

## **Karnataka Lokayukta (Amendment) Act, 2010**

**25 of 2010**

**[22 July 2010]**

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An Act 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 sixty-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, 2010.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

### **2. Amendment Of Section 2 :-**

In the Karnataka Lokayukta Act, 1984 (hereinafter referred to as the principal Act), in section 2, in clause (13), for the words "means a Secretary", the words "means the Chief Secretary, an Additional Chief Secretary, a Principal Secretary, a Secretary, or a Secretary-II" shall be substituted.

### **3. Amendment Of Section 7 :-**

In section 7 of the principal Act,-

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

"(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;

(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, cooperative 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) in sub-section (2), after the words "opinion of the Upalokayukta", the words "recorded in writing" shall be inserted;

(3) in sub-section (4), after the words and figures, "sub-sections (1) to (3)", the words "when the office of a Upalokayukta is vacant by reason of his death, resignation, retirement, removal or otherwise or" shall be inserted.

### **4. Amendment Of Section 9 :-**

In section 9 of the principal Act,-

(1) after sub-section (1), the following proviso shall be inserted, namely:-

"Provided that in case of a grievance, if the person aggrieved is dead or for any reason, unable to act for himself, the complaint may be made or if it is already made, may be prosecuted by his

legal representatives or by any other person who is authorized by him in writing in this behalf."

(2) in sub-section (3),-

(i) in clause (a), after the word "complaint", the following shall be inserted namely:-"and in the case of an investigation initiated suo-motu by him, the opinion recorded by him to initiate the investigation under sub-section (1) or (2), as the case may be, of section 7;"

(ii) in clause (b), after the word "complaint", the words "or opinion recorded under sub-section (1) and (2) of section 7 as the case may be" shall be inserted.

### **5. Amendment Of Section 13 :-**

In section 13 of the principal Act, in sub-section (1), after the words "accept or reject the declaration", appearing at two places, the words "after giving an opportunity of being heard" shall be inserted.

### **6. Amendment Of Section 15 :-**

In section 15 of the principal Act,-

(1) in sub-section (3), in clause (aa), for the words "with the prior concurrence of that Government", the words "with the prior concurrence of the Central Government and State Government" shall be substituted;

(2) in clause (b), for the words "any other agency", the words "any person or any other agency" shall be deemed to have been substituted with effect from the first day of August 2006;

(3) in sub-section (4), in the proviso, after the words "Provided that", the words "when the office of the Lokayukta is vacant by reason of his death, resignation, retirement, removal or otherwise or" shall be inserted.

### **7. Validation :-**

Notwithstanding anything contained in any judgment, decree or order of any court, any action taken by the Lokayukta under the Principal Act, prior to the commencement of this Act, shall be deemed to have been taken under the Principal Act as amended by this Act and no such action including investigation, proceedings, enquiry or recommendation made thereon shall be deemed to be invalid by reason only that, at the time when such action was

taken, the Lokayukta had no powers to take such action under the Principal Act and no jurisdiction exercised by the Lokayukta under the Principal Act shall be called in question before any court, authority or tribunal.