



KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
SIXTH SESSION

THE KARNATAKA LOKAYUKTA (AMENDMENT) BILL, 2020

(LA Bill No. 01 of 2020)

A Bill further to amend the Karnataka Lokayukta Act, 1984.

Whereas, it is expedient further to amend the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy First year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Lokayukta (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 7.- In the Karnataka Lokayukta Act, 1984, (Karnataka Act 4 of 1985) in section 7, after sub-section (4), the following shall be inserted, namely:-

“(5) Notwithstanding anything contained in sub-sections (1) to (4), if in the opinion of Lokayukta, he is disabled to hear or consider or in any manner to deal with or dispose any one of the cases or complaints or matters etc., for the reasons to be recorded in writing, he may by order, in writing, refer or transfer such cases or complaints or matters to any one of the Upalokayuktas:

Provided that, when the Upalokayukta takes up such referred or transferred cases or complaints or matters, he shall be deemed to be competent and shall be entitled to exercise all the powers of the Lokayukta for the purposes of disposal of such cases or complaints or matters in the same manner and to the same extent of the Lokayukta.

Provided further that the action taken or orders made by the Upalokayukta in the aforesaid matter shall be as effective and valid as if it was taken or done by the Lokayukta.

Provided also that, no action taken or things done by Upalokayuktha in respect of such referred or transferred cases or complaints or matters shall be open to question on the ground only that such investigation relates to a matter which is not assigned to him under this Act.”

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985) to enable the Karnataka Lokayukta to function more effectively by referring or transferring any one of the cases or complaints or matters etc., to any one of the Upalokayuktas, if in the opinion of Lokayukta he being disabled to hear or consider or in any manner to deal with or dispose such cases or complaints or matters, etc., for the reasons to be recorded in writing.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative measure.

B.S.YADIYURAPPA
Chief Minister

M.K. Vishalakshi
Secretary (I/c)
Karnataka Legislative Assembly

ANNEXURE
EXTRACT FROM THE KARNATAKA LOKAYUKTA ACT, 1984.,
(KARNATAKA ACT 4 OF 1985)

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7. Matters which may be investigated by the Lokayukta and an Upalokayukta.- (1)

Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by or with the general or special approval of,-

- (a) (i) the Chief Minister;
- (ii) a Minister;
- (iii) a member of the State Legislature; and
- (iv) the Chairman and the Vice-Chairman (by whatever name called) or a member of an authority, board or a committee, a statutory or non-statutory body or a corporation established by or under any law of the State Legislature including a society, co-operative society or a Government company within the meaning of section 617 of the Companies Act, 1956, nominated by the State Government; in any case where a complaint involving a grievance or an allegation is made in respect of such action.

(b) any other public servant holding a post or office carrying either a fixed pay, salary or remuneration of more than rupees twenty thousand per month or a pay scale the minimum of which is more than rupees twenty thousand, as may be revised, from time to time in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Lokayukta, recorded in writing, the subject of a grievance or an allegation.

(2) Subject to the provisions of this Act, an Upalokayukta may investigate any action which is taken by or with the general or specific approval of, any public servant not being the Chief Minister, Minister, Member of the Legislature, secretary or other public servant referred to in sub-section (1), in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Upalokayukta, recorded in writing the subject of a grievance or an allegation;

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the Lokayukta or an Upalokayukta may investigate any action taken by or with the general or specific approval of a public servant, if it is referred to him by the State Government.

(3) Where two or more Upalokayuktas are appointed under this act, the Lokayukta may, by general or special order, assign to each of them matters which may be investigated by them under this Act:

Provided that no investigation made by an Upalokayukta under this Act, and no action taken or things done by him in respect of such investigation shall be open to question on the ground only that such investigation relates to a matter which is not assigned to him by such order.

(4) Notwithstanding anything contained in sub-sections (1) to (3) when the office of a Upalokayukta is vacant by reason of his death, resignation, retirement, removal or otherwise or when an Upalokayukta is unable to discharge his functions owing to absence, illness or any other cause, his function may be discharged by the other Upalokayukta, if any and if there is no other Upalokayukta by the Lokayukta.

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