APPENDICES
The Text of the Resolution on People's Procurator (Lokayukta) Moved by Dr. L.M. Singh-VIII in the Lok Sabha on the 3rd April, 1964

This House is of opinion:

(a) That an Officer of Parliament to be known as the People's Procurator (Lokayukta), broadly analogous to the institution of Ombudsman in Sweden, Denmark and New Zealand,- be appointed under suitable legislation for the purpose of providing effective and impartial investigating machinery for public grievances, for eradicating corruption at all levels, forlegending administrative wrongs and excesses for safeguarding the liberties of citizens, and generally for reinforcing the basic foundations of parliamentary democracy as a system of government;

(b) That the People's Procurator should be a person of known legal ability and outstanding integrity and should be appointed by the President of India on the recommendation of both the Houses of Parliament. The term of each Procurator shall be co-terminus with that of each Parliament and a Procurator shall not be eligible for re-appointment as such and shall not accept any office of trust or profit at the disposal of or in the dispensation of the Central Government or any Government of any State and any office of profit or pension at the disposal of any other authority.

(c) That broadly the People's Procurator or Lokayukta should have the following powers and functions:

(i) The Procurator shall have the power to investigate any decision or recommendation made or any act done or omitted, relating to a matter of administration affecting any person or body of persons in or by any of Ministers and Departments or by any Minister, officer, employee or member thereof who has exercised any power or function conferred on him by any statute, rule or directive. The Procurator shall make general and specific recommendations to the government and shall suggest action against those who in the execution of their official duties, have through partiality, favouritism or any other cause or consideration, committed any unlawful act or neglected to perform their duties properly;

(ii) The Procurator may make any such investigation either on a complaint made to him in accordance with requirements to be detailed in a suitable enactment or on his own motion;

(iii) Without limiting the foregoing provision, the Procurator shall also investigate any petition that may be referred to him by either House of Parliament or any Committee thereof subject to the Directives of the referring House or Committee and shall submit his report thereon;

(iv) The powers of the Procurator shall be exercised in accordance with the principles and directives laid down in Article 124 (4) of the Constitution.

(v) If any question arises whether the Procurator has any jurisdiction to investigate any case or class of cases, the Procurator may, if he thinks fit, apply to the President for a determination in the matter.

This House is of opinion:

That the People's Procurator should be a person of known legal ability and outstanding integrity and should be appointed by the President of India on the recommendation of both the Houses of Parliament. The term of each Procurator shall be co-terminus with that of each Parliament and a Procurator shall not be eligible for re-appointment as such and shall not accept any office of trust or profit at the disposal of or in the dispensation of the Central Government or any Government of any State and any office of profit or pension at the disposal of any other authority.

The Procurator shall have the power to investigate any decision or recommendation made or any act done or omitted, relating to a matter of administration affecting any person or body of persons in or by any of Ministers and Departments or by any Minister, officer, employee or member thereof who has exercised any power or function conferred on him by any statute, rule or directive. The Procurator shall make general and specific recommendations to the government and shall suggest action against those who in the execution of their official duties, have through partiality, favouritism or any other cause or consideration, committed any unlawful act or neglected to perform their duties properly.

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RESOLUTION


New Delhi: 110001,

Ministry of Home Affairs/Government of India

ANNEXURE I

PART I (SECTION 7)

TO BE PUBLISHED IN THE GAZETTE OF INDIA.
The Commission will devise its own procedures in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Commission from time to time. The Government of India trusts that the State Governments and Union Territories will extend their fullest cooperation and assistance to the Commission.

The headquarters of the Commission will be located at Delhi.

The Commission will submit an Annual Report to the President detailing its activities and recommendations. This will, however, not preclude the Commission from submitting Reports to the Government at any time they consider necessary on matters within their scope of work.

The Commission will undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the minorities.

The Commission will look into specific complaints regarding deprivation of rights and safeguards of the minorities.

The Commission will conduct studies, research and analyses on the question of avoidance of discrimination against minorities.

The Commission will suggest appropriate legal and welfare measures in respect of any minority to be undertaken by the Central or the State Governments.

The Commission will serve as a national clearing house for information in respect of the conditions of the minorities.

The Commission will make periodical reports at prescribed intervals to the Government.

4. The Commission shall be entrusted with the following functions:

(i) to evaluate the working of the various safeguards provided in the Constitution for the protection of minorities and in laws passed by the Union and State Governments;

(ii) to make recommendations with a view to ensuring effective implementation and enforcement of all the safeguards and the laws;

(iii) to undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the minorities;

(iv) to look into specific complaints regarding deprivation of rights and safeguards of the minorities;

(v) to conduct studies, research and analyses on the question of avoidance of discrimination against minorities;

(vi) to suggest appropriate legal and welfare measures in respect of any minority to be undertaken by the Central or the State Governments;

(vii) to serve as a national clearing house for information in respect of the conditions of the minorities;

(viii) to make periodical reports at prescribed intervals to the Government.

7. The Commission will pay due regard to each house of Parliament.

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RESOLUTION

No. 19013/8/77-SCL 1

30 Asadh, 1976.


The Ministry of Home Affairs (Grievance Mantralaya)

Nevis Delhi-110001


RESOLUTION

No. 19013/8/77-SCL 1

30 Asadh, 1976.


New Delhi-110001

Ministry of Home Affairs (Grievance Mantralaya)

PART I: SECTION (1)

TO BE PUBLISHED IN THE GAZETTE OF INDIA.

ANNEXURE III
The Commission will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Commission to facilitate the discharge of its functions. The Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their co-operation and assistance to the Commission.

6. The Commission will submit an Annual Report to the President detailing its activities and recommendations. It will however not preclude the Commission from submitting Reports to the Government at any time they consider necessary. The President will then be advised of the matter and recommendations. The President will advise the Government to accept the recommendations and explain the reasons for non-acceptance of recommendations, if any, in so far as it relates to the Central Government. The Annual Report together with a memorandum outlining the action taken on matters within their scope of work. The Annual Report will be laid before each House of Parliament.
THE LOKPAL BILL, 1985

A BILL to provide for the appointment of a Lokpal against Union Ministers and for matters connected therewith.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:

1. Short title, extent and commencement.

(I) This Act may be called the Lokpal Act, 1985.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the President may, by notification in the Official Gazette, appoint.

2. Definitions.

In this Act, unless the context otherwise requires,—

(a) "competent authority" means the Prime Minister;
(b) "complaint" means a complaint alleging that a public functionary has, while holding any of the offices mentioned in clause (e), committed any offence punishable under Chapter IX of the Indian Penal Code (45 of 1860) or under the Prevention of Corruption Act, 1947 (43 of 1947);
(c) "Lokpal" means a person appointed under section 3 as the Lokpal;
(d) "prescribed" means prescribed by rules made under this Act;
(e) "public functionary" means a person who holds an office of a Minister, Deputy Minister, or Parliamentary Secretary of the Union.
(f) "question" means a complaint alleging that a public functionary has committed any offence punishable under Chapter IX of the Indian Penal Code (45 of 1860) or the Prevention of Corruption Act, 1947 (43 of 1947);
(g) "complaint" means a complaint alleging that a public functionary has committed any offence punishable under Chapter IX of the Indian Penal Code (45 of 1860) or the Prevention of Corruption Act, 1947 (43 of 1947);
(h) "competent authority" means the Prime Minister;
provisions of this Act, the Lokpal may inquire into any matter
has heen, or is qualified to be a Judge of the Supreme Court as 
the Lokpal.
(2) Every person appointed as the Lokpal ... Subject to the other 
provisions of this Act, the Lokpal may inquire into any matter

8. Jurisdiction of Lokpal. (2)

Government of a State and no deduction shall de made from
previous service under the Government of India or under the
inquiries

The salary, allowances and pension payable to, and all
control and direction of the Lokpal.

(2) A person appointed as the Lokpal shall hold


The Lokpal shall not be removed from his office except by an order made by the President on

if he is a Member of Parliament or of the Legislature of any State and shall not hold any office of

7. Staff of Lokpal. (2)

The Lokpal shall, for the purpose

5. Term of office and other conditions of service of

4. Lokpal to be ineligible to hold other offices.

3. Tenure of office and other conditions of service of

2. Title of Lokpal.

The Lokpal shall not be removed

1. Preamble of Lokpal.

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1. Research on Lokpal. The Lokpal shall not be removed

2. Office of Lokpal. Every person appointed as the Lokpal shall, before

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provisions of this Act, subject to the exclusive administrative
determination of the Lokpal in respect of any complaints, secure—

also to the subordinate administration, to the Supreme Court, and to the Lokpal.

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THE LOKPAL BILL, 1986
The procedure for verification in respect of a complaint under sub-section (1) shall be such as the Lokpal deems appropriate in the circumstances of case and in particular the Lokpal may, if he deems it necessary so to do, call for the comments of the public functionary concerned.


(1) If after the consideration and verification under section 11 in respect of a complaint, the Lokpal proposes to conduct any inquiry, he—

(a) shall forthwith forward a copy of the complaint to the competent authority;

(b) may make such orders as to the safe custody of documents relevant to the inquiry as he deems fit;

(c) shall, at such time as he considers appropriate, forward a copy of the complaint to the public functionary concerned and afford him an opportunity to represent his case.

(2) Every such inquiry shall be conducted in camera.

(3) Save as aforesaid, the procedure for conducting any such inquiry shall be such as the Lokpal considers appropriate in the circumstances of the case.

13. Power of Lokpal to issue, in certain circumstances, directions for deferring or suspending investigation into an offence.

(1) Where the Lokpal is satisfied—

(a) that investigation by any police officer under the Code of Criminal Procedure, 1973 (2 of 1974), into any offence in respect of which a complaint is made or into any matters connected therewith may prejudicially affect the conduct of inquiry under this Act with respect to such complaint; and

(b) that having regard to all the circumstances of the case it would be proper to defer such investigation pending the completion of such inquiry;

he may, by order in writing and for reasons to be recorded therein, direct that till the completion of such inquiry or for such shorter period as may be specified in the order, any such investigation shall be deferred or, as the case may be, shall be suspended:

Provided that no such direction shall apply with respect to any investigation required to be made in pursuance of an order of any court.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), in computing, for the purposes of Chapter XXXVI of that Code, the period of limitation for taking cognizance of any offence, being an offence the investigation in respect of which has been deferred or suspended by reason of an order under sub-section (1), the date on which such order was made, the period during which the investigation remained deferred or, as the case may be suspended by reason of the order, and the date on which the order ceased to have effect, shall be excluded.


(1) Subject to the provisions of this section, for the purpose of any inquiry (including the verification under section 11), the Lokpal—

(a) may require any public servant or any other person, who, in his opinion is able to furnish information or produce documents relevant to such inquiry, to furnish any such information or produce any such document;

(b) shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure 1908 (5 of 1908), in respect of the following matters, namely

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) requiring the discovery and production of any document.

(iii) receiving evidence on affidavits;

(iv) requisitioning any public record or copy thereof from any court or office;

(v) issuing commissions for the examination of witnesses or documents; and

(vi) such other matters as may be prescribed.

(2) A proceeding before the Lokpal shall be deemed to be a judicial proceeding within the meaning of sections 193 of the Indian Penal Code (45 of 1860).

(3) Subject to the provisions of sub-section (4),—

(a) no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to Government or any public servant, whether imposed by any enactment or by any provision of law whatever shall apply to the disclosure of information for the purposes of any inquiry (including the verification under section 11) under this Act; and

(b) the Government or any public servant shall not be entitled, in relation to any such verification or inquiry, to any such privilege in respect of the production of documents or the giving of evidence as is allowed by any enactment or by any provision of law whatever in legal proceedings.

(4) No person shall be required or authorised by virtue of this Act to furnish any such information or answer any such question or produce so much of any document—

(a) the Lokpal has concluded that there is no prima facie case against the public servant to whom the information was furnished; or

(b) the Lokpal concludes that the information furnished is false or inaccurate.

(5) Notwithstanding anything hereinbefore contained, the Lokpal may make such public announcement as may be appropriate in the circumstances of case.
Citizen Administration and Lokpal

15. Reports.

(2) If the Lokpal is satisfied that any document seized under section 7, to search for and to seize such documents.

{6} To the Lokpal is satisfied—

(a) that the nature specified in clause (a) or clause (6) shall be binding and conclusive.

(b) that the nature specified in clause (a) or clause (6) shall be binding and conclusive.

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expedited on the Consolidated Fund of India.

expenditure charged on the Consolidated Fund of India.

Expenditure on Lokpal to be charged on the Consolidated Fund of India.

The Lokpal shall present annually to the President a consolidated report on the administration of this Act and the consolidated report shall be laid before each House of Parliament.

Search and seizure.

If the Lokpal has reason to believe that any documents which, in his opinion, will be useful to the Lokpal in respect of a complaint under this Act and that it would be necessary to retain or to search for and to seize such documents under this Act; they are secreted in any place, he may authorise any officer subordinate to him, or any officer of an investigating agency referred to in sub-section (7) of section 16, to search for and to seize such documents.

Provided that where such document is seized before the date on which it is seized unless such inquiry has been commenced before such expiration, the Lokpal shall return the document in his custody, he may so retain the said document for scrutiny and if on such scrutiny the Lokpal is satisfied that such certificate ought not to have been issued, he shall declare the certificate to be of no effect.

The Lokpal shall present annually to the President a consolidated report on the administration of this Act and the consolidated report shall be laid before each House of Parliament.

For the purposes of this Act, "public servant" shall have the same meaning as in section 21 of the Indian Penal Code (45 of 1860).

Provided that the Lokpal may require any information or answer or portion of a document in respect of which a certificate is issued under this sub-section to the effect that it is of the nature specified in clause (a) or clause (6) shall be binding and conclusive.

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to any proceeding, act or thing taken or done or purported to
the person should be tried summarily for giving or fabricating,
"CITIZEN ADMINISTRATION AND LOKPAL
18. Secrecy of information. (2) Any information by
the Lokpal, or by any officer, employee, agency or person refer­
to any proceeding, act or thing taken or done or purported to
and the particulars contained in the complaint) or with respect
that it is necessary and expedient in the interests of justice that
should be used in such proceeding, the Lokpal may, if satisfied
(including the identity of the person making the complaint, the
fabricated false evidence with the intention that such evidence
any information with respect to any complaint under this Act
leading had knowingly or wilfully given false evidence or had
appears to the Lokpal that any person appearing in such proce­
false information in respect of complaints and proceed­
(2) If any stage of a proceeding before the Lokpal is
inquiries under this Act.
(2) If any information by
by any officer, employee, agency or person referred to in sub-section

The provisions of sub-section (2) of section 199 of the
Court" means the High Court within the jurisdiction of which

Punishment for any such offence under this section shall be

Whoever, by words spoken or intended to be read,

(a) for so long a period as may be prescribed for an offence under this Act, shall be punished with simple imprisonment for

The provisions of this section shall have effect notwith­

Explaination.

For the purposes of this sub-section "High

When any such offence as is described in section 176,


(a) any information by

of the said section 199, subject to the modification that no

(2) If, at any stage of a proceeding before the Lokpal, it

standing anything contained in the Code of Criminal Procedure,

Whoever intentionally offers

Penal Code (45 of 1860) ; or

section, try such offender summarily so far as may be in accor­

of showing cause why he should not be punished under this

have been taken or done under this Act in relation to such complaint—

(a) where the Lokpal dismisses such complaint under section 11, at any time before such dismissal; or

(b) where the Lokpal closes the case with respect to such complaint under clause (a) of sub-section (1) of section 16, at any time before such closure; or

(c) where the Lokpal forwards to the competent authority a report of his findings and recommendations with respect to such complaint under clause (b) of sub-section (1) of section 16, at any time before the expiry of three months from the date of receipt of the report by the competent authority.

such person shall be guilty of an offence under this sub-section

(2) If any person prints or publishes any information alleging or suggesting that a complaint has been made under this Act against any public functionary and such information is false, such person shall be guilty of an offence under this sub-section.

(3) When any offence under sub-section (1) or sub-section (2) is committed, the Lokpal may take cognizance of the offence and, after giving the offender reasonable opportunity of showing cause why he should not be punished for such offence, try such offender summarily so far as may be in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973 (2 of 1974), and sentence him to imprisonment for a term which may extend to six months or to fine which may extend to ten thousand rupees or to both.

(4) In every case tried under this section, the Lokpal shall record the facts constituting the offence with the statement (if any) made by the offender as well as the findings and the sentences.

(5) Any person convicted in a trial under this section may with the leave of the Supreme Court, prefer an appeal to the Supreme Court within thirty days of such conviction or within such further period as the Supreme Court may for sufficient cause allow and, save as aforesaid, no appeal or revision shall lie in any court against such conviction.

(6) The provisions of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974).

22. Action in case of false complaints. (1) Every person who makes any complaint which is held by the Lokpal to be false shall be punishable as provided in sub-section (2).

(2) When any offence under sub-section (1) is committed, the Lokpal may take cognizance of the offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished for such offence, try such offender summarily, so far as may be, in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973 (2 of 1974) and sentence him to imprisonment for a term which shall not be less than one year but which may extend to three years and also to fine which may extend to fifty thousand rupees and may also award, out of the amount of fine, to the public functionary against whom such false complaint has been made, such amount of compensation as the Lokpal thinks fit.

(3) In every case tried under this section, the Lokpal shall record the facts constituting the offence with the statement (if any) made by the offender as well as the findings and the sentence.

(4) Any person convicted on a trial under this section may, with the leave of the Supreme Court, prefer an appeal to the Supreme Court within thirty days of such conviction or within such further period as the Supreme Court may for sufficient cause allow and, save as aforesaid, no appeal or revision shall lie in any court against such conviction.

(5) The provisions of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974).

23. Application of Act. Subject to the other provisions of this Act and subject to the modification that for purpose of transfer of any case under section 21 or section 22, the provisions of section 406 of the Code of Criminal Procedure, 1973 (2 of 1974), shall alone apply, the provisions of the said Code shall apply to proceedings before a Lokpal under sections 20, 21 and 22 and for the purposes of the said provisions of that Code and the said proceedings the Lokpal shall be deemed to be a Court of Session and shall have all the powers of a court of Session.

24. Bar of prosecution on allegations not proved or not substantiated. Notwithstanding anything contained in any other law for the time being in force, where on an inquiry in respect of a complaint against a public functionary the Lokpal or the competent authority has held that any allegations made in the complaint have not been proved or substantiated, no prosecution shall lie on any complaint, report, information or otherwise and no court shall take cognizance of any offence on the basis of the same or substantially the same allegations as in the complaint.
CITIZEN ADMINISTRATION AND LOKPAL

25. Conferment of additional functions on Lokpal

(1) The President may, by order in writing and subject to such conditions or limitations as may be specified in the order, and in exercise of the powers conferred or duties imposed on him by or under this Act, direct that any powers, duties or functions, are to be or may be performed or exercised by or under the Lokpal, in accordance with such rules as the President may, by order in writing and subject to such conditions or limitations as may be specified therein, direct.

(2) The President may, by order in writing and subject to such conditions or limitations as may be specified therein, direct that any powers, duties or functions, are to be or may be performed or exercised by or under the Lokpal, in accordance with such rules as the President may, by order in writing and subject to such conditions or limitations as may be specified therein, direct.

26. Disposal of deposits

(1) For the purpose of disposing of deposits referred to in sub-section (2) of section 11, the powers to close cases and make findings, as provided for under the Act, are hereby extended to the Lokpal.

(2) The Lokpal shall determine the amount which shall be paid to the complainant in relation to the proceedings in respect of such deposits under sub-section (3) of section 11, the powers to close cases and make findings, as provided for under the Act, are hereby extended to the Lokpal.

27. Compensation or reward or both payable in certain cases

(1) If the Lokpal is satisfied that an employee, agency or person referred to in section 7, in respect of whom deposits were made under sub-section (3) of section 11, the powers to close cases and make findings, as provided for under the Act, are hereby extended to the Lokpal, the Lokpal shall determine the amount which shall be paid to the complainant by way of such compensation or reward.

(2) If the Lokpal, for reasons to be recorded in writing, is satisfied that an employee, agency or person referred to in section 7, in respect of whom deposits were made under sub-section (3) of section 11, the powers to close cases and make findings, as provided for under the Act, are hereby extended to the Lokpal, the Lokpal shall determine the amount which shall be paid to the complainant by way of such compensation or reward.
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(а) the President, the Vice-President, the Prime Minister or the Speaker of the Lok Sabha;
(б) the Chief Justice or any other Judge of the Supreme Court of India;
(c) the Comptroller and Auditor-General of India, the Chief Election Commissioner of India or the Chairman or any other Member of the Union Public Service Commission.

32. Savings. Nothing contained in this Act shall be construed as affecting the constitution of, or the continuance of functioning or exercise of powers by, any Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952 (60 of 1952), before the commencement of this Act and no complaint shall be made under this Act in respect of any matter referred for inquiry to such Commission before such commencement.

33. Consequential amendment of Act 60 of 1952. In section 3 of the Commissions of Inquiry Act, 1952, in sub-section (1), for the words, "Subject to the provisions of section 8 of the Lokpal Act, 1985, the appropriate Government may", the words, brackets and figures "Subject to the provisions of section 8 of the Lokpal Act, 1985, the appropriate Government may" shall be substituted.

THE SCHEDULE

I, having been appointed Lokpal, do solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully perform the duties of my office without fear or favour, affection or ill-will.

[Signature]

[Name]

[Date]