THE TELANGANA LOKAYUKTA ACT, 1983.

(ACT NO. 11 OF 1983)

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THE TELANGANA LOKAYUKTA ACT, 1983.[1]

ACT NO.11 OF 1983.

1. (1) This Act may be called the[2]Telangana Lokayukta Act, 1983. Short title, extent and commencement.

(2) It extends to the whole of the State of[2]Telangana.

(3) It shall come into force on such date as the State Government may, by notification published in the [2]Telangana Gazette, appoint.

2. In this Act, unless the context otherwise requires- Definitions.

[3][(a)"action" means an administrative action taken by a public servant by way of decision, recommendation or finding or in any other manner, and includes any omission and commission and failure to act in connection with or arising out of such action; and all other expressions connecting action shall be construed accordingly;]

(b)"allegation" in relation to a public servant means any affirmation that such public servant,-

(i) has abused his position as such, to obtain any gain or favour to himself or to any other person, or to cause undue harm or hardship to any other person;

1. The Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 received the assent of the President on the 25th August, 1983. The said Act with the omission of "Upa-Lokayukta" in the short title and with amendments as in force in the combined State, on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

2. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016. 3. Substituted by Act No.1 of 2007.

[4][(ia) has failed to discharge the functions attached to his post;]

(ii) was actuated in the discharge of his functions as such public servant by improper or corrupt motive and thereby caused loss to the State or any member or section of the public; or

(iii) is guilty of corruption, or lack of integrity in his capacity as such public servant;

(c) "competent authority" in relation to a public servant, means,-

(i) in the case of a Minister, The Chief Minister. Chief Secretary or Secretary.

(ii)	in the case of a Member of either House of the Assembly or	The Speaker of the Legislative
		State Legislature.

as the case may be the Chairman of the Legislative Council.

(iii)	in the case of any other public servant.	Such authority as may be prescribed.

[5][(d)"corruption" includes anything made punishable under Chapter IX of the Indian Penal Code, 1860 or under the Prevention of Corruption Act, 1988 as amended from time to time;]

Central Act 45 of 1860.

Central Act 49 of 1988.

(e) "Government" means the State Government;

4. Inserted by Act No.31 of 2017 (w.e.f.30.10.2019 vide. Telangana

5. Substituted by Act No.1 of 2007.

[6][(ea)"Grievance" means a claim by a person that he sustained injustice or undue hardship in consequence of maladministration;]

(f)"Lokayukta" means a person appointed to be the Lokayukta under section 3;

[7][(fa) "Maladministration" means action taken or purporting to have taken in exercise of administrative function in any case where,-

(i) such action or the administrative procedure or practice governing such action is unreasonable, unjust, oppressive or improperly discriminatory; or

(ii) there has been willful negligence or undue delay in taking such action or the administrative procedure or practice governing such action involving undue delay;]

[8][(g)"Minister" means a member (other than the Chief Minister) of the Council of Ministers, for the State of [9]Telangana and includes a Deputy Chief Minister, a Minister, a Minister of State, a Deputy Minster or a Parliamentary Secretary;]

(h)"notification" means a notification published in the [9]Telangana Gazette and the expression "notified" shall be construed accordingly;

[10][(i)"Officer" means a person appointed to a public service in connection with the affairs of the State of [9]Telangana;]

6. Clause (ea) inserted by Act No.11 of 2011.

7. Clause (fa) inserted by Act No.11 of 2011.
8. Substituted by Act No.1 of 2007.
9. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016. 10. Clause (i) substituted by Act No.11 of 2011.

(j) "prescribed" means prescribed by rules made under this Act;

11(k)"public servant" means a person who is or was at any time,-

(i) Minister as referred to in clause (g);

(ii) Member of either House of the State Legislature including the Chief Whip;

(iii) Officer as referred to in clause (i);

(iv)12[(1) Every Chair-person, Vice Chair-person and Members of Zilla Praja Parishad and every President and Members of Mandal Praja Parishad and Sarpanch, Upa-Sarpanch and Members of a Gram Panchayat, constituted Act No.13 of 1994. by or under the13Telangana Panchayat Raj Act, 1994;]

(2) every Mayor14[every Deputy Mayor and elected members] of a Municipal Corporation constituted by or under the relevant law for the time being in force;

15[(3) Every Chair-person, Vice Chair-person and elected members of a Municipal Council constituted under Act 6 of 1965. the16Telangana Municipalities Act, 1965;]

(v) every Chairman or President, by whatever name called of the Governing Body to which the management is

11. Clause (k) substituted by Act No.1 of 2007.
12. Substituted by Act No.11 of 2011.
13. Adapted by G.O.Ms.No.9, PR & RD (Mandal) Department, dated 12.09.2014 and this Act is repealed by Act No.5 of 2018.
14. Inserted by Act No.11 of 2011.
15. Substituted by Act No.11 of 2011.
16. Adapted by G.O.Ms.No.142, MA & UD (F2) Department, dated 29.10.2015.

entrusted and every director or member, if any, in respect of,-

(1) any local authority in the State of17Telangana;

(2) any statutory body or Corporation (not being a local authority) established by or under 18[a State Act or a Central Act] and owned or controlled by the Government of 17Telangana and any other Board or

Corporation as the Government may having regard to its financial interest therein specify by notification in the Gazette from time to time;

(3) any Government company within the meaning of section 617 of the[19]Companies Act, 1956 in which not less than 51 percent of its paid up share capital is held by the Government of [17]Telangana or any Company which is a subsidiary of such company;

Central Act 1 of 1956.

(4) any society registered under the [20]Telangana Societies Registration Act, 2001[21][XXX];

Telangana Act 35of 2001.

[22][(5) any Co-operative Society registered or deemed to be registered under the [23]Telangana Co-operative Societies Act, 1964 and the [24]Telangana Mutually Aided Co-operative Societies Act, 1995 having its area of operation in the State either whole or in part;]

Telangana Act 7 of 1964.

Telangana Act 30 of 1995.

17. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

18. Substituted for the words ‘‘a State Act” by Act No.11 of 2011.

19. Please see the relevant provisions of the Companies Act, 2013 (Central Act No.18 of 2013) wherein 1956 Act is repealed.

20. Adapted by G.O.Ms.No.20, Revenue (Regn.II) Department, dated 18.08.2014.

21. Omitted by Act No.31 of 2017 (w.e.f.30.10.2019 vide. Telangana Gazette Notification No.227-A, Part-I, Extraordinary, dated 30.10.2019). 22. Substituted by Act No.11 of 2011.

23. Adapted by G.O.Ms.No.53, Agriculture & Cooperation (Coop.II) Department, dated 20.05.2016.

(6) Member of a Committee or Board, statutory or non-statutory, constituted by the Government of [25]Telangana;

(vi) every Vice-Chancellor and Registrar of a University in the State established by law made by the State Legislature;

(vii) Officer in the Service or pay of a local authority, University, Statutory Body or Corporation, Society or other

institutions[26][as is referred to in sub-clauses (iv) to (vi)];]

[27][(l) "Secretary" means a Secretary to the Government, and includes the Chief Secretary, Special Chief Secretary, Principal Secretary, an Additional Secretary and a Joint Secretary;]

(m)"Upa-Lokayukta" means a person appointed to be the Upa-Lokayukta under section 3.

Appointment of Lokayukta and Upa-Lokayukta.

3. [27][(1) For the purpose of conducting investigation in accordance with the provisions of this Act, the Governor shall, by warrant under his hand and seal, appoint a person to be known as the 'Lokayukta', and one or more persons as 'Upa-Lokayukta' or 'Upa-Lokayuktas':

24. Adapted by G.O.Ms.No.28, Agriculture and Cooperation (Coop.II) Department, dated 19.04.2016.
25. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.
26. Added by Act No.11 of 2011.
27. Substituted by Act No.31 of 2017 (w.e.f.30.10.2019 vide. Telangana

Provided that,-

[28][(a) the person to be appointed as the Lokayukta shall be a Retired Chief Justice of a High Court or a Retired Judge of a High Court;]

(b) the person to be appointed as Upa-Lokayukta shall be a retired Judge of High Court or a retired District Judge;

(c) the Lokayukta or Upa-Lokayukta shall be appointed on the recommendation of Committee consisting of,-

(i) the Chief Minister of the State;

(ii) the Speaker of Legislative Assembly of the State;

(iii) the Leader of Opposition in the Legislative Assembly;

(iv) the Chairman of the Legislative Council;

(v) the Leader of Opposition in the Legislative Council.]

[29][(2) (i) Every person appointed to be the Lokayukta shall, before entering upon his office, make and subscribe, before the Governor an oath or affirmation according to the form set out for the purpose in the First Schedule.

(ii) Every person appointed to be the Upa-Lokayukta shall, before entering upon his office, make and subscribe before the Governor or some person appointed in that

28. Substituted by Act No.5 of 2020.
29. Substituted by Act No.1 of 2001.

behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.]

(3) The Upa-Lokayukta shall function under the administrative control of the Lokayukta and in particular, for the purpose of convenient disposal of investigations under this Act, the Lokayukta may issue general or special directions, as he may consider necessary, to the Upa-Lokayukta:

Provided that nothing in this sub-section shall be construed to authorise the Lokayukta to question any decision, finding, or recommendation of the Upa-Lokayukta.

Lokayukta or Upa-Lokayukta to hold no other office.

4. (1) The Lokayukta or Upa-Lokayukta shall not be a member of either House of Parliament or of a House of the Legislature of any State, nor shall behold any office of trust or profit (other than his office as the Lokayukta or, as the case may be, Upa-Lokayukta) or shall be connected with any political party, or shall carry on any business or practice any profession.

(2) A person appointed to be the Lokayukta or, as the case may be, the Upa-Lokayukta, shall, before he enters upon his office-

(a) if he is a Member of Parliament or of the Legislature of any State, resign such membership; or

(b) if he holds any office of trust or profit cease to hold such office by resignation or otherwise; or

(c) if he is connected with any political party, sever his connection with it; or

(d) if he is carrying on any business, discontinue his participation (short of divesting himself of ownership) in the conduct and management of such business; or

(e) if he is practising any profession, suspend to practise such profession.

Term of office and other conditions

5. (1) Every person appointed to be the Lokayukta or Upa-Lokayukta shall hold office for a term of five years from

the date on which he enters upon his office: of service of Lokayukta and Upa-Lokayukta.

Provided that,-

(a) the Lokayukta or Upa-Lokayukta may by writing under his hand addressed to the Governor, resign his office;

(b) the Lokayukta or Upa-Lokayukta may be removed from his office in the manner specified in section 6.

(2) If the office of the Lokayukta or Upa-Lokayukta becomes vacant, or if the Lokayukta or Upa-Lokayukta is, by reason of absence or for any other reason whatsoever, unable to perform the duties of his office, those duties, shall, until some other person is appointed under section 3 and enters upon such office or, as the case may be, until the Lokayukta or Upa-Lokayukta resumes his duties, be performed,-

(a) where the office of the Lokayukta becomes vacant or where for any reason aforesaid he is unable to perform the duties of his office, by the Upa-Lokayukta or if there are two or more Upa-Lokayuktas, by such one of the Upa-Lokayuktas as the Governor may, by order, direct;

(b) where the office of the Upa-Lokayukta becomes vacant or where for any reason aforesaid he is unable to perform the duties of his office by the Lokayukta himself or if

the Lokayukta so directs, by the other Upa-Lokayukta or as the case may be, such one of the other Upa-Lokayuktas as may be specified in the direction.

30[(3) The Lokayukta or the Upa-Lokayukta appointed under this Act, on ceasing to hold office, shall be ineligible for employment either under the Government or any such local authority, Corporation, Government Company or Society as referred to in sub-clause (v) of clause (k) of section 2.]

31[(4) The salary payable to the Lokayukta or Upa-Lokayukta in respect of time spent on actual service shall respectively be the same as that of the Chief Justice or a Judge of the30[High Court for the State of Telangana].]

(5) The allowances and pension, payable to and other conditions of service of the Lokayukta or Upa-Lokayukta shall respectively be the same as those of the Chief Justice or a Judge of the[30][High Court for the State of Telangana:]

Provided that the allowances and pension payable to, and other conditions of service of, the Lokayukta or Upa-Lokayukta shall not be varied to his disadvantage after his appointment.

Removal of Lokayukta or Upa-Lokayukta.

6. (1) The Lokayukta or Upa-Lokayukta may be removed from his office by the Governor on the ground of misbehaviour or incapacity and on no other ground:

Provided that no Lokayukta or Upa-Lokayukta shall be so removed except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

30. Substituted by Act No.5 of 2020.
31. Substituted by Act No.39 of 1987.

Provided further that any such inquiry—

(i) in respect of Lokayukta, shall be held only by a person appointed by the Governor being a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court; and

(ii) in respect of Upa-Lokayukta, shall be held only by a person appointed by the Governor, being a person who is or has been a Judge of the Supreme Court or who is or has been a Judge of the [32][High Court for the State of Telangana].

(2) The person appointed under the proviso to sub-section (1), shall submit the report of his inquiry to the Governor who shall, as soon as may be, but not later than six months, cause it to be laid before each House of the State Legislature.

(3) Notwithstanding anything in sub-section (1), the Governor shall not remove the Lokayukta or Upa-Lokayukta unless an address by each House of the State Legislature supported by a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting has been

presented to the Governor in the same session for such removal.

Matters which may be investigated by Lokayukta or Upa-Lokayukta.

7. (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of, or at the behest of,-

(i) a Minister or a Secretary; or

32. Substituted by Act No.5 of 2020.

(ii) a Member of either House of the State Legislature; or

(iii) a Mayor of the Municipal Corporation constituted by or under the relevant law for the time being in force; or

33[(iii-a) a Vice Chancellor or a Registrar of a University;]

(iv) any other public servant, belonging to such class or section of public servants, as may be notified by the Government in this behalf after consultation with the Lokayukta, in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Lokayukta, the subject of an allegation.

(2) Subject to the provisions of this Act, the Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant, other than those referred to in sub-section (1), in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of an allegation.

(3) Notwithstanding anything in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any allegation in respect of an action which may be investigated by the Upa-Lokayukta under that sub-section, whether or not complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may by general or special

33. Inserted by Act No.1 of 2007.

order, assign to each of them matters which may be investigated by them under this Act:

Provided that no investigation made by the Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation relates to a matter which is not assigned to him by such order.

Matters not subject to investigation by Lokayukta or Upa-Lokayukta.

8. (1) The Lokayukta or Upa-Lokayukta shall not investigate any allegation-

(a) in respect of which a formal and public inquiry has been ordered under the Public Servants (lnquiries) Act, 1850. Central Act 37 of 1850.

(b) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952; Central Act 60of 1952.

In case where the Lokayukta or Upa-Lokayukta, as the case may be, has given his prior concurrence for such inquiry:

Provided that if, on an application for such concurrence, no shall be deemed to have been given.

34[(2) The Lokayukta or Upa-Lokayukta shall not investigate any complaint involving an allegation, if the complaint is made after the expiry of six years from the date on which the action complained against is alleged to have been taken place or after the expiry of a period of one year

34. Section 8(2) substituted by Act No.11 of 2011.

from the date on which the action complained against becomes known to the complainant, whichever is later.]

Provision relating to complaints.

9. 35[(1) Subject to the provisions of this Act, a complaint may be made under this Act to the Lokayukta or Upa-Lokayukta in the case of an allegation by any person, or in the case of a grievance by a person aggrieved, in respect of any action.]

(2) Every complaint shall be made in such form, and shall be accompanied by such affidavits as may be prescribed.

(3) Notwithstanding anything in any other law for the time being in force, any letter written to the Lokayukta or Upa-Lokayukta by a person in police custody, or in a goal or in any asylum, or other place for insane persons shall be forwarded to the addressee unopened and without delay by the police officer or other person in-charge of such goal, asylum or other place and the Lokayukta or Upa-Lokayukta, as the case may be, may, treat such letter as a complaint made in accordance with the provisions of sub-section (2).

Procedure in respect of investigations.

10. (1) Where the Lokayukta or Upa-Lokayukta after making such preliminary verification as he deems fit, proposes to conduct any investigation under this Act, he-

(a) shall forward a copy of the complaint or, in the case of any investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefor, to the public servant concerned and the competent authority concerned;

35. Section 9(1) substituted by Act No.11 of 2011.

(b) shall afford to the public servant concerned an opportunity to offer his comments on such complaint or statement; and

(c) may make such orders as to the safe custody of documents relevant to the investigation as he deems fit.

(2) (a) Every preliminary verification referred to in sub-section (1) shall be conducted in private and in particular, the identity of the complainant and of the public servant affected by the said preliminary verification shall not be disclosed to the public or the press, whether before or during the preliminary verification, but every investigation referred to in sub-section (1) shall be conducted in public:

Provided that the Lokayukta or Upa-Lokayukta may conduct any such investigation in private, if he, for reasons to be recorded in writing thinks fit to do so.

[36][(b) The Lokayukta or Upa-Lokayukta as the case may be shall make an endeavour to complete the investigation within a period of one year from the date of issue of notice in

Form No.VII as prescribed in the rules to the public servants; and where it is unable so to do he shall record his reasons for such inability.]

(3) Save as aforesaid, the procedure for conducting any investigation shall be such as the Lokayukta or as the case may be, the Upa-Lokayukta considers appropriate in the circumstances of each case.

(4) The Lokayukta or Upa-Lokayukta may, in his discretion, refuse to investigate or discontinue the investigation of any complaint involving any allegation if in his opinion-

36. Substituted by Act No.1 of 2007.

(a) the complaint is frivolous or vexatious, or is not made in good faith; or

(b) there are no sufficient grounds for investigating or, as the case may be, for continuing the investigation; or

(c) other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies.

(5) In any case where the Lokayukta or Upa-Lokayukta decides not to entertain a complaint or to discontinue any investigation in respect of the complaint, he shall record his reasons therefor and communicate the same to the complainant and the public servant concerned.

Evidence. 11. (1) Subject to other provisions of this section, for the purpose of any investigation (including the preliminary verification, if any, before such investigation) made under this Act, the Lokayukta or Upa-Lokayukta may require any public servant or any other person, who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purpose of any such investigation (including the preliminary verification) the Lokayukta or Upa-Lokayukta shall have all the powers of a civil court of while trying a suit

Central Act 5 of 1908. under the Code of Civil Procedure, 1908, in respect of the following matters, namely,-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any Court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) such other matters as may be prescribed.

(3) Any proceedings before the Lokayukta or Upa-Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code, 1860.

Central Act 45 of 1860.

(4) Subject to the provisions of sub-section (5), no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to the Government or any public servants, whether imposed by or under any law or by any instrument having the force of law, shall apply to the disclosure of information for the purpose of any investigation made under this Act and the Government or any public servant shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by any law or instrument as aforesaid in legal proceedings:

Provided that no person shall be compelled for the purpose of any investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in any proceedings before a court.

(5) No person shall be required or authorised by virtue of this Act, to furnish any such information or answer any such question or produce so much of any document-

(a) as might prejudice the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organization); or

(b) as might involve the disclosure of proceedings of the Council of Ministers of the Government or any Committee of that Council;

and for the purpose of this sub-section a certificate issued by the Chief Secretary to the Government certifying that any information, answer or portion of a document is of the nature specified in clause (a) or clause (b) shall be binding and conclusive.

Reports of Lokayukta and Upa-Lokayukta.

12. (1) If, after investigation of any allegation in respect of any action under this Act, the Lokayukta or Upa-Lokayukta is satisfied that such allegation is substantiated either, wholly or partly, he shall by a report in writing, communicate his findings and recommendations along with the relevant documents, materials or other evidence to the competent authority.

(2) The competent authority shall examine the report forwarded to it under sub-section (1) and without any further inquiry, take action on the basis of the recommendation and intimate within three months of the date of receipt of the report, the Lokayukta or, as the case may be, the Upa-Lokayukta the action taken or proposed to be taken on the basis of the report.

(3) Where, in a report forwarded by the Lokayukta or Upa-Lokayukta, any recommendation imposing the penalty of removal from the office of the public servant falling within sub-clause (iv) or sub-clause (v) of clause (k) of section 2 has been made, it shall be lawful for the Government without any further inquiry to take action on the basis of the

said recommendation for the removal of such public servant from his office and for making him ineligible for being elected to any office specified by the Government in this behalf, notwithstanding anything contained in any law for the time being in force.

(4) If the Lokayukta or Upa-Lokayukta is satisfied with the action taken or proposed to be taken on his findings and recommendations referred to in sub-section (1), he shall close the case under intimation to the complainant, the public servant and the competent authority concerned; but where he is not so satisfied and if

he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the complainant.

(5) The Lokayukta and the Upa-Lokayukta shall present annually a consolidated report on the work done under this Act to the Governor.

(6) On receipt of the special report under sub-section (4) or the annual report under sub-section (5), the Governor shall cause a copy thereof together with and explanatory memorandum to be laid before each House of the State Legislature.

(7) Subject to the provisions of sub-section (2) of section 10, the Lokayukta may, at his discretion make available, from time to time, the substance of cases closed or otherwise disposed of by him or by the Upa-Lokayukta, which may appear to him to be of a general, public, academic or professional interest, in such manner and to such persons as he may deem appropriate.

Prosecution for false complaints.

13. Notwithstanding anything in section 10 or any other provisions of this Act, whoever wilfully or maliciously makes any false complaint under this Act, shall, on conviction, be

20 [Act No.11 of 1983]

punished with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) No Court, except a court of the judicial magistrate of the first class shall take cognizance of the offence under sub-section (1).

(3) No such Court shall take cognizance of any such offence except on a complaint made by a person against whom false complaint was made, and after obtaining the previous sanction of the Lokayukta or Upa-Lokayukta, as the case may be.

(4) Such Court, on conviction of the person making false complaint, may award, out of the amount of the fine, to the complainant such amount of the compensation as it thinks fit.

Imposition of costs.

37[13-A. (1) In case any complaint made is found malicious, vexatious or false, the Lokayukta or Upa-Lokayukta may impose suitable costs

against the complainant and the same shall be recoverable as arrears of land revenue.

(2) The Lokayukta or Upa-Lokayukta may award costs to the complainant.]

Staff of Lokayukta and Upa-Lokayukta.

14. The Lokayukta may appoint, or authorise Upa-Lokayukta or any officer subordinate to the Lokayukta or Upa-Lokayukta to appoint, officers and other employees to assist the Lokayukta and the Upa-Lokayuktas in the discharge of their functions under this Act.

(2) The categories of officers and employees who may be appointed under sub-section (1), their salaries, allowances and other conditions of service and the

37. Section 13-A inserted with marginal heading by Act No.11 of 2011.

administrative powers of the Lokayukta and Upa-Lokayuktas shall be such as may be prescribed, after consultation with the Lokayukta.

(3) Without prejudice to the provisions of sub-section (1), the Lokayukta or Upa-Lokayukta may, for the purpose of conducting investigations under this Act, utilise in such manner as may be prescribed the services of,-

(i) any officer or investigation agency of the State Government or the Central Government with the concurrence of that Government; or

(ii) any other person or agency.

Secrecy of Information.

15. (1) Any information obtained by the Lokayukta or Upa-Lokayukta or any member of their staff in the course of, or for the purposes, of, any preliminary verification made under this Act, and any evidence recorded or collected in connection with such information, shall, subject to the provisions of clause (a) of sub-section (2) of section 10, be treated as confidential; and notwithstanding anything in the Indian Evidence Act, 1872, no court shall be entitled to compel the Lokayukta or Upa-Lokayukta or any public servant to give evidence relating to such information or produce the evidence so recorded or collected.

Central Act 1 of 1872.

(2) Nothing in sub-section (1) shall apply to the disclosure of any information or particulars,—

(a) for purposes of the investigation or in any report to be made thereon or for any action or proceedings to be taken on such report; or

(b) for purposes of any proceedings for an offence under the Official Secrets Act, 1923 or an offence of giving Central Act 19of 1923.
or fabricating false evidence under the Indian Penal Code,

Central Act 45 of 1860. 1860 or for purposes of any trial of an offence under section 13 or any proceedings under section 16, of this Act; or

(c) for such other purposes as may be prescribed.

(3) An officer or other authority prescribed in this behalf may give notice in writing to the Lokayukta or Upa-Lokayukta, as the case may be, with respect to any document or information specified in the notice or any class of documents so specified, that in the opinion of the Government the disclosure of the documents or class of documents or information would be prejudicial to public interest; and where such a notice is given the Lokayukta or Upa-Lokayukta may, for reasons to be recorded, decide as to whether the disclosure of such document/or class of documents or information involves public interest. In case the disclosure of any document or information so specified is held to involve public interest, the Lokayukta, the Upa-Lokayukta or any member of their staff shall not communicate to any person any such document or information.

Intentional insult or interruption to, or bringing into disrepute, Lokayukta or Upa-Lokayukta.

16. (1) Whoever, intentionally offers any insult or causes any interruption to the Lokayukta or Upa-Lokayukta while the Lokayukta or Upa-Lokayukta is conducting any investigation under this Act, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months or with fine or with both.

(2) Whoever, by words spoken or intended to be read makes or publishes any statement or does any other act, which is calculated to bring the Lokayukta or Upa-Lokayukta into disrepute, shall, on conviction be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(3) The provisions of section 199 of the Code of Criminal Procedure, 1973, shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred in sub-section (1) of the said section 199; subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor, except with the previous sanction: Central Act 2 of 1974.

(a) in the case of an offence against the Lokayukta, of the Lokayukta;

(b) in the case of an offence against Upa-Lokayukta of the Upa-Lokayukta concerned.

17. No suit, prosecution or other legal proceedings shall lie against the Lokayukta or Upa-Lokayukta or against any officer, employee, agency or person referred to in section 14 in respect of anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

(2) No proceedings of the Lokayukta or Upa-Lokayukta shall be deemed to be invalid by reason only of a defect or infirmity in his appointment or with the conduct of the proceedings.

(3) No proceedings, decision, finding or recommendation of Lokayukta or Upa-Lokayukta shall be liable to be challenged, reviewed, quashed or called in question in any court or tribunal.

18. (1) The Governor may, by a notification and after consultation with the Lokayukta, confer on the Lokayukta or Upa-Lokayukta, as the case may be, such additional functions in relation to the eradication of corruption as may be specified in the notification. Conferment of additional functions on Lokayukta and Upa-Lokayukta, etc.

(2) The Governor may, by order in writing and after consultation with the Lokayukta, confer on the Lokayukta or Upa-Lokayukta such powers of supervision over

agencies, authorities or officers set up, constituted or appointed by the Government of the eradication of corruption.

(3) The Governor may, by order in writing and subject to such conditions and limitations as may be specified therein, require the Lokayukta to investigate any action (being action in respect of which a complaint may be made under this Act, to the Lokayukta or Upa-Lokayukta) and notwithstanding anything in this Act the Lokayukta shall comply with such order:

Provided that the Lokayukta may entrust investigation of any such action (being action in respect of which a complaint may be made under this Act, to the Upa-Lokayukta) to the Upa-Lokayukta.

(4) When any additional functions are conferred on the Lokayukta or Upa-Lokayukta under sub-section (1) or when the Lokayukta or Upa-Lokayukta is to investigate any action under sub-section (3), the Lokayukta or Upa-Lokayukta shall exercise the same powers and discharge the same functions as he would in the case of any investigation made on a complaint involving an allegation, and the provisions of this Act shall apply accordingly.

Power to delegate.

19. The Lokayukta or Upa-Lokayukta may, by general or special order, in writing, direct that any powers or duties of administrative nature (except the power to make reports to the Governor under section 12), may also be exercised or discharged by such of the officers, employees or agencies referred to in section 14, as may be specified in the order.

Power to make rules.

20. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

[Act No.11 of 1983] 25

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for-

(a) the authorities for the purpose required to be prescribed under sub-clause (iii) of clause (c) of section 2;

(b) the allowances and pension payable to and other conditions of service of, the Lokayukta and Upa-Lokayukta;

(c) the form in which complaints may be made and the fees if any, which may be charged in respect thereof;

(d) the powers of Civil Court which may be exercised by the Lokayukta or Upa Lokayukta;

(e) any other matter which is to be or may be prescribed or in respect of which this Act makes no provisions or makes insufficient provision and provision is in the opinion of the Government necessary for the proper implementation of this Act.

(3) Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification the rule or in the annulment of the rule, the rule shall from the date on which such modification or annulment is notified have effect only in such modified form or have no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Removal of doubts.

21. For the removal of doubts, it is hereby declared that nothing in this Act shall be construed to authorise the Lokayukta or Upa-Lokayukta to investigate any allegation against-

(a) the Chief Justice or any Judge of the High Court or a member of the Judicial service as defined in clause (b) of article 236 of the Constitution;

(b) any officer or servant of any Court in the State;

(c) the Accountant-General,[38]Telangana;

(d) the Chairman or a member of the [38]Telangana Public Service Commission;

(e) the Chief Election Commissioner, the Election Commissioners and the Regional Commissioners referred to in article 324 of the Constitution and the Chief Electoral Officer of the State of[38]Telangana;

(f) the Speaker and the Deputy Speaker of the Legislative Assembly and the Chairman and the Deputy Chairman of the Legislative Council and the staff of the Legislature Secretariat;

[39][xxx]

38. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

39. Clauses (g) and (h) omitted by Act No.5 of 2020.

40[21-A.The Lokayukta, Upa-Lokayukta, Officers and other employees of the Lokayukta shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.]

Lokayukta, Upa-Lokayukta, Officers and employees of the Lokayukta to be Public Servants.

Central Act 45of 1860.

22. The provisions of this Act shall be in addition to the provisions of any other enactment or any rule of law under which remedy in any other manner is available to a person making a complaint under this Act and nothing in this Act shall limit or affect the right of such person to avail of such remedy.

Savings.

40. Inserted by Act No.31 of 2017 (w.e.f.30.10.2019 vide. Telangana Gazette Notification No.227-A, Part-I, Extraordinary, dated 30.10.2019).

FIRST SCHEDULE.

[see section 3(2)].

I……..having been appointed to be

Lokayukta / Upa-Lokayukta do swear in the name of God / solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, and I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear and favour, affection or ill will.

SECOND SCHEDULE[41][xxx]

* * *

41. Second Schedule omitted by Act No.39 of 1987.

2 [Act No. 11 of 1983]

18. Conferment of additional functions on Lokayukta and Upa-Lokayukta, etc.

19. Power to delegate.

20. Power to make rules.

21. Removal of doubts.

21-A. Lokayukta, Upa-Lokayukta, Officers and employees of the Lokayukta to be Public Servants.

22. Savings.

SECOND SCHEDULE (omitted).