

## THE SCHEDULE

[See section 58]

### AMENDMENT TO CERTAIN ENACTMENTS

#### PART I

##### AMENDMENT TO THE COMMISSIONS OF INQUIRY ACT, 1952

(60 OF 1952)

**Amendment of section 3.**—In section 3, in sub-section (1), for the words “The appropriate Government may”, the words and figures “Save as otherwise provided in the Lokpal and Lokayuktas Act, 2013, the appropriate Government may” shall be substituted.

#### PART II

##### AMENDMENTS TO THE DELHI SPECIAL POLICE ESTABLISHMENT ACT, 1946

(25 OF 1946)

**1. Amendment of section 4A.**—In section 4A,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government shall appoint the Director on the recommendation of the Committee consisting of—

(a) the Prime Minister—Chairperson;

(b) the Leader of Opposition in the House of the People—Member;

(c) the Chief Justice of India or Judge of the Supreme Court nominated by him—Member.”;

(ii) sub-section (2) shall be omitted.

**2. Insertion of new section 4BA.**—After section 4B, the following section shall be inserted, namely:—

“4BA. Director of Prosecution.—(1) There shall be a Directorate of Prosecution headed by a Director who shall be an officer not below the rank of Joint Secretary to the Government of India, for conducting prosecution of cases under this Act.

(2) The Director of Prosecution shall function under the overall supervision and control of the Director.

(3) The Central Government shall appoint the Director of Prosecution on the recommendation of the Central Vigilance Commission.

(4) The Director of Prosecution shall notwithstanding anything to the contrary contained in the rules relating to his conditions of service, continue to hold office for a period of not less than two years from the date on which he assumes office.”.

**3. Amendment of section 4C.**—In section 4C, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government shall appoint officers to the posts of the level of Superintendent of Police and above except Director, and also recommend the extension or curtailment of the tenure of such officers in the Delhi Special Police Establishment, on the recommendation of a committee consisting of:—

(a) the Central Vigilance Commissioner—Chairperson;

(b) Vigilance Commissioners—Members;

(c) Secretary to the Government of India in charge of the Ministry of Home—Member;

(d) Secretary to the Government of India in charge of the Department of Personnel—Member:

Provided that the Committee shall consult the Director before submitting its recommendation to the Central Government."

### PART III

#### AMENDMENTS TO THE PREVENTION OF CORRUPTION ACT, 1988

(49 OF 1988)

**1. Amendment of sections 7, 8, 9 and 12.**—In sections 7, 8, 9 and section 12,—

(a) for the words "six months", the words "three years" shall respectively be substituted;

(b) for the words "five years", the words "seven years" shall respectively be substituted.

**2. Amendment of section 13.**—In section 13, in sub-section (2),—

(a) for the words "one year", the words "four years" shall be substituted;

(b) for the words "seven years", the words "ten years" shall be substituted.

**3. Amendment of section 14.**—In section 14,—

(a) for the words "two years", the words "five years" shall be substituted;

(b) for the words "seven years", the words "ten years" shall be substituted.

**4. Amendment of section 15.**—In section 15, for the words "which may extend to three years", the words "which shall not be less than two years but which may extend to five years" shall be substituted.

**5. Amendment of section 19.**—In section 19, after the words "except with the previous sanction", the words "save as otherwise provided in the Lokpal and Lokayuktas Act, 2013" shall be inserted.

### PART IV

#### AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

(2 OF 1974)

**Amendment of section 197.**—In section 197, after the words "except with the previous sanction", the words "save as otherwise provided in the Lokpal and Lokayuktas Act, 2013" shall be inserted.

### PART V

#### AMENDMENTS TO THE CENTRAL VIGILANCE COMMISSION ACT, 2003

(45 OF 2003)

**1. Amendment of section 2.**—In section 2, after clause (d), the following clause shall be inserted, namely:—

“(da) “Lokpal” means the Lokpal established under sub-section (1) of section 3 of the Lokpal and Lokayuktas Act, 2013;”.

**2. Amendment of section 8.**—In section 8, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(c) on a reference made by the Lokpal under proviso to sub-section (1) of section 20 of the Lokpal and Lokayuktas Act, 2013, the persons referred to in clause (d) of sub-section (1) shall also include—

(i) members of Group B, Group C and Group D services of the Central Government;

(ii) such level of officials or staff of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf:

Provided that till such time a notification is issued under this clause, all officials or staff of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred in clause (d) of sub-section (1)."

**3. Insertion of new sections 8A and 8B.**—After section 8, the following sections shall be inserted, namely:—

“8A. Action on preliminary inquiry in relation to public servants.—(1) Where, after the conclusion of the preliminary inquiry relating to corruption of public servants belonging to Group C and Group D officials of the Central Government, the findings of the Commission disclose, after giving an opportunity of being heard to the public servant, a *prima facie* violation of conduct rules relating to corruption under the Prevention of Corruption Act, 1988 (49 of 1988) by such public servant, the Commission shall proceed with one or more of the following actions, namely:—

(a) cause an investigation by any agency or the Delhi Special Police Establishment, as the case may be;

(b) initiation of the disciplinary proceedings or any other appropriate action against the concerned public servant by the competent authority;

(c) closure of the proceedings against the public servant and to proceed against the complainant under section 46 of the Lokpal and Lokayuktas Act, 2013.

(2) 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.

8B. Action on investigation in relation to public servants.—(1) In case the Commission decides to proceed to investigate into the complaint under clause (a) of sub-section (1) of section 8A, it shall direct any agency (including the Delhi Special Police Establishment) 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 and submit the investigation report containing its findings to the Commission:

Provided that the Commission may extend the said period by a further period of six months for the reasons to be recorded in writing.

(2) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973 (2 of 1974), any agency (including the Delhi Special Police Establishment) shall, in respect of cases referred to it by the Commission, submit the investigation report to the Commission.

(3) The Commission shall consider every report received by it under sub-section (2) from any agency (including the Delhi Special Police Establishment) 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 servant by the competent authority."

**4. Insertion of new section 11A.**—After section 11, the following section shall be inserted, namely:—

“11A. Director of inquiry for making preliminary inquiry.—(1) There shall be a Director of Inquiry, not below the rank of Joint Secretary to the Government of India, who shall be appointed by the Central Government for conducting preliminary inquiries referred to the Commission by the Lokpal.

(2) The Central Government shall provide the Director of Inquiry such officers and employees as may be required for the discharge of his functions under this Act.”.