

THE KERALA PUBLIC MEN (PREVENTION OF CORRUPTION) ACT, 1983 (Act
6 of 1984)
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THE KERALA PUBLIC MEN (PREVENTION OF CORRUPTION) ACT, 1983*
(Act 6 of 1984)

An Act to provide for the establishment of an authority to investigate allegations of corruption against public men and for matters connected therewith.

Preamble.— WHEREAS it is expedient to deal effectively against corruption amongst Public men and to provide for the establishment of an authority to investigate allegations of corruption and for matters connected therewith;
BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

CHAPTER 1 PRELIMINARY

1. *Short title, extent and commencement.*— (1) This Act may be called the Kerala Public Men (Prevention of Corruption) Act, 1983.

(2) It extends to the whole of the State of Kerala.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

- (a) "Chief Justice" means the Chief Justice of the High Court of Kerala;
- (b) "Commission" means a Commission constituted under section 4;
- (c) "Commissioner" means a member of the Commission;
- (d) "Governor" means the Governor of Kerala;
- (e) "Legislative Assembly" means the Legislative Assembly of the State of Kerala;
- (f) "Local authority" means a municipal corporation or a municipal council or a township committee or a panchayat;
- (g) "political party" means a political party or group which has representation in Parliament or in the Legislative Assembly; or a political party which is treated as a recognised political party in accordance with paragraph 6 of Election Symbols (Reservation and Allotment) Order, 1968;
- (h) "prescribed" means prescribed by rules made under this Act;

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- (i) "public man" means a person who holds or has held in the State the office of—
 - (i) a Minister or the Chief Minister; or
 - (ii) a member of the Legislative Assembly; or
 - (iii) a member or the President of the Travancore Devaswom Board or the Cochin Devaswom Board or a member or the Chairman of the Guruvayoor Devaswom Managing Committee or a member or the Chairman of the Kerala Wakf Board; or
 - (iv) the Chairman or the Vice-Chairman (by whatever name called) of—
 - (A) a local authority; or
 - (B) a Government Company as defined in section 617 of the Companies Act, 1956 (Central Act 1 of 1956); or
 - (C) a statutory body or Corporation or Board established by or under a statute and owned or controlled by the Government of Kerala, including a co-operative society; or
 - (D) any other Corporation or Board or Society owned or controlled by the Government of Kerala:

Explanation.— In this clause—

- (a) "co-operative society" means a co-operative society registered or deemed to have been registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969);
 - (b) "society" means a society registered in the State under the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (XII of 1955) or under the Societies Registration Act, 1860 (Central Act 21 of 1860).
 - (v) a member of a local authority or the syndicate of Executive Committee of a University established by an Act of the State Legislature or a member or Director (by whatever name called) of a body or Corporation or Board or Society referred to in item (C) or item (D) of sub-clause (iv); or
 - (vi) a member of the State Transport Authority or any Regional Transport Authority;
- or
- (vii) the President, Secretary or Treasurer or any other office bearer of a registered trade union;

Explanation.— In this clause, "registered trade union" means a trade union registered under the

Trade Unions Act, 1926 (Central Act 16 of 1926); or

(viii) The Chairman or Vice-Chairman or President or Vice-President or Secretary or Treasurer or any other Office bearer of a political party at the district or State level; or

(ix) any person referred to in sub-section (2) of section 3;

(j) "public servant" means a public servant as defined in section 21 of the Indian Penal Code (Central Act 45 of 1860);

(k) "State" means the State of Kerala;

(l) "trade union" means a trade union as defined in the Trade Unions Act, 1926 (Central Act 16 of 1926).

3. *Definition of corruption.*—(1) Whoever being a public man—

(a) accepts or obtains from any person for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or showing or for bearing to show in the exercise of his official functions, favour or disfavour to any person or for rendering any service or dis-service to any person, with the Government or any Board, authority, body, Corporation, Company or Society referred to in sub-clauses (iii), (iv), (v) and (vi) of clause (i) of section 2 or with any public man or public servant as such; or

(b) accepts or obtains from any person for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public man or public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public man or public servant, to show favour or disfavour to any person or to render any service or dis-service to any person with the Government or any board authority, body, Corporation, Company or Society referred to in sub-clauses (iii), (iv), (v) and (vi) of clause (i) of section 2 or with any public man or public servant as such, or (c) by corrupt or illegal means or by otherwise abusing his position as a public man obtains for himself or for any other person any valuable thing or pecuniary advantage; or (d) abusing his position as public man wilfully does any act in contravention of any provision of any law for the time being in force is, said to commit corruption.

Explanation I.— The word "gratification" means pecuniary gratification and gratification estimable in money.

Explanation II.— The word "law" includes any Ordinance, byelaw, rule, regulation or notification.

Explanation III.— The words "legal remuneration" are not restricted to remuneration which a public man can lawfully demand, but include all remuneration which is lawfully permissible.

Explanation IV.— A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, comes within the expression "a motive or reward for doing".

(2) Any person who abets or conceals or attempts to conceal from detection, the commission of corruption of the nature specified in sub-section (1) by a public man also commits corruption.

4. *Constitution of Commission.*— (1) The Governor shall constitute a Commission consisting of three members to deal effectively with allegations of corruption against public men.

(2) The Governor shall in consultation with the Chief Minister of the State and the Chief Justice, appoint under his hand and seal the members of the Commission.

(3) Two of the persons appointed under sub-section (2) shall be sitting or retired Judges of the Supreme Court or of the High Court (hereinafter referred to as judicial members) and the

other member shall be a person who is an officer not below the rank of Secretary to Government.

(4) The Governor shall, in consultation with the Chief Minister of the State and the Chief Justice, appoint one of the Judicial Members to be the Chairman of the Commission.

(5) Every matter to be decided by the Commission shall be decided in accordance with the opinion of the majority of the Commissioners.

(6) A Commissioner shall not be a member of Parliament or a member of the Legislature of any State and shall not hold any office of trust or profits (other than the office as Commissioner), or be connected with any organization the activities of which are likely to result in communal disharmony or hatred or carry on any business, or practice any profession and accordingly before entering upon his office, a person appointed as Commissioner shall,-

(a) if he is a Member of Parliament or of the Legislature of a State, resign such membership; or

(b) if he holds any office of trust or profit, resign from such office; or

(c) if he is carrying on any business, sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or

(d) if he is practising any profession, cease to practise such profession.

(7) A person who has been a member of a political party at any time during the period of five years immediately preceding-

(a) the commencement of this Act, in the case of first appointment after such commencement; or

(b) the date on which the vacancy has arisen, in the case of any subsequent appointment, shall not be eligible to be appointed as Commissioner.

5. *Conditions of service of Commissioner.*— (1) A person appointed as Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of seventy years, whichever is earlier.

(2) On ceasing to hold office, a Commissioner shall be ineligible for reappointment as Commissioner or for further appointment either under the Government of Kerala or under any public undertaking of the State Government.

Explanation.— For the purposes of this sub-section, "public undertaking" means any company in which not less than fifty-one per cent of the paid up share capital is held by the Government of Kerala and includes a statutory corporation or Board constituted by that Government.

(3) Notwithstanding anything contained in sub-section (1), a Commissioner may—

(a) by writing under his hand addressed to the Governor resign his office at any time;

(b) be removed from his office in accordance with the provisions of sub-section (4).

(4) A Commissioner shall not be removed from his office except by an order of the Governor passed after an address by the Legislative Assembly supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of the Legislative Assembly present and voting has been presented to the Governor in the same session for such removal on the ground of proved misbehaviour or incapacity.

(5) The procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Commissioner under sub-section (4) shall be such as may be prescribed by an order of the Governor and approved by the Legislative Assembly.

(6) A Commissioner shall have the like status, shall be entitled to the same salary, allowances and pension and shall be subject to the same conditions of service, as a Judge of the High Court of Kerala:

Provided that the status, salary, allowances, pension and conditions of service of a sitting or a retired Judge of the Supreme Court appointed as Commissioner shall be such as may be specified by the Governor:

Provided further that the salary, allowances and pension payable to, and other conditions of service of, a Commissioner shall not be varied to his disadvantage after his appointment.

6. *Oath of Office*.—Every person appointed as Commissioner shall, before he enters upon his office, make and subscribe before the Governor or some person appointed in that behalf by him, an oath or affirmation according to the form set out hereunder:—

“I, A. B., having been appointed Commissioner do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or illwill.”.

7. *Staff of Commission*.— (1) The Commission shall have a Secretary and such other officers and employees as may be prescribed by the Governor in consultation with the Commission to assist the Commission in the exercise of its powers and the discharge of its functions under this Act.

(2) The conditions of service of the Secretary and other officers and employees shall be such as may be prescribed by the Governor in consultation with the Commission.

(3) Appointment of the Secretary and other officers and employees shall be made by the Commission:

Provided that where such appointment is made by direct recruitment the Kerala Public Service Commission shall be consulted.

(4) The rules for reservation of appointments and posts in Government service in favour of the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens shall, *mutatis mutandis*, apply to appointments to be made by the Commission under sub-section (1).

(5) Without prejudice to the provisions of sub-sections (1), (2), (3) and (4), the Commission may, for the purpose of dealing with any particular case or class of cases, secure-

(i) the services of any officer or employee or investigating agency of the Government of Kerala with the concurrence of that Government; or

(ii) the services of any other person or agency.

(6) The terms and conditions of service of the officers, employees, agencies and persons referred to in sub-section (5) shall be such as may be prescribed by the Governor in consultation with the Commission.

(7) In the discharge of their functions under this Act, the officers and employees referred to in sub-section (1) and the officers, employees, agencies and persons referred to in sub-section (5) shall be subject to the exclusive administrative control and direction of the Commission.

8. *Petition for initiating proceedings*.—(1) Any person other than a public servant or a service association or a trade union may present a petition to the Commission with an additional copy for service on the opposite party requesting that any allegation of corruption against any public man specified in such petition may be investigated under this Act.

(2) Every petition under sub-section (1) shall be accompanied by an affidavit in support of the allegation contained therein and a treasury receipt evidencing the deposit of a sum of five hundred rupees:

Provided that no such treasury receipt shall be necessary where the petition is presented jointly by not less than ten members of the Legislative Assembly.

(3) Every petition under sub-section (1) as well as any schedule or annexure thereto shall be verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the verification of pleadings.

(4) The person who presents a petition under sub-section (1) or any other person shall not publish or cause to be published the contents of the petition in any manner whatsoever.

(5) Any person who contravenes the provisions of sub-section (4) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

9. *Commission not to initiate proceedings in certain cases.*—The Commission shall not conduct any investigation under this Act,-

(a) if the allegation of corruption mentioned in the petition has been the subject matter of another investigation or inquiry or other proceedings by or before a Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952 or any other Commission appointed by the Government; or

(b) if the petition does not comply with the provisions of section 8; or

(c) if the corruption is alleged to have taken place before a period of five years immediately preceding the commencement of this Act; or

(d) if the petition under section 8 has been presented after the expiry of a period of twenty-four months from the date on which the corruption is alleged to have taken place; or

(e) in respect of corruption alleged to have taken place within a period of five years immediately preceding the commencement of this Act, if the presentation of the petition is after the expiry of a period of twenty-four months from the date on which the corruption is alleged to have taken place or six months from such commencement, whichever is later.

10. *Preliminary Investigation.*—(1) On receipt of a petition under section 8 containing any allegation of corruption against a public man, the Commission shall, in a case not falling under section 9, scrutinise such allegation and shall furnish a copy of the petition to the public man and also give the petitioner and the public man concerned an opportunity of being heard in the matter.

(2) The Commission shall call for any relevant information or document in respect of the allegation of corruption from the petitioner or the Government or any other person or authority who or which, in the opinion of the Commission is in possession of such information or document, and thereupon the petitioner or the Government or such other person or authority shall be bound to furnish such information or produce such document.

(3) Every preliminary investigation under this section shall be conducted in private and in camera and in particular the identity of the petitioner, if any, or the public man affected by such investigation shall not be disclosed to the public or the press whether before, during or after such investigation.

(4) Save as aforesaid, the procedure for conducting any such investigation shall be such as may be prescribed by the Governor in consultation with the Commission.

11. *Result of preliminary investigation and further action.*—(1) If, after the preliminary investigation under section 10, the Commission is of the opinion that the allegation of corruption is without substance or trivial in nature or that further investigation is not likely to prove useful, it shall record a finding to that effect and report to the Government accordingly, stating the reasons for such finding.

(2) The Commission shall, in cases not falling under sub-rule (1), proceed to make a detailed investigation in regard to the allegation of corruption.

(3) The Commission shall, subject to the provisions of this Act and of the rules made thereunder, have power to regulate its own procedure including the fixing of the time and place of sitting.

(4) The public man against whom corruption has been alleged and the petitioner, if any, shall have the right to be represented in person or by counsel.

(5) In every detailed investigation under this Act, the Government shall be made a party.

(6) The Commission may, if it considers necessary to do so, having regard to the nature and circumstances of the case under investigation, appoint a counsel to assist it on such terms and conditions as may be prescribed.

(7) The Commission may, at any stage, also permit—

(a) any witness, or

(b) any other person

who claims that he is to be represented in person or by counsel to take such part in the proceedings as the Commission may, in the interest of justice, thinks fit.

12. *Reports of Commission.*—(1) The Commission shall, at the end of the detailed investigation, record its findings including a finding referred to in sub-section (3) stating the reasons therefor and report the same to the Government with its recommendations.

(2) The report of the Commission under sub-section (1) shall be communicated to the Government within a period of one year from the commencement of the detailed investigation referred to in sub-section (2) of section 11.

(3) Where the Commission is of opinion that it is expedient in the interests of justice that the public man against whom corruption has been alleged or any other person concerned with the subject matter of the allegation should be prosecuted for any offence referred to in section 6 of the Criminal Law Amendment Act, 1952 (Central Act 46 of 1952), they shall, if no prosecution for such offence has already been initiated against the public man or other person in any court, record a finding to that effect stating the reasons therefore.

(4) Where a finding referred to in sub-section (3) is recorded by the Commission the Government shall take all necessary steps for the prosecution of the persons concerned.

(5) Where no action is taken by the Government on the recommendation of the Commission within a period of six months from the date of receipt of such recommendation by the Government or where the Commission is not satisfied with the action taken by the Government on its recommendation, the Commission shall make a special report thereof to the Governor.

(6) The Commission shall present annually a consolidated report on the performance of its functions under this Act to the Governor.

(7) On receipt of a special report under sub-section (5) or the annual report under sub-section (6), the Governor shall cause a copy thereof to be laid, as soon as may be, before the Legislative Assembly.

(8) The Government shall cause every report of the Commission under sub-section (1) to be laid before the Legislative Assembly together with a memorandum of the action taken thereon within a period of six months of the submission of the report to the Government.

13. *Public man to vacate office if directed by Commission.*—(1) Where, after an investigation under this Act, the Commission is satisfied that an allegation against a public man has been substantiated and that such public man should not continue to hold the post held by him, the Commission shall make a declaration to that effect in its report under sub-section (1) of section 12 and thereupon the Government may either accept the declaration or reject it.

(2) If the declaration is not rejected under sub-section (1) within a period of three months from the date of receipt of the report under sub-section (1) of section 12, it shall be deemed to have been accepted by the Government on the expiry of the said period of three months.

(3) If the declaration referred to in sub-section (1) is accepted or is deemed to have been accepted by the Government, the fact of such acceptance or the deemed acceptance shall be intimated to the public man and notwithstanding anything contained in any law, order, notification, rule or contract of appointment, the public man shall, with effect from the date of such intimation,—

(i) if he is the Chief Minister or a Minister or a Member of the Legislative Assembly of the State, resign his office of Chief Minister, Minister or Member of the Legislative Assembly, as the case may be;

(ii) if he is any other person, be deemed to have vacated his office.

14. *Costs.*—(1) The Commission may, in case the allegation is found to be without substance or trivial in nature or is not substantiated, order the petitioner, to pay such amount of costs as may be specified in the order to the public man against whom the allegation has been made or to any other person referred to in sub-section (7) of section 11.

(2) The Commission may order any part of the costs ordered to be paid under sub-section (1) to be paid out of any amount deposited under section 8 and issue a certificate of recovery in respect of the remainder, if any.

(3) Any person in whose favour a certificate is issued under sub-section (2) may apply to the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person against whom a certificate is issued has a place of residence or business for recovery of the amount specified in the certificate and such court shall thereupon execute the certificate, or cause the same to be executed, in the manner and by the same procedure as if it were a decree for the payment of money passed by itself in a suit.

15. *Powers of Commission and Officers.*—(1) The Commission and any officer authorised by the Commission shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing Commissions for the examination of witnesses or documents; (f) such other matters as may be prescribed.

(2) Each Commissioner or any officer authorised by the Commission in this behalf may enter and search any building or place where the Commission has reason to believe that any books of account or other documents relevant to the subject matter of the enquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom.

(3) The provisions of section 100 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall, so far as may be, apply to searches under sub-section (2).

(4) Any proceedings before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Central Act 45 of 1860).

16. *Power of Commission to call for special property statements.*—The Commission shall have power to call for a special property statement in the prescribed form any public man, an allegation against whom is under investigation under this Act.

17. *Statements made to the Commission.*—(1) Subject to the provisions of sub-section (2), no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to the Government or any public servant, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information for the purpose

of any investigation under this Act and the Government or any public servant shall not be entitled, in relation to any such investigation, to any such privilege in respect of production of documents or giving evidence as is allowed by any enactment or by any rule of law in legal proceedings.

(2) No person shall be required or authorised by virtue of this Act to furnish any such information or answer any such question or produce so much of any document, as might prejudice the security or defence or international relations of India (including India's relation with the Government of any other country or with any international organisation), and for the purpose of this sub-section a certificate issued by a Secretary to the Government of India certifying that any information, answer or portion of a document is of the nature specified in this sub-section shall be binding and conclusive.

(3) Subject to the provisions of sub-section (1), no person shall be compelled for the purpose of investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a court.

(4) No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

- (a) is made in reply to a question he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the investigation.

18. *Secrecy of information.*— Any information obtained by the Commission or members of its staff or any investigation agency in the course of, or for the purpose of any investigation under this Act and any evidence recorded or collected in connection with such investigation shall be treated as confidential, and notwithstanding anything contained in the Indian Evidence Act, 1872 (Central Act 1 of 1872), no court shall be entitled to compel the Commission or any Commissioner or any member of its staff or any investigation agency to give evidence relating to such information or produce the evidence so recorded or collected.

(2) Nothing in sub-section (1) shall apply to the disclosure of any information or particulars—

(a) for the purpose of the investigation or in any report to be made thereon or for any action or proceedings to be taken on such report; or

(b) for the purposes of any proceedings for an offence under the Official Secrets Act, 1923 (Central Act 19 of 1923) or any offence of giving or fabricating false evidence

under the Indian Penal Code (Central Act 45 of 1860) or for purposes of any proceeding under section 25; or

(c) for such other purposes as may be prescribed.

(3) No person shall publish any proceeding relating to a preliminary investigation under section 10 which is pending before the Commission nor shall any person publish such proceeding after such investigation is completed.

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(5) Nothing in sub-sections (3) and (4) shall apply to the publication of any report laid before the Legislative Assembly.

19. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against the Commission or a Commissioner or against any officer, employee, agency or person referred to in section 7 in respect of anything which is in good faith done or intended to be done under this Act.

(2) No proceeding of the Commission shall be held invalid for want of form and, except on the ground of jurisdiction, no proceeding or decision of the Commission shall be liable to be challenged, review or called in question in any court.

20. *Power of Commission to try certain offences summarily.*—(1) If, at any stage of a proceeding before the Commission, it appears to them that any person appearing in such proceeding had knowingly or wilfully given false evidence or had fabricated false evidence with the intention that such evidence should be used in such proceeding, the Commission may, if satisfied that it is necessary and expedient in the interests of justice that the person should be tried summarily for giving or fabricating, as the case may be, false evidence, take cognizance of the offence and may, after giving the offender a reasonable opportunity of showing cause why he should not be punished for such offence, try such offender summarily, so far as may be in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), and sentence him to imprisonment for a term which shall not be less than three months but which may extend to one year, and with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees.

(2) In every case tried under this section, the Commission shall record the facts constituting the offence with the statement (if any) made by the offender as well as the finding and the sentence.

(3) Any person convicted on a trial held under this section may appeal to the High Court and the provisions of Chapter XXIX of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall, so far as may be, apply to appeals under this section and the High Court may alter or reverse the finding or reduce or reverse the sentence appealed against.

(4) The provisions of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(5) Words and expressions used in this section and not defined in this Act shall have the same meaning as in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

21. *Power to delegate.*— The Commission may, by general or special order in writing, direct that any powers conferred or duties imposed on it by or under this Act (except the power to make investigation or to report to the Government) may also be exercised or discharged by such of the officers, employees or agencies referred to in section 7, as may be specified in the order.

22. *Bar to inquiries.*—No formal or open inquiry into any alleged commission of corruption by any public man in respect of which a petition has been presented under section 8 shall be made at the instance of the Government either under the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952) or by any other order or resolution of the Government, but nothing herein contained shall be construed as affecting any right or power of any other person or authority under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or under any other law for the time being in force, or as affecting the constitution of, or the continuance of the functioning of or exercise of powers by, any committee or Commission of Inquiry appointed before the commencement of this Act.

23. *Disposal of deposit.*— The Commission shall at the end of the investigation make such orders in respect of the sum deposited by any petitioner under section 8 including orders for the forfeiture of the whole or any portion of such sum as having regard to the circumstances of the case it thinks fit.

24. *Pendency of case not to bar proceedings under this Act.*— The pendency of any civil or criminal case in the High Court or any court subordinate thereto in respect of any allegation of corruption shall not bar the scrutiny, investigation or inquiry of or into that allegation under

this Act, and no such scrutiny, investigation or inquiry shall be deemed to amount to contempt of such court.

25. *Intentional insult, etc., to the Commission.*—(1) Whoever intentionally offers any insult, or causes any interruption, to the Commission while they are conducting any

investigation under this Act, shall be punishable with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(2) Whoever, by words spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Commission into disrepute, shall be punishable with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(3) The provisions of sub-section (2) of section 199 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred to in sub-section (2) of the said section 199, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction of the Commission.

26. *False allegations of corruption to be punishable.*—(1) Whoever makes any allegation of corruption against a public man with malicious motive or with intent to cause injury to him knowing that there is no just or lawful ground for making such allegation, shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees.

(2) No court shall take cognisance of any offence under sub-section (1) except with the previous sanction of the Commission.

27. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the form in which petitions may be made under section 8;
- (b) the conditions of service of the Commissioners;
- (c) the powers of civil court which may be vested in the Commission;
- (d) the deposit, forfeiture, refund or disposal of sums referred to in section 8;
- (e) any other matter which has to be, or may be, prescribed under this Act.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may

be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

28. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with such provisions which appear to them to be necessary or expedient for the purpose of removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act.