

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ಸಂಖ್ಯೆ: ಲೋಕ್/ಆರ್‌ಟಿಐ-ಎ/550/2009
ಅಡಕ: 6 ಪುಟಗಳ ಮಾಹಿತಿ

ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಡಾ: ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀಧಿ,
ಬೆಂಗಳೂರು-560 001.
ದಿನಾಂಕ: 07-12-2009

ದೂರವಾಣಿ ಸಂಖ್ಯೆ: 22257013 (ವಿಸ್ತರಣೆ 218)

ರವರಿಗೆ,

Smt. Satya Achayya,
No. 64, 1st Main,
Jayamahal Extension,
Bangalore- 560 046.

ಮಾನ್ಯರೇ,

ವಿಷಯ:- ನೀವು ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆ, 2005 ರಡಿ ಮಾಹಿತಿ ಕೋರಿರುವ ಬಗ್ಗೆ

ಉಲ್ಲೇಖ:- ನಿಮ್ಮ ಮಾಹಿತಿ ಕೋರಿಕೆಯ ಅರ್ಜಿ ದಿನಾಂಕ 01-12-2009

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ಈ ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖಾನುಸಾರ, ಈ ಮೂಲಕ ನಿಮಗೆ ತಿಳಿಯಪಡಿಸುವುದೇನೆಂದರೆ, ನೀವು ಕೋರಿರುವ ಮಾಹಿತಿಯನ್ನು, ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ, 2005 ರ ವಿಧಿ 5 ಉಪ ವಿಧಿ (4) ಮತ್ತು (5) ರಡಿ, ಈ ಸಂಸ್ಥೆಯ ಮಾನ್ಯ ನಿಬಂಧಕರು, ಅವರ ಸಹಕಾರದೊಂದಿಗೆ, ಈ ಕೆಳಗಿನ ಮಾಹಿತಿಯನ್ನು ಪೂರೈಸಲಾಗಿದೆ:-

ನೀವು ಕೋರಿದ ಮಾಹಿತಿ	ನಾವು ನೀಡುವ ಮಾಹಿತಿ
1. Proposed amendments given to Government regarding powers and functioning of Loka-yukta.	1. Amendments proposed Karnataka Lokayukta Act, is enclosed herewith containing 6 pages.
2. Amount of disproportionate assets caught by Lokayukta since Last 3 years.	2. Approximate value of property and cash amount seized amounting to 2865218923 in respect of 166 cases, pertaining to disproportionate assets for the period from 01/08/2006 to 12/08/2009
3. No. of MLAs under investigation by Lokayukta.	3. There are totally 16 complaints against MLA's/Ex-MLA's/MLC/Minister/Ex-Minister pending.

ತಲುಪಿದ್ದಕ್ಕೆ ಸ್ವೀಕೃತಿಯನ್ನು ನೀಡಲು ಕೋರಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

(ಹೊಸಮನಿ ಸಿದ್ದಪ್ಪ ಹೆಚ್)

ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ ಹಾಗೂ
ಉಪ ನಿಬಂಧಕರು (ಆಡಳಿತ),
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು.

PROPOSED AMENDMENTS TO THE KARNATAKA LOKAYUKTA ACT

1. Amendment of Section 2.- In the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985) hereinafter referred to as the Principal Act) in section 2,-

(1) for clause (1), the following shall be substituted, namely,-

“(1) “action” means administrative action taken by way of decision, recommendation findings or in any other manner, willful failure or omission to act or any conduct amounting to criminal misconduct in accordance with sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and all other expressions relating to such action shall be construed accordingly.”

(2) in clause (12) in item (c), after the words “a statutory body” the words “including a society owned or controlled by the State Government” shall be inserted;

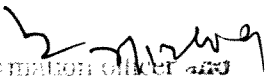
(3) in clause (13), for the words “means a Secretary” the words “means the Chief Secretary, an Additional Chief Secretary, a Principal Secretary, a Secretary, or a Secretary-II ” shall be substituted.

2. Amendment of section 3.- In section 3 of the Principal Act,-

(1) in the heading, for the word “Appointment” the words “Constitution of Lokayukta Institution and appointment” shall be substituted;

(2) in sub-section (1), for the words and punctuation “the Governor shall appoint a person to be known as the Lokayukta and one or more persons to be known as the Upalokayukta or Upalokayuktas” the words; figure, brakets and punctuation “there shall be constituted an institution to be known as the Karnataka Lokayukta which shall consist of a person to be known as the Lokayukta and one or more persons to be known as Upalokayukta or Upalokayuktas, appointed as such by the Governor and such other officers and employees referred to in sub-sections (1) and (3) of section 15. The Lokayukta shall be the Head of the Karnataka Lokayukta” shall be substituted;

(3) after sub-section (3), the following shall be inserted, namely:-


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“(4) In all suits and other legal proceedings by or against the Karnataka Lokayukta the pleading shall be signed and verified by and all process in such suits and proceedings shall be issued to, and be served on, the Registrar of the Karnataka Lokayukta.”

3. Amendment of section 7.- In section 7 of the Principal Act 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, any public servant, 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),-

(i) for the words “other public servant referred to in sub-section (1)” the words “any other public servant holding a post or office carrying either a fixed pay or remuneration of more than rupees twenty thousand or a pay scale the minimum of which is more than rupees twenty thousand as may be revised by the Government from time to time, in consultation with Lokayukta.” shall be substituted;

(ii) 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 an Upalokayukta is vacant by reason of his death, resignation, retirement, removal or otherwise or” shall be inserted;

(4) after sub-section (4), the following shall be inserted, namely:-

“(5) Notwithstanding anything contained in sub-section (1) to (4) the Lokayukta may,-

(i) if an Upalokayukta so desires in writing, withdraw at any stage a complaint or an investigation pending before that Upalokayukta, for investigation by himself or by the other Uplokayukta, if any;

(ii) for reasons to be recorded in writing, transfer at any stage a complaint or an investigation pending before him to an Upalokayukta for disposal and notwithstanding anything contained in sub-sections (1) and (2) that Upalokayukta may dispose of that matter:


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Provided that nothing in this sub-section shall be construed as empowering the Lokayukta or Upalokayukta to revise or review any decision, finding or recommendation recorded earlier by the Upalokayukta or Lokayukta, as the case may be.”

4. **Amendment of section 8.**- In section 8 of the Principal Act, in sub-section (2),-

(i) in item (c), for the word “six” the word “twelve” shall be substituted;

(ii) in item (d), for the word “five” the word “seven” shall be substituted.

6. **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 word “or opinion as the case may be” shall be inserted.

(3) after sub-section (7), the following shall be inserted, namely;-

“(8) (a) If, during the course of preliminary inquiry or investigation under this Act, the Lokayukta or Upalokayukta is prima facie satisfied that,-

(i) the grievance in respect of any action is likely to be sustained either wholly or partly, he may, forward an interim report to the Competent Authority, recommending grant of interim relief to the complainant or that the grievance complained of, shall be redressed expeditiously or both; or

(ii) the allegation in respect of any action is likely to be sustained either wholly or partly, he may, forward an Interim Report to the competent authority recommending to take such action as may be considered necessary by him against a public servant, including his suspension, if he is a public servant falling under item (d) or (g) of clause (12) of section 2, pending enquiry or investigation.

(b) A copy of the recommendation made under clause (a) shall be sent to the complainant.”

(9) The Lokayukta or Upalokayukta may visit office of any public servant other than the office of the Chief Minister, Minister or a member of the Karnataka State Legislature to further the purposes and object of this Act.”

5. Amendment of section 11.- In section 11 of the Principal Act.- (1) in sub-section (1), after the words “Lokayukta or an Upalokayukta” the words and figures “or others whose services are utilized under sub-section (3) of section 15 and specially authorized by the Lokayukta in this behalf” shall be inserted;

6. Amendment of section 12.- In section 12 of the Principal Act,-

(i) in sub-section (1) the following shall be inserted at the end, namely:-

“and send a copy of the recommendation to the complainant.”

(ii) in sub-section (6), for the words “his functions and that of the Upalokayukta” the words “the Karnataka Lokayukta” shall be substituted.

7. 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.

8. Amendment of section 14.- In section 14 of the Principal Act, for the words “into any complaint” the words “under this Act by” shall be substituted.

9. Amendment of section 15.- In section 15 of the Principal Act,-

(1) in sub-section (3) in clause (b), for the words “any other agency,” the words “any person or any other agency” shall be substituted;

(2) 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.

(3) after sub-section (4) the following sub-section shall be added, namely-

“(5) The Lokayukta may give directions and exercise superintendence over the functioning of the police officers working in his office, in so far as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act 1988 (Act 49 of 1988) or an offence with which a public servant may be charged under the Code of Criminal Procedure 1973 (Central Act 2 of 1974) at the same trial.

Provided that while exercising the powers of superintendence or giving directions under this sub-section the Lokayukta shall not exercise powers in such a manner so as to require those police officers to investigate or dispose of any case in a particular manner.”

10. Amendment of section 22.- In section 22 of the Principal Act, (1) in sub-section (1), for the words and figures “before 30th June” the words and figures “on or before 30th June” shall be substituted.

(2) for sub-section (2) the following sub-section shall be substituted, namely.-

“(2) Notwithstanding anything contained in the Karnataka Minister’s salaries and Allowances Act, 1956 (Karnataka Act 5 of 1957) and Karnataka Legislature Salaries, Pension and Allowances Act, 1956 (Karnataka Act 2 of 1957), but without prejudice to the provisions of sub-section (2), no public servant referred to in sub clauses (a) to (c) of clause (12) of section 2, who fails to submit a statement of his assets and liabilities as required under sub-section (1) shall be eligible and entitled for any salary, allowance and other monetary benefits as admissible to him under the said enactments from the date of publication of his name under sub-section (2) till he submits such statement.

11. Insertion of section 22A.- After section 22 of the Principal Act, the following section shall be inserted, namely:-

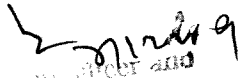
“22A. Act to be in addition to any other law.- The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force and nothing contained herein shall exempt any public servant from any proceedings which might apart from this Act, be instituted against him.”

12. Insertion of new section 24 A.- After section 24 of the Principal Act the following new section shall be inserted, namely.-

“24A. The Prevention of Corruption Act 1988 to apply subject to certain modifications.- Section 19 of the Prevention of Corruption Act 1988 (Central Act 49 of 1988) shall have effect as if after sub-section (2) the following sub-section had been inserted, namely:-

“(2A) Notwithstanding anything contained in sub-sections (1) and (2), in relation to offences referred to in sub-section (1) investigated by police officers working in the office of the Lokayukta who is appointed under the Karnataka Lokayukta Act 1984 (Karnataka Act 4 of 1985), the previous sanction shall be of that Lokayukta.”

13. 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 Ordinance, shall be deemed to have been taken under the Principal Act as amended by this Ordinance 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.


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