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THE LOKPAL BILL, 2010

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*to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against public functionaries and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:--

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Lokpal Act, 2010.

Short title and commencement

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	<p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>	
49 of 1988	<p>2. In this Act, unless the context otherwise requires, -</p> <p>(a) "Chairperson" means the Chairperson of the Lokpal;</p> <p>(b) "competent authority", in relation to—</p> <p>(i) the Prime Minister, means the House of the People;</p> <p>(ii) a member of the Council of Ministers, other than the Prime Minister, means the Prime Minister; and</p> <p>(iii) 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>(c) "memorandum of complaints" means a memorandum of complaints alleging that a public functionary has committed any offence punishable under the Prevention of Corruption Act, 1988;</p> <p>(d) "inquiry" means every inquiry conducted under this Act by the Lokpal;</p> <p>(e) "Lokpal" means the institution established under section 3;</p> <p>(f) "Member" means a Member of the Lokpal;</p> <p>(g) "prescribed" means prescribed by rules made under this Act;</p> <p>(h) "public functionary" means a person who—</p>	Definitions.

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	<p>(i) holds or has held the office of the Prime Minister, Minister, Minister of State or Deputy Minister of the Union; or</p> <p>(ii) is or has been a member of either House of Parliament.</p>	
	<p style="text-align: center;"><b>CHAPTER II</b></p> <p style="text-align: center;"><b>MACHINERY FOR INQUIRIES</b></p>	
	<p>3. (1) As from the commencement of this Act, there shall be established, for the purpose of making inquiries in respect of memorandum of complaints under this Act, an institution to be called the "Lokpal".</p> <p>(2) The Lokpal shall consist of—</p> <p style="padding-left: 40px;">(a) a Chairperson who is or has been a Chief Justice or a Judge of the Supreme Court; and</p> <p style="padding-left: 40px;">(b) two Members who are or have been the Judges of the Supreme Court or the Chief Justices of the High Courts.</p> <p>(3) The Chairperson and every other Member shall, before entering upon his office, make and subscribe before the President, or a person appointed in that behalf by the President, an oath or affirmation in the form set out in the Schedule.</p>	<p>Establishment of Lokpal.</p>
	<p>4. (1) The Chairperson and Members shall be appointed by the President by warrant under his hand and seal:</p> <p>(2) Every appointment under sub-section (1) shall be made after obtaining the recommendations of a Committee consisting of—</p> <p style="padding-left: 40px;">(a) the Vice-President of India                      Chairman;</p> <p style="padding-left: 40px;">(b) the Prime Minister                                      --member;</p> <p style="padding-left: 40px;">(c) the Speaker of the House of the People                      --member;</p>	<p>Appointment of Chairperson and Members.</p>

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- (d) the Minister in-charge of the Ministry of Home Affairs in the Government of India --member;
- (e) the Minister in-charge of the Ministry of Law and Justice in the Government of India --member;
- (f) the Leader of the House other than the House in which the Prime Minister is a member of Parliament --member;
- (g) the Leader of the Opposition in the House of the People -- member;
- (h) the Leader of the Opposition In the Council of States -- member:

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 (g) or clause (h), as the case may be:

Provided further that no sitting Judge of the Supreme Court or sitting Chief Justice of a High Court shall be appointed except after consultation with the Chief Justice of India.

(3) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Committee.

5. 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

Chairperson and Members to be ineligible to hold other office.

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	<p>appointed as the Chairperson or a Member, as the case may be, shall, if –</p> <ul style="list-style-type: none"><li>(a) he is a member of Parliament or of the Legislature of any State or Union territory, resign such membership; or</li><li>(b) he holds any office of trust or profit, resign from such office; or</li><li>(c) he is connected with any political party, sever his connection with it; or</li><li>(d) he is carrying on any business, sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or</li><li>(e) he is practicing any profession, cease to practise such profession.</li></ul>	
	<p>6. (1) The Chairperson and every other Member shall hold office as such for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:</p> <p>Provided that he may –</p> <ul style="list-style-type: none"><li>(a) by writing under his hand addressed to the President, resign his office; or</li><li>(b) be removed from his office in the manner provided in section 7.</li></ul> <p>(2) On ceasing to hold office, the Chairperson and every other Member shall be ineligible for—</p> <ul style="list-style-type: none"><li>(i) reappointment in the Lokpal;</li><li>(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; and</li><li>(iii) further employment to any other office of</li></ul>	<p>Term of office and other conditions of service of Chairperson and Members.</p>

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	<p>profit under the Government of India or the Government of a State.</p> <p>(3) The salary, allowances and other conditions of service of--</p> <p>(i) the Chairperson shall be the same as those of the Chief Justice of India;</p> <p>(ii) other Members shall be the same as those of a Judge of the Supreme Court:</p> <p>Provided that if the Chairperson or a Member is, at the time of his appointment, in receipt of a pension (other than a disability or wound 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—</p> <p>(a) by the amount of that pension; and</p> <p>(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:</p> <p>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.</p>	
	<p>7. The Chairperson or a Member shall not be removed from his office except by an order made by the President on the ground of proved misbehavior or incapacity after an inquiry made by a Committee consisting of the Chief Justice of India and two other Judges of the Supreme Court next to the Chief Justice in seniority, in which the Chairperson or the Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.</p>	<p>Removal of Chairperson or Members.</p>
	<p>8. (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death,</p>	<p>Member to act as Chairperson or to discharge his</p>

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	<p>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>	functions in certain circumstances.
	<p>9. (1) The Lokpal shall, for the purpose of assisting it in the discharge of its functions (including verification and inquiries in respect of memorandum of complaints) under this Act, appoint a Secretary and such other officers and employees as the President may determine, from time to time, in consultation with the Lokpal.</p> <p>(2) Without prejudice to the provisions of sub-section (1), the Lokpal may, for the purpose of dealing with any memorandum of complaints or any class of memorandum of complaints, secure—</p> <p>(i) the services of any officer or employee or investigating agency of the Central Government or a State Government with the concurrence of that Government, or</p> <p>(ii) the services of any other person or agency.</p> <p>(3) The terms and conditions of service of the officers and employees referred to in sub-section (1) and of the officers, employees, agencies and persons referred to in sub-section (2) (including such special conditions as may be considered necessary for enabling them to act without fear or favour in the discharge of their functions) shall be such as the President may determine, from time to time, in consultation with the Lokpal.</p> <p>(4) In the discharge of their functions under this Act, the officers and employees referred to in sub-section (1) and the officers, employees, agencies and persons referred to in sub-section (2) shall be subject to the</p>	Staff of Lokpal.

	exclusive administrative control and direction of the Lokpal.	
	<b>CHAPTER III</b>  <b>JURISDICTION AND PROCEDURE IN RESPECT OF INQUIRIES</b>	
	<p>10. (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 made in a memorandum of complaints:</p> <p style="padding-left: 40px;">Provided that the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against the Prime Minister in so far as it relates to national security, maintenance of public order, national defence and foreign relations:</p> <p style="padding-left: 40px;">Provided that 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 unless the recommendation of the Speaker of House of people or the Chairman of Council of States, as the case may be, is received by it.</p> <p>(2) The Lokpal may inquire into any act or conduct of any person other than a public functionary in so far as it considers it necessary so to do for the purpose of its inquiry into any such allegation of corruption:</p> <p style="padding-left: 40px;">Provided that the Lokpal shall give such person a reasonable opportunity of being heard and to produce evidence in his defence.</p> <p>(3) No matter in respect of which a memorandum of complaints may be made under this Act, shall be referred for inquiry under the Commissions of Inquiry Act, 1952.</p>	Jurisdiction of Lokpal.
60 of 1952	<p>11. (1) The Lokpal shall not inquire into any matter concerning any person if the Chairperson or any Member has any bias in respect of such matter or person and if any dispute arises in this behalf, the President shall, on an application made by the party aggrieved, obtain, in such manner as may be prescribed, the opinion of the Chief</p>	Matters not subject to jurisdiction of Lokpal.



	<p>Justice of India and decide the dispute in conformity with such opinion.</p> <p>(2) The Lokpal shall not inquire into any memorandum of complaints if the memorandum of complaints is made after the expiry of five years from the date on which the offence mentioned in such memorandum of complaints is alleged to have been committed.</p>	
<p>1 of 1956.</p>	<p><u>12. (1) Any person other than a public servant may make a memorandum of complaints under this Act to the Lokpal.</u></p> <p>Provided that memorandum of complaints in case of Prime Minister shall be made to the Speaker of the House of People and the Lokpal shall consider only such memorandum of complaints as are referred to it by the Speaker of the House of People:</p> <p>Provided further that memorandum of complaints in case of Minister, Minister of State, or Deputy Minister of the union and Member of either House of Parliament shall be made to the Speaker of House of People or the Chairman of Council of States, as the case may be, and Lokpal shall consider only such memorandum of complaints as are referred to it by the Speaker of the House of People or the Chairman of Council of States as the case may be:</p> <p>Explanation.- For the purposes of this sub-section, "public servant" means -</p> <p>(a) any person who is a member of a defence service or of a civil service of the Union or a State or of an all India service or holds any post connected with defence or any civil post under the Union or a State;</p> <p>(b) any person in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company, as defined in section 617 of the Companies Act, 1956;</p> <p>(c) any person in the service of any other</p>	<p>Memorandum of complaints.</p>

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	<p>institution, concern or undertaking which is established by or under a Central, Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly by the Central Government or a State Government.</p> <p>(2) The memorandum of complaints shall be in the prescribed form and shall set forth particulars of the offence alleged and shall be accompanied by such fees as may be prescribed, if any, an affidavit in support of such particulars and a certificate of deposit furnished under sub-section (3) or, if the complainant is unable to make the deposit, an application for exemption from the requirement as to such deposit.</p> <p>(3) The complainant shall deposit such sum of money in such manner and with such authority or agency as may be prescribed and the certificate for such deposit shall be furnished in the prescribed form.</p> <p>(4) Notwithstanding anything contained in the foregoing sub-sections, any letter written to the Lokpal by a person in any jail or other place of custody or in any asylum or other place for insane persons may, if the Lokpal is satisfied that it is necessary so to do, be treated as a memorandum of complaints made in accordance with the provisions of this section.</p> <p>(5) Notwithstanding anything contained in any other enactment, it shall be the duty of a police officer or other person in-charge of any jail or other place of custody or of any asylum or other place for insane persons to forward, without opening, any letter addressed to the Lokpal by a person imprisoned or detained in such jail, place of custody, asylum or other place, to the Lokpal without delay.</p>	
	<p>13. (1) If the Lokpal is satisfied, after considering a memorandum of complaints and after making such verification as it deems appropriate that –</p> <p>(a) the memorandum of complaints is not made within a period of five years as specified in sub-section (2) of section 11; or</p>	<p>Preliminary scrutiny of memorandum of complaints by Lokpal.</p>

	<p>(b) the memorandum of complaints is manifestly false and vexatious;</p> <p>the Lokpal shall dismiss the memorandum of complaints after recording its reasons therefor and communicate the same to the complainant and to the competent authority.</p> <p>(2) The procedure for verification in respect of a memorandum of complaints under sub-section (1) shall be such as the Lokpal deems appropriate in the circumstances of the case and in particular, the Lokpal may, if it deems it necessary so to do, call for the comments of the public functionary concerned.</p>	
	<p>14. (1) If, after the consideration and verification under section 13 in respect of a memorandum of complaints, the Lokpal proposes to conduct any inquiry, it-</p> <p>(a) shall forthwith forward a copy of the memorandum of complaints to the competent authority;</p> <p>(b) may make such orders as to the safe custody of documents relevant to the inquiry as it deems fit; and</p> <p>(c) shall, at such time as it considers appropriate, forward a copy of the memorandum of complaints to the public functionary concerned and afford him an opportunity to represent his case.</p> <p>(2) Every inquiry shall be conducted by the Chairperson and the Members sitting jointly and the place in which such inquiry is conducted shall be deemed to be an open court to which the public generally may have access so far as the same can conveniently contain them:</p> <p>Provided that in exceptional circumstances and for reasons to be recorded in writing, such inquiry may be conducted in camera.</p> <p>(3) The Lokpal shall hold every such inquiry as expeditiously as possible and in any case complete the inquiry within a period of six months from the date of</p>	<p>Procedure in respect of inquiries.</p>

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	<p>receipt of the memorandum of complaints:</p> <p>Provided that the Lokpal may, for reasons to be recorded in writing, complete the inquiry within a further period of six months.</p> <p>(4) Save as aforesaid, the procedure for conducting any such inquiry shall be such as the Lokpal considers appropriate in the circumstances of the case.</p>	
5 of 1908	<p>15. (1) Subject to the provisions of this section, for the purpose of any inquiry (including the verification under section 13), the Lokpal –</p> <p>(a) 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, to furnish any such information or produce any such document; and</p> <p>(b) shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:-</p> <p>(i) summoning and enforcing the attendance of any person and examining him on oath;</p> <p>(ii) requiring the discovery and production of any document;</p> <p>(iii) receiving evidence on affidavits;</p> <p>(iv) requisitioning any public record or copy thereof from any court or office;</p> <p>(v) issuing commissions for the examination of witnesses or documents: Provided that such commission, in case of a witness, shall be issued only where the witness, in the opinion of the Lokpal, is not in a position to attend the proceeding before the Lokpal; and</p> <p>(vi) such other matters as may be prescribed.</p>	Evidence.

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45 of 1860	<p>(2) Any proceeding before the Lokpal shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.</p> <p>(3) 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 13 under this Act.</p> <p>(4) The Government or any public servant shall not be entitled, in relation to any such inquiry or verification under section 13 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.</p> <p><i>Explanation:</i>— For the purposes of this section, “public servant” shall have the same meaning as is in section 21 of the Indian Penal Code.</p>	
45 of 1860	<p>16. (1) If the Lokpal has reason to believe that any document which, in its opinion, shall be useful for, or relevant to, any inquiry under this Act, are secreted in any place, it may authorise any officer subordinate to it, or any officer of an investigating agency referred to in sub-section (2) of section 9, to search for and to seize such documents.</p> <p>(2) If the Lokpal is satisfied that any document seized under sub-section (1) would be evidence for the purpose of any inquiry under this Act and that it would be necessary to retain the document in its custody, it may so retain the said document till the completion of such inquiry:</p> <p>Provided that where any document is required to be returned, the Lokpal shall return the same after retaining copies of such document duly authenticated thereof.</p> <p>(3) The provisions of the Code of Criminal Procedure, 1973 relating to searches shall, so far as may be, apply to searches under this section subject to the modification</p>	Search and seizure.
2 of 1974.		

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	<p>that sub-section (5) of section 165 of the said Code shall have effect as if for the word "Magistrate", wherever it occurs therein, the words "Lokpal or any officer authorised by it" were substituted.</p>	
	<p>17. (1) After the conclusion of inquiry, the Lokpal shall determine whether all or any of the offences alleged in the memorandum of complaints have or has been proved to its satisfaction and by report in writing shall communicate its findings to the complainant, the public functionary and the competent authority.</p> <p>(2) The Speaker, in the case of the Prime 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>(4) The Lokpal shall present annually to the President a consolidated report on the administration of this Act and the President shall, as soon as may be after and in any case not later than ninety days from the receipt of such report, cause the same, together with an explanatory memorandum, to be laid before each House of Parliament.</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 be, either House of Parliament, is not in session, shall be excluded.</p>	<p>Reports.</p>
	<p style="text-align: center;">CHAPTER IV</p> <p style="text-align: center;">MISCELLANEOUS</p>	
	<p>18. The salaries, allowances and pensions payable</p>	<p>Expenditure on Chairperson and</p>

	to, or in respect of, the Chairperson and Members of the Lokpal, shall be expenditure charged on the Consolidated Fund of India.	members to be charged on the Consolidated Fund of India.
2 of 1974.	<p>19. (1) Whoever intentionally offers any insult, or causes any interruption, to the Lokpal while the Lokpal or any of its Members is making any verification or conducting any inquiry under this Act, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.</p> <p>(2) The provisions of sub-section (2) of section 199 of the Code of Criminal Procedure, 1973, shall apply in relation to an offence referred to in sub-section (1) as they apply in relation to an offence referred to in sub-section (2) of the said section, subject to the modification that no memorandum of complaints in respect of such offence shall be made by the Public Prosecutor except with the previous sanction of the Lokpal.</p>	Intentional insult or interruption to Lokpal.
2 of 1974.	<p>20. (1) When any such offence as is described in sub-section (1) of section 19 is committed in the view or presence of the Lokpal, the Lokpal may cause the offender to be detained in custody and may at any time on the same day, take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, try such offender summarily, so far as may be, in accordance with the procedure specified for summary trials under the code of Criminal Procedure, 1973, and sentence him to simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.</p> <p>(2) 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 fining and the sentence.</p> <p>(3) Any person convicted on a trial held under this section may appeal to the Supreme Court.</p> <p>(4) The provisions of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973.</p>	Power of Lokpal to try certain offences.
2 of 1974.	21. (1) The sum deposited by a complainant in	Disposal of deposit

<p>pursuance of the provisions of section 12 shall:-</p> <p>(a) in a case where the memorandum of complaints is dismissed under sub-section (1) of section 13, stand forfeited to the Central Government;</p> <p>(b) if the Lokpal, for reasons to be recorded in writing so directs, be utilized for compensating the public functionary complained against; and</p> <p>(c) in any other case, be refunded to the complainant.</p> <p>(2) If the Lokpal is satisfied that—</p> <p>(a) all or any of the allegations made in a memorandum of complaints have or has been substantiated either wholly or partly; and</p> <p>(b) having regard to the expenses incurred by the complainant in relation to the proceedings in respect of such memorandum of complaints and all other relevant circumstances of the case the complainant deserves to be compensated or rewarded,</p> <p>the Lokpal shall determine the amount which shall be paid to the complainant by way of such compensation or reward and the Lokpal shall determine the person by whom the said compensation or reward shall be paid after giving that person a reasonable opportunity of being heard.</p> <p>(3) Every person who makes any memorandum of complaints, which is held by the Lokpal to be false and filed with mala fide intention to harass the public functionary against whom such memorandum of complaints is filed, shall be punishable as provided in sub-section (4).</p> <p>(4) When any offence under sub-section (3) 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</p>	<p>under section 12, etc., and penalty for mala fide memorandum of complaints</p>
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2 of 1974.	punished for such offence. try such offender summarily, so far as may be, in accordance with the procedure specified for summary trials under the Code of Criminal Procedure, 1973 and if such offender is found guilty of committing the offence, 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 where fine is imposed, out of the amount of the fine, to the public functionary against whom such false memorandum of complaints has been made, such amount of compensation as the Lokpal thinks fit.	
	22. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 and subject to the other provisions of this Act, any case pending before the Lokpal under sub-section (4) of section 21 shall only be transferred to another criminal court in accordance with the procedure contained in section 406 of that Code and for the purposes of that section the Lokpal shall be deemed to be a Court of Session.	Application of Act 2 of 1974.
	<p>23. (1) The President may, by order in writing and subject to such conditions or limitations as may be specified in the order, require the Lokpal to inquire into any allegations (being an allegation in respect of which a memorandum of complaints may be made) specified in the order in respect of a public functionary and subject to the provisions of section 13, the Lokpal shall comply with such order.</p> <p>(2) When the Lokpal is to make any inquiry under sub-section (1), the Lokpal shall exercise the same powers and discharge the same functions as it would in the case of any inquiry made on a memorandum of complaints under this Act and the provisions of this Act (except section 21) shall apply accordingly.</p>	Conferment of additional functions on Lokpal.
	<p>24. If, at any stage of the inquiry, the Lokpal—</p> <p>(a) considers it necessary to inquire into the conduct of any person; or</p> <p>(b) is of opinion that the reputation of any person is likely to be prejudicially affected by the inquiry;</p>	Persons likely to be prejudicially affected to be heard.

	<p>the Lokpal shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:</p> <p>Provided that nothing in this section shall apply where the credit of a witness is being impeached.</p>	
	<p>25. (1) No suit, prosecution or other legal proceedings shall lie against the Lokpal or against any officer, employee, agency or person referred to in section 9, in respect of anything which is in good faith done or intended to be done under this Act.</p> <p>(2) Save as otherwise provided in this Act, no proceedings or decision of the Lokpal shall be called in question in any Court.</p>	<p>Protection of action taken in good faith.</p>
	<p>26. 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 power conferred or duties imposed on it by or under this Act [except the powers under sub-section (1) of section 12, the power to dismiss a memorandum of complaints under sub-section (1) of section 13, and the powers under section 21] may also be exercised or discharged by the officers, employees and agencies referred to in section 9, as may be specified in the order.</p>	<p>Power to delegate.</p>
	<p>27. (1) The President may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –</p> <p>(a) the manner in which the President shall obtain the opinion of the Chief Justice of India under sub-section (1) of section 11;</p> <p>(b) the form of memorandum of complaints under sub-section (2) of section 12 and the fees, if any, to be accompanied therewith;</p>	<p>Power to make rules.</p>

	<p>(c) the manner in which and the authorities or agencies with whom deposit shall be made under sub-section (3) of section 12 and the form in which certificate shall be furnished in respect of such deposits;</p> <p>(d) the matters referred to in sub-clause (vi) of clause (b) of sub-section (1) of section 15; and</p> <p>(e) any other matter which is to be or may be prescribed;</p> <p>(3) Every rule 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 sessions or in two or more successive session, 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 both Houses agree that the rule should not be made, the rule shall thereafter have effected 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.</p>	
	<p>28. For the removal of doubts, it is hereby declared that nothing in this Act shall operate to confer or enable the conferring of any jurisdiction on the Lokpal to make any inquiry—</p> <p>(a) into any allegation of corruption against or any act or conduct of—</p> <p>(i) the President, the Vice-President, the Speaker of the House of the People, the Deputy Speaker of the House of the People, Deputy Chairman of the Council of States;</p> <p>(ii) the Chief Justice or any other Judge of the High court or the Supreme Court;</p> <p>(iii) the Comptroller and Auditor-General of India, the Attorney General of India, Chairman and other members of National</p>	<p>Removal of doubts.</p>

	<p>Commission for Scheduled Castes and Scheduled Tribes, the Chief Election Commissioner, other Election Commissioners, the Chairman and other Members of the Union Public Service Commission or any other authority appointed under the Constitution of India; and</p> <p>(b) upon its own knowledge or information.</p>	
60 of 1952	<p>29. 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 before the commencement of this Act and no memorandum of complaints shall be made under this Act in respect of any matter referred for inquiry to such Commission before such commencement.</p>	Saving
	<p>30. In section 3 of the Commissions of Inquiry Act, 1952, in sub-section (1), for the words "The appropriate Government may", the words, brackets and figures "Subject to the provisions of sub-section (3) of section 10 of the Lokpal Act, 2007, the appropriate Government may" shall be substituted.</p>	Amendment of Act 60 of 1952.

THE SCHEDULE

(See section 3(3))

I, A.B.....having been appointed Chairperson (or a Member) of the Lokpal, do swear in the name of God / 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 and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will.