by a person in police custody, or in a goal or in any asylum, or other place for insane persons shall be forwarded to the address unopened and without delay by the police officer or other person in-charge of such goal, asylum or other place and the Lokayukta or Upa-Lokayukta, as the case may be, may treat such letter as a complaint made in accordance with the provisions of Sub-section (2).

A perusal of Sub-section (2) of Section 9 would reveal that every complaint has to be in such form and shall be accompanied by such affidavits as may be prescribed, but by virtue of provisions contained in Sub-section (3) of Section 9, the Lok Ayukta can proceed in the matter on the basis of any written letter by a person in police custody, or in a goal or in any asylum or other place for insane persons which is forwarded to a concerned person and such letter can be treated to be a complaint.

25. Before we may part with the contention of intent of legislation, we would like to mention that the learned Counsel representing Lok Ayukta relied upon a Division Bench decision of the Bombay High Court in Dr. Vishwasrao Chaudaman Patil v. Lok Ayukta, State of Maharashtra : AIR1985Bom136 . The facts of the aforesaid case would reveal that the petitioner was appointed on the post of Honorary Paediatrician in the District Hospital at Dhule. After his appointment, he received a letter from the Government informing that in view of the interim stay granted by the Lok Ayukta, his appointment shall stand suspended and, therefore, he should not join the post of Additional Honourary Medical Officer. The Lok Ayukta issued notice informing him that a complaint had been filed by one Dr. Mudholkar challenging his appointment. The petitioner entered appearance before the Lok Ayukta and filed his reply. The case was adjourned for determination of the issue as to whether the Lok Ayukta had jurisdiction to entertain the complaint in view of Section 8 of the Maharashtra Lok Ayukta and Upa-Lok Ayuktas Act, 1971. The petitioner contended that Lok Ayukta had no jurisdiction to entertain the complaint in view of the various provisions of the Lok Ayukta Act. His objections as aforesaid was rejected. It is this order that was challenged before the Bombay High Court. The question debated before the Honourable Division Bench was as to whether the complaint made by Dr. Mudholkar would involve an 'allegation' within the meaning of said term defined in Section 2(b). The Division Bench interpreted the word 'allegation' liberally by observing that:..an action may constitute both grievance and an allegation. In some cases, the action may amount to allegation and its consequences might result in grievance. The overlap is inevitable as in one case the definition emphasizes the consequence of an act, in the other the motive for it.

There can be no exception to the law laid down by the Division Bench in not literally interpreting the provisions of the Act so as to give effect to the object in legislating the Lok Ayukta Act, but, that is not the question before this Court. The judgment thus relied upon by the learned Counsel representing Lok Ayukta cannot be attracted to the law involved in this case.

26. In so far as the Lok Ayukta proceeding on the basis of newspaper reports is concerned, the lesser said the better. It is common knowledge that all that is published in print media is not true. Gone are the days when dispute with regard to authenticity of news would be set at rest by publication of such matter in the media. By observation made above, we do not wish to deprecate the print media as we are conscious that even now there are large number of responsible people who publish news items with sincerity and responsibility, but, it cannot be said with regard to everyone engaged in publication of news, be it the papers, magazines or other media. It is often seen that some element engaged in print media would simply hear a news and publish it without verifying the same. For that reason the Honourable Supreme Court in S.N. Balakrishna v. Fernandez : [1969]3SCR603 observed thus:

A news item without any further proof of what had actually happened through witness is of no value. It is at

best a second-hand secondary evidence. It is well known that reports collect information and pass it on to the editor who edits the news item and then publishes it. In this process the truth might get perverted or garbled. Such news items cannot be said to prove themselves although they may be taken into account with other evidence if the other evidence is forcible.

The Supreme Court in *Laxmi Raj Shetty v. State of Tamil Nadu* (: 1988CriLJ1783 observed that:

We cannot take judicial notice of the facts stated in a news item being in the nature of hearsay secondary evidence, unless provided by evidence aliunde. A report in a newspaper is only hearsay evidence. A newspaper is not one of the documents referred to in Section 78(2) of the [Evidence Act, 1872](#) by which an allegation of fact can be proved. The presumption of genuineness attached under Section 81 of the Evidence Act to a newspaper report cannot be treated as proved of the facts reported therein.

In *Quamarul Islam v. S.K. Kanta* : [1994]1SCR210 it was observed by the Honourable Supreme Court as follows:

Newspaper reports by themselves are not evidence of the contents thereof. Those reports are only hearsay evidence. These have to be proved and the manner of proving a newspaper report is well settled.

Newspaper, is at the best secondary evidence of its contents and is not admissible in evidence without proper proof of the contents under the Indian Evidence Act.

A learned Single Judge of this Court in *Dev Sebastian v. P.R. Kurup* 0043/1997 : AIR1997Ker214 relied upon a number of Supreme Court judgments mentioned therein and held:

Here since the allegations are solely based on paper reports and no evidence was placed by the petitioner in support of the reports appeared in the paper, if this Court act it will be only based on hearsay evidence and doing a constitutional injustice.

27. In view of the discussion as made above, we hold that the Lok Ayukta exercising powers under the Act of 1999 has no suo motu powers to conduct any investigation with regard to matters complained of and further that no inquiry or investigation can be entered by the Lok Ayukta on an anonymous or pseudonymous letters, newspaper reports or even a letter of complaint which may be received without complying with the necessary procedure as enshrined under the various provisions of the Act and Rules of 1999. While holding so, we may, however, observe that in the event the letter containing allegations is not as envisaged under the Act, the Lok Ayukta may ask the complainant, if the complaint is not anonymous or pseudonymous but by a known person, to cure the defects or support the contents of his complaint in the manner mentioned in the format of the Rules reproduced above and if the defects may be cured so as to constitute a 'complaint' within the meaning of the Act and Rules, the Lok Ayukta would have jurisdiction to proceed with the matter. He may also proceed on the basis of newspaper reports if the Editor or the News Correspondent through whom the news has been published, is called and asked to give complaint as envisaged in the Rules supported by a declaration and affidavit. In view of our finding that the Lok Ayukta has no power to inquire or investigate or to commence proceedings suo motu or on the basis of any anonymous or pseudonymous letters or complaints which are not as per format and are not even cured after giving a chance to do so, the proceedings before the Lok Ayukta on the basis of newspaper reports and letter of complaint, are quashed.

The Writ Petitions are disposed of as indicated above. There would be no order as to costs.

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