

KARNATAKA LOKAYUKTA RULES, 1985

CONTENTS

1. Title and commencement
2. Definitions
3. Competent Authority
4. Complaint
5. Scrutiny and registration of complaints
6. Allowance and conditions of Service of Lokayukta and Upa-Lokayukta
- 6A. Official residence to Lokayukta and Upa-lokayukta
- 6B. Penal rent for overstay after the Lokayukta or Upa-lokayukta ceases to hold office, etc
7. Property Statement

SCHEDULE 1 :- SCHEDULE

KARNATAKA LOKAYUKTA RULES, 1985

In exercise of the powers conferred by Section 23 of the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985) the Government of Karnataka hereby makes the following rules, namely:

1. Title and commencement :-

- (1) These rules may be called the Karnataka Lokayukta Rules, 1985.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

- (1) In these rules unless the context otherwise requires.
 - (a) "Act" means the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985);
 - (b) "Complainant" means a person who makes a complaint under Section 9 of the Act;
 - (c) "Form" means a form appended to these rules;

1[(cc) "Registrar" means Registrar to the Lokayukta and includes

an Additional Registrar, a Deputy Registrar and an Assistant Registrar;]

2 [(d) x x x x x]

(e) "Section" means section of the Act.

(2) All other words and expressions used in these rules but not defined shall have the same meaning respectively assigned to them in the Act.

1. Clause (cc) inserted by GSR 112, dated 16-4-1986.

2. Clause (d) omitted by GSR 210, dated 10-8-1987, w.e.f. 15-10-1987.

3. Competent Authority :-

1 In respect of the public servants referred to in sub-clause (d) of clause (4) of Section 2, the Government of Karnataka shall be the Competent Authority.

1. Rule 3 substituted by GSR 210, dated 10-8-1987, w.e.f. 15-10-1987.

4. Complaint :-

(1) Every complaint shall be made in Form I, signed by the complainant and shall be supported by his affidavit in Form II duly sworn to before any Judicial Magistrate First Class, Notary Public or any Gazetted Officer duly authorised to administer oaths.

1 [(2) The complaint may be presented in person or sent by registered post to the Registrar. Such complaint shall be acknowledged by the Registrar specifying the name and designation of the public servant against whom such complaint is made.]

1. Sub-rule (2) substituted by GSR 112, dated 16-4-1986.

5. Scrutiny and registration of complaints :-

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(1) On receipt of a complaint, the Registrar shall cause the particulars thereof to be entered in "the Register of complaints" in Form II-A.

(2) If the Registrar is of the opinion that any such complaint is not in conformity with the provisions of the Act or the rules or is otherwise defective, he shall issue a notice to the complainant in

Form III to rectify the defect within the time specified in the notice:

Provided that the registrar may extend the time specified in the notice for sufficient cause.

(3) All complaints shall be placed before the Lokayukta or the Upa-lokayukta as the case may be, for orders, but complaints regarding which action has been taken under sub-rule (2) shall be placed only after the expiry of the period of time stipulated in the notice of the extended period, whether or not any defect pointed out by the Registrar has been rectified.

(4) Every person making a complaint under sub-rule (1) shall be informed of the gist of the orders passed under sub-rule (3), if no further action on the complaint is to be taken.

1. Rule 5 substituted by GSR 112, dated 16-4-1986.

6. Allowance and conditions of Service of Lokayukta and Upa-Lokayukta :-

1²[(1)] Except as otherwise provided in these rules.

(i) allowances (excluding dearness allowance), pension and other conditions of service of Lokayukta shall be on par with those applicable to the Chief Justice of India;

(ii) allowances, (excluding the dearness allowance), pension and other conditions of service of Upa-lokayukta shall be on par with those applicable to a Judge of a High Court.]

3[(1-A) Notwithstanding anything contained in sub-rule (1) the Lokayukta and Upalokayukta shall be entitled to pension and D.C.R.G. in accordance with these rules, in addition to the pension and other benefits they may be entitled to, in respect of any previous service rendered by them under the Central Government or any other State Government.]

4[(2) In respect of each completed year of service there shall be credited.

(i) to the Lokayukta in his leave account seventy days on full allowances and ninety days on half allowances; and

(ii) to the Upa-lokayukta in his leave account forty-two days on full allowances and ninety days on half allowances.]

5[(3) Any leave with allowances availed of by the Lokayukta or an Upalokayukta at any time, when there is no such leave at his credit, shall be set off against any such leave credited to his account subsequently;]

(4) The Lokayukta or an Upalokayukta may at any time avail of any amount of leave out of the leave credited to his account as leave on full allowances and the monthly rate of leave allowances in that case, shall be equal to the monthly rate of his salary and other allowances for the entire period of such leave;

(5) The Lokayukta or an Upalokayukta shall have the option of commuting leave on half allowances into leave on full allowances at any time subject to the following conditions namely.

(a) The total period of leave on full allowances availed of by him under this sub-rule shall be in addition to the leave referred to in sub-rule (4), but during the whole period of his service it shall not exceed one-twenty fourth of the period last mentioned (including the period of leave on full allowances credited to his account) plus a maximum of three months on medical grounds; and

(b) the monthly rate of leave allowances payable to the Lokayukta and an Upa-lokayukta while on leave on full allowances under this sub-rule shall be governed by Section 9 of the Supreme Court Judges (conditions of service) Act, 1958 (Central Act 41 of 1958) and the High Court Judges (Conditions of Service) Act, 1954, (Central Act 28 of 1954) respectively.

(6) Out of the leave to which the Lokayukta or an Upa-lokayukta become entitled under the provisions of this rule, he shall be competent to sanction leave to himself or to revoke or curtail the leave already sanctioned;

(7) The balance of leave on the credit or debit side of the leave account of the Lokayukta or an Upa-lokayukta at the end of any calendar year shall be carried forward to the next calendar year without limit as to accumulation;

(8) The Lokayukta or an Upa-lokayukta shall be entitled to encashment of leave accumulated to his credit at the end of his service subject to a maximum ceiling of **6**[300] days on full allowances (inclusive of that resulting from commutation of leave on half allowances);

(9) The authority competent to grant leave not due, special disability leave or extraordinary leave to the Lokayukta or an Upa-lokayukta shall be the Governor;

(10) In addition to the leave credited to his account under sub-rule (2), the Lokayukta or an Upa-lokayukta may avail casual leave subject to the following conditions namely.

(a) such leave shall not be availed of except for unforeseen illness for urgent and unforeseen private business; and

(b) such leave shall not be availed of for more than 14 days in a calendar year or for a continuous period of more than 5 days.] ⁷
[Notes. x x x x x.]

1. Rule 6 renumbered as sub-rule (1) thereof by GSR 28, dated 19-1-1989 and shall be deemed to have come into force w.e.f. 8-7-1985

2. Sub-rule (1) substituted by GSR 214, dated 3-11-1989 and shall be deemed to have come into force w.e.f. 8-7-1985

3. Sub-rule (1-A) shall be and shall always be deemed to have been inserted by GSR 17, dated 29-1-1996

4. Sub-rule (2) inserted by GSR 28, dated 19-1-1989 and shall be deemed to have come into force w.e.f. 8-7-1985

5. Sub-rules (3) to (10) inserted by GSR 214, dated 3-11-1989 and shall be deemed to have come into force w.e.f. 8-7-1985

6. Substituted for the figures "240" by Notification No. DPAR 103 SLU 99, dated 26-8-2000 and shall be deemed to have come into force w.e.f. 1-7-1997

7. Notes (1) and (2) omitted by GSR 28, dated 19-1-1989 and shall be deemed to have come into force w.e.f. 8-7-1985

6A. Official residence to Lokayukta and Upa-lokayukta :-

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(1) The Lokayukta and Upa-lokayukta shall be entitled to the use of free furnished official residence throughout the term of their office and for a further period of one month or for such extended period not exceeding two months as may be determined by the Government.

(2) The Official residence shall be maintained by the Government.

(3) If the Lokayukta or Upa-lokayukta dies while in service then the members of the family of the Lokayukta or Upa-lokayukta shall be entitled to the use of the official residence for a period of three months after such death.

(4) If the Lokayukta or Upa-lokayukta is not provided with the official residence immediately after his appointment he shall be entitled for reimbursement of the actual rent paid by him for the accommodation, if any, secured by him till the date of getting the official residence.

2[(5) Where the Lokayukta does not avail himself of the use of an official residence, he shall be paid every month, an allowance of **3**[Rs. 10,000] and shall be entitled to reimbursement of charges on account of water and electricity consumed for his residence to the extent of 4,320 kilolitres of water and 17,000 units of power per annum.

(6) Where an Upa-lokayukta does not avail himself of the use of an official residence, he shall be paid every month, an allowance of Rs. 2,500/- and shall be entitled to reimbursement of charges on account of water and electricity consumed for his residence to the extent of 3,600 kilolitres of water and 10,000 units of power per annum.]

Explanation.

(1) For the purpose of this rule and Rule 68, "family" means wife or husband of the Lokayukta or Upa- lokayuktha or their dependent children, parents, brothers and unmarried sisters.

(2) "Official residence" means an accommodation owned or taken on hire by requisition or otherwise, by the Government and allotted to the Lokayukta or Upa-lokayukta free of rent.

4 [(3) "Maintenance" in relation to an official residence includes payment towards local taxes and consumption of water and electricity:

Provided that such payment towards consumption of water and electricity shall be limited to charges payable for a maximum of 4,320 kilolitres of water and 17,000 units of electricity per annum in the case of the Lokayukta and charges payable for a maximum of 3,600 kilolitres of water and 10,000 units of electricity per annum in the case of Upa-lokayukta.]

1. Rules 6-A and 6-B inserted by GSR 276, dated 26-12-1985.

2. Sub-rules (5) and (6) inserted by Notification No. DPAR 58 SLU 96, dated 22-4-1997 and shall be deemed to have come into force w.e.f. 3-6-1996.

3. Substituted for the letters and figures "Rs. 3,000" by GSR 30,

dated 1-6-1999 and shall be deemed to have come into force w.e.f. 8-1-1999.

4. Item (3) under the heading "Explanation" substituted by GSR 18, dated 25-4-1998 and shall be deemed to have come into force w.e.f. 2-6-1997.

6B. Penal rent for overstay after the Lokayukta or Upa-lokayukta ceases to hold office, etc :-

If the Lokayukta or Upa-lokayukta or the members of his family continue to occupy the official residence beyond the period specified under Rule 6-A, penal rent at the rate of fifty per cent of the salary which the Lokayukta or Upa-lokayukta would have received had he continued in office, shall be paid for each month of such overstay.

7. Property Statement :-

The statement of assets and liabilities under Section 22 shall be in Form IV.

SCHEDULE 1

SCHEDULE