PROPOSED DRAFT
THE RAJASTHAN LOKAYUKTA AND UP-LOKAYUKTA
(AMENDMENT) BILL, 2014

A Bill

further to amend the Rajasthan Lokayukta and Up-Lokayukta Act, 1973.

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

1. Short title and commencement. - (1) This Act may be called the Rajasthan Lokayukta and Up-Lokayukta (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of section 2, Rajasthan Act No. 9 of 1973.- In section 2 of the Rajasthan Lokayukta and Up-Lokayukta Act, 1973 (Act No. 9 of 1973), hereinafter in this Act referred to as the principal Act,-

(i) after the existing clause (b) and before the existing clause (c), the following new clause shall be inserted, namely:-

“(b-i) “Chief Minister” means the Chief Minister of Rajasthan;”

(ii) for the existing clause (c), the following shall be substituted, namely:-

“(c) “competent authority”, in relation to a public servant, means-

(i) in case of the Chief Minister - Rajasthan Legislative Assembly;

(ii) in case of a Minister - the Chief Minister;

(iii) in case of a Member of Rajasthan Legislative Assembly - Speaker;

(iv) in the case of any other public servant - Such authority as may be prescribed;”;

(iii) for the existing clause (i), the following shall be substituted, namely:-

“(i) “public servant” means a person falling under any of the following descriptions, namely:-

(a) Chief Minister;
(b) every minister as defined in clause (f);
(c) a member of the Rajasthan Legislative Assembly;
(d) every officer as defined in clause (g);
(e) every person holding any office or post in, or appointed in connection with the affairs of,-

(i) any authority, body, corporation or institution established or constituted by a Rajasthan Act; or

(ii) any company, corporation, society or public trust established or constituted under, or in accordance with the provisions of, any law for the time being in force and owned, controlled or substantially financed by the Government of Rajasthan;
(iii) any other non-statutory body or committee established or constituted by the Government;”.

(iv) for the existing clause (j), the following shall be substituted, namely:-

“(j) “speaker” means the speaker of the Rajasthan Legislative Assembly.
(k) “Special Court” means the Special Court established under section 3 of the Rajasthan Special Courts Act, 2012 (Act No. 38 of 2012)”.  

3. Insertion of new sections 6-A and 6-B, Rajasthan Act No. 9 of 1973.- After the existing section 6 and before the existing section 7 of the principal Act, the following sections shall be inserted, namely:-

“6-A. Investigation Wing.- Notwithstanding anything contained in any law for the time being in force, the State Government shall constitute an Investigation Wing headed by a Director of Investigation, who shall be a police officer not below the rank of Inspector General of Police, for the purpose of conducting preliminary inquiry and investigation under this Act:

Provided that officers on the posts of Investigation Wing shall be appointed after consultation with the Lokayukta.

(2) For the purposes of assisting the Lokayukta or the Up-Lokayukta, as the case may be, in conducting a preliminary inquiry under this Act, the officers of the Inquiry Wing not below the rank of Deputy Superintendent of Police, shall have the same powers as are conferred upon the Lokayukta under section 11.

6-B. Prosecution Wing.- (1) The State Government shall, by notification, constitute a Prosecution Wing headed by the Director of Prosecution, who shall be a person qualified for appointment as a District Judge, for the purpose of prosecution of public servants in relation to any complaint under this Act:

Provided that officers on the posts of Prosecution Wing shall be appointed after consultation with the Lokayukta.

(2) The Director of Prosecution shall, after having been so directed by the Lokayukta or the Up-Lokayukta, as the case may be, file a case in accordance with the investigation report, before the Special Court, and take all necessary steps in respect of the prosecution of public servants in relation to any offence investigated under this Act.

(3) The report under sub-section (2) shall be deemed to be a report, filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

4. Amendment of section 7, Rajasthan Act No. 9 of 1973.- For the existing section 7, the following shall be substituted, namely:-

“7. Matters which may be investigated by Lokayukta or Up-Lokayukta.- (1) Subject to the provisions of this Act, the Lokayukta or an Up-Lokayukta may investigate any action which is taken by, or with the general or specific approval of a public servant, in any case where a complaint involving an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Lokayukta, the subject of any allegation.

(2) Notwithstanding anything in sub-section (1), The Lokayukta may investigate any action himself or assign it to an Up-Lokayukta and where two or more Up-Lokayuktas are appointed under this Act, the Lokayukta may, by general
or special order, assign to each of them matters which may be investigated by them under this Act.”

5. Amendment of section 9, Rajasthan Act No. 9 of 1973.- In section 9 of the principal Act, for the existing sub-section (2), the following shall be substituted and shall be deemed always to have been substituted, namely:

“(2) Every complaint shall be made in such form and shall be accompanied by such affidavit as may be prescribed:

Provided that the Lokayukta or an Up-Lokayukta, as the case may be, may, in appropriate cases, dispense with the requirement of the affidavit.”.

6. Amendment of section 10, Rajasthan Act No. 9 of 1973.- For the existing section 10 of the principal Act, the following shall be substituted, namely:

“10. Procedure in respect of preliminary inquiry and investigation.-

(1) The Lokayukta or an Up-Lokayukta shall, on receipt of a complaint, first decide whether to proceed in the matter or close the same and if the Lokayukta or an Up-Lokayukta decides to proceed further, he shall order the preliminary inquiry against any public servant by the Inquiry Wing or any agency to ascertain whether there exists a prima facie case for proceeding in the matter.

(2) If, at any stage of the proceeding, the Lokayukta or a Up-Lokayukta, as the case may be,-

(a) considers it necessary to inquire into the conduct of any person other than the prospective accused; or

(b) is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry,

the Lokayukta or the Up-Lokayukta, as the case may be, shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice.

(3) During the preliminary inquiry referred to in sub section (1), the Inquiry Wing or any agency shall conduct a preliminary inquiry and on the basis of material, information and documents collected seek the comments on the allegations made in the complaint from the public servant and competent authority and after obtaining the comments of the concerned public servant and competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokayukta or the Up-Lokayukta, as the case may be.

(4) The Lokayukta or the Up-Lokayukta, as the case may be, shall consider the report received under sub-section (2) from the Inquiry Wing or any agency and after giving an opportunity of being heard to the public servant, decide as to whether there exists a prima facie case, and make recommendations to proceed with one or more of the following actions, namely:

(a) investigation by its Investigation Wing or any investigating agency including Anti Corruption Bureau of the State;
(b) initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority;

(c) closure of the proceedings against the public servant and take action to proceed against the complainant under section 13.

(5) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.

(6) In case the Lokayukta or the Up-Lokayukta, as the case may be, decides to proceed to investigate into the complaint, he shall direct any investigation agency including Anti Corruption Bureau of the State to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order:

Provided that the Lokayukta or the Up-Lokayukta, as the case may be, may extend the said period by a further period of six months for the reasons to be recorded in writing.

(7) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any agency shall, in respect of cases referred to it by the Lokayukta or an Up-Lokayukta, submit the investigation report to the Lokayukta or the Up-Lokayukta, as the case may be.

(8) The Lokayukta or the Up-Lokayukta, as the case may be, shall consider every report received by him under sub-section (4) from the Investigation Wing or any other agency including Anti Corruption Bureau of the State and may decide as to-

(a) file charge-sheet or closure report before the Special Court against the public servant;

(b) initiate the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority.

(9) Where the Lokayukta or the Up-Lokayukta recommends any departmental proceedings or any other appropriate action under clause (b) of sub-section (4) or clause (b) of sub-section 8, the competent authority shall cause such proceedings or action to be initiated within thirty days from the date of communication of such recommendation and such proceedings or action shall be completed within ninety day from the date of its initiation and the competent authority shall communicate to the Lokayukta results of such proceedings or action within thirty days of its completion and where the competent authority decides not to proceed with the recommendation of the Lokayukta or Up-Lokayukta, he shall communicate the reasons of his decision to the Lokayukta within sixty days from the date of communication of such recommendation:
Provided that the Lokayukta or the Up-Lokayukta, as the case may be, may, on the request of the competent authority, extend the period of ninety days referred to in this sub-section, from time to time, for the reasons to be recorded in writing.

(10) The Lokayukta or the Up-Lokayukta, as the case may be, may, after taking a decision under sub-section (6) on the filing of the charge-sheet, direct,-

(a) the prosecution Wing to initiate prosecution in the Special Court in respect of the cases investigated by the Investigating Wing or other investigation agency including Anti Corruption Bureau of the State; or

(b) any other agency in respect of the cases investigated by such agency on the direction of the Lokayukta or the Up-Lokayukta, as the case may be, to obtain approval of the Lokayukta and thereafter initiate prosecution in the Special Court and forward a copy of charge-sheet filed by it under this clause to the Lokayukta for the purposes of superintendence.

(11) The Lokayukta or the Up-Lokayukta, as the case may be, may, during the preliminary inquiry or the investigation, as the case may be, pass appropriate orders for the safe custody of the documents relevant to the preliminary inquiry or, as the case may be, investigation as he deems fit.

(12) The website of the Lokayukta shall, from time to time and in such manner as may be specified by the Lokayukta, display to the public, the status of number of complaints pending before it or disposed of by it.

(13) The Lokayukta may retain the original records and evidences, which are likely to be required in the process of preliminary inquiry or investigation or conduct of a case by him or by the Special Court.

(14) Save as otherwise provided, the manner and procedure of conducting a preliminary inquiry or investigation (including such material and documents to be made available to the public servant) under this Act, shall be such as may be specified by the Lokayukta.

(15) Every inquiry or investigation under this section shall be conducted in private and in particular, the identity of the complainant and of the public servant affected by such inquiry or investigation shall not be disclosed to the public or the press whether before, during or after such inquiry or investigation:

Provided that any inquiry or investigation relating to a matter of definite public importance may be conducted in public where the Lokayukta, for the reasons to be recorded in writing, directs to do so.
Any information obtained in the course of, or for the purposes of any inquiry or investigation under this section and any evidence recorded or collected during such inquiry or investigation shall not be disclosed to any person other than those connected with the inquiry or investigation or with the prosecution or trial of any offence disclosed in such inquiry or investigation or with the departmental proceedings or actions originating from such inquiry or investigation.

7. Insertion of section 10-A, 10-B and 10-C, Rajasthan Act No. 9 of 1973.-After the existing section 10, and before the existing section 11, of the principal Act, the following new section shall be inserted, namely:-

**10-A. Prosecution sanction.**- (1) Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) or section 19 of the Prevention of Corruption Act, 1988, the Lokayukta shall have the power to grant sanction for prosecution of the offences investigated under this Act.

(2) No prosecution under subsection (1) shall be initiated against any public servant accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, and no court shall take cognizance of such offence except with the previous sanction of the Lokayukta.

(3) Nothing contained in sub-sections (1) and (2) shall apply in respect of the persons holding the office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such person has been specified therein.

(4) The provisions contained in sub-sections (1), (2) and (3) shall be without prejudice to the generality of the provisions contained in article 311 and sub-clause (c) of clause (3) of article 320 of the Constitution.

**10-B.** Action on enquiry against public servant being Chief Minister, Minister or a member of Legislative Assembly.- (1) Where, after the conclusion of the preliminary inquiry or investigation, the findings of the Lokayukta disclose the commission of an offence by a public servant referred to in clause (a) or clause (b) or clause (c) of sub-section 2, the Lokayukta may file a case in the Special Court and shall send a copy of the report together with its findings to the competent authority.

**10-C. Issue of search warrant, etc.**- (1) If the Lokayukta has reason to believe that any document which, in its opinion shall be useful for, or relevant to, any investigation under this Act, are secreted in any place, he may authorise any agency to whom the investigation has been given to search for and to seize such documents.

(2) If the Lokayukta is satisfied that any document seized under sub-section (1) may be used as evidence for the purpose of any preliminary inquiry or investigation under this Act and that it shall be necessary to retain the document in his custody or in the custody of such officer as may be authorised, he may so retain or direct such authorised officer to retain such document till the completion of such preliminary inquiry or investigation:

Provided that where any document is required to be returned, the Lokayukta or the authorised officer may return the same after retaining copies of such document duly authenticated.

8. Deletion of section 12, Rajasthan Act No. 9 of 1973.- The existing section 12 of the principal Act shall be deleted.

9. Amendment of section 13, Rajasthan Act No. 9 of 1973.- For the existing section 13, the following shall be substituted, namely:-

**13. Prosecution for false complaint.**- (1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious
complaint under this Act shall, on conviction, be punished with imprisonment for a term, which may extend to one year and with fine, which may extend to one lakh rupees.

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

(3) No Special Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom the false, frivolous or vexatious complaint was made or by an officer authorised by the Lokayukta.

(4) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the State Government.

(5) In case of conviction of a person being an individual or society or association of persons or trust (whether registered or not), for having made a false complaint under this Act, such person shall be liable to pay compensation to the public servant against whom he made the false complaint in addition to the legal expenses for contesting the case by such public servant, as the Special Court may determine.

(6) Nothing contained in this section shall apply in case of complaints made in good faith.

Explanation.-For the purpose of this sub-section, the expression "good faith" shall have the same meaning assigned to it in section 52 of the Indian Penal Code.”.

10. Amendment of section 14, Rajasthan Act No. 9 of 1973.- In section 14 of the principal Act, for the existing sub-section (3), the following shall be substituted, namely:-

“(3) Without prejudice to the provisions of sub-section (1), the Lokayukta or an Up-Lokayukta may for the purpose of conducting investigations under this Act utilize the services of-

(a) any officer, employee or investigating agency of the State Government; or

(b) any officer, employee or investigating agency of the Central Government with the concurrence of that Government; or

(c) any other person or agency. ”.

11. Amendment of section 15, Rajasthan Act No. 9 of 1973.- For the existing section 15 of the principal Act, the following shall be substituted, namely:-

“15. Supervisory power of the Lokayukta.- The Lokayukta shall, notwithstanding anything contained in any other law for the time being in force, have the powers of superintendence and direction, over the investigation agency in respect of the matters in so far as they relate to the investigation by such agency under this Act.’.”
12. Insertion of sections 15-A, 15-B, 15-C, 15-D and 15-E, Rajasthan Act No. 9 of 1973.- After section 15 of the principal Act, amended as aforesaid, the following sections shall be inserted, namely:-

"15-A. Provisional attachment of assets.- (1) Where the Lokayukta or any investigation officer authorised by him, or an Up-Lokayukta, in this behalf, has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession, that-

(a) any person is in possession of any proceeds of corruption;

(b) such person is accused of having committed an offence relating to corruption; and

(c) such proceeds of offence are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of offence, he may, by order in writing, provisionally attach such property for a period not exceeding ninety days from the date of the order, in the manner provided in the Second Schedule to the Income-tax Act, 1961 and the Lokayukta shall be deemed to be an officer under sub-rule (e) of rule I of that Schedule.

(2) The Lokayukta shall, immediately after attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Special Court, in a sealed envelope, in the manner as may be prescribed and such Court.

2 o may extend the order of attachment and keep such material for such period as the Court may deem fit.

(3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or after the expiry of the period as directed by the Special Court under sub-section (2).

(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) or sub-section (2), from such enjoyment.

Explanation.- For the purposes of this sub-section, "person interested", in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.

"15-B. Confirmation of attachment of assets.- (1) The Lokayukta, when it provisionally attaches any property under sub-section (1) of section 15A shall, within a period of thirty days of such attachment, direct its prosecution wing to
file an application stating the facts of such attachment before the Special Court and make a prayer for confirmation of attachment of the property till completion of the proceedings against the public servant in the Special Court.

(2) The Special Court may, if it is of the opinion that the property provisionally attached had been acquired through corrupt means, make an order for confirmation of attachment of such property till the completion of the proceedings against the public servant in the Special Court.

(3) If the public servant is subsequently acquitted of the charges framed against him, the property, subject to the orders of the Special Court, shall be restored to the concerned public servant along with benefits from such property as might have accrued during the period of attachment.

(4) If the public servant is subsequently convicted of the charges of corruption, proceeds relatable to the offence under the Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988) shall be confiscated and vest in the State Government free from any encumbrance or leasehold interest excluding any debt due to any bank or financial institution.

Explanation.-For the purposes of this sub-section, the expressions "bank", "debt" and "financial institution" shall have the meanings respectively assigned to them in clauses (d), (g) and (h) of section 2 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (Central Act No. 51 of 1993).

“15-C. Confiscation of assets, proceeds, receipts and benefit arisen or procured by means of corruption in special circumstances.- (1) Without prejudice to the provisions of sections 15A and 15B, where the Special Court, on the basis of prima facie evidence, has reason to believe or is satisfied that the assets, proceeds, receipts and benefits, by whatever name called, have arisen or been procured by means of corruption by the public servant, it may authorise the confiscation of such assets, proceeds, receipts and benefits till his acquittal.

(2) Where an order of confiscation made under sub-section (1) is modified or annulled by the High Court or where the public servant is acquitted by the Special Court, the assets, proceeds, receipts and benefits, confiscated under sub-section (1) shall be returned to such public servant, and in case it is not possible for any reason to return the assets, proceeds, receipts and benefits, such public servant shall be paid the price thereof including the money so confiscated with the interest at the rate of five per cent per annum thereon calculated from the date of confiscation.

“15-D. Power of Lokayukta to recommend transfer or suspension of public servant connected with allegation of corruption.- (1) Where the Lokayukta, while making a preliminary inquiry into allegations of corruption, is prima facie satisfied, on the basis of evidence available, that-
(a) the continuance of the public servant referred to in sub-clause (d) or sub-clause (e) of clause (i) of section 2 in his post while conducting the preliminary inquiry is likely to affect such preliminary inquiry adversely; or

(b) the public servant referred to in sub-clause (d) or sub-clause (e) of clause (i) of section 2 is likely to destroy or in any way tamper with the evidence or influence witnesses, then, the Lokayukta may recommend to the State Government, or any other authority concerned, for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order.

(2) The State Government or the other authority, as the case may be, shall ordinarily accept the recommendation of the Lokayukta made under sub-section (1), except for the reasons to be recorded in writing in a case where it is not feasible for administrative reasons.

“15-E. Power of Lokayukta to give directions to prevent destruction of records during preliminary inquiry.- The Lokayukta may issue appropriate directions to a public servant entrusted with the preparation or custody of any document or record-

(a) to protect any document or record from destruction or damage; or

(b) to prevent the public servant from altering or secreting any document or record; or

(c) to prevent the public servant from transferring or alienating any assets allegedly acquired by him through corrupt means.”.

12. Amendment of section 16, Rajasthan Act No. 9 of 1973.-After the existing sub-section (3) of section 16 of the principal Act, the following new sub-section shall be added, namely:-

“(4) Whoever fails to comply with the provisions of this Act or the orders in pursuance of the provisions of this Act shall, without prejudice to any action that may be taken against him under the provisions of this Act or any other law for the time being in force, be punishable by the Lokayukta with a fine which may extend to rupees ten thousand:

Provided that no fine under this sub-section shall be imposed unless the person concerned have been afforded a reasonable opportunity of being heard.”.

13. Insertion of new section 16-A, Rajasthan Act No. 9 of 1973.-After the existing section 16 of the principal Act, the following new section shall be inserted, namely:-

“16-A. Report of Lokayukta.- It shall be the duty of the Lokayukta to present annually to the Governor a report on the work done by the Lokayukta and on receipt of such report the Governor shall cause a copy of the report together with a memorandum explaining, in respects of the cases, if any, where the advice
of the Lokayukta was not accepted, the reason for such non-acceptance to be laid before the House of the State Legislature.”.

14. Amendment of section 17, Rajasthan Act No. 9 of 1973.- For the existing section 17 of the principal Act, the following shall be substituted, namely:-

“17. Protection of Action.- (1) No suit, prosecution or other legal proceedings under this Act shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers.

(2) No suit, prosecution or other legal proceedings shall lie against the Lokayukta or an Up-Lokayukta or against any officer, employee, agency or any person, in respect of anything which is done in good faith or intended to be done under this Act or the rules made thereunder.”.

15. Insertion of new sections 17-A, 17-B, 17-C, 17-D, 17-E and 17-F, Rajasthan Act No. 9 of 1973.- After the section 17 of the principal Act, amended as aforesaid, the following new sections shall be inserted, namely:-

“17-A. Lokayukta, Up-Lokayukta and employees of Lokayukta to be public servant.- The Lokayukta, Up-Lokayukta, officers and other employees of the Lokayukta shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

17-B. Limitation to apply in certain cases.- The Lokayukta or Up-Lokayukta shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.

17-C. Bar of jurisdiction.- No civil court shall have jurisdiction in respect of any matter which the Lokayukta or Up-Lokayukta is empowered by or under this Act to determine.

17-D. Assessment of loss and recovery thereof by Special Court.- If any public servant is convicted of an offence under the Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988) by the Special Court, notwithstanding and without prejudice to any law for the time being in force, it may make an assessment of loss, if any, caused to the public exchequer on account of the actions or decisions of such public servant not taken in good faith and for which he stands convicted, and may order recovery of such loss, if possible or quantifiable, from such public servant so convicted:

Provided that if the Special Court, for reasons to be recorded in writing, comes to the conclusion that the loss caused was pursuant to a conspiracy with the beneficiary or beneficiaries of actions or decisions of the public servant so convicted, then such loss may, if assessed and quantifiable under this section, also be recovered from such beneficiary or beneficiaries proportionately.

17-E. Declaration of Assets.- (1) Every public servant shall make a declaration of his assets and liabilities in the manner as provided by or under this Act.

(2) A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to-

(a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;

(b) his liabilities and that of his spouse and his dependent children.
(3) A public servant holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in subsection (2) to the competent authority within thirty days of the coming into force of this Act.

(4) Every public servant shall file with the competent authority, on or before the 31st July of every year, an annual return of such assets and liabilities, as referred to in sub-section (2), as on the 31st March of that year.

(5) The information under sub-section (2) or sub-section (3) and annual return under sub-section (4) shall be furnished to the competent authority in such form and in such manner as may be prescribed.

(6) The competent authority in respect of each office or Department shall ensure that all such statements are published on the website of such officer or Department by 31st August of that year.

Explanation.-For the purposes of this section, "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood.

17-F. Presumption as to acquisition of assets by corrupt means in certain cases.- If any public servant wilfully or for reasons which are not justifiable, fails to-
(a) to declare his assets; or
(b) gives misleading information in respect of such assets and is found to be in possession of assets not disclosed or in respect of which misleading information was furnished, then, such assets shall, unless otherwise proved, be presumed to belong to the public servant and shall be presumed to be assets acquired by corrupt means:

Provided that the competent authority may condone or exempt the public servant from furnishing information in respect of assets not exceeding such minimum value as may be prescribed.”.

16. Amendment of section 18, Rajasthan Act No. 9 of 1973.- For the existing section 18 of the principal Act, the following shall be substituted, namely:

“18. Act to have overriding effect.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.”.

17. Amendment of section 19, Rajasthan Act No. 9 of 1973.- For the existing section 19 of the principal Act, the following shall be substituted, namely:

“19. Provisions of this Act to be in addition of other laws.- The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.”.
अध्याय-8
अखिल भारतीय लोकायुक्त/लोकपाल/उप-लोकायुक्त आयोग सम्मेलन

प्रथम अखिल भारतीय लोकायुक्त तथा उप-लोकायुक्त सम्मेलन 26 मई से 30 मई, 1986 को शिमला (हिमाचल प्रदेश) में, द्वितीय सम्मेलन 22 अगस्त से 24 अगस्त, 1989 को नागपुर (महाराष्ट्र) में तथा तृतीय सम्मेलन 26 अक्टूबर से 28 अक्टूबर, 1991 को जुबिली हाल, पल्लव गार्डन्स व आम्रपाल देवा लोकायुक्त संस्था के भवन, हैदराबाद में सम्पन्न हुआ।

चौथा सम्मेलन 7 मार्च, 1995 को गुजराता हाल, ए.पी.भवन, नई दिल्ली में तथा पांचवा सम्मेलन 10 व 11 फरवरी, 1996 को गोधानगर (गुजरात) में सम्पन्न हुआ।

छठा सम्मेलन दिनांक 22 एवं 23 जनवरी, 2001 को पारिलायमेट एंटरमी, नई दिल्ली एवं दिल्ली सरकारी स्कूल में सम्पन्न हुआ।

सातवां अखिल भारतीय लोकायुक्त/लोकपाल/उप-लोकायुक्त (आयोग सम्मेलन) सम्मेलन-2003 (बैगलोर) दिनांक 17 एवं 18 जनवरी, 2003 को बैगलोर हाल, विधान सभा, बैगलोर में सम्पन्न हुआ।

आठवां अखिल भारतीय लोकायुक्त/लोकपाल/उप-लोकायुक्त (आयोग सम्मेलन) सम्मेलन-2004 दिनांक 27 से 29 सितंबर, 2004 को देहरादून में सम्पन्न हुआ जिसका उद्घाटन तत्कालीन महामहिम राणा प्रताप दर.ए.पी. जे. अभद्र कलाम द्वारा किया गया। सम्मेलन का समापन समारोह को माननीय प्रभावतंत्री डॉ. मनमोहन सिंह द्वारा सम्बोधित किया गया।

सम्मेलन को अन्य विशेषज्ञों के अतिरिक्त माननीय न्यायमूर्ति श्री एम.जगन्नाथा राव, तत्कालीन अखिल, भारतीय विधि आयोग ने भी सम्बोधित किया जिनमें लोकायुक्त संस्था को अधिक सशक्त एवं प्रभावी बनाये जाने एवं केंद्रीय लोकायुक्त विधि बनाये जाने पर जोर दिया।

यह पहला अवसर था जब भारत के महामहिम राणा प्रताप एवं माननीय प्रभावतंत्री द्वारा लोकायुक्त सम्मेलन को सम्बोधित किया गया।

नववां अखिल भारतीय लोकायुक्त/लोकपाल/उप-लोकायुक्त (आयोग सम्मेलन) सम्मेलन-2007 दिनांक 22 व 23 सितंबर, 2007 को बैगलोर में सम्पन्न हुआ जिसका उद्घाटन माननीय न्यायमूर्ति श्री के.जी.बालाकृष्णन, मुख्य न्यायाधीश, सर्वोच्च न्यायालय द्वारा किया गया।

समारोह का समापन माननीय श्री शिवराज पाटील, तत्कालीन गूहामंज्री, भारत सरकार ने अपने भाषण से किया।

10वां सम्मेलन दिनांक 9 व 10 अक्टूबर, 2010 को भोपाल में आयोजित किया गया।

28वां वार्षिक प्रतिवेदन
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<th>नाम</th>
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<th>दिनांक तक</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>माननीय न्यायमूर्ति श्री आई.डी.जो.आचार्य, पूर्व न्यायाधीश, उच्च न्यायालय</td>
<td>28.8.1973</td>
<td>27.8.1978</td>
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</tr>
<tr>
<td>2.*</td>
<td>माननीय न्यायमूर्ति श्री डी.पी.वृन्दानाथ, पूर्व मुख्य न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>28.8.1978</td>
<td>5.8.1979</td>
<td></td>
</tr>
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<td>3.</td>
<td>माननीय न्यायमूर्ति श्री मोहन लाल जोशी, पूर्व कार्यवाहक मुख्य न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>6.8.1979</td>
<td>7.8.1982</td>
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<td>4.*</td>
<td>माननीय न्यायमूर्ति श्री के.एस.विजय, न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>4.4.1984</td>
<td>3.1.1985</td>
<td></td>
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<td>5.</td>
<td>माननीय न्यायमूर्ति श्री मोहन लाल श्रीमान, पूर्व मुख्य न्यायाधीश, सिफिक उच्च न्यायालय</td>
<td>4.1.1985</td>
<td>3.1.1990</td>
<td></td>
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<td>6.</td>
<td>माननीय न्यायमूर्ति श्री पुरुषोतम दास कुरकलाल, पूर्व न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>16.1.1990</td>
<td>6.3.1990</td>
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<td>7.*</td>
<td>माननीय न्यायमूर्ति श्री महेंद्र भूषण शार्मा, न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>10.8.1990</td>
<td>30.9.1993</td>
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</tr>
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<td>8.*</td>
<td>माननीय न्यायमूर्ति श्री बिनोद शर्मा देव, न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>21.1.1994</td>
<td>16.2.1994</td>
<td></td>
</tr>
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<td>9.</td>
<td>माननीय न्यायमूर्ति श्री महेंद्र भूषण शार्मा, पूर्व न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>6.7.1994</td>
<td>6.7.1999</td>
<td></td>
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<td>10.</td>
<td>माननीय न्यायमूर्ति श्री मिलाल चन्द्र जैन, पूर्व मुख्य न्यायाधीश, दिल्ली उच्च न्यायालय</td>
<td>26.11.1999</td>
<td>26.11.2004</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>माननीय न्यायमूर्ति श्री जी.एल.गुप्ता, पूर्व न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>1.5.2007</td>
<td>30.4.2012</td>
<td></td>
</tr>
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<td>12.</td>
<td>माननीय न्यायमूर्ति श्री समजन सिंह कौशल, पूर्व न्यायाधीश, राजस्थान उच्च न्यायालय</td>
<td>25.3.2013</td>
<td>जितनांक</td>
<td></td>
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**उप-लोकार्थक**

| नं | श्री के.पी.सु.मनन आई.डी.एस. पूर्व मुख्य सचिव | 5.6.1973 | 25.6.1974 |

* कार्यवाहक लोकार्थक
माननीय लोकायुक्त न्यायमूर्ति श्री एस.एस. कोठारी का राष्ट्र ग्रहण समारोह
राजभवन, जयपुर दिनांक : 25 मार्च, 2013
जिलास्तीय अधिकारीगण एवं गैर सरकारी संगठनों के प्रतिनिधियों
की बैठकों के कार्यालय छायाचित्र

दौसा शिविर    दिनांक : 23.09.2013

जोधपुर शिविर    दिनांक : 27.09.2013

28वां वार्षिक प्रतिवेदन
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टोक शिविर दिनांक : 25.10.2013

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अलवर शिविर  दिनांक : 21.3.2014

28वां वार्षिक प्रतिवेदन
अजमेर शिविर दिनांक : 28.3.2014

28वां वार्षिक प्रतिवेदन
लोकायुक्त संस्था से समबद्धत समाचार पत्रों में प्रकाशित कर्तिपय समाचार

जोधपुर शिविर दिनांक 3.10.2013
dैनिक नवज्योति दिनांक: 4.10.2013

लोकायुक्त कोटारी ने की सुनवाई

लोकायुक्त राजकारण समिति के उप-एम. कोटारी ने सुनवाई प्रक्रिया में साबित होने वाले केस के लिए देखभाल किया।

लोकायुक्त आरोपी की प्रस्तुति के अंतर्गत उन्होंने कहा कि तीन अदालतें के द्वारा आरोपित के लिए भी रखी गई अनुमति का उपयोग नहीं किया गया।

लोकायुक्त आरोपी का मुलाकात के बाद उन्होंने कहा कि इस मुद्दे को समाधान करने वाले अदालतें की तरह के निर्देश की गई है।

लोकायुक्त कोटारी ने कहा कि आरोपी की सुनवाई के लिए भी रखी गई अनुमति का उपयोग किया जाएगा।

लोकायुक्त कोटारी ने कहा कि इस मुद्दे को समाधान करने वाले अदालतें की तरह के निर्देश की गई है।

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राज्य लोकायुक्त ने की जनसुनवाई की
‘क्रांति व पद का दुरुपयोग करने वालों की शिकायत पर होगी कारवाई’

भाषक: नवेंद्र लहर

देश में हर जगह पैदा करने में असफल एवं बुद्धि वालों परणा से अधिक है। सभी मुख्य विषय के दर्शकों का अक्षरदार देखा जा रहा है। तो फिर सबका विचारण का लाभ मजबूत हो जाए। किसी प्रस्ताव के उपरांत उस वर्ष के 15 मई का दिन का वर्ल्ड टाइम लें। यह वर्ष कथन के लाभ मजबूत हो जाए। लेकिन देश में हर जगह पैदा करने में असफल एवं बुद्धि वालों परणा से अधिक है। सभी मुख्य विषय के दर्शकों का अक्षरदार देखा जा रहा है। तो फिर सबका विचारण का लाभ मजबूत हो जाए। किसी प्रस्ताव के उपरांत उस वर्ष के 15 मई का दिन का वर्ल्ड टाइम लें।

देश में हर जगह पैदा करने में असफल एवं बुद्धि वालों परणा से अधिक है। सभी मुख्य विषय के दर्शकों का अक्षरदार देखा जा रहा है। तो फिर सबका विचारण का लाभ मजबूत हो जाए। किसी प्रस्ताव के उपरांत उस वर्ष के 15 मई का दिन का वर्ल्ड टाइम लें।
दैनिक भास्कर दिनांक 5.3.2014

लोकायुक्त के दखल के बाद
अब मिलेगा वीरता पुरस्कार

केलाड़ेरा के कैलाश ने साढ़े पांच साल पहले दो युवकों को जान बचाई थी, कैलेक्टर की ओर से देशी के कारण पदक से वंचित

भास्कर न्यूज़ | जयपुर

अपनी जान जोखिम में डालकर दो युवकों को बचाने वाले कैलाशाचार्य गागर को साढ़े पांच साल बाद वीरता पुरस्कार मिलने का मार्ग प्रस्तुत हो गया है।

कैलाश जयपुर
जिले के कालाड़ेरा में अनोपपुर गाँव का है। उसने 26 अक्टूबर 2008 को मिट्टी में दबी दो युवकों की जान बचाई थी। तलाई की खुदाई के जवाब मिट्टी चढ़ने से नये युवकों मरने में दब गई थी। कैलाश को वीरता पुरस्कार देने के अनुशंसा के बाद कैलेक्टर सर सर राम पार्वती वहेने देशी के कारण कैलाश पुरस्कार से वंचित रह गया था। अब कैलासकुंद अडिट्स प्लसस प्रोफेसर के दखल पर राज्य सरकार ने उसे वीरता पुरस्कार से सम्मानित करने का निर्णय किया है।

वर्ष 2009 की हुटारिया में अनोपपुर जनरल बोर्ड ने कैलाश को वीरता पुरस्कार देने की अनुशंसा की। क्षेत्रीय विभाग के बीएस बॉब राज्य सरकार के प्रमुख निक्या। 21 अगस्त 2009 को अनोपपुर स्थित विभाग ने कैलेक्टर को घटना की जांच करने के लिए निकाय। कैलेक्टर ने जांच पेपर्स को लोप किया। 2 मई 2011 को कैलेक्टर ने प्लिटे पेज की। मेक्सिकन से 25 मई 2011 को कैलेक्टर ने यह कहा कि जांच करने के लिए निकाय। कैलेक्टर ने जांच पेपर्स को लोप किया। 2 मई 2011 को कैलेक्टर ने प्लिटे पेज की।
लोकायुक्त एस.एस.कोल्दरी ने प्रमुख सचिव (नागरिक विकास विभाग) से संभागीय मुख्यालय स्तर पर रियायती दरों पर भूमिका हस्तित करने वाले निजी अस्पतालों की सूची एक माह में सींगन का काम है। यहाँ ही पूछा है कि इन अस्पतालों को भूमिका किस तरह पर दी गई हो और जारी रखा क्या है? लोकायुक्त ने रियायती दरों पर बेशकीमती मुख्य प्राप्त करने के बाद भी तथ्यात्मक रूप में मुख्य से अनुमान बीपीएल मरीजों के इलाज में कोठाई बनाने वाले निजी अस्पतालों के संबंध में प्रकाशित समाचारों को गंभीरता से लेकर हुए प्रसारण लिखा है।

नियमानुसार रियायती दरों पर अमीन लेने वाले अस्पतालों को 25 प्रतिशत बीपीएल मरीजों का निर्माण उपयोग करना होता है, लेकिन निर्माण की पालना नहीं कर रहे हैं। यहाँ नहीं अस्पताल दरों एवं उठवानों की ममता कोई वस्तुतत है।

5 साल में क्या निगरानी की?

लोकायुक्त एस.एस.कोल्दरी ने प्रमुख सचिव (सामाजिक विकास विभाग) से बीपीएल और गर्भवती मरीजों के निषुक कुलपति के लिए सेवा प्रदान करने के लिए 25 पर्याय दिन देखने की सूची दी। इस सूची में की गई आंक महंगी। इसके क्षेत्र में बीपीएल मरीजों के निषुक कुलपति, तैयार और पेटिशन खुद भी क्वालिटी हिस्टोरियन बनायें। साथ ही एक अधिकारी नियुक्त की जाए। साथ ही 5 हज़ार अस्पतालों की ओर से 5 हज़ार अस्पतालों की गई आंक दिखाई महंगी है।

लोकायुक्त प्राधिकृत अधिसूचना के लिए कोठा के लिए कोठा के लिए कोठा लोकायुक्त उंचाई है।
एक हज़ार करोड़ के खनन घोटाले का लगाया आरोप

लोकायुक्त को दस्तावेज सौंपते भाजपा जेटा किरीट सोमेया व अन्य।

भाजपा नेता किरीट सोमेया ने लोकायुक्त को सौंपे दस्तावेज

जयपुर. भाजपा ने एक बार फिर मुख्यमंत्री कार्यालय की कटरे में खड़ा करते हुए आरोप लगाया है कि मेदुला तहसील में लाइम स्टोन खनन पट्टे का हस्तान्तरण राजनीतिक दबाव के चलते गैरकानूनी तरीके से एक कम्पनी को किया गया, जबकि ऐसे अन्य मामलों में सरकार ने पट्टे सरकार के नाम से दिया था। भाजपा का आरोप है कि इससे सरकार को करीब एक हज़ार करोड़ का नुकसान हुआ है।

भाजपा नेता किरीट सोमेया के नेतृत्व में एक प्रतिनिधिमंडल ने सोमेया को लोकायुक्त एस.एस. कोठारी से मुलाकात की और प्रकरण से संबंधित 63 पेज का दस्तावेज दिया। भाजपा ने लोकायुक्त से मांग की है कि यह पट्टा निरस्त हो और इसकी दोबारा नीलामी की जाए।

बाद में सोमेया ने पत्रकारों को बताया कि 1993 में करीब दस वर्ष किलोमीटर की लाइम स्टोन की खान समवल्लभ चौहान, सुरेश चौहान, रमेश चौहान और रामदास चौहान की फर्म गोटन लाइम स्टोन खनन उद्योग के नाम आरोपित है।

कानून खनन पट्टे फर्म का किसी अन्य कम्पनी के नाम हस्तान्तरण नहीं हो सकता, लेकिन वर्ष 2012 में आवेदन के बाद दो सीएमओ के दबाव में खनन पट्टे की फर्म से कम्पनी (गोटन लाइम स्टोन खनन उद्योग प्रातिष्ठानिक आयोग) के नाम हस्तान्तरित कर दिया गया। यह पूरी तरह से गैरकानूनी है।

इसके बाद कम्पनी के चारों निदेशकों ने इसी फीस दिया और कम्पनी पूरी तरह से अल्पव्यापक सीमित का कर्ज में आ गई। इसमें गहलोत के पारिवारिक मित्र संगठन के पुत्र भी साझेदार के रूप में शामिल है। सोमेया ने आरोप लगाया कि मित्र के पुत्र को फायदा पहुंचाने के लिए यह खेल रचा गया।
राजस्थान पत्रिका दिनांक 13.3.2014

चार मंजिल से ऊंचे घरों का सर्वे

आवासीय इमारतें
आंध्री दायरे में

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लोकायुक्त के निर्देश पर गठबंधनों को अभी रूप से नियंत्रित आवासीय इमारतों का सर्वे होगा। इसमें मुख्य रूप से किन-किन अनुमति निर्माण किए जी+3 (भूतल सहित चार मंजिल) से ऊंचे भवन शामिल होंगे। ऐसे भवनों का काम केवल बाइक्लिङ को अनुचित नहीं हो रहा है, बल्कि स्वास्थ्य लोगों को भी परेशानी का सामना करना पड़ता है। इस निर्देश के बाद जयपुर विकास प्राधिकोष (जेडीए) सरल की कार्यवाही शुरू करेगा जा रहा है। जेडीए अधिकारियों के मुताबिक यह शहर में इस तरह के सर्वे और सूची तैयार करने के काम में थोड़ा वाल्ल सकता है। इसके लिए अभी संख्या में भरपूरी की सहायता की जरूरत होगी। अधिकारी जादु लोकायुक्त से मिलकर संस्थाओं की वास्तविक स्थिति की जानकारी देगे।

साथ ही, जेडीए की कार्य प्रक्रिया के विवरण में भी उन्हें विस्तार से जानकारी दी जाएगी।

लोकायुक्त के अंदर के तालुका द्वारा उन्हें अभी करने का समय दिया जाएगा।
अवैध खनन पर लोकायुक्त ने मांगी जिम्मेदार अधिकारियों की सूची

खान निदेशालय उदयपुर से मांगी रिपोर्ट