

Bill No. 135 of 2011

**THE CONSTITUTION (ONE HUNDRED AND SIXTEENTH
AMENDMENT) BILL, 2011**

A

BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (One Hundred and sixteenth Amendment) Act, 2011.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After Part XIVA of the Constitution, the following Part shall be inserted, namely:—

Insertion of new Part XIVB.

"PART XIV B

LOKPAL AND LOKAYUKTA

10 **"323C.** (1) There shall be a Lokpal for the Union.

Lokpal for Union.

(2) The powers of superintendence and direction relating to holding a preliminary inquiry, causing an investigation to be made and prosecution of offences in respect of complaints made to the Lokpal under any law for the prevention of corruption made by Parliament shall vest in the Lokpal.

(3) The Lokpal shall be an autonomous and independent body with a Chairperson and such number of Members as Parliament may by law determine.

(4) Subject to the provisions of any law made by Parliament, the appointment of the Chairperson and Members of the Lokpal shall be made by the President.

(5) The conditions of service and tenure of the Chairperson and Members of the Lokpal shall be such as may be determined by Parliament by law. 5

(6) Every person appointed to be Chairperson or Member of the Lokpal shall, before he enters upon his office, make and subscribe before the President or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Third Schedule. 10

(7) The Chairperson and Members of Lokpal shall not be eligible for further office either under the Government of India or the Government of any State or any other office as Parliament may by law determine.

Lokayukta
for state.

323D. (1) There shall be a Lokayukta for every State.

(2) The powers of superintendence and direction relating to holding a preliminary inquiry, causing an investigation to be made and prosecution of offences in respect of complaints made to the Lokayukta under any law for the prevention of corruption made by Parliament or the State Legislature, as the case may be, shall vest in the Lokayukta. 15

(3) The Lokayukta shall be an autonomous and independent body with a Chairperson and such number of Members as Parliament or, as the case may be, the State Legislature may by law determine. 20

(4) Subject to the provisions of any law made by Parliament or the State Legislature, the appointment of the Chairperson and Members of the Lokayukta shall be made by the Governor.

(5) The conditions of service and tenure of the Chairperson and Members of the Lokayukta shall be such as may be determined by Parliament by law or, as the case may be, the State Legislature. 25

(6) Every person appointed to be Chairperson or Member of the Lokayukta shall, before he enters upon his office, make and subscribe before the Governor or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the third Schedule. 30

(7) The Chairperson and Members of Lokayukta shall not be eligible for further office either under the Government of India or the Government of any State or any other office as Parliament or the State Legislature may by law determine.".

Amendment
of Third
Schedule.

3. In the Third Schedule to the Constitution, after Part VIII, the following Part shall be inserted, namely:— 35

"IX

Form of oath or affirmation to be made by the Chairperson or other Member of Lokpal or Lokayukta:—

I, AB., having been appointed as the Chairperson (or Member) of Lokpal or Lokayukta, do swear in the name of God that I will bear true faith and allegiance to the solemnly affirm 40

Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, 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 and that I will uphold the Constitution and the laws." 45

STATEMENT OF OBJECTS AND REASONS

Government introduced a Bill, namely, 'Lokpal Bill 2011' in the Lok Sabha on 4th August 2011. This Bill was referred to the Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on the 8th August, 2011 for examination and report and this was followed by discussions in both the houses of Parliament on 27th August 2011. A sense of the House was communicated to the Standing Committee on the basis of discussions in the Houses. The Department Related Parliamentary Standing Committee after extensive discussion with all the concerned Stakeholders suggested major amendments as regards the scope and content of the Bill introduced in August 2011. It also recommended that Lokpal at the centre and Lokayukta at the level of the States be conferred constitutional status in its 48th Report of 9th December 2011. Upon consideration of the recommendations of the Standing Committee, it is proposed to establish the institution of Lokpal at the Centre and Lokayuktas at the State level with constitutional status and, for this purpose to carry out necessary amendments to the Constitution by inserting a new Part, namely "PART XIV B titled "LOK PAL & LOKAYUKTA"

2. The Constitution (one hundred and sixteenth Amendment) Bill 2011. seeks to provide, *inter alia*, for:

(a) insertion of Articles 323 C and 323 D in the proposed Part XIVB of the Constitution.

(b) setting up the institution of Lokpal for the Union with powers of superintendence and direction relating to holding a preliminary inquiry causing investigation to be made and prosecution of offences in respect of complaints made to them under any law for the prevention of corruption made by the Parliament as an autonomous and independent body.

(c) Appointment of chairperson and such number of members, their conditions of service and tenure, as Parliament may by law determine.

(d) Similar dispensation for the institution of Lokayuktas at the level of the States.

3. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 21st December, 2011.

V. NARAYANASAMY.

LOK SABHA

A
BILL

further to amend the Constitution of India.

*(Shri V. Narayanasamy, Minister of State in the Ministry of Personnel, Public
Grievances and Pensions)*