

MANUAL No. (V)

A statement of the categories of documents that are held by it or under its control.

The Punjab Lokpal Act, 1996 is held by this office .

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS

(Punjab Act 3 of 1997)

(As amended up to 26th March, 2013)



THE PUNJAB LOKPAL ACT, 1996

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THE PUNJAB LOKPAL ACT, 1996
(PUNJAB ACT 3 OF 1997)

[Received the assent of the Governor of Punjab on the 13th January, 1997, and was first published for general information in Punjab Government Gazette (Extraordinary) Legislative Supplement dated the 16th January, 1997.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1997	3	The Punjab Lokpal Act, 1996	2 Amended by Punjab Act 1 of 1998.

*An Act to remove certain deficiencies in the Punjab Lokpal Act, 1995 and to provide for certain safe-guards which were missing in this Act³[***] to secure proper investigation of enquiry against publicmen and thereby ensuring eradication of corruption, adherence to the rule of law by observing rules of natural justice.*

Be it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India, as follows:-

PRELIMINARY

1. (1) This Act may be called the Punjab Lokpal Act, 1996. Short title and Commencement
- (2) It shall come into force immediately.
2. In this Act, unless the context otherwise requires- Definitions
 - (a) "competent authority" in relation to a complaint against a public man means the Governor;
 - (b) "complaint" means a complaint alleging that a public man has, while holding any of the offices referred to in clause (k) committed misconduct;
 - (c) "complaint against a legislator" means a complaint alleging misconduct by a person who, at the time of the alleged commission of such misconduct was a Member of the Legislative Assembly of the State;
 - (d) "corruption" includes anything made punishable under Chapter IX of the Indian Penal Code, 1860 or under the Prevention of Corruption Act, 1988;
 - (e) "Governor" means the Governor of the State of Punjab;
 - (f) "High Court" means the High Court of Punjab and Haryana;
 - [(g) "Lokpal" means a person appointed as such under section 4 of this Act;]
 - (h) "Minister" means a member of the Council of Ministers by whatever name called, for the State of Punjab, that is to say the Chief Minister, Minister, Minister of State, Deputy Minister, Chief Parliamentary Secretary and Parliamentary Secretary;
 - (i) "Misconduct" means misconduct (whether committed before or after the commencement of this Act or within or outside India) of the nature specified in section 3;
 - (j) "Prescribed" means prescribed by rules made under this Act;

- (k) "Public man" means a person who holds or has held the office of-
- (i) a Minister;
 - (ii) a Member of the Legislative Assembly of the State;
 - (iii) The Chairman and a Member of a Board constituted by or under the State or Central Act or otherwise;
 - (iv) The Chairman of any Government company within the meaning of section 617 of the Companies Act, 1956, in which not less than fifty-one per cent of the paid up share capital is held by the State Government or any company which is subsidiary of a company in which not less than fifty-one per cent of the paid up share capital is held by the State Government;
 - (v) The Chairman and a Member of any non statutory Committee nominated by the State Government;
 - (vi) The Chairman and the Vice Chairman of the Zila Parishad constituted under the Punjab Panchayati Raj Act, 1994, including its officials;
 - (vii) Mayor, Senior Deputy Mayor, Deputy Mayor of a Municipal Corporation constituted under the Punjab Municipal Corporation Act, 1976, including its officials; and
 - (viii) The President and the Vice-President of a Municipal Council or Nagar Panchayat constituted under the Punjab Municipal Act, 1911, including its officials; and
- (l) "Public servant" shall have the same meaning as given in section 21 of the Indian Penal Code, 1860; and .
- (m) "Up-Lokpal" means a person appointed as such under section 4 of this Act.
3. (1) A Public man commits misconduct- Misconduct by public man
- (a) if he is actuated in the discharge of his functions as such public man by motives of personal interest or other improper or corrupt motives; or
 - (b) if he abuses, or attempts to abuse his position as such public man to cause harm or undue hardship to any other persons; or
 - (c) if he directly allows his position as such public man to be taken advantage of by any of his family member and by reason thereof such family member secures any undue gain or favour to himself or to another person or causes harm or undue hardship to another persons; or
 - (d) if any act or omission by him constitutes corruption; or
 - (e) if he is in possession of pecuniary resources or property disproportionate to his known sources of income and such pecuniary resources or property is held by public man personally or by any member of his family or by some other person on his behalf.
- (2) A Legislator commits misconduct if he abuses or attempts to abuse or knowingly allows to be abused his position as such legislator for securing for himself directly or indirectly any valuable thing or pecuniary advantage.

(3) A public man who abets or conceals or attempts to conceal from detection the commission of misconduct of the nature specified in sub-section (1) or, as the case may be, sub-section (2), by another public man, also commits misconduct.

Explanation.— For the purpose of this section—

- (a) “Associate” in relation to a public man includes any person in whom such public man is interested;
- (b) “Legislator” means a person who is a member of the Legislative Assembly of the State;
- (c) “Members of family” in relation to a public man includes—
 - (i) the wife or the husband, as the case may be, of the public man, whether residing with the public man or not but does not include a wife or husband, as the case may be, separated from the public man by a decree or order of a competent court;
 - (ii) son or daughter or step-son or step-daughter of the public man and wholly dependent on him but does not include a child or step child who is no longer in any way dependent on the public man or of whose custody the public man has been deprived by or under any law;
 - (iii) any other person related, whether by blood or marriage to the public man or to the public man’s wife or husband and wholly dependent on the public man.

MACHINERY FOR ENQUIRIES

4. (1) For the purpose of conducting inquiries in accordance with the provisions of this Act, the Governor shall, by warrant under his hand and seal, appoint a person to be known as the Lokpal and another person to be known as the Up-Lokpal:

Appointment
of Lokpal and
Up-Lokpal.

Provided that the Lokpal shall be appointed on the advice of the Chief Minister who shall consult the Speaker of the Punjab Legislative Assembly, and the Chief Justice of India in case of appointment of a person who is or has been a Judge of the Supreme Court or Chief Justice of a High Court, and Chief Justice of Punjab and Haryana High Court in case of appointment of a person who is or has been a Judge of a High Court:

Provided further that the Up-Lokpal shall be appointed on the advice of the Chief Minister in consultation with the Lokpal.

(2) The persons appointed as the Lokpal and the Up-Lokpal shall, before entering upon their offices, take and subscribe, before the Governor, or some person appointed in that behalf by him, an oath of affirmation in the form set out for the purpose in the Schedule appended to this Act.

(3) A person shall not be qualified for appointment,—

- (i) as Lokpal, unless he is or has been a Judge of the Supreme Court or Chief Justice or a Judge of High Court in India; and
- (ii) as Up-Lokpal, unless he is or has been a District and Sessions Judge or a Secretary to the Government of Punjab.

(4) The general superintendence, direction and management of affairs of the institution of Lokpal shall vest in the Lokpal, who shall be assisted by the Up-Lokpal and may exercise all such powers and do all such acts and things which may be exercised or done by the Lokpal and autonomously without being subjected to the direction by any other authority under this Act.

5. The Lokpal and the Up-Lokpal shall not,-

Lokpal and Up-Lokpal to be eligible to hold other office.

- (i) be a Member of Parliament or a Member of the Legislature of any State;
- (ii) hold any office of Trust or profit, other than his office as Lokpal or Up-Lokpal;
- (iii) be connected with any political party;
- (iv) carry on any business; or
- (v) practice any profession,

and accordingly a person appointed as the Lokpal or the Up-Lokpal, as the case may be, before entering upon his office shall,-

- (a) if he is a Member of Parliament or of the State Legislature of any State, resign from such membership; or
- (b) if he holds any office of Trust or profit, resign from such office; or
- (c) if he is connected with any political party, sever his connection with it; or
- (d) if he is carrying on any business, sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or
- (e) if he is practicing any profession, cease to practice such profession.

6. (1) The persons appointed as Lokpal or Up-Lokpal shall hold office for a term of six years from the date on which, he enters upon his office.

Term of office and other conditions of Service of the Lokpal or Up-lokpal

Provided that-

- (a) The Lokpal or Up-Lokpal may by writing under his hand addressed to the Governor, resign his office;
- (b) The Lokpal or Up-Lokpal may be removed from his office in the manner provided in section 7 of this Act.

(2) On ceasing to hold office the Lokpal or Up-Lokpal shall be ineligible for further employment (whether as Lokpal or Up-Lokpal or in any other capacity) under the State Government or in any employment under or office in any local authority, corporation, Government company as is referred to in sub-clause (iv) of clause 1(k) of section 2 of this Act.

(3) The Lokpal and the Up-Lokpal shall be paid, in respect of time spent on actual service, salary and allowances respectively as under:-

- (i) drawn by the sitting Chief Justice of the High Court of Punjab and Haryana; and
- (ii) drawn by the sitting District and Sessions Judge or a Secretary to the Government of Punjab:

Provided that if the Lokpal or the Up-Lokpal is at the time of his appointment in receipt of a pension (other than 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 Lokpal or Up-Lokpal shall be reduced-

- (a) by the amount of that pension;
 - (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; and
 - (c) If he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.
- (4) The Lokpal or the Up-Lokpal shall be entitled without payment of rent the use of an official residence.
- (5) The allowances and pension payable to and other conditions of service of the Lokpal or the Up-Lokpal shall be such, as may be determined by the Governor having regard to the allowances and pension payable to and other conditions of service-
- (i) of the Chief Justice of the High Court of Punjab and Haryana in the case of Lokpal; and
 - (ii) of the District and Sessions Judge or a Secretary of the Government of Punjab in the case of Up-Lokpal:

Provided that the allowances and pension payable to and other conditions of service shall not be varied to disadvantage after appointments.

7. (1) Subject to the provisions of Article 311 of the Constitution of India, the Lokpal or the Up-Lokpal may be removed from his office by the Governor on the ground of mis-behaviour or incapacity and on no other ground:

Provided that the inquiry required to be held under clause (2) of the said Article before such removal shall only be held by a person appointed by the Governor being a person who is or has been a Judge of the Supreme Court or a Chief Justice or Judge of the High Court.

(2) Notwithstanding anything contained in sub-section (1), the Governor shall not remove the Lokpal or the Up-Lokpal unless an address by the State Legislature supported by a majority of the total membership of the House and a majority of not less than two third of the members of the House present and voting, has been presented to the Governor in the same sessions for such removal.

8. (1) The Government shall, in consultation with the Lokpal, appoint Secretaries with the Lokpal as well as with the Up-Lokpal and such other officers and employees, as may be prescribed to assist them in the discharge of their functions (including verification and enquiries in respect of complaints) under this Act; and

(2) Without prejudice to the provisions of sub-section (1), the Lokpal or the Up-Lokpal, as the case may be, may for the purpose of dealing with any complaints, or any classes of complaints, secure the services of any officer or employees or investigating agency of the Central Government or State Government with the concurrence of that Government.

(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 in the discharge of their functions) shall be as may be prescribed by the Government in consultation with the Lokpal.

JURISDICTION AND PROCEDURE IN RESPECT OF INQUIRIES

Jurisdiction of Lokpal or the Up-Lokpal

9. (1) Subject to the other provisions of this Act, the Lokpal or the Up-Lokpal may inquire into any matter involved in, or arising from, or connected with any allegation of misconduct against public man made in a complaint under this Act.

(2) The onus to prove the allegation shall be on the complainant but the Lokpal or the Up-Lokpal may collect evidence and may call upon the person against whom a complaint is made to produce evidence.

[(3)*****]

10. (1) The Lokpal or the Up-Lokpal shall enquire into an allegation of misconduct against a public man within five years from the date of occurrence of that misconduct.

(2) Notwithstanding anything contained in sub-section (3), the complaints filed under the provisions of the Punjab Lokpal Act, 1995 (Punjab Act 9 of 1995) shall also be enquired into by the Lokpal or the Up-Lokpal.

(3) The Lokpal or the Up-Lokpal shall not enquire into any matter which has been referred for enquiry under the Commission of Inquiry Act, 1952 on his recommendations or with his prior concurrence.

(4) The Lokpal or the Up-Lokpal shall not enquire into any complaint suo-moto.

11. (1) Any person other than a public servant may make a complaint under this Act to the Lokpal.

Complaints

[(2)*****]

(3) The complaint shall be in the prescribed form and shall set forth particulars of the misconduct alleged and shall be accompanied by an affidavit in support of the allegation of misconduct and the particulars thereof and a certificate in the prescribed form in respect of the deposit referred to in sub-section (4).

(4) The complainant shall deposit in such manner and with such authority or agency as may be prescribed a sum of [one thousand rupees] as fee.

12. (1) If the Lokpal or the Up-Lokpal is satisfied after considering a complaint and after making such verification, as he deems appropriate--

Preliminary scrutiny of complaints by Lokpal or the Up-Lokpal

- (a) that he cannot make any inquiry in respect of the complaint by reason of the provisions of [sub-section (3) of section 10]; or
- (b) that the complaint is not made within the period as specified in sub-section (1) of section 10 and that there is no sufficient cause for entertaining the complaint; or

- (c) that the complaint is frivolous or vexatious or is not made in good faith; or
- (d) that there are no sufficient grounds for inquiring into the complaint;

the Lokpal or the Up-Lokpal shall dismiss the complaint after recording his reasons thereof and communicate the same to the complainant and to the competent authority concerned.

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

(3) Any order affecting the rights of the person complained against, shall be a speaking order.

13.(1) If, after the consideration and verification under section 12 in respect of a complaint the

Procedure in
respect of
inquiries

Lokpal or the Up-Lokpal proposes to conduct an 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 enquiry as he deems fit;
- (c) shall at such time as he considers appropriate, forward a copy of the complaint to the public man 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 or the Up-Lokpal may consider appropriate in the circumstances of the case keeping in view the rules of natural justice as enunciated by the Supreme Court of India and the High Court. The person against whom a complaint has been made shall not be compelled to be witness against himself.

14. (1) Subject to the provisions of this section, for the purpose of any enquiry including the verification under section 12, the Lokpal or the Up-Lokpal--

Evidence

- (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, only 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; and
 - (vi) such other matters as may be prescribed.

(2) A proceeding before the Lokpal or the Up-Lokpal shall be deemed to be a judicial proceeding under the meaning of section 193 of the Indian Penal Code, 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 the Government or any public servant whether imposed by any enactment or by any provision of law whatever, shall apply to disclosure of information for the purposes of any inquiry (including the verification under section 12) under this Act; and
 - (b) the Government or any public servant shall not be entitled, in relation to any 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 whatsoever in legal proceedings.
- (4) No person shall be required or authorised by virtue of this Act to furnish any information or answer any such question or produce so much of any document ---
- (a) as might prejudice the security of the State or the defence or international relations of India (including India's relations with the Government of any other country or with any international organisation), or the investigation or detection of crime; or
 - (b) as might involve the disclosure of proceeding of the Council of Ministers or of any Committee thereof, and for the purpose of this sub-section, a certificate issued by a Secretary to the Government certifying that any information, answer or portion of a document, is of the nature specified in clause (a) or clause (b) shall be binding and conclusive.

Provided that the Lokpal or the Up-Lokpal may require any information or answer or portion of document in respect of which a certificate is issued under this sub-section to the effect that it is of the nature as specified in clause (b) to be disclosed to him in private for scrutiny and if on such scrutiny the Lokpal or the Up-Lokpal is satisfied that such certificate ought not to have been issued, he shall declare the certificate to be of no effect.

15. (1) If the Lokpal or the Up-Lokpal has reason to believe that any document which, in his opinion, will be useful for or relevant to, any inquiry under the Act is secreted in any place he may, with the prior approval of the Governor authorise any officer subordinate to him or any officer or any investigating agency referred to in sub-section (2) of section 8, to search for and to seize such documents.

(2) If the Lokpal or the Up-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 that document in his custody, he may so retain the said document till the completion of such inquiry.

Provided that where such document is seized before the commencement of such inquiry, the Lokpal or the Up-Lokpal shall return the document before the expiration of a period of one year from the date on which it is seized unless such inquiry has been commenced before such expiration.

Explanation.--For the purposes of this sub-section an inquiry in respect of a complaint--

- (a) shall be deemed to have commenced on the date on which the Lokpal or the Up-Lokpal forwards a copy of the complaint to the competent authority under clause (a) of sub-section (1) of section 13.

- (b) shall be deemed to have been completed on the date on which the Lokpal or the Up-Lokpal closes the case under section 16.
- (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 that sub-section (6) of section 165 of the said Code, shall have effect as if for the word "magistrate" wherever it occurs, the words "Lokpal or the Up-Lokpal or any officer authorised by him" were substituted.

16(1) If, after inquiry in respect of a complaint, the Lokpal or the Up-Lokpal is satisfied,-

Reports

- (a) That no allegation made in the complaint has been substantiated either wholly or partly, he shall close the case and intimate the complainant, the public man and the competent authority accordingly; or
- (b) That all or any of the allegations made in the complaint have or has been substantiated either wholly or partly he shall by report in writing communicate his findings and recommendations to the competent authority and intimate the complainant and the public man concerned about his having made the report.

(2) The competent authority shall examine the report forwarded to it under clause (b) of sub-section (1) and communicate to the Lokpal or the Up-Lokpal, within three months, of the date of receipt of the report, the action taken or proposed to be taken on the basis of the report.

(3) If, the Lokpal or the Up-Lokpal is satisfied with the action taken or proposed to be taken on the basis of his report under clause (b) of sub-section (1), he shall close the case and intimate the complainant, the public man and the competent authority accordingly, but where he is not so satisfied and if, he considers that the case so deserves, he may make a special report for reviewing decision of the Governor.

(4) The Lokpal or the Up-Lokpal shall present annually to the Governor a consolidated report on the administration of this Act.

(5) As soon as may be, after and in any case not later than ninety days from the receipt of a special report under sub-section (3), or the annual report under sub-section (4), the Governor shall cause the same together with an extraordinary memorandum to be laid before, the State Legislature.

Explanation.- In computing the period of ninety days referred to in this sub-section, any period during which the State Legislature is not in session, shall be excluded.

MISCELLANEOUS

17. The salaries, allowances and pensions payable to, or in respect of, Lokpal and Up-Lokpal and other functionaries, shall be the expenditure charged on the Consolidated Fund of the State.

Expenditure on Lokpal or Uplokpal to be charged on the Consolidation Fund of the State

Secretary of Information

- 18.(1) Any information obtained by the Lokpal or Up-Lokpal or by any officer, employee, agency or person referred to in section 8, in the course of or for the purposes of any verification or inquiry under the Act, and any evidence recorded or collected in connection therewith shall be treated as

confidential and, notwithstanding anything contained in the Indian Evidence Act, 1872, no Court shall be entitled to compel the Lokpal or Up-Lokpal or any such officer, employee, agency or person to give evidence relating to such officer, employee, agency or person to give evidence relating to such information or to produce the evidence so recorded or collected.

(2) Nothing in sub-section (1), shall apply to the disclosure of the information or evidence referred to therein-

- (a) for the purpose of this Act or for the purposes of any action or proceedings to be taken on any report under section 16; or
- (b) for the purposes of any proceedings, for any offence of giving or fabricating false evidence under the Indian Penal Code, 1860; or
- (c) for such other purposes, as may be prescribed.

19. (1) No complaint against a [public man] or any proceedings (whether by way of verification, inquiry or otherwise) in respect of complaint or proceedings (including any evidence furnished, collected or recorded in relation to such complaint or in the course of or for the purpose of such proceedings) shall be disclosed or published by any person-

Penalty for disclosure of publication of information in respect of complaints against Legislator

- (a) where [*****] the Lokpal or the Up-Lokpal conducts an inquiry into such complaint under section 13 at any time before he closes the case under clause (a) of sub-section (1) of section 16, or as the case may be, before he makes a report in respect of the case under clause (b) of that sub-section;
- (b) In any other case, before the competent authority concerned disclose or announces in the prescribed manner the findings in respect of the allegations made in such complaint:

Provided that nothing in this sub-section shall apply-

- (i) To any disclosure for the purpose of this Act; or
- (ii) To any disclosure or publication with respect to proceedings for any offence under this Act or any other law; or
- (iii) To any disclosure or publication for such other purposes as may be approved by the competent authority.

(2) Whoever contravenes the provisions of sub-section (1), shall be punished with imprisonment for a term which may extend to [six months] or with a fine of rupees two thousand or with both.

(3) The provisions of this section shall have effect notwithstanding anything contained in any other section of this Act or in any other enactment.

20. (1) Whoever intentionally offers any insult, or causes any interruption, to the Lokpal or the Up-Lokpal while the Lokpal or the Up-Lokpal is making any verification or conducting any inquiry under this Act, shall be punished with simple imprisonment, for a term which may extend to one month or with fine of rupees two thousand or with both.

International insult or interruption to or bringing into disrepute Lokpal or the Uplokpal

(2) Whoever by words spoken or intended to be read makes or publishes any statement, or does any other act, which is calculated to bring the Lokpal or the Up-Lokpal into disrepute shall be punished with simple imprisonment for a term which may extend to one month or with fine of rupees two thousand or with both.

(3) The provisions of sub-section (2) of section 199 of the Code of Criminal Procedure, 1973, shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred to in sub-section (2) of the said section 199, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction of the Lokpal or the Up-Lokpal.

21.(1) If at any stage of proceeding before the Lokpal or the Up-Lokpal it appears to the Lokpal or the Up-Lokpal that any person appearing in such proceedings and knowingly or wilfully has given false evidence or had fabricated false evidence with the intention that such evidence shall be used in such proceedings, the Lokpal or the Up-Lokpal may, if satisfied that it is necessary and expedient in the interest of justice that the person should be tried summarily for giving or fabricating, as the case may be, false evidence, take cognizance of the offence and may after giving the offender a reasonable opportunity of showing cause and adducing evidence as to why he should not be 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 sentence him to imprisonment for a term which may extend to one month, or to fine which may extend to five hundred rupees, or with both.

(2) When any such offence as is described in section 175, 178, 179 or section 180 of the Indian Penal Code is committed in the view or presence of the Lokpal or the Up-Lokpal, the Lokpal or the Up-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 and adducing evidence as to why he should not be punished under this section sentence the offender to simple imprisonment for a term which may extend to fortnight or an fine which may extend to five hundred rupees, or with both.

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

(4) Any person convicted on a trial held under this section may appeal to the High Court and the provisions of Chapter XXIX of the Code of Criminal Procedure, 1973, shall, so far as may apply to appeals under this section and the High Court may after or reverse the finding, or reduce or reverse the sentence appealed against. The Lokpal or the Up-Lokpal shall after pronouncing the punishment suspend its commencement for a period of one month to enable the aggrieved party to approach the High Court in an appeal and a copy of the order shall be furnished free of cost to a person who has been convicted under section 20 and 21 of the Act.

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

22.(1) Every person who willfully or maliciously makes any complaint which he knows or has reason to believe to be false under this Act shall be punished with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to five thousand rupees.

(2) No court except a court of Session, shall take cognizance of an offence under sub-section (1).

(3) No such court shall take cognizance of such offence except on a complaint in writing made by the Public Prosecutor at the direction of the Lokpal or the Up-Lokpal and the court of Session may take cognizance of the offence on such complaint without the case being committed to it.

(4) The Court of Session, on conviction of the person making false complaint may award, out of the amount of fine to the public man against whom such false complaint has been made, such amount of compensation as it thinks fit.

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

23. (1) The Governor may in consultation with the Chief Minister and by an 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 of misconduct specified in the order in respect of a public man and notwithstanding anything contained in this Act, the Lokpal shall comply with such order.

(2) When the Lokpal is to make any inquiry under sub-section (1), or the same is assigned to the Up-Lokpal by him, the Lokpal or the Up-Lokpal, as the case may, shall exercise the same powers and discharge the same functions as he would in the case of any inquiry made in a complaint under this Act and the provisions of this Act shall apply accordingly.

24. If, the Lokpal is satisfied :—

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| Compensation or reward or both payable in certain cases to complainant | <p>(a) that all or any of the allegations made in a complaint have or has been substantiated either wholly or partly; and</p> <p>(b) that having regard to the expenses incurred by the complainant in relation to the proceedings in respect of such complaint and all other relevant circumstances of the case the complainant deserves to be compensated or rewarded, the Lokpal may recommend to the Government, the amount which may be paid to the complainant by way of such compensation or reward and the State Government may pay the amount so recommended to the complainant.</p> |
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25. (1) No suit, prosecution or other legal proceedings shall lie against the Lokpal or the Up-Lokpal, or against any officer, employee, agency or person referred to in section 8, in respect of anything which is done in good faith or intended to be done under this Act.

(2) Save as otherwise provided in section 21, no proceedings or decision of the Lokpal or Up-Lokpal shall be liable to be challenged, reviewed, quashed or called in question, in any court.

26. The Lokpal or the Up-Lokpal may, by general or special order in writing and subject to such conditions and limitations as may be specified therein, direct that any powers conferred or duties imposed on him by or under this Act except the powers to dismiss complaint under sub-section (1) of section 12, the powers to close cases and make reports under section 16 and the power under section 21, may also be exercised or discharged by such of the officers, employees or agencies referred to in sub-section (1) or sub-section (2) of section 8, as may be specified in the order.

Power to make rules 27. (1) The State Government may, by notification, in the Official Gazette and subject to the condition of previous publication make rules for carrying out the purpose of this Act.

(2) Every rule under this Act shall be laid as soon as may be, after it is made before the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Saving 28. The provisions of this Act, shall be in addition to the provisions of any other enactment or any rule or law under which any remedy by way of appeal, revision or any other manner is available to a person making complaint under this Act in respect of any action and nothing in this Act shall limit or affect the right of such person to avail of such remedy.

Repeal and Savings 29.(1) The Punjab Lokpal Ordinance, 1996 (Punjab Ordinance 4 of 1996), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See Section 4(2)]

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

*strike out which is not applicable.