

# Karnataka Lokayukta

August 15, 2022

**In news-** Karnataka High Court has recently abolished the Anti-Corruption Bureau (ACB) under state government and transferred all its cases to Lokayukta.

## **Key updates-**

- The HC order quashed a notification issued by the state government in March 2016 to create the ACB and also subsequent notifications transferring power to probe corruption cases under Prevention of Corruption Act, 1988, from Karnataka Lokayukta police to the ACB.
- The court has said that “all inquiries, investigations and other disciplinary proceedings pending before ACB will get transferred to the Lokayukta”.
- It further said that “all inquiries, investigations, disciplinary proceedings, orders of convictions/acquittals and all other proceedings held by ACB till today are hereby saved and the Police Wing of Karnataka Lokayukta shall proceed from the stage at which they are pending as on today, in accordance with law”.
- The court said it is “high time” the state government strengthened the institution of Lokayukta and Upa-Lokayukta and got back their “glory”. It observed that the institution of Lokayukta has been reduced to being “paper tigers” by the March 14, 2016 executive order to transfer police powers to ACB.
- The order for abolishing the ACB relates to cases filed in 2016 by the Advocates Association of Bengaluru, the Samaj Parivartana Samudaya, and advocate Chidananda Urs over Lokayukta powers being given to ACB.
- The HC stated that “there was no necessity for the State Government to constitute ACB parallel to the institution of Lokayukta, that too when a person to be appointed as

Lokayukta shall be a person who has held the office of a Judge of Supreme Court, or that of the Chief Justice of a High Court, or a person who has held the office of a Judge of a High Court for not less than ten years; and a person to be appointed a Upa-Lokayukta shall be a person who has held the office of a Judge of a High Court for not less than five years.”

- The court said, “The Government Order constituting the ACB is unsustainable, suffers from mala fides and legal infirmities.”

### **Karnataka Lokayukta-**

- It is the ombudsman institution of the Indian state of Karnataka.
- It **was established in 1984** to investigate and report on corruption in the Government of Karnataka and to redress public grievances related to state government employees.
- In **1966, a report by the Administrative Reforms Commission recommended the setting up of Lokpal at the federal level and Lokayukta in the states**, for the redressal of citizen’s grievances. Therefore, Maharashtra established its Lokayukta in 1971.
- In Karnataka, the Lokayukta Ordinance Act 1979, was exercised by D. Devaraj Urs, then Chief Minister of Karnataka, and the **first Lokayukta to be appointed was then retired Chief Justice of Rajasthan High court, Justice C. Honnaiah.**
- The same institution was abolished when R. Gundu Rao became the chief minister of Karnataka, after the demise of D. Devaraj Urs.
- The institution was again **re-introduced after Ramakrishna Hegde** became the Chief Minister of Karnataka, and introduced the **Lokayukta and Upa Lokayukta Bill** in the assembly as their 1983 election promise.
- It came into force through the Karnataka Lokayukta Act,

1984.

- As per the Karnataka Lokayukta Act, 1984, **a person appointed the Lokayukta** (the institution and its head bearing the same names), **who either held the office of a Judge of the Supreme Court of India or that of the Chief Justice of a High Court of India.**
- The **Act was amended in 2015**, according to which **any person who has held the post of judge of the High court for a period of ten years can be appointed as Lokayukta** and five years in case of Upa Lokayukta.
- The Lokayukta is **appointed by the Governor of Karnataka on advice of Chief Minister of Karnataka** in consultation with the Chief Justice of the High Court of Karnataka, the Chairman of Karnataka Legislative Council, the Speaker of Karnataka Legislative Assembly, the Leader of the Opposition in the Karnataka Legislative Council and the Leader of the Opposition in the Karnataka Legislative Assembly.
- The Lokayukta has the **power to investigate cases in relation to the Chief Minister, all other Ministers and Members of the State Legislature and all state government employees.**
- The Lokayukta, through the Bureau of Investigation, its police wing, had **derived its investigating powers from the Prevention of Corruption Act, 1988.**
- However, **it was stripped of its investigative powers before transferring them to the Anti-Corruption Bureau (ACB) of Karnataka Police directly under the Chief Minister of Karnataka in 2016.**
- The High Court of Karnataka dissolved ACB and restored all the ongoing cases to the Karnataka Lokayukta in 2022.