

# Bill Summary

## The Constitution (One Hundred and Sixteenth Amendment) Bill, 2011

- The Constitution (One Hundred and Sixteenth Amendment) Bill, 2011 was introduced in the Lok Sabha by the Minister of Personnel, Public Grievances and Pensions, Mr. V. Narayanasamy on December 22, 2011.
- The Bill amends the Constitution by inserting a new Part XIVB (adding Articles 323C and 323D) to the Constitution. It provides an outline for establishing a Lokpal for the Union and Lokayukta for the states. The Bill also amends the Third Schedule (insertion of Part IX) to provide for the form of oath to be taken by the Chairperson and members of Lokpal and the Lokayukta.
- The Bill provides that there shall be a Lokpal for the Union and a Lokayukta for the States.
- The Lokayukta shall be an autonomous and independent body headed by a Chairperson. The number of Members and the conditions of service of the Lokayukta shall be determined by either Parliament or the State Legislatures as the case may be.
- The appointment of the Chairperson and the Members of the Lokayukta shall be made by the Governor.
- The Chairperson and Members of the Lokayukta shall not be eligible to hold any further government posts (including office under the Government of India, State Government or any other officer as may be determined by Parliament or state legislature).

### Lokpal

- The Bill vests the Lokpal with the power to (a) hold preliminary enquiry which may result in an investigation; and (b) prosecute offences. This power is in relation to a complaint filed under any prevention of corruption law made by Parliament.
- The Lokpal shall be an autonomous and independent body headed by a Chairperson. The number of members and the conditions of the service of the Lokpal shall be determined by Parliament.
- The appointment of the Chairperson and the members of the Lokpal shall be made by the President.
- The Chairperson and members of the Lokpal shall not be eligible to hold any further government posts (including office under the Government of India, State Government or any other officer as may be determined by Parliament).

### Lokayukta

- The Bill also provides that there shall be a Lokayukta for every State. The Bill vests the Lokayukta with the power to (a) hold preliminary enquiry which may result in an investigation; and (b) prosecute offences. This power is in relation to a complaint filed under any prevention of corruption of law made by either the Parliament or the State legislatures as the case may be.

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