

Features of Himachal Pradesh Lokayukta Bill, 2012, which are in addition to the existing H.P. Lokayukta, Act, 1983

1. Act also applies to the public servants who are posted outside the State of Himachal Pradesh in connection with the affairs of the State. **(Section 1 (2))**
2. **Initiation of Suo Motto action:-**The Himachal Lokayukta shall have the power to initiate suo-motto action on the matters relating to allegations of corruption committed by any public servant. **(Section 11(a))**
3. **Registration/ investigation of FIR:** - The Himachal Lokayukta shall have the power to get the FIR registered from its own Investigating Wing or other Investigating Agency. **(Section 13 (4) (a))**
4. **Filing of challan/ pursuance of case in the court:** - The Himachal Lokayukta shall have the power to file challan (charge sheet) before the Special Court against public servant and after that shall pursue the same in the court through its prosecution wing. **(Section 13 (7) (a))**
5. **Appeal against the order of the Special Court:-**The Himachal Lokayukta shall have the power to file an appeal against the acquittal order of the Special Court. **(Section 11 (g))**
6. **Purview of Himachal Lokayukta:** - Chief Parliamentary Secretaries, Parliamentary Secretaries Pradhan, Up-Pradhan or Member of a Gram Panchayat constituted under the Himachal Pradesh Panchayati Raj Act, 1994. **(Section 2 (1) (i) & (vi))**
7. Corruption definition includes victimization of whistle blower or a witness. **(Section 2(1) (d))**
8. The Himachal Lokayukta shall have the power to direct for appropriate action including transfer or suspension of that government servant from that position. **(Section 22 (3))**
9. The Himachal Lokayukta shall have the power to recommend departmental proceedings **(Section 13 (4) (b) & 13 (7)(b))**

10. The Himachal Lokayukta shall have the power to recommend staying, cancellation or modification of lease, license, permission, contract or agreement, if it was obtained by corrupt means and to recommend blacklisting of a firm, company, contractor or any other person, involved in an act of corruption. (**Section 11 (i))**
11. The Himachal Lokayukta shall have the power to take action on the allegation of corruption under H.P. Prevention of Specific Corrupt Practices Act, 1983. (**Section 2 (1) (b) &(d)**)
12. The Himachal Lokayukta shall have the power to initiate the process to get the property and assets acquired by corrupt means attached and confiscated in accordance with law. (**Section 11 (j))**
13. The Himachal Lokayukta shall have the power to make recommendations to public authorities, to make changes in their work practices to reduce the scope for corruption and whistleblower victimization. (**Section 11 (l))**
14. The Himachal Lokayukta shall have the power to get the complaint be investigated by its investigation wing or any investigating agency. (**Section 13 (4) (a))**
15. Prosecution sanction or report-in writing has to be granted or sought 120 days from the date of receipt of investigation report, failing which the prosecution sanction shall be deemed to have been granted. (**Section 13 (8))**
16. The State Government shall on the recommendations of Himachal Lokayukta designate Special Courts in consultation with the High Court to hear and decide the cases under the Prevention of Corruption Act, 1988, Chapter-IX of the Indian Penal Code, the Himachal Pradesh Prevention of Specific Corrupt Practices Act, 1983 or under this Act. (**Section 19 (1)**)
17. Places recommended by the Himachal Lokayukta shall be notified as Himachal Lokayukta Police Stations within the meaning and under Section 2 clause (s) of Code of Criminal Procedure, 1973 as amended from time to time for registration of the cognizable offences triable under

- the Prevention of Corruption Act, 1988 as amended from time to time, Chapter-IX of the Indian Penal Code, 1860 as amended from time to time and the H.P. Prevention of Specific Corrupt Practices Act, 1983 as amended from time to time. **(Section 17)**
- 18.** Power to issue a letter of request to a court or an authority in another State competent to examining the facts and circumstances of the case; take such steps as the Special Court may specify in such letter of request; and forward all the evidence so taken or collected to the Special Court issuing such letters of request. **(Section 20 (1))**
- 19.**The Himachal Lokayukta shall have a prosecution wing and an Investigation Wing for the purpose of conducting fair, impartial and transparent investigation of any offence alleged to have been committed by a public servant. **(Section 16 & Section 21)**
- 20.**The Himachal Lokayukta may utilize the budget sanctioned by the State Government without any further administrative or financial approval from any Government agency. **(Section 25)**
- 21.**The Himachal Lokayukta may, by notification, make regulations consistent with this Act to carry out the provisions of this Act. **(Section 31)**
- 22.**Enquiry, investigation and prosecution shall continue in case the complainant dies or is incapacitated from taking or does not take further steps for substantiating the allegation, the Himachal Lokayukta, as the case may be, for reasons to be recorded in writing, proceed further with the complaint on the basis of the material available. **(Section 28)**
- 23.**The Himachal Lokayukta shall have the power to issue directions directions to provide full protection to such whistle blowers from any

- physical victimization, physical threat or administrative harassment.
(Section 32)
- 24.** Act to have overriding effect **(Section 36)**
- 25.** Provisions of the Act in additions to others laws **(Section 37)**
- 26.** Multi Member body with a transparent and open system of selection
(Section 6)
- 27.** Proceedings in open court and in camera only in exceptional cases
(Section 23)
- 28.** Details of cases and their progress on the website of the Lokayukta to ensure transparency. **(Section 12(5) & (6))**
- 29.** To prevent the ongoing incidence of corruption, it may make any recommendation to the public authority concerned to stay the implementation and enforcement of any decision or take such action as may be recommended by it. The public authority shall either comply with the recommendation of the Himachal Lokayukta or reject the same within 30 days of the recommendation thereof. **(Section 13(10))**
- 30.** Complaint Authority to be established in the Himachal Lokayukta with the concurrence of the State Government to entertain complaints against any officer or staff of the Himachal Lokayukta. **(Section 18)**.