THE KARNATAKA LOKAYUKTA RULES, 1985

Rules CONTENT Page No.

1. Title and commencement
2. Definitions
(a)Act
(b)Complainant
(c)Form
(cc) Registrar
(d)(Omitted)
(e)Section
3. Competent Authority
4. Complaint
5. Scrutiny and registration of complaints
6. Allowance and conditions of Service of Lokayukta and Upa-Lokayukta
6-A Official residence to Lokayukta and Upa-lokayukta 6-B Penal rent for overstay after the Lokayukta or Upa-lokayukta ceases to hold office, etc.
7 Property Statement
SCHEDULE (Omitted)
FORMS I to IV
AMENDMENT RULES
NOTIFICATIONS

(As amended by GSR 276, dated 26.12.1985; GSR 112, dated 16.04.1986; GSR 170, dated 19.06.1986; GSR 210, dated:10.08.1987; GSR 117 dated:21.04.1988; GSR 28, dated: 19.01.1989; GSR 214, dated:03.11.1989; GSR 17, dated:24.01.1996; Notification No. DPAR 58 SLU 96,dated 22.04.1997;GSR 18, dated:25.04.1998; GSR 30, dated:01.06.1999; Notification No. DPAR 103 SLU 99, dated 26.08.2000; DPAR 93 SLU 2001, dated 18.10.2001; DPAR 46 SLU 2003, dated 21.05.2003; DPAR 11 SLU 2005, dated 08.04.2005; DPAR 2 SLU 2009, dated 15.06.2009; DPAR 2 SLU 2009, dated 18.06.2009 and DPAR 18 SLU 2008, dated 25.01.2010)

GSR 170- 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

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 an

[2][(d) xxxxx]

(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.

[3][3 Competent Authority.-** 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.]

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 [4][, Oath Commissioner]

1.Clause (cc) inserted by GSR 112, dated 16.04.1986.

2.Clause (d) omitted by GSR 210, dated 10.08.1987, w.e.f. 15.10.1987.

3.Rule 3 substituted by GSR , dated10.08.1987, w.e.f. 15.10.2087.

4.Inserted by Notification No. DPAR 93 SLU 2001, dated 18.10.2001, w.e.f. 19.10.2001.

[1][, Judicial Officers working on deputation in the Karnataka Lokayukta] or any Gazetted Officer duly authorized to administer oaths.

[2][(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.]

[3][**5. Scrutiny and registration of complaints.-** (1) On receipt of a complaint, the Registrar shall cause the particulars thereof to be entered in "the Register of complaints" in

(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 [4][he shall within a period of fifteen days excluding general holidays from the date of its receipt, 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.]

6. **Allowance and conditions of service of Lokayukta and Upa-Lokayukta.-** [5][(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.]

1.Inserted by Notification No. DPAR 46 SLU 2003, dated 21.05.2003, w.e.f.26.05.2003.

2.Sub-rule (2) substituted by GSR 112, dated 16.04.1986.

3.Rule 5 substituted by GSR 112, dated 16.04.1986.

4.Substituted for the words "or is otherwise defective, he shall issue a notice' by GSR 117, dated 21.04.1988, w.e.f02.06.1988.

5.Sub-rule (1) substituted by GSR 214, dated 03.11.1989 and shall be deemed to have come into force w.e.f. 08.07.1985.

[1][(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 Governement.]

[2][(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 allowance and ninety days on half allowances.]

[3][(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.

1.Sub-rule (1-A) shall be and shall always be deemed to have been inserted by GSR 17, dated 24.01.1996

2.Sub-rule (2) inserted by GSR 28, dated 19.01.1989 and shall be deemed to have come into force w.e.f. 08.07.1985.

3.Sub-rule (3) to (10) inserted by GSR 214, dated 03.11.1989 and shall be deemed to have come into force w.e.f. 08.07.1985.

(6) Out of 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 [1][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.]

[2][Notes.- x x x x x.]

[3]**[6-A Official residence to Lokayukta and Upa-lokayukta.-** (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-lokayuta shall be entitled to the use of the official residence for 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.

1. Substituted for the figures “240” by Notification No. DPAR 103SLU 99, dated 26.08.2000 and shall be deemed to have come into force w.e.f. 01.07.1997.

2. Notes (1) and (2) omitted by GSR 28, dated, 19.01.1989 and shall be deemed to have come into force w.e.f. 08.07.1985.

3. Rules6-A and 6-B inserted by GSR 276, dated 26.12.1985.

Explanation.- (1) for the purpose of this rule and Rule 68, “family” means wife or husband of the Lokayukta or Upa-lokayukta 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-lokayuktha free of rent.

[1][(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.]

[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 [4][a sum equal to thirty per cent of the salary] 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 [4][a sum equal to thirty per cent of the salary] 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.]

6-B. Penal rent for overstay after the the Lokayukta or Upa-lokayuktha 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.]

Form IV.

1. Item (3) under the heading "Explanation' substituted by GSR 18, dated 25.04.1998 and shall be deemed to have come into force w.e.f. 02.06.1997.

2. Sub-rules (5) and (6) inserted by Notification No DPAR 58 SLU 96, dated 22.04.1997 and shall be deemed to have come into force w.e.f. 03.06.1996.

3. Substituted for the letters and figures "Rs. 10,000" by Notificaion No. DPAR 2 SLU 2009, dated 15.06.2009 and shall be deemed to have come into force w.e.f. 01.01.2006. 4. Substituted for the letters and figures "Rs. 10,000" by Notificaion No. DPAR 2 SLU 2009, dated 15.06.2009 and shall be deemed to have come into force w.e.f. 01.01.2006. [corrected by Corrigendum No. DPAR 2 SLU 2009, dated 18.06.2009].

CASE LAW

Rule-7 – Incorrect statement of assets and liabilities filed by a Legislator – Disproportionate assets to the tune of Rs.12,92,05,217/- which works out to 628% over and above his known sources – Held, criminal proceedings are quashed and the Special Judge, Lokayukta directed to look into the matter afresh.

K.N.Keshavanarayana, J., Held: That he has filed vague and incorrect statement of his Assets and Liabilities before the Lokayukta while filing statements as required by Rule 7 of the Karnataka Lokayukta Rules, 1985; that though he acquired several movable and immovable properties after he became the Member of the State Legislative Assembly, has not disclosed them in his statements of Assets and Liabilities filed before the Lokayukta; that he also filed incorrect and defective statements before the Election Commissioner; that the total value of the assets held by the petitioner herein both in his name and benami in the names of his wife and others, are worth about Rs.14,52,08,217/-the total expenditure from 1989-90 upto 2010-11 was Rs.45,70,000/- whereas the total income declared by him was only Rs.1,56,73,000/- and the liabilities declared by him was to the tune of Rs. 49,00,000/- and thus the disproportionate assets possessed by him is to the tune of Rs.12,92,05,217/- which in terms of percentage works – out to 628% over and above his known sources. – Bahu rao Chinchanasur V State by Lokayuktha Police, Bangalore Urban District, Bangalore and Another, 2013(3) Kar.L}.480B

[1][SCHEDULE

xxxxx]

1.Schedule omitted by GSR 210, dated 10.08.1987, w.e.f. 15.10.1987.

FORM I

(Complaint)

[see Rule 4(1)]

Before the Lokayukta/Upa-lokayukta for Karnataka

1.Name and address of the complainant for all correspondence in respect of the complaint;

2.Name and address of the Public Servant complained against;

3.Brief facts relating to the action complained of;

(complainant's affidavit in the

Form II to be enclosed)

4.If the complainant or the person for whom he is acting is aggrieved, the nature of the grievance should be specifically mentioned;

5.Name and addresses of the witnesses whom the complainant desires to examine in support of the allegations;

6.Particulars of the documents relied upon by the complainant in support of the allegation;

7.If the documents relied upon or their true copies are available with the complainant they should be enclosed and details thereof should be furnished; 8. If the documents relied upon are not in the custody of or cannot be produced by the complainant, the office or other place or individual from whom they may be secured, should be specified.

[1][9. Were the facts stated in Item 3 the subject matter of any previous complaint to any authority including the Lokayukta or the Upa-lokayukta or of any suit, petition or other proceeding whatsoever before a Court of Law or other Tribunal or an Officer of a Government if so give particulars of the [2][remedies sought or granted.]

10. Remarks if any:

Note: Copies of affidavits and documents shall be enclosed in duplicate for office use and in as many sets as there are public servants complained against.

Place: Signature or the thumb mark of the complainant. Dated:

1.Item 9 substituted by GSR 112, dated 16.04.1986.

2.Substituted for the words “remedy sought or given” by GSR 117, dated 21.04.1988, w.e.f. 02.061988.

FORM II

(Complainant's Affidavit)

[See Rule 4(i)]

Before the Lokayukata /Upa-lokayukta for Karnataka

I, ...son of Shri.....Aged.....years, profession.....resident of .....Taluka.....District.....at present at.....Taluka.....District.....do hereby solemnly affirm and state as follows.-

1.That I am the complainant in this case.

2.I have enclosed hereto a complaint making allegations against Sri/Srimathi.....The contents of my complaint may be read as part and parcel of this affidavit.

3.That the statements of this complaint petition have been read by/read over to me and understood by me and that I declare and affirm that they are true to the best of my knowledge, information and belief.

Dated: Signature of the Deponent.

.....Solemnly affirmed before me this.....day of .....198 at.....

Signature

[1][FORM II-A

[See Rule 5(i)]

Register of Complaints

1.Sl. No;
2.Date of receipt of the complaint;
3.Complainant's name and address;
4.Name and address of the public servant complained against;
5.If the public servant complained against is a Government employee the group of service to which he belongs;
6.Whether the complaint contains an allegation or grievance;
7.Date of final disposal;
8.Result;
9.Manner of implementation of final order.]

1.Form IIA as inserted by GSR 112, dated 16.04.1986 and substituted by GSR 170, dated 19.06.1986, w.e.f. 26.06.1986.

[1][FORM III

[See Rule 5]

Before the Lokayukta/Upalokayukta for Karnataka, Bangalore

To

Sri/Srimathi.....
Sir/Madam
Subject:

With reference to your [2][complaint] dated.....on the above subject, I have to state that the same has been found to suffer from the following defects.-

(a).....
(b).....
(c).....
(d).....

Your are hereby required to rectify the defects pointed out above,

within.....days from the date of receipt of this letter by you, failing which the said [3][complaint] shall be placed for orders [4][as required under sub-rule (3) of Rule 5] before the Lokayukta/Upa-lokayukta,

Yours faithfully,

Bangalore

Registrar to the Lokayukta Dated
Karnataka, Bangalore,

[5][Form – IV
(see rule 7)

Statement of Assets and Liabilities filed by .....
.....(here specify the name and designation of the Public Servant) for the financial year ending 31st March.....

(Note.- Every column appearing in the form has to be filled in words not by dashes and dots)

1.The permanent address (with Telephone no and Mobile no. if any) of the public servant
2.Names of the members of the Family of the public servant and his relationship with each of them (Reg. `Family`, see explanation to section 22 of the Lokayukta Act) **3.**Present annual income of the public servant and each one of the family members

Note: Statement of Assets and Liabilities of the public servant and his family members ("family of a public servant" means the spouse and such children and parents of the public servant as are dependent on him/her):

4.Cash and other Liquid Assets as on 31st March .....

Particulars to be furnished	Public Servant	Spouse	Depen-dent Father	Depen-dent Mother	Dependent Children		
					1st	2nd	
(1)	(2)	(3)	(4)	(5)	(6)		
(a)Cash i) Cash on hand ii) Cash kept in locker (give details) iii)Whether it is personal savings iv) If not, mention the source of acquisition							
(b) **Bank deposits** **i)**Account / Certificate No. nature of deposit, amount and name & branch of bank **ii)**Whether it is personal savings **iii)**If not, mention the source of acquisition **iv)**Date of deposit							
(c) Bank Accounts i) Account No. & nature							

of A/C amount and name & branch of bank ii) Whether it is personal savings iii) If not, mention the source of acquisition					
(d) Post Office Accounts i) Account /Certificate No.s nature of deposit, amount and name & place of Post Office ii) Whether it is personal savings iii) If not, mention the source of acquisition					
(e) National Savings Certificates and other Certificates obtained through the Post Office, i) No. of the NSCs and other certificates, amount, name & place of post office ii) Whether it is personal savings iii) If not, mention the source of acquisition					
(f) Units of Unit Trust of India i) particulars of units, name of the branch and amount. ii) Whether it is personal savings iii) If not, mention the source of acquisition					
(g) Government and other Securities i) Particulars of securities, name & place of office of Government / Company and amount invested ii) Whether it is personal savings iii) If not, mention the source of acquisition					
(h) Shares, Debentures or Deposits in Companies i) Particulars of shares, debentures or deposits in companies (furnish address of company) and					

amount invested ii) Whether it is personal savings iii) If not, mention the source of acquisition					
(i) Money advanced to others as loan or otherwise i) Amount, date and name of the person to whom the money is advanced ii) Whether it is personal savings iii) If not, mention the source of acquisition					
(j) Insurance Policies and Provident Funds i) Particulars of Insurance Policies and Provident Funds ii) Whether it is personal savings iii) If not, mention the source of acquisition					
(k) Other investments and being investments in immovable property (i) Particulars of investments, name & address of company and the amount invested ii) Whether it is personal savings (iii) If not, mention the source of acquisition					
5. Moveable property other than that covered by Item 4 as on 31st March.....					
(a) Jewellery and Bullion i) Particulars ii) Cost and date of acquisition iii) Whether it is out of personal savings iv) If not, mention the source of acquisition					

(b) Vehicles i) Particulars ii) Cost and date of acquisition iii) Whether it is out of personal savings iv) If not, mention the source of acquisition					
(c) Antiques beyond the value of Rs. 10,000/- i) Particulars ii) Cost and date of acquisition iii) Whether it is out of personal savings iv) If not, mention the source of acquisition					
d) Silverware i) Particulars ii) Cost and date of acquisition iii) Whether it is out of personal savings iv) If not, mention the source of acquisition					

e) Investments in Business Concerns i) Particulars ii) Cost and date of acquisition iii) Whether it is out of personal savings iv) If not, mention the source of acquisition					
f) Other Household goods including furniture costing more than Rs.25,000/- each					
6. Immovable Property as on 31st March					
a) Agricultural lands i) Survey No. and place ii) Extent iii) Whether dry, wet, garden or plantation land iv) Whether ancestral, joint or separate property. v) If not, mention the source of acquisition vi) Cost and date of acquisition vii) Whether it is out of personal savings					

b) Non-agricultural lands which have not been built upon i) No, assigned to the land and place where situated ii) Extent iii) Whether ancestral iv) Cost and date of acquisition v) Whether it is out of personal savings vi) If not, mention the source of acquisition					
c) **Buildings (including flats)** i) Complete address of the buildings with dimension ii) Cost and date of acquisition iii) Whether ancestral, joint or separate property iv) Whether it is out of personal savings v) If not, mention the source of acquisition					
d) **Other immovable property** i) Particulars of other immovable property with dimension ii) Cost and date of acquisition iii) Whether ancestral, joint or separate property iv) Whether it is out of personal savings v) If not, mention the source of acquisition					

7. Liabilities as on 31st March.....					
a) Nature, extent and other particulars of liability and the date when it was incurred					
b) Name and address of the person to whom (creditor) liable					

I, ...do hereby solemnly declare that the information furnished above is true and that nothing relevant has been omitted therefrom.

Station: Signature of the Public Servant
Date : Designation .....

1.Forms III and IV substituted by GSR 112, dated 16.04.1986.
2.Substituted for the word " communication" by GSR 117, dated 21.04.1988, w.e.f. 02.06.1988.
3.Substituted for the word " communication" by GSR 117, dated 21.04.1988, w.e.f. 02.06.1988
4.Inserted by GSR 117, dated 21.04.1988, w.e.f.02.06.1988.
5.Form IV substituted by Notification No. DPAR 18 SLU 2008, dated 25.01.2010. w.e.f. 25.01.2010.

GOVERNMENT OF KARNATAKA

No.DPAR 18 SLU 20087

Karnataka Government Secretariat, Vidhana Soudha,
Bengaluru, Dated.05-03-2018.

NOTIFICATION

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 further to amend the Karnataka Lokayukta Rules, 1985, namely:-

RULES

1.Title and commencement:- (1) These rules may be called the Karnataka Lokayukta (Amendment) Rules 2018.

2. Amendment to the Form-IV :- In the Karnataka Lokayukta Rules, 1985, in FORM-IV, under the heading "6.Immovable Property as on 31st March…."

(i) in column (a), in clause (a) after item No.(vii), the following shall be inserted at the end, namely:-
"(viii) Present guideline value"

(ii) in column (b), in clause (b) after item No.(vi), the following shall be inserted at the end, namely:-
"(vii) Present guideline value"

(iii) in column (c), in clause (c) after item No.(v), the following shall be inserted at the end, namely:-
"(vi) Present guideline value"

(iv) in column (d), in clause (d) after item No.(v), the following shall be inserted at the end, namely:-
"(vi) Present guideline value"

By Order and in the name of the
Governor of Karnataka
(K.S.Rohini)
Under Secretary to Government (I/C)
Department of Personnel and Administrative Reforms
(Vigilance)