



తెలంగాణ రాజపత్రము
THE TELANGANA GAZETTE
PART IV-A EXTRAORDINARY
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TELANGANA BILLS

TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 15th November, 2017.

L. A. BILL No. 18 OF 2017.

A BILL FURTHER TO AMEND THE TELANGANA LOKAYUKTA ACT, 1983.

Be it enacted by the Legislature of the State of Telangana in the Sixty-eighth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Telangana Lokayukta (Amendment) Act, 2017.

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

2. In the Telangana Lokayukta Act, 1983 (hereinafter referred to as the principal Act), in section 2,-

Short title and commencement.

Amendment of section 2, Act No.11 of 1983

(a) in clause (b), after sub-clause (i), the following shall be inserted, namely:-

“(ia) has failed to discharge the functions attached to his post”;

(b) in clause (k), in sub-clause (v), in item (4), the words “which is subject to the control of the Government” shall be omitted;

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

“(1) ‘Secretary’ means a Secretary to the Government and includes the Chief Secretary, Special Chief Secretary, Principal Secretary, an Additional Secretary and a Joint Secretary;”.

**Amend-
ment of
Section 3.**

3. In the principal Act, in section 3, for sub-section (1), along with proviso thereunder, the following shall be substituted, namely:-

“(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:

Provided that,-

(a) the person to be appointed as Lokayukta shall be a retired Chief Justice 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.”;

4. In the Principal Act, in section 5,-

**Amend-
ment of
Section 5.**

(a) for sub-section (3), the following shall be substituted, namely:-

“(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.”;

(b) in sub-section (4), for the words “High Court of Andhra Pradesh”, the words “High Court of judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh” shall be substituted;

(c) in sub-section (5), for “High Court of Andhra Pradesh”, the words “High Court of judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh” shall be substituted.

5. In the principal Act, after section 21, the following section shall be inserted, namely:-

**Insertion
of
section
21-A.**

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

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.”

**Central
Act 45 of
1860.**

STATEMENT OF OBJECTS AND REASONS

The Institution of Lokayukta was constituted in the united State of Andhra Pradesh in the year 1983, under the provisions of the Andhra Pradesh Lokayukta Act, 1983 (Act No.11 of 1983) and is continuing till today. Consequent on bifurcation of the erstwhile Andhra Pradesh State, the Ministry of Home Affairs (GOI), in exercise of the powers conferred by section 75(1) and (2) of the Andhra Pradesh Reorganization Act, 2014 notified the Institution of Lokayukta situate at Hyderabad for inclusion in the Schedule X of the Act w.e.f. 07-05-2015 vide Notification issued in GSR 369 (F) dated 07-05-2015 and the same is serving for both the State of Andhra Pradesh and Telangana.

As per section 63 of the Lokpal and Lokayukta Act, 2013 (Central Act 1 of 2014) every State shall establish a body to be known as the Lokayukta for the State, if not so established, constituted or appointed, by a law made by the State Legislature to deal with complaints relating to corruption against certain public functionaries within a period of one year from the date of commencement of the Act.

The Government have adapted the Andhra Pradesh Lokayukta Act, 1983 (A.P. Act 11 of 1983) to the State of Telangana along with other Acts and Rules vide the Telangana Adaptation of Laws Order, issued in G.O.Ms.No.45, Law (F) Dept., dated:01-06-2016. Now there is a need to make certain amendments to few sections in the said adapted Act for better governance and administration.

This Bill seeks to ensure the implementation of the above said provisions under the Lokpal and Lokayuktas Act, 2013, with certain modification in the principal Act i.e. the Telangana Lokayukta Act, 1983 to suit the needs of the State and for establishment of a separate Institution of Lokayukta and Upa-Lokayukta for the State of Telangana.

K. CHANDRASHEKAR RAO,
Chief Minister.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN THE
TELANGANA LEGISLATIVE ASSEMBLY**

The Telangana Lokayukta (Amendment) Bill, 2017 after it is passed by both the Houses of the State Legislature may be submitted to the Governor for his assent under Article 200 of the Constitution of India.

K. CHANDRASHEKAR RAO,
Chief Minister.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.