

The Punjab Lokpal Act, 1996

PUNJAB

India

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Act 3 of 1997

- Published on 1 January 1997
- Commenced on 1 January 1997
- [This is the version of this document from 1 January 1997.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Lokpal Act, 1996 Punjab Act No. 3 of 1997 An Act to remove certain deficiencies in the Punjab Lokpal Act, 1995 and to provide for certain safe-guards which were missing in this Act and [-] [Words 'for the creation of multi member Lokpal' omitted vide Act No. 1 of 1998.] 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 Forty- seventh Year of the Republic of India as follows :- Preliminary

1. Short title and commencement.

(1) This Act may be called The Punjab Lokpal Act, 1996. (2) It shall come into force immediately.

2. Definitions.

- In this Act, unless the context otherwise requires - (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] [Substituted vide Act No. 1 of 1998.]. (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, a 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 rule 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.(1)"Public servant" shall have to same meaning as in Section 21 of the Indian Penal Code, 1860.

3. Misconduct by public man.

(1)A public man commits misconduct -(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 person; 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 secure any undue gain or favour to himself or to another person or causes harm or undue hardship to another person; or(d)if any act or omission by him constitutes corruption; or(e)if he 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. Appointment of Lokpal. - (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 :Provided that the [Lokpal] [Substituted vide Act No. 1 of 1998.] 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.(2)Every person appointed as the Lokpal shall, before entering upon his office, 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.(3)A person shall not be qualified for appointment 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.]

5. Lokpal to be ineligible to hold other offices.

- The Lokpal shall not be a Member of Parliament or a Member of the Legislature of any State and shall not hold any office of Trust or profit (other than his office as Lokpal) or be connected with any political party, or carry on any business, or practice any profession, and accordingly before he enters upon his office a person appointed as the [Lokpal] [Substituted for the words 'Presiding Lokpal and Up Lokpal' by Act 1 of 1998.] shall -(a)if he is a member of Parliament or of the State Legislature of any State, resign 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 practising any profession cease to practice such profession.

6. Term of office and other conditions of Service of the Lokpal.

(1)The person appointed as Lokpal shall hold office Term of office for a term of four years from the date on which, he enters upon his office :Provided that -(a)The Lokpal may, by writing under his hand addressed to the Governor, resign his office;(b)The 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 shall be ineligible for further employment (whether as 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 k) of section 2 of this Act.(3)The Lokpal shall be paid in respect of time spent on actual service salary at the rate of nine thousand rupees per month fixed or salary and allowances drawn by a sitting Judge of the Supreme Court or High Court :Provided that if the 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 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 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 shall be such as may be determined by the Governor having regard to the allowances and pension payable to and other conditions of service of the Judge of the Supreme Court, Chief Justice or Judge of the High Court and these shall not be varied to his disadvantage after his appointment.] [Substituted vide Act No. 1 of 1998.]

7. Removal of Lokpal.

(1) Subject to the provisions of Article 311 of the Constitution of India the [-] [Words 'Presiding Lokpal and Up' omitted vide Act No. 1 of 1998.] Lokpals may be removed from their respective offices by the Governor on the ground of misbehaviour 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] [Word 'Presiding Lokpal and Up Lokpal' substituted vide Act No. 1 of 1998.] 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 session for such removal.

8. Staff of Lokpal.

(1) The Government in consultation with the [Lokpal shall appoint a Secretary and such other officers and employees as may be prescribed to assist him in the discharge of his functions (including verification and inquiries in respect of complaints) under this Act.] [words 'Presiding' omitted vide Act No. 1 of 1998.](2) Without prejudice to the provisions of sub-section (1) the [Lokpal] [Word 'Presiding' omitted vide Act No. 1 of 1998.] 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.] [Word 'Presiding' omitted vide Act No. 1 of 1998.] Jurisdiction and Procedure in Respect of Inquiries

9. Jurisdiction of Lokpal.

(1) Subject to the other provisions of this Act, the 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 may collect evidence and may call upon the person against whom a complaint is made to produce evidence.[] [Subsection (3) omitted vide Act No 1 of 1998.]

10. [Jurisdiction. [Substituted vide Act No. 1 of 1998.]

(1) The 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 No. 9 of 1995) shall also be enquired into by the Lokpal.(3)The 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 shall not enquire into any complaint suo moto.]

11. Complaints.

(1)Any person other than a public servant may make a complaint under this Act to the Lokpal.(2)[-] [Sub-section (2) omitted vide Act No. 1 of 1998.](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 rupee] [Substituted for the words 'five hundred rupees' by Act 1 of 1998.] as fee.

12. Preliminary scrutiny of complaints by Lokpal.

(1)If the Lokpal is satisfied after considering a complaint and after making such verification, as he deems appropriate -(a)that he cannot make any inquiry in respect of the complaint by reason of the provision of [sub-section 3 of section 10] [Substituted vide Act No. 1 of 1998.]; or(b)that the complaint is not made within the period as specified in [sub-section (1)] [Substituted vide Act No. 1 of 1998.] 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 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 may deem appropriate in the circumstances of the case and in particular the 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. Procedure in respect of enquiries.

(1)If, after the consideration and verification under section 12 in respect of a complaint the 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[-] [Words 'unless the Lokpal, for reasons to be recorded in writing, determines otherwise' omitted vide Act No. 1 of 1998.] be conducted in camera :Provided that an inquiry in respect of a complaint against a Legislator shall be conducted only in Camera.(3)Save as aforesaid, the procedure for conducting any such inquiry shall be such as the 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. Evidence.

(1) Subject to the provisions of this section for the purpose of any enquiry including the verification under section 12, 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, 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 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 questioner 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 proceedings 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 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 is satisfied that such certificate ought not to have been issued, he shall declare the certificate to be of no effect.

15. Search and seizure.

(1) If the 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 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 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 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 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 any officer authorised by him" were substituted.

16. Reports.

(1) If, after inquiry in respect of a complaint, the Lokpal is satisfied, -(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, 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 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 to the Governor. (4) The 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. Expenditure on Lokpal to be charged on the Consolidated Fund of the State.

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

18. Secrecy of Information.

(1) Any information obtained by the 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 this 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 any 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. Penalty for disclosure of publication of information in respect of complaints against Legislator.

(1)No complaint against a [Public man] [Substituted for 'Legislator' vide Act No. 1 of 1998.] or any proceedings (whether by way of verification, inquiry or otherwise) in respect of such 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 -(a)Where[-] [Certain words omitted vide Act No. 1 of 1998.] the 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 discloses 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] [Substituted for the words 'one month' by Act 1 of 1998.] or with a fine of Rs. 2,000/- 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. Intentional insult or interruption to or bringing into disrepute Lokpal.

(1)Whoever intentionally offers any insult, or causes any interruption, to the Lokpal while the 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 Rs. 2,000/- or with both.(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 into disrepute shall be punished with simple imprisonment for a term which may extend to one month or with fine of Rs. 2,000 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.

21. Power of Lokpal to try certain offences summarily.

(1) If at any stage of proceeding before the Lokpal, it appears to the 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 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 offence as is described in section 175, sections 178, 179 or section 180 of the Indian Penal Code 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 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 a fine which may extend to five hundred rupees, or with both. (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 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 alter or reverse the finding, or reduce or reverse the sentence appealed against. The Lokpal shall after pronouncing the punishment suspend its commencement for a period of one month 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 sections 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. Action in case of false complaint.

(1) Every person who wilfully 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 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. Conferment of additional functions on Lokpal.

(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), the Lokpal shall exercise the same powers and discharge the same functions as he would in the case of any inquiry made on a complaint under this Act and the provisions of this Act shall apply accordingly.

24. Compensation or reward or both payable in certain cases to complainant.

- If the Lokpal is satisfied :-(a)that all or any of the allegations made in a complaint have or has been substantiated either wholly or partly; and(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.

25. Protection.

(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 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 shall be liable to be challenged reviewed, quashed or called in question, in any court.

26. Power to delegate.

- 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 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 powers 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.

27. Power to make rules.

(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 purposes 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.

28. Saving.

- 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.

29. Repeal and Savings.

(1)The Punjab Lokpal Ordinance, 1996 (Punjab Ordinance No. 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.