

## **Procedure in respect of investigation.**

- (1) Where the Lokayukta proposes (after making such preliminary inquiry, as he deems fit) to conduct any investigation under this Act he—
  - (a) shall forward a copy of the complaint or, in the case of any investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefore, to the public servant concerned and the competent authority concerned;
  - (b) shall afford to the public servant concerned an opportunity to offer his comments on such complaint or statement; and
  - (c) may make such orders as to the safe custody of documents relevant to the investigation, as he deems, fit.
- (2) Every such investigation shall be conducted in private and in particular, the identity of the complaint and of the public servant affected by the investigation shall not be disclosed to the public or the press whether before, during or after the investigation;

Provided that the Lokayukta may conduct any investigation relating to a matter of definite public importance in public if he, for reasons to be recorded in writing, thinks fit to do so.
- (3) Save as aforesaid the procedure for conduction any such investigation shall be such as the Lokayukta considers appropriate in the circumstances of the case.
- (4) The Lokayukta may, in his discretion, refuse to investigate or cease to investigate any complaint involving a grievance or an allegation is in his opinion--
  - (a) The complaint is frivolous or vexatious or is not made in good faith; or
  - (b) there are no sufficient grounds for investigation or, as the case may be for continuing the investigation; or
  - (c) other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complaint to avail of such remedies.
- (4-A) The Lokayukta shall not proceed with any investigation under this Act where the Supreme Court or the High Court issues any director, order or writ under Article 32 of Article 226 of the Constitution of India in respect of the matter mentioned in the complaint under investigation.
- (5) In any case whether the Lokayukta decides not to entertain a complaint or to discontinue any investigation in respect of a complaint, he shall record his reasons there for and communicate the same to the complaint and the public servant concerned.
- (6) The conduct of an investigation under this Act in respect of any action shall not affect such action, or any power or duty of any public servant to take further action with respect to any matter subject to the investigation.