

RAJYA SABHA
NOTICE OF AMENDMENTS
THE LOKPAL AND LOKAYUKTAS BILL, 2011
(As reported by the Select Committee of Rajya Sabha)
[To be moved at a sitting of the Rajya Sabha]

ENACTING FORMULA

BY SHRI V. NARAYANASAMY:

1. That at page 2, line 1, *for* the word "Sixty-third", the word "Sixty-fourth" be substituted.

CLAUSE 1

BY SHRI V. NARAYANASAMY:

2. That at page 2, line 4, *for* the figure "2012" the figure "2013" be substituted.

CLAUSE 14

BY SHRI V. NARAYANASAMY:

3. That at page 8, *for* lines 22 to 27, the following be substituted, namely;-

"(h) any person who is or has been a director, manager, secretary or an officer responsible for the affairs of any society or association of persons or trust (whether registered under any law for the time being in force or not) and such society or association of persons or trust is in receipt of any donation –

(i) from the public, where the annual income of such society or association of persons or trust exceeds such amount as the Central Government may, by notification, specify; or

42 of
2010. (ii) from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify:

21 of
1860. Provided that for the purposes of sub-clause (i), the expression "society or association of persons or trust" shall not include bodies or authorities, whether or not a body corporate or corporation sole, established, constituted or appointed by or under any Central, State or Provincial Act and performing religious or charitable functions or creating endowments for advancing religious or charitable purposes, through societies registered under the Societies Registration Act, 1860 or any other law for the time being in force.

Explanation. – The expression "society or association of persons or trust" performing or advancing religious or charitable purposes shall include maths, temples, gurudwaras, wakfs, churches, synagogues, agiaries or other places of public religious worship."

CLAUSE 20

BY SHRI V. NARAYANASAMY:

4. That at page 9, line 44, after the word "Establishment", the words, figures and alphabet "notwithstanding anything contained in section 6A of the Delhi Special Police Establishment Act, 1946" be inserted. 25 of 1946.
5. That at page 10, line 2, after the word "Establishment", the words, figures and alphabet "notwithstanding anything contained in section 6A of the Delhi Special Police Establishment Act, 1946" be inserted. 25 of 1946.
6. That at page 10, after line 13, the following proviso be inserted, namely;-
"Provided also that before ordering an investigation under clause (b), the Lokpal shall call for the explanation of the public servant so as to determine whether there exists a *prima facie* case for investigation."
7. That at page 10, line 16, the word "may" be deleted.
8. That at pages 10, line 23, for the words "to decide" the words "and after giving an opportunity of being heard to the public servant, decide" be substituted.
9. That at page 10, for lines 48 and 49, the following be substituted, namely;-
"(a) (i) grant sanction for prosecution of the public servant and authorise its Prosecution Wing or the investigating agency to file charge-sheet before the Special Court against the public servant; or
(ii) direct the closure of report before the Special Court against the public servant;"

CLAUSE 23

BY SHRI V. NARAYANASAMY:

10. That at page 11, line 33, the words, figures and alphabet "or section 6A of the Delhi Special Police Establishment Act, 1946" be deleted.

CLAUSE 25

BY SHRI V. NARAYANASAMY:

11. That at page 12, lines 21 and 22, be deleted.

THE SCHEDULE

BY SHRI V. NARAYANASAMY:

12. That at page 25, lines 37 and 38, the words "and submit the investigation report containing its findings to the Commission" be deleted.
13. That at page 25, for lines 43 and 44, the following be substituted, namely;-
"in respect of cases referred to it by the Commission, submit the investigation report under that section to the court having jurisdiction and forward a copy thereof to the Commission."

New Delhi;
August 2, 2013.

SHUMSHER K. SHERIFF
SECRETARY-GENERAL