

THE LOKPAL BILL, 2011
ARRANGEMENT OF CLAUSES

CHAPTER I
PRELIMINARY

1. Short title and commencement.
2. Definitions.

CHAPTER II
ESTABLISHMENT OF LOKPAL

3. Establishment of Lokpal.
4. Appointment of chairperson and other Members and Selection Committee.
5. Filling of vacancies of Chairperson or other Members.
6. Term of office and other conditions of service of Chairperson and Members.
7. Salary, allowances and other conditions of service of Chairperson and Members.
8. Removal and suspension of Chairperson and other Member of Lokpal.
9. Restriction on employment by Chairperson and Members after ceasing to hold office.
10. Member to act as Chairperson or to discharge his functions in certain circumstances.
11. Secretary, other Officers and staff of Lokpal.

CHAPTER III
INVESTIGATION WING

12. Investigation Wing.
13. Investigation officer to have powers of police.
14. Investigation officer to inquire on direction of Lokpal.

CHAPTER IV
PROSECUTION WING

15. Appointment of Prosecution Director.

CHAPTER V
EXPENSES OF INSTITUTION OF LOKPAL TO BE CHARGED ON
CONSOLIDATED FUND OF INDIA

16. Expenses of Lokpal to be charged on Consolidated Fund of India.

CHAPTER VI
JURISDICTION IN RESPECT OF INQUIRY

17. Jurisdiction of Lokpal.
18. Matters pending before any court or committee or authority before inquiry before Lokpal not to be affected.
19. Constitution of benches of Lokpal.
20. Distribution of business amongst Benches
21. Power of Chairperson to transfer cases
22. Decision to be by majority.

CHAPTER VII
PROCEDURE IN RESPECT OF INQUIRY AND INVESTIGATION

23. Provisions relating to complaints and inquiry and investigation.
24. Persons likely to be prejudicially affected to be heard.
25. Lokpal may require any public servant or any other person to furnish information, etc.
26. Previous sanction not necessary for investigation and initiating prosecution by Lokpal in certain cases.
27. Action on inquiry in relation to public servants not being ministers or Members of Parliament.
28. Action on inquiry against public servant being ministers or Members of Parliament.

CHAPTER VIII
POWERS OF LOKPAL

29. Search and seizure.
30. Lokpal to have powers of civil court in certain cases.
31. Power to punish for contempt.
32. Power of Lokpal to utilise services of officers of Central or State Government.
33. Provisional attachment of assets.

34. Confirmation of attachment of assets.
35. Power of Lokpal to recommend discontinuance of activity connected with allegation of corruption.
36. Power of Lokpal to give directions to prevent destruction of records during inquiry.
37. Power to delegate.

**CHAPTER IX
SPECIAL COURTS**

38. Special Courts to be notified by Central Government.
39. Letter of request to a contracting State in certain cases.

**CHAPTER X
COMPLAINTS AGAINST CHAIRPERSON, MEMBERS AND OFFICIALS OF LOKPAL**

40. Complaints against Chairperson and Members not to be inquired by Lokpal.
41. Complaints against officials of Lokpal.

**CHAPTER XI
ASSESSMENT OF LOSS AND RECOVERY THEREOF BY SPECIAL COURT**

42. Assessment of loss and recovery thereof by Special Court.

**CHAPTER XII
FINANCE, ACCOUNTS AND AUDIT**

43. Budget.
44. Grants by Central Government.
45. Annual statement of accounts.
46. Furnishing of returns, etc., to Central Government.

**CHAPTER XIII
DECLARATION OF ASSETS**

47. Declaration of assets.
48. Presumption as to acquisition of assets by corrupt means in certain cases.

**CHAPTER XIV
CITIZENS' CHARTER**

49. Citizens' charter.

**CHAPTER XV
OFFENCES AND PENALTIES**

50. Prosecution for false complaint and payment of compensation, etc., to public servant.
51. False complaint made by society or association of persons or trust.

**CHAPTER XVI
MISCELLANEOUS**

52. Protection of action taken in good faith by any public servant.
53. Protection of action taken in good faith by others.
54. Members, officers and employees of Lokpal to be public servants.
55. Bar of Jurisdiction.
56. Act to have overriding effect.
57. Provision of this Act to be in addition of other laws.
58. Amendment of certain enactments.
59. Power to make rules.
60. Power of Lokpal to make regulations.
61. Laying of rules and regulations.
62. Power to remove difficulties.

THE FIRST SCHEDULE

THE SECOND SCHEDULE

	THE LOKPAL BILL, 2011	
	A BILL	
	<i>to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain public functionaries and for matters connected therewith.</i>	
	<p>WHEREAS the Constitution of India established a democratic Republic to ensure justice for all;</p> <p>AND WHEREAS good governance is the bedrock of democracy and the guarantee of development as a right of the citizen;</p> <p>AND WHEREAS Parliament has progressively and incrementally contributed to the body of law to fulfil the aspirations of the citizens of India;</p> <p>AND WHEREAS various institutions of governance as well as democratic institutions have worked to strengthen participatory democracy;</p> <p>AND WHEREAS the rapid growth of democratic and economic institutions have brought new challenges of accountability and integrity in the course of governance;</p> <p>AND WHEREAS graft and corruption have become a serious menace to society and governance;</p> <p>AND WHEREAS serious concerns have been expressed about the grave consequences of corruption in high places;</p> <p>AND WHEREAS India is a signatory to the United Nations Convention Against Corruption;</p> <p>AND WHEREAS the country's commitment to clean and responsive governance has to be reflected in an effective institution to contain and punish acts of corruption;</p> <p>NOW, THEREFORE, it is expedient to provide for prompt and fair investigation and prosecution of cases of corruption.</p>	

	BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—	
	CHAPTER I PRELIMINARY	
	<p>1. (1) This Act may be called the Lokpal Act, 2011.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as reference to the coming into force of that provision.</p>	Short title and commencement.
	2. (1) In this Act, unless the context otherwise requires,—	Definitions.
	(a) "Bench" means a Bench of the Lokpal;	
	<p>(b) "Chairperson" means the Chairperson of the Lokpal;</p> <p>(c) "competent authority", in relation to—</p> <p>(i) a member of the Council of Ministers, means the Prime Minister;</p> <p>(ii) a member of Parliament other than a Minister means the Council of States in the case of a member of that Council and the House of the People in the case of a member of that House;</p> <p>(iii) an officer in the Ministry or Department of the Central Government means the Minister in charge of the Ministry or Department under which such officer is serving;</p> <p>(iv) a chairperson or members of any body, or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of Parliament or wholly or partly financed by the Central Government or controlled by it means the Minister in charge of the administrative Ministry of such body, or Board or corporation or authority or company or society or autonomous body;</p> <p>(v) an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of Parliament or wholly or partly financed by the Central Government or controlled by it means the head of such body or Board or corporation or authority or company or society or autonomous body;</p> <p>(d) "complaint" means a complaint alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;</p> <p>(e) "inquiry" means every inquiry conducted under this Act by the Lokpal;</p> <p>(f) "Judicial Member" means a Judicial Member of the Lokpal appointed as such;</p>	49 of 1988.

	<p>(g) "Lokpal" means the institution established under section 3;</p> <p>(h) "Member" means a Member of the Lokpal;</p> <p>(i) "Minister" means an Union Minister but does not include the Prime Minister;</p> <p>(j) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;</p> <p>(k) "prescribed" means prescribed by rules made under this Act;</p> <p>(l) "public servant" means a person referred to in clauses (a) to (e) of sub-section (1) of section 17;</p> <p>(m) "regulations" means regulations made under this Act;</p> <p>(n) "Schedule" means a Schedule to this Act;</p> <p>(o) "Special Court" means a Special Court appointed under sub-section (1) of section 3 of the Prevention of Corruption Act, 1988.</p>	49 of 1988.
	(2) Words and expressions used herein and not defined in this Act but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in that Act.	
	CHAPTER II ESTABLISHMENT OF LOKPAL	
	<p>3. (1) As from the commencement of this Act, there shall be established, for the purpose of making inquiries in respect of complaints made under this Act, an institution to be called the "Lokpal".</p> <p>(2) The Lokpal shall consist of—</p> <p>(a) a Chairperson; and</p> <p>(b) ten Members, out of whom at least four shall be Judicial Members.</p>	Establishment of Lokpal.
	(3) A person shall be eligible to be appointed,—	
	(a) as the Chairperson or a Member if he is a person of impeccable integrity, outstanding ability and standing having special knowledge of, and professional experience of not less than twenty-five years in, public affairs, administrative law and policy, academics, commerce and industry, law, finance or management;	
	(b) as a Judicial Member if he is or has been a Chief Justice of a High Court or a Judge of the Supreme Court.	
	<p>(4) The Chairperson or a Member shall not be a member of Parliament or a member of the Legislature of any State or Union territory and shall not hold any office of trust or profit (other than his office as the Chairperson or a Member) or be connected with any political party or carry on any business or practise any profession and accordingly, before he enters upon his office, a person appointed as the Chairperson or a Member, as the case may be, shall, if —</p> <p>(a) he is a member of Parliament or of the Legislature of any State</p>	

	<p>or Union territory, resign from such membership; or</p> <p>(b) he holds any office of trust or profit, resign from such office; or</p> <p>(c) he is connected with any political party, sever his connection with it; or</p> <p>(d) he is carrying on any business, sever his connection with the conduct and management of such business; or</p> <p>(e) he is practicing any profession, cease to practise such profession.</p>	
	<p>(5) The Chairperson and every Member shall, before entering upon his office, make and subscribe before the President an oath or affirmation in the form set out in the First Schedule.</p>	
Appointment of Chairperson and other Members and Selection Committee.	<p>4. (1) The Chairperson and Members shall be appointed by the President after obtaining the recommendations of a Selection Committee consisting of—</p> <p>(a) the Prime Minister — chairperson;</p> <p>(b) the Speaker of the House of the People —member;</p> <p>(c) the Leader of the House other than the House in which the Prime Minister is a Member of Parliament —member;</p> <p>(d) the Minister in-charge of the Ministry of Home Affairs in the Government of India —member;</p> <p>(e) the Leader of the Opposition in the House of the People—member;</p> <p>(f) the Leader of the Opposition in the Council of States — member:</p> <p>Provided that in case, there is no Leader of Opposition in the House of the People or the Council of States, the leader of the single largest group or party in opposition to the Government, as the case may be, in such House or Council shall be deemed to be a member of the Committee specified in clause (e) or clause (f), as the case may be:</p> <p>(g) one sitting Judge of the Supreme Court to be nominated by the Chief Justice of India—member;</p> <p>(h) one sitting Chief Justice of a High Court to be nominated by the Chief Justice of India—member;</p> <p>(i) the President of the National Academy of Sciences, India, being a society registered under the Societies Registration Act, 1860 or the senior most National Professor — member;</p> <p>(j) Cabinet Secretary—secretary.</p> <p>(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Committee.</p>	21 of 1860.
	<p>(3) The Selection Committee may, if it considers necessary for the purposes of selecting the Chairperson and other members of the Lokpal and for preparing a panel of persons to be considered for appointment as</p>	

	such, constitute a Search Committee consisting of such persons of impeccable integrity and outstanding ability and standing having special knowledge of, and professional experience of not less than twenty-five years in, public affairs, administrative law and policy, academics, commerce and industry, law, finance, management, or in any other matter which in the opinion of the Selection Committee, may be useful in making selection of Chairperson and other Members of the Lokpal.	
	(4) The Selection Committee shall regulate its own procedure for selecting the Chairperson and Members of the Lokpal which shall be transparent.	
	(5) The term of the search committee referred to in sub-section (3) and fee and allowances payable to the members of the search committee and the manner of selection of panel of names shall be such as may be prescribed.	
Filling of vacancies of Chairperson or other Members.	5. The President shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and other Members at least three months before the expiry of the term of such Chairperson or Member, as the case may be, in accordance with the procedure laid down in this Act.	
Term of office of Chairperson and Members.	6. The Chairperson and every other Member shall, on the recommendations of the Selection Committee, be appointed by the President by warrant under his hand and seal and hold office as such for a term not exceeding five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier: Provided that he may— (a) by writing under his hand addressed to the President, resign his office; or (b) be removed from his office in the manner provided in section 8.	
Salary, allowances and other conditions of service of Chairperson and Members.	7. The salary, allowances and other conditions of service of— (i) the Chairperson shall be the same as those of the Chief Justice of India; (ii) other Members shall be the same as those of a Judge of the Supreme Court: Provided that if the Chairperson or a Member is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Chairperson or, as the case may be, as a Member, be reduced— (a) by the amount of that pension; and (b) if he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension: Provided further that the salary, allowances and pension payable to, and other conditions of service of, the Chairperson or a Member shall	

	not be varied to his disadvantage after his appointment.	
Removal and suspension of Chairperson and other Member of Lokpal.	<p>8. (1) Subject to the provisions of sub-section (3), the Chairperson or any other Member shall be removed from his office by order of the President on grounds of misbehaviour after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.</p> <p>(2) The President may suspend from office the Chairperson or any other Member in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.</p> <p>(3) Notwithstanding anything contained in sub-section (1), the President may by order remove from the office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be,—</p> <p>(a) is adjudged an insolvent; or</p> <p>(b) engages during his term of office in any paid employment outside the duties of his office; or</p> <p>(c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.</p> <p>(4) If the Chairperson or any other Member is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.</p>	
Restriction on employment by Chairperson and Members after ceasing to hold office.	<p>9. (1) On ceasing to hold office, the Chairperson and every other Member shall be ineligible for—</p> <p>(i) re-appointment as the Chairperson or a Member of the Lokpal;</p> <p>(ii) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal;</p> <p>(iii) further employment to any other office of profit under the Government of India or the Government of a State;</p> <p>(iv) contesting any election of President or Vice President or Member of either House of Parliament or Member of either House of State Legislature or Municipality or Panchayat.</p>	
	(2) Notwithstanding anything contained in sub-section (1), a Member shall be eligible to be appointed as a Chairperson, if his total tenure as Member and Chairperson does not exceed five years.	

<p>Member to act as Chairperson or to discharge his functions in certain circumstances.</p>	<p>10. (1) In the event of the occurrence of any vacancy in the office of Chairperson by reason of his death, resignation or otherwise, the President may, by notification, authorise the senior-most Member to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.</p> <p>(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, the senior-most Member available, as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.</p>	
<p>Secretary, other Officers and staff of Lokpal.</p>	<p>11. (1) The appointment of secretary and other officers and staff of the Lokpal shall be made by the Chairperson or such other Member or officer of Lokpal as the Chairperson may direct:</p> <p>Provided that the President may by rule require that the appointment in respect of any post or posts as may be specified in the rule, shall be made after consultation with the Union Public Service Commission.</p> <p>(2) Subject to the provisions of any law made by Parliament, the conditions of service of secretary and other officers and staff of the Lokpal shall be such as may be specified by regulations made by the Lokpal for the purpose:</p> <p>Provided that the regulations made under this sub-section shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the President.</p>	
	<p>CHAPTER III INVESTIGATION WING</p>	
<p>Investigation Wing.</p>	<p>12. Notwithstanding anything contained in any law for the time being in force, the Lokpal shall constitute an Investigation Wing for the purpose of conducting investigation of any offence alleged to have been committed by a public servant punishable under the Prevention of Corruption Act, 1988:</p>	<p>49 of 1988.</p>
	<p>Provided that till such time the Investigation Wing is constituted by the Lokpal, the Central Government shall make available such number of investigation officers and other staff from such of its Ministries or Departments, as may be required by the Lokpal, for carrying out investigation under this Act.</p>	
<p>Investigation officer to have powers of police.</p>	<p>13. (1) No investigation shall be made by an investigation officer of the Investigation Wing below the rank of a Deputy Superintendent of Police or by any other officer of equivalent rank.</p>	
	<p>(2) The investigation officers of the Investigation Wing shall have in relation to the investigation of such offences, all the powers, duties, privileges and liabilities which police officers have in connection with the investigation of such offences.</p>	
<p>Investigation officer to inquire on direction of</p>	<p>14. (1) The Lokpal may, before holding any inquiry under this Act, by an order, require the investigation officer of its Investigation Wing to make, or cause to be made, a preliminary investigation in such manner as it may</p>	

Lokpal.	<p>direct and submit a report to the Lokpal, within such time as may be specified by the Lokpal, to enable it to satisfy itself as to whether or not the matter requires to be inquired into by the Lokpal.</p> <p>(2) The investigation officer on receipt of an order under sub-section (1) shall complete the investigation and submit his report within the time specified under that sub-section.</p>	
	CHAPTER IV PROSECUTION WING	
Appointment of Prosecution Director.	<p>15. (1) The Lokpal may, by notification, constitute a prosecution wing and appoint a prosecution Director and such other officers and employees to assist the prosecution Director for the purpose of prosecution of public servants in relation to any complaint by the Lokpal under this Act.</p> <p>(2) The prosecution Director shall, after having been so directed by the Lokpal, file a complaint before the Special Court, and take all necessary steps in respect of the prosecution of public servants in relation to any offence punishable under the Prevention of Corruption Act, 1988.</p>	49 of 1988.
	CHAPTER V EXPENSES OF INSTITUTION OF LOKPAL TO BE CHARGED ON CONSOLIDATED FUND OF INDIA	
Expenses of Lokpal to be charged on Consolidated Fund of India.	<p>16. The expenses of the Lokpal, including all salaries, allowances and pensions payable to or in respect of the Chairperson, members or secretary or other officers or staff of the Lokpal, shall be charged on the Consolidated Fund of India and any fees or other moneys taken by the Lokpal shall form part of that Fund.</p>	
	CHAPTER VI JURISDICTION IN RESPECT OF INQUIRY	
Jurisdiction of Lokpal.	<p>17. (1) Subject to the other provisions of this Act, the Lokpal shall inquire into any matter involved in, or arising from, or connected with, any allegation of corruption by a public servant made in a complaint in respect of the following, namely:—</p> <p>(a) any person who is or has been a Minister of the Union other than the Prime Minister;</p> <p>(b) any person who is or has been a Member of either House of Parliament;</p> <p>(c) any Group 'A' officer or equivalent or above, when serving or who has served, in connection with the affairs of the Union;</p> <p>(d) any chairperson or member or officer equivalent to Group 'A' officer referred to in clause (c) or equivalent or above in any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of Parliament or wholly or partly financed by the Central Government or controlled by it;</p> <p>(e) any director, manager, secretary or other officer of every other</p>	

	<p>society or association of persons or trust (whether registered under any law for the time being in force or not) wholly or partly financed by the Government or in receipt of any sums under the Foreign Contribution (Regulation) Act, 1976 or any donation from the public:</p> <p>Provided that the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any Member of either House of Parliament in respect of anything said or a vote given by him in Parliament or any committee thereof covered under the provisions contained in clause (2) of article 105 of the Constitution.</p> <p>(2) The Lokpal may inquire into any act or conduct of any person other than those referred to in sub-section (1), if such person is associated with the allegation of corruption under the Prevention of Corruption Act, 1988.</p> <p>(3) No matter in respect of which a complaint has been made to the Lokpal under this Act, shall be referred for inquiry under the Commissions of Inquiry Act, 1952.</p>	<p>49 of 1976.</p> <p>45 of 1988.</p> <p>60 of 1952.</p>
Matters pending before any court or committee or authority before inquiry before Lokpal not to be affected.	18. In case any matter or proceeding related to allegation of corruption under the Prevention of Corruption Act, 1988 has been pending before any court or committee of either House of Parliament or before any other authority prior to commencement of this Act or prior to commencement of any inquiry after the commencement of this Act, such matter or proceeding shall be continued before such court, committee or authority.	49 of 1988.
	<i>Explanation.</i> — For the removal of doubts, it is hereby declared that continuance of such matter or proceeding before any court or committee of either House of Parliament or before any other authority, except for such matters as are protected under clause (2) of article 105 of the Constitution or are pending before a court, shall not affect the power of the Lokpal to inquire into such matter under this Act.	
Constitution of benches of Lokpal.	19. (1) Subject to the provisions of this Act, —	
	(a) the jurisdiction of the Lokpal may be exercised by benches thereof;	
	(b) a bench may be constituted by the Chairperson with two or more Members as the Chairperson may deem fit;	
	(c) every bench shall ordinarily consist of at least one Judicial Member;	
	(d) where a bench consists of the Chairperson, such bench shall be presided over by the Chairperson;	
	(e) where a bench consists of a Judicial Member, and a non-Judicial Member, not being the Chairperson, such bench shall be presided over by the Judicial Member;	
	(f) the benches of the Lokpal shall ordinarily sit at New Delhi and at such other places as the Lokpal may, by regulations, specify.	

	(2) The Lokpal shall notify the areas in relation to which each bench of the Lokpal may exercise jurisdiction.	
	(3) Notwithstanding anything contained in sub-section (2), the Chairperson shall have the power to constitute or reconstitute benches from time to time.	
	(4) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such a nature that it ought to be heard by a bench consisting of three or more Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him for transfer, to such bench as the Chairperson may deem fit.	
Distribution of business amongst Benches	20. Where benches are constituted, the Chairperson may, from time to time, by notification, make provisions as to the distribution of the business of the Lokpal amongst the benches and also provide for the matters which may be dealt with by each bench.	
Power of Chairperson to transfer cases	21. On an application for transfer made by the complainant or the public servant, the Chairperson, after giving an opportunity of being heard to the complainant or the public servant, as the case may be, may transfer any case pending before one bench for disposal to any other bench.	
Decision to be by majority.	22. If the Members of a bench consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Lokpal and such point or points shall be decided according to the opinion of the majority of the Members of the Lokpal who have heard the case, including those who first heard it.	
	CHAPTER VII PROCEDURE IN RESPECT OF INQUIRY AND INVESTIGATION	
Provisions relating to complaints and inquiry and investigation.	23. (1) The Lokpal, on receipt of a complaint, may either make preliminary inquiry or direct its Investigation Wing, to make a preliminary investigation to ascertain whether there exists a <i>prima facie</i> case for proceeding in the matter.	
	(2) Every preliminary inquiry or preliminary investigation referred to in sub-section (1) shall ordinarily be completed within a period of thirty days and for reasons to be recorded in writing, within a further period of three months from the date of receipt of the complaint.	
	(3) Upon completion of the preliminary investigation, the investigating authority shall submit its report to the Lokpal.	
	(4) Before the Lokpal comes to the conclusion in the course of a preliminary inquiry and after submission of a report referred to in sub-section (3) that a <i>prima facie</i> is made out against the public servant pursuant to such a preliminary inquiry, the Lokpal shall afford the public	

	servant an opportunity to be heard consistent with principles of natural justice.	
	(5) Where the Lokpal, after receiving the report of the investigating authority pursuant to a preliminary investigation or conclusion of the preliminary inquiries as referred to in sub-section (1) is satisfied that no <i>prima facie</i> case is made out for proceeding further in the matter, the complaint shall be closed and the decision thereon be communicated to the complainant and the public servant.	
	(6) Where the Lokpal is of the opinion that <i>prima facie</i> case is made out and refers the matter for investigation, upon completion of such investigation and before filing the charge sheet, the public servant against whom such investigation is being conducted shall be given an opportunity to be heard consistent with the principles of natural justice.	
	(7) Every inquiry conducted by the Lokpal, upon being satisfied that a <i>prima facie</i> case is made out, shall be open to the public provided that in exceptional circumstances and for reasons to be recorded in writing by the Lokpal, such inquiry may be conducted <i>in camera</i> .	
	<p>(8) In case the Lokpal proceeds to inquire into the complaint, it shall hold such inquiry as expeditiously as possible and complete the inquiry within a period of six months from the date of receipt of the complaint which, for reasons to be recorded in writing, may be extended by a further period of six months.</p> <p>(9) The public servant against whom an inquiry is being conducted under sub-section (8) shall be given an opportunity to be heard consistent with the principles of natural justice.</p> <p>(10) Where in a case the Lokpal is of the opinion and reason to be recorded in writing that it is not in the interest of justice to either hold a preliminary inquiry or preliminary investigation, it may refer the matter for investigation.</p> <p>(11) Upon completion of such investigation but before filing a charge sheet, the investigating authority shall place the records in its possession along with its <i>prima facie</i> conclusion before the Lokpal who shall before directing that a charge sheet be filed afford the public servant concerned an opportunity to be heard consistent with the principles of natural justice.</p> <p>(12) If the Lokpal proposes to inquire into a complaint, it may, at any stage,—</p> <p>(a) pass appropriate orders for safe custody of the documents relevant to the inquiry as it deems fit; and</p> <p>(b) forward a copy of the complaint to the public servant concerned</p>	

	<p>along with all relevant material relied upon and afford him an opportunity to represent his case.</p> <p>(13) The website of the Lokpal shall, from time to time and in such manner as may be specified by regulations, display to the public, the status of number of complaints pending before it or disposed of by it.</p> <p>(14) The Lokpal may withhold the records and evidence which are likely to impede the process of inquiry or conduct of a case by it or the Special Court.</p> <p>(15) Save as otherwise provided, the manner and procedure of conducting an inquiry or investigation under this Act, shall be such as may be specified by regulations.</p>	
<p>Persons likely to be prejudicially affected to be heard.</p>	<p>24. If, at any stage of the proceeding, the Lokpal—</p> <p>(a) considers it necessary to inquire into the conduct of any person other than the prospective accused; or</p> <p>(b) is of opinion that the reputation of any person other than a accused is likely to be prejudicially affected by the inquiry,</p> <p>the Lokpal shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence, consistent with the principles of natural justice:</p> <p>Provided that nothing in this section shall apply where the credibility of a witness is being impeached.</p>	
<p>Lokpal may require any public servant or any other person to furnish information, etc.</p>	<p>25. (1) Subject to the provisions of this Act, for the purpose of any inquiry or investigation, the Lokpal or the investigating authority, as the case may be, may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such inquiry or investigation, to furnish any such information or produce any such document.</p>	
<p>Previous sanction not necessary for investigation and initiating prosecution by Lokpal in certain cases.</p>	<p>26. (1) No sanction or permission or authorisation shall be required by the Lokpal or its Investigation Wing under section 6A of the Delhi Special Police Establishment Act, 1946, or section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988 for the purpose of making inquiry by the Lokpal or investigation by its Investigation Wing into any complaint against any public servant or for filing of any complaint in respect thereof before the Special Court under this Act.</p> <p>(2) A Special Court may, notwithstanding anything contained in section 6A of the Delhi Special Police Establishment Act, 1946, or section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988, on a complaint filed by the Lokpal or any officer authorised by it in this behalf, take cognizance of offence committed by any public servant.</p> <p>(3) Nothing contained in sub-sections (1) and (2) shall apply in respect of</p>	<p>25 of 1946. 2 of 1974. 49 of 1988.</p> <p>25 of 1946. 2 of 1974. 49 of 1988.</p>

	<p>the persons holding the office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such person has been specified therein.</p> <p>(4) The provisions contained in sub-sections (1), (2) and (3) shall be without prejudice to the generality of the provisions contained in article 311 and sub-clause (c) of clause (3) of article 320 of the Constitution.</p>	
Action on inquiry in relation to public servants not being ministers or Members of Parliament.	<p>27. (1) Where after the conclusion of the inquiry or investigation, the findings of the Lokpal disclose the commission of an offence under the Prevention of Corruption Act, 1988 by a public servant referred to in clause (c) or clause (d) of sub-section (1) of section 17, the Lokpal may—</p> <p>(a) file a case in the Special Court and send a copy of the report together with its findings to the competent authority;</p> <p>(b) recommend to the competent authority the initiation of disciplinary proceedings under the rules of disciplinary proceedings applicable to such public servant;</p> <p>(c) provide a copy of the report to the public servant or his representative;</p> <p>(2) The competent authority shall, within a period of thirty days of the receipt of recommendation under clause (b) of sub-section (1), initiate disciplinary proceedings against the delinquent public servant accused of committing offence under the Prevention of Corruption Act, 1988 and forward its comments on the report, including the action taken or proposed to be taken thereon, to the Lokpal ordinarily within six months of initiation of such disciplinary proceedings.</p>	<p>49 of 1988.</p> <p>49 of 1988.</p>
Action on inquiry against public servant being ministers or Members of Parliament.	<p>28. (1) (1) Where after the conclusion of the inquiry or investigation, the findings of the Lokpal disclose the commission of an offence under the Prevention of Corruption Act, 1988 by a public servant referred to in clause (a) or clause (b) of sub-section (1) of section 17, the Lokpal may file a case in the Special Court and shall send a copy of the report together with its findings to the competent authority;</p> <p>(2) The Speaker, in the case of the Minister or a Member of the House of the People, and the Chairman of the Council of States, in the case of a Member of that Council shall, as soon as may be, after the receipt of report under sub-section (1), cause the same to be laid before the House of the People or the Council of States, as the case may be, while it is in session, and if the House of the People or the Council of States, as the case may be, is not in session, within a period of one week from the reassembly of the said House or the Council, as the case may be.</p> <p>(3) The competent authority shall examine the report forwarded to it under sub-section (1) and communicate to the Lokpal, within a period of ninety days from the date of receipt of the report, the action taken or proposed to be taken on the basis of the report.</p> <p><i>Explanation.</i>— In computing the period of ninety days referred to in this sub-section, any period during which Parliament or, as the case may</p>	49 of 1988.

	have the same meaning as is in section 21 of the Indian Penal Code.	
Power to punish for contempt.	<p>31. The Lokpal shall have, and exercise, jurisdiction, powers and authority in respect of contempt of itself as the High Court has and may exercise such power or authority, for this purpose under the provisions of the Contempt of Courts Act, 1971, which shall have effect subject to the modification that—</p> <p>(a) any reference therein to a High Court shall be construed as including a reference to the Lokpal;</p> <p>(b) any reference to the Advocate General in section 15 of the said Act shall be construed as a reference to such law officer as the Lokpal may specify in this behalf:</p> <p>Provided that such matters shall be heard by a Special Bench consisting of five Members constituted by the Chairperson.</p>	70 of 1971.
Power of Lokpal to utilise services of officers of Central or State Government.	<p>32. (1) The Lokpal may, for the purpose of conducting any inquiry, utilise the services of any officer or investigation agency of the Central Government or any State Government, as the case may be.</p> <p>(2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (2) may, subject to the direction and control of the Lokpal,—</p> <p>(a) summon and enforce the attendance of any person and examine him;</p> <p>(b) require the discovery and production of any document; and</p> <p>(c) requisition any public record or copy thereof from any office.</p> <p>(3) The officer or agency whose services are utilised under sub-section (2) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the Lokpal within such period as may be specified by the Lokpal in this behalf.</p>	
Provisional attachment of assets.	<p>33. (1) Where the Lokpal or any investigation officer authorised by it in this behalf, has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession, that—</p> <p>(a) any person is in possession of any proceeds of corruption;</p> <p>(b) such person is accused of having committed an offence relating to corruption; and</p> <p>(c) such proceeds of offence are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of offence, he may, by order in writing, provisionally attach such property for a period not exceeding ninety days from the date of the order, in the manner provided in the Second Schedule to the Income-tax Act, 1961 and the Lokpal shall be deemed to be an officer under sub-rule (e) of rule 1 of that Schedule:</p> <p>(2) The Lokpal shall, immediately after attachment under sub-section (1), forward a copy of the order, along with the material in his possession,</p>	43 of 1961.

	<p>referred to in that sub-section, to the Special Court, in a sealed envelope, in the manner as may be prescribed and such Court may extend the order of attachment and keep such material for such period as the Court may deem fit.</p> <p>(3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or after the expiry of the period as directed by the Special Court under sub-section (2).</p> <p>(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) or sub-section (2), from such enjoyment.</p> <p><i>Explanation.—</i> For the purposes of this sub-section, “person interested”, in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.</p>	
Confirmation of attachment of assets.	<p>34. (1) The Lokpal, when it provisionally attaches any property under sub-section (1) of section 33 shall, within a period of thirty days of such attachment, direct its prosecution wing to file an application stating the facts of such attachment before the Special Court and make a prayer for confirmation of attachment of the property till completion of the proceedings against the public servant in the Special Court.</p> <p>(2) The Special Court may, if it is of the opinion that the property provisionally attached had been acquired through corrupt means, make an order for confirmation of attachment of such property till the completion of the proceedings against the public servant in the Special Court.</p> <p>(3) If the public servant is subsequently acquitted of the charges framed against him, the property, subject to the orders of the Special Court, shall be restored to the concerned public servant along with benefits from such property as might have accrued during the period of attachment.</p> <p>(4) If the public servant is subsequently convicted of the charges of corruption, the proceeds relatable to the offence under the Prevention of Corruption Act, 1988 shall be confiscated and vest in the Central Government free from any encumbrance or leasehold interest excluding any debt due to any bank or financial institution.</p> <p><i>Explanation.—</i> For the purposes of this sub-section, the expressions “bank”, “debt” and “financial institution” shall have the meanings respectively assigned to them in clauses (d), (g) and (h) of section 2 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.</p>	<p>49 of 1988.</p> <p>51 of 1993.</p>
Power of Lokpal to recommend transfer or suspension of public servant connected with allegation of corruption .	<p>35. (1) Where the Lokpal, while making an inquiry into allegations of corruption, is <i>prima facie</i> satisfied, on the basis of evidence available, that-</p> <p>(a) the continuance of the public servant referred to in clause (c) or clause (d) of sub-section (1) of section 17 in his post while conducting the inquiry is likely to affect such inquiry adversely; or</p> <p>(b) the public servant referred to in clause (a) is likely to destroy or in</p>	

	<p>any way tamper with the evidence or influence witnesses,</p> <p>then, the Lokpal may recommend to the Central Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order.</p> <p>(2) The Central Government shall ordinarily accept the recommendation of the Lokpal made under sub-section (1), except for the reasons to be recorded in writing in a case where it is not feasible for administrative reasons.</p>	
Power of Lokpal to give directions to prevent destruction of records during inquiry.	<p>36. The Lokpal may, in discharge of its functions under this Act, issue appropriate directions to a public servant entrusted with the preparation or custody of any document or record—</p> <p>(a) to protect such document or record from destruction or damage; or</p> <p>(b) to prevent the public servant from altering or secreting such document or record; or</p> <p>(c) to prevent the public servant from transferring or alienating any assets allegedly acquired by him through corrupt means.</p>	
Power to delegate.	<p>37. The Lokpal may, by general or special order in writing, and subject to such conditions and limitations as may be specified therein, direct that any administrative or financial power conferred on it may also be exercised or discharged by such of its Members or officers or employees as may be specified in the order.</p>	
	<p>CHAPTER IX SPECIAL COURTS</p>	
Special Courts to be notified by Central Government.	<p>38. (1) The Central Government shall constitute such number of Special Courts, as recommended by the Lokpal, to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under this Act.</p> <p>(2) The Special Courts constituted under sub-section (1) shall ensure completion of each trial within a period of one year from the date of filing of the case in the Court:</p> <p>Provided that in case the trial cannot be completed within a period of one year, the Special Court shall record reasons therefor and complete the trial within a further period of not more than three months or such further periods not exceeding three months each, for reasons to be recorded in writing, before the end of each such three month period, but not exceeding a total period of two years.</p>	49 of 1988.
Letter of request to a contracting State in certain cases.	<p>39. (1) Notwithstanding anything contained in this Act or the Code of Criminal Procedure, 1973 if, in the course of an inquiry or investigation into an offence or other proceeding under this Act, an application is made to a Special Court by the Investigation Officer of the Lokpal that any evidence is required in connection with the inquiry or investigation into an offence or proceeding under this Act and he is of the opinion that such evidence may be available in any place in a contracting State, and the Special Court, on being satisfied that such evidence is required in connection with the</p>	2 of 1974.

	<p>inquiry or investigation into an offence or proceeding under this Act, may issue a letter of request to a court or an authority in the contracting State competent to deal with such request to—</p> <p>(i) examine the facts and circumstances of the case;</p> <p>(ii) take such steps as the Special Court may specify in such letter of request; and</p> <p>(iii) forward all the evidence so taken or collected to the Special Court issuing such letter of request.</p> <p>(2) The letter of request shall be transmitted in such manner as the Central Government may prescribe in this behalf.</p> <p>(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be evidence collected during the course of the inquiry or investigation.</p>	
	<p>CHAPTER X</p> <p>COMPLAINTS AGAINST CHAIRPERSON, MEMBERS AND OFFICIALS OF LOKPAL</p>	
Complaints against Chairperson and Members not to be inquired by Lokpal.	<p>40. (1) The Lokpal shall not inquire into any complaint made against the Chairperson or any Member.</p>	
	<p>(2) Any complaint against the Chairperson or Member shall be made by <i>an</i> application by the party aggrieved, to the President.</p>	
	<p>(3) The President shall, in case there exists a <i>prima facie</i> case for bias or corruption, make a reference to the Chief Justice of India in such manner as may be prescribed for inquiring into the complaint against the Chairperson or Member.</p>	
	<p>(4) The President shall decide the action against the Chairperson or Member on the basis of the opinion of the Chief Justice of India and in case the President is satisfied on the basis of the said opinion that the Chairperson or the Member is biased or has indulged in corruption, the President shall, notwithstanding anything contained in sub-section (1) of section 8, remove such Chairperson or Member and also order for initiation of prosecution in case of allegation of corruption.</p>	
Complaints against officials of Lokpal.	<p>41. (1) Every complaint of allegation of wrongdoing made against any officer or employee or investigation agency under or associated with the Lokpal for offence punishable under the Prevention of Corruption Act, 1988 shall be dealt with in accordance with the provisions of this section.</p> <p>(2) The Lokpal shall complete the inquiry into the complaint or allegation made, within a period of thirty days from the date of its receipt.</p> <p>(3) While making an inquiry into the complaint against any officer or employee of the Lokpal or agency engaged or associated with the Lokpal, if it is <i>prima facie</i> satisfied on the basis of evidence available, that—</p> <p>(a) continuance of such officer or employee of the Lokpal or agency</p>	49 of 1988.

	<p>engaged or associated in his post while conducting the inquiry is likely to affect such inquiry adversely; or</p> <p>(b) an officer or employee of the Lokpal or agency engaged or associated is likely to destroy or in any way tamper with the evidence or influence witnesses,</p> <p>then, the Lokpal may, by order, suspend such officer or employee of the Lokpal or divest such agency engaged or associated with the Lokpal of all powers and responsibilities hereto before exercised by it .</p> <p>(4) On the completion of the inquiry, if the Lokpal is satisfied that there is <i>prima facie</i> evidence of the commission of an offence under the Prevention of Corruption Act, 1988 or of any wrongdoing, it shall, within a period of fifteen days of the completion of such inquiry, order to prosecute such officer or employee of the Lokpal or such officer, employee, agency engaged or associated with the Lokpal and initiate disciplinary proceedings against the official concerned:</p> <p>Provided that no such order shall be passed without giving such officer or employee of the Lokpal or person, agency engaged or associated, a reasonable opportunity of being heard.</p>	49 of 1988.
	<p>CHAPTER XI</p> <p>ASSESSMENT OF LOSS AND RECOVERY THEREOF BY SPECIAL COURT</p>	
Assessment of loss and recovery thereof by Special Court.	<p>42. If any public servant is convicted of an offence under the Prevention of Corruption Act, 1988 by the Special Court, notwithstanding and without prejudice to any law for the time being in force, it may make an assessment of loss, if any, caused to the public exchequer on account of the actions or decisions of such public servant not taken in good faith and for which he stands convicted, and may order recovery of such loss, if possible or quantifiable, from such public servant so convicted:</p> <p>Provided that if the Special Court, for reasons to be recorded in writing, comes to the conclusion that the loss caused was pursuant to a conspiracy with the beneficiary or beneficiaries of actions or decisions of the public servant so convicted, then such loss may, if assessed and quantifiable under this section, may also be recovered from such beneficiary or beneficiaries proportionately.</p>	45 of 1988.
	<p>CHAPTER XII</p> <p>FINANCE, ACCOUNTS AND AUDIT</p>	
	<p>43. The Lokpal shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Lokpal and forward the same to the Central Government for information.</p>	Budget.
	<p>44. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Lokpal grants of such sums of money as are required to be paid for the salaries and allowances payable to the Chairperson and other Members and the administrative expenses, including the salaries and allowances and pension payable to or in respect</p>	Grants by Central Government.

	of officers and other employees of the Lokpal.	
	<p>45. (1) The Lokpal shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.</p> <p>(2) The accounts of the Lokpal shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.</p> <p>(3) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Lokpal under this Act shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Lokpal.</p> <p>(4) The accounts of the Lokpal, as certified by Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.</p>	Annual statement of accounts.
	<p>46. (1) The Lokpal shall furnish to the Central Government, at such time and in such form and manner as may be prescribed or as the Central Government may request, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Lokpal, as the Central Government may, from time to time, require.</p> <p>(2) The Lokpal shall prepare, once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.</p> <p>(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.</p>	Furnishing of returns, etc., to Central Government.
	<p>CHAPTER XIII DECLARATION OF ASSETS</p>	
Declaration of assets.	<p>47. (1) Every public servant shall make a declaration of his assets and liabilities in the manner as provided by or under this Act.</p> <p>(2) A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to—</p> <p>(a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;</p> <p>(b) his liabilities and that of his spouse and his dependent children.</p> <p>(3) A public servant holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such</p>	

	<p>assets and liabilities, as referred to in sub-section (2) to the competent authority within thirty days of the coming into force of this Act.</p> <p>(4) Every public servant shall file with the competent authority, on or before the 31st July of every year, an annual return of such assets and liabilities, as referred to in sub-section (2), as on the 31st March of that year.</p> <p>(5) The information under sub-section (2) or sub-section (3) and annual return under sub-section (4) shall be furnished to the competent authority in such form and in such manner as may be prescribed.</p> <p>(6) The competent authority in respect of each office or Department shall ensure that all such statements are published on the website of such officer or Department by 31st August of that year.</p> <p><i>Explanation.</i>— For the purposes of this section, “dependent children” means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood.</p>	
<p>Presumption as to acquisition of assets by corrupt means in certain cases.</p>	<p>48. If any public servant wilfully or for reasons which are not justifiable, fails to—</p> <p>(a) to declare his assets; or</p> <p>(b) gives misleading information in respect of such assets and is found to be in possession of assets not disclosed or in respect of which misleading information was furnished,</p> <p>then such assets shall, unless otherwise proved, be presumed to belong to the public servant and shall be presumed to be assets acquired by corrupt means:</p> <p>Provided that the competent authority may condone or exempt the public servant from furnishing information in respect of assets not exceeding such minimum value as may be prescribed.</p>	
	<p>CHAPTER XIV CITIZENS’ CHARTER</p>	
<p>Citizens’ charter.</p>	<p>49. (1) Every,—</p> <p>(a) Ministry or Department or office of the Central Government or any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted or incorporated under an Act of Parliament or wholly or partly financed by the Central Government or controlled by it; and</p> <p>(b) every other society or association of persons or trust (whether registered or not) wholly or partly financed by the Government or in receipt of any sums under the Foreign Contribution (Regulation) Act or any donation from public,</p> <p>shall prepare and publish a charter to be known as Citizens’ Charter within a period of one year from the commencement of this Act.</p> <p>(2) The Citizens’ Charter referred to in sub-section (1) shall specify to</p>	

	<p>the citizens the commitments of,—</p> <p>(a) the Ministry or Department or office of the Central Government or any body or Board or corporation or authority or company or society or autonomous body or other society or association of persons or trust referred to in that sub-section;</p> <p>(b) the officer responsible for meeting such commitment; and</p> <p>(c) the time within which such commitment shall be complied with along with other relevant details relating to public delivery of services or fulfilment of its objectives.</p> <p>(3) Every Ministry or Department or office of the Central Government or any body or Board or corporation or authority or company or society or autonomous body or other society or association of persons or trust referred to in sub-section (1) shall designate an officer to be called the Public Grievance Redressal Officer to whom any aggrieved person may file a complaint for non-compliance of the Citizens' Charter:</p> <p>(4) Every Ministry or Department or office of the Central Government or any body or Board or corporation or authority or company or society or autonomous body or other society or association of persons or trust shall appoint at least one Public Grievance Redressal Officer in each district where it has an office.</p> <p>(5) Every Ministry or Department or office of the Central Government or any body or Board or corporation or authority or company or society or autonomous body or other society or association of persons or trust referred to in sub-section (1) shall review and revise its Citizens' Charter at least once in a year.</p>	
	<p>CHAPTER XV OFFENCES AND PENALTIES</p>	
Prosecution for false complaint and payment of compensation, etc., to public servant.	<p>50. (1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious complaint under this Act shall, on conviction, be punished with imprisonment for a term which shall not be less than two years but which may extend to five years and with fine which shall not be less than twenty-five thousand rupees but which may extend to two lakh rupees.</p> <p>(2) No Court, except a Special Court, shall take cognizance of an offence under sub section (1).</p> <p>(3) No Special Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom the false, frivolous or vexatious complaint was made.</p> <p>(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 Central Government.</p>	
	<p>(5) In case of conviction of a person [being an individual or society or association of persons or trust (whether registered or not)], for having made a false complaint under this Act, such person shall be liable to pay</p>	

	compensation to the public servant against whom he made the false complaint in addition to the legal expenses for contesting the case by such public servant, as the Special Court may determine.	
False complaint made by society or association of persons or trust.	<p>51. (1) Where any offence under section 50 has been committed by any society or association of persons or trust (whether registered or not), every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the society or association of persons or trust, for the conduct of the business or affairs or activities of the society or association of persons or trust as well as such society or association of persons or trust shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a society or association of persons or trust (whether registered or not) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of such society or association of persons or trust, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>	
	CHAPTER XVI MISCELLANEOUS	
Protection of action taken in good faith by any public servant.	52. No suit, prosecution or other legal proceedings under this Act shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers.	
Protection of action taken in good faith by others.	53. No suit, prosecution or other legal proceedings shall lie against the Lokpal or against any officer, employee, agency or any person, in respect of anything which is done in good faith or intended to be done under this Act.	
Members, officers and employees of Lokpal to be public servants.	54. The Chairperson, Members, officers and other employees of the Lokpal shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.	45 of 1860.
Bar of Jurisdiction.	55. No civil court shall have jurisdiction in respect of any matter which the Lokpal is empowered by or under this Act to determine.	
Act to have overriding effect.	56. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.	
Provision of this Act to be in	57. The provisions of this Act shall be in addition to, and not in	

addition of other laws.	derogation of, any other law for the time being in force.	
Amendment of certain enactments.	58. The enactments specified in the Second Schedule shall be amended in the manner specified therein.	
Power to make rules.	59. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —	
	<p>(a) the term of the search committee, fee and allowances payable to its members and the manner of selection of panel of names under sub-section (5) of section 4;</p> <p>(b) the procedure of inquiry into misbehaviour for removal of the Chairperson or any other Member under sub-section (1) of section 8;</p> <p>(c) the post or posts in respect of which the appointment shall be made after consultation with the Union Public Service Commission under the proviso to sub-section (1) of section 11;</p> <p>(d) other matters for which the Lokpal shall have the powers of a civil court under clause (vi) of sub-section (1) of section 30;</p> <p>(e) the manner of sending the order of attachment along with the material to the Special Court under sub-section (2) of section 33;</p> <p>(f) the manner of transmitting the letter of request under sub-section (2) of section 39;</p> <p>(g) the manner of making reference to the Chief Justice of India under sub-section (3) of section 40;</p> <p>(h) the form and the time for preparing in each financial year the budget for the next financial year, showing the estimated receipts and expenditure of the Lokpal under section 43;</p> <p>(i) the form for maintaining the accounts and other relevant records and the form of annual statement of accounts under sub-section (1) of section 45;</p> <p>(j) the form and manner and the time for preparing the returns and statements along with particulars under sub-section (1) of section 46;</p> <p>(k) the form and the time for preparing an annual report giving a summary of its activities during the previous year under sub-section (2) of section 46;</p> <p>(l) the form of annual return to be filed by a public servant under sub-section (5) of section 47;</p> <p>(m) the minimum value for which the competent authority may condone or exempt a public servant from furnishing information in respect of assets under the proviso to section 48;</p>	

	(n) any other matter which is to be or may be prescribed.	
Power of Lokpal to make regulations.	<p>60. (1) Subject to the provisions of this Act and the rules made thereunder, the Lokpal may, by notification in the Official Gazette, make regulations to carry out the provisions of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—</p>	
	<p>(a) the conditions of service of the secretary and other officers and staff of the Lokpal and the matters which in so far as they relate to salaries, allowances, leave or pensions, require the approval of the President under sub-section (2) of section 11;</p> <p>(b) the place of sittings of benches of the Lokpal under clause (f) of sub-section (1) of section 19;</p> <p>(c) the manner for displaying on the website of the Lokpal, the status of all complaints pending or disposed of along with records and evidence with reference thereto under sub-section (13) of section 23;</p> <p>(d) the manner and procedure of conducting an inquiry or investigation under sub-section (15) of section 23;</p> <p>(e) any other matter which is required to be, or may be, specified under this Act.</p>	
Laying of rules and regulations.	<p>61. Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.</p>	
Power to remove difficulties.	<p>62. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:</p> <p>Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>	
	<p style="text-align: center;">THE FIRST SCHEDULE</p> <p style="text-align: center;">[See section 3(5)]</p> <p>I, A.B..... having been appointed Chairperson (or a Member) of the Lokpal, do swear in the name of God / solemnly affirm</p>	

	that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will.	
	THE SECOND SCHEDULE [See section 58] AMENDMENT TO CERTAIN ENACTMENTS	
	PART I	
	AMENDMENT TO THE DELHI SPECIAL POLICE ESTABLISHMENT ACT, 1946 (25 of 1946)	
	In section 6A, for the words "The Delhi Special Police Establishment", the words "Save as otherwise provided in the Lokpal Act, 2011, the Delhi Special Police Establishment" shall be substituted.	Amendment of section 6A.
	PART II	
	AMENDMENT TO THE COMMISSIONS OF INQUIRY ACT, 1952 (60 of 1952)	
	In section 3, in sub-section (1), for the words "The appropriate Government may", the words, brackets and figures "Save as otherwise provided in the Lokpal Act, 2011, the appropriate Government may" shall be substituted.	Amendment of section 3.
	PART III	
	AMENDMENT TO THE PREVENTION OF CORRUPTION ACT, 1988 (49 of 1988)	
	1. In section 13, in sub-section (2), for the words "seven years", the words "ten years" shall be substituted;	Amendment of section 13.
	2. In section 14, for the words "seven years", the words "ten years" shall be substituted.	Amendment of section 14.
	3. In section 19, after the words "except with the previous sanction", the words "save as otherwise provided in the Lokpal Act, 2011" shall be inserted.	Amendment of section 19.
	PART IV	
	AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973 (2 of 1974)	
	In section 197, after the words "except with the previous sanction", the words "save as otherwise provided in the Lokpal Act, 2011" shall be inserted.	Amendment of section 197.