

**THE ANDHRA PRADESH LOKAYUKTA
ACT, 1983**

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'THE ANDHRA PRADESH LOKAYUKTA ACT, 1983

¹[Act No. 11 of 1983]

[As amended by Act No. 11 of 2011, w.e.f. 5-5-2011]

[As Amended by (Amendment) Act 31 of 2019]

An Act to make provision for the appointment and functions of Lokayukta and Upa-Lokayukta for the investigation of Administrative action taken by or on behalf of the Government of Andhra Pradesh or certain Local and Public Authorities in the State of Andhra Pradesh (including any omission and commission in connection with or arising out of such action) in certain cases and for matters connected therewith.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty-fourth year of the Republic of India as follows:

STATEMENT OF OBJECTS AND REASONS

²[Amendment Act No. 1 of 2001]

According to Section 3 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 the Governor shall appoint a Judge or a retired Chief Justice of High Court as Lokayukta and one or more persons as Upa-Lokayukta or Upa-Lokayuktas from among the District Judges of Grade-I. The constitutional convention is that the Governor, administers the oath or affirmation of a person appointed as Chief Justice and the Chief Justice of High Court administers the oath or affirmation of a person appointed as a Judge on being appointed by the Governor for this purpose. On the same analogy it has been decided to require the Lokayukta to make and subscribe an oath or affirmation before the Governor and to enable the Governor to appoint the Lokayukta to swear in the Upa-Lokayukta. According it has been decided to amend the Act.

This Bill seeks to give effect to the above decision.

³[Amendment Act No. 1 of 2007]

In the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983, there are certain deficiencies which are coming in the way of redressal of grievances and investigation into the allegations and if the deficiencies are removed by making suitable amendments, the institution can function more effectively and in redressing the grievances of the citizens and in combating the corruption.

1. Reserved by the Governor on the 11th October, 1982 for consideration and assent of the President, received the assent of the President on the 25-8-1983 and the said assent is hereby first published in the Andhra Pradesh Gazette Part IV-B, (Ext.), dt. 23-9-1983.
2. Appended to L.A. Bill No. 37 of 2000.
3. Appended to L.A. Bill No. 28 of 2006, Pub. in A.P. Gaz. Pt.IV-A, Ext.No. 28, dt. 31-8-2006.

Basing on the recommendations of the High Level Committee on Anti Corruption it has been decided to amend the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983.

The salient features of the Bill are as follows:-

(1) to amend the short-title of the Act so as to omit the words Upa-Lokayukta since the works Lokayukta wherever used includes Upa-Lokayukta also.

(2) According to clause(a) of sub-section (2) action means action taken by a Public Servant in the discharge of his functions. As per the preamble of the Act the Lokayukta can investigate administrative action of the public servant but not in the discharge of his function. Accordingly so as to remove the said ambiguity, it is proposed to amend the definition.

(3) Consequential reference to Prevention of Corruption Act, 1988 in the place of Prevention of Corruption Act, 1947 by amending clause (d) of Section 2.

(4) According to clause (g) Minister means a member of the Council of Minister other than Chief Minister whether present or past. It has been decided to include a Deputy Chief Minister, Deputy Minister and Parliamentary Secretary and to omit the words whether present or past by amending clause (g) in view of the amendment proposed Section 2(k).

(5) It has been decided to omit clause (k) of Section 2 pertaining to definition of word Public Servant, since in the existing provision only past Ministers, Member of either House of the State Legislature, including the Chief Whip in the Assembly and the Chief Whip in the Council, are within the definition of 'Public Servant' since the words 'past or present' are employed in their case. But those words are missing in the case of other public servants. Hence, the Lokayukta can now investigate only into the allegations made against past Ministers and Members of the Assembly but not against any former Chairman of Zilla Parishad, former Mayor, former Chairman of Municipal Council, former Vice-Chancellor and former Registrar of University etc. Therefore it is proposed to insert words 'who is or was at any time' in Section 2 (k) which will include all the functionaries whether present or past.

(6) According to sub-section (1) of Section 7 of the Act the Vice-Chancellor or Registrar of the University comes within the purview of the Upa-Lokayukta, in view of the responsibilities and duties of the Vice-Chancellor it has been decided to bring him within the purview of the Lokayukta by amending Section 7 of the Act.

(7) According to clause (b) of sub-section (2) of Section 10 of the Act, every investigation shall be completed within a period of 6 months but shall not exceeding one year. In practice it is observed that within the said period

of limitation the investigation for want of several valid reasons could not be completed by the Lokayukta or Upa-Lokayukta. In view of the above it has been decided to amend the said provisions thereby empowering the Lokayukta or Upa-Lokayukta to complete the investigation within a period of one year from the date of issue of Form 7 and in case if he feels unable to do so, he shall record his reasons for such inability.

To achieve the above objectives it has been decided to amend the Act suitably.

This Bill seeks to give effect to the above decision.

[Amendment Act No. 11 of 2011]

While implementing the Andhra Pradesh Lokayukta Act, 1983 it is found that there are vital gaps regarding redressal of grievances arising out of Maladministration. Though Section 7 of the Act, read with the preamble, authorizes investigation into administrative action by the Lokayukta or Upa-Lokayukta, there is no mention about filing a complaint of grievances with reference to administrative action or Mal administration under Section 9 or submission of report for redressal of grievances under Section 12 of the Act. It is therefore, proposed to define the words "grievance and Mal administration."

Under clause (i) of Section 2 there is salary embargo stipulating that a person holding a post carrying a minimum scale of pay of Rs.7,400/- and below are not within the purview of the investigation of the Lokayukta. In view of this, officers in the cadre of Revenue Divisional Officer, Deputy Superintendent of Police, Inspector of Police, Mandal Revenue Officer, Mandal Development Officer etc., stood excluded from the purview of the Act. Experience shows that most of the grievances of the complaints are relating to the administrative action taken by such officers. The Division Bench of the Andhra Pradesh High Court in *J. Papa Rao v. Government of A.P.* (2004 (2) ALT 663) held that the A.P. Lokayukta and Upa-Lokayukta Act, 1983 applies to all officers irrespective of their pay. It is therefore, decided to redefine the word 'Officer' as meaning a person appointed to Public Service in the State.

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 Gram Panchayat, constituted by or under the Andhra Pradesh Panchayat Raj Act, 1994 and every Mayor and Deputy Mayor and elected Members of Municipal Corporations, every

1. Appended to L.A. Bill No. 10 of 2011, Pub. in A.P. Gaz. Part-IV-B, Ext.No. 10, dated 25-3-2011.

Chair Person, Vice Chair-Person and Elected Members of a Municipal Council or statutory bodies constituted/incorporated under the Central Acts but functioning in the State and controlled by the State Government; and any Co-operative Society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 and the A.P. Mutually Aided Co-operative Societies Act, 1995 having its area of operation in the State either whole or part and other Institutions as is referred to in sub-clauses (iv) to (vi) were not included in the definition of Public Servant under clause (K) of Section 2, It is considered that there are no Justifiable reasons for excluding them. It is, therefore, proposed to include them in the relevant definition clauses.

Under the existing provision, 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 from the date on which the action complained against becomes known to the complainant whichever is later. It is, therefore, proposed to substitute the above for sub-section (2) of Section 8. Empowering the Lokayukta or Upa-Lokayukta to receive complaints made under this Act, in the case of allegation by any person or in the case of grievances by a person aggrieved in respect of any action. There is no provision in the Act authorizing the Lokayukta or Upa-Lokayukta to impose costs on the complainants in case the complaint is malicious, vexatious or false and it is proposed to empower them to impose costs in such cases. It is, therefore, proposed to amend Sections 2, 8 and 9 suitably and insert new Section 13 A to the A.P. Lokayukta Act, 1983

The Bill seeks to achieve the above objects.

[Amendment act 31 of 2019]

According to clause (a) of proviso under sub-section (1) of Section 3 of the Andhra Pradesh Lokayukta Act, 1983, "the person to be appointed as the Lokayukta shall be a Judge or a retired Chief Justice of a High Court.

It is observed that acting Judge or retired Chief Justice of a High Court may not be available for appointment as Lokayukta. In order to mitigate the non-availability of a Judge or a retired Chief Justice of a High Court for appointment as Lokayukta, it has been decided to amend clause (a) of proviso under sub-section (1) Section 3 of the Act, suitably.

The Bill seeks to give effect to the above decision

1. Short title, extent and commencement :- (1) This Act may be called the Andhra Pradesh Lokayukta ²[xxx] Act, 1983.

(2) It extends to the whole of the State of Andhra Pradesh.

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

CASE LAW

From the information furnished it is clear that the petitioners in all the three writ petitions have not sought for relief either on the basis of any Pay Revision Commission but they are claiming special pay on the basis of States action treating the Section Officers, Court Masters, Personal Secretaries to

1. Amendment LA Bill No. 31 of 2019

2. The words "and Upa-Lokayukta" omitted by Act No. 1 of 2007 w.e.f. 28-2-2007. Vide G.O.Ms.No.117 GA Spl C dt. 28-2-2007. Pub. in AP Gaz. No. 13, dt. 15-3-2007

Honourable Judges and Court Officers of High Court and Section Officers of Lokayukta on par with the Section Officers of Secretariat. When the duties and responsibilities are similar no justification to deny their request. When once the State accepted the status of these officers on par with the officers of the Secretariat it is not now fair for the State to refuse to extend similar benefit. Such refusal amounts to arbitrariness. When an act of the State is an arbitrary one, the Court can decide it and direct the concerned to set right such an arbitrariness. *A.P. High Court Junior Officers Association, Hyd. vs. Government of A.P., Finance and Planning (F.W. & T.A.) Department and Others*, 1997 (1) ALD 810. See also 1988 (2) SLR 52 (SC).

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

- [(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;
 - (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, Chief Secretary; or Secretary.	The Chief Minister.
(ii) in the case of a Member of either House of the State Legislature. Chairman of the	The Speaker of the Legislative Assembly or as the case may be, Legislative Council.
(iii) in the case of any other public servant.	Such authority as may be prescribed

1. Subs. by Act No. 1 of 2007, w.e.f. 28-2-2007.

- ¹[(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;]
- (e) '*Government*' means the State Government;
- ²[(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;
- ²[(fa) '*Mal administration*' 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 wilful negligence or undue delay in taking such action or the administrative procedure or practice governing such action involving undue delay],
- ¹[(g) '*Minister*' means a member (other than the Chief Minister) of the Council of Ministers, for the State of Andhra Pradesh and includes a Deputy Chief Minister, a Minister, a Minister of State, a Deputy Minister or a Parliamentary Secretary;]
- (h) '*notification*' means a notification published in the Andhra Pradesh Gazette and the expression '*notified*' shall be construed accordingly;
- ³[(i) '*officer*' means a person appointed to a public service in connection with the affairs of the State of Andhra Pradesh.]
- (j) '*prescribed*' means prescribed by rules made under this Act;
- ⁴[(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;

1. Subs. by Act No. 1 of 2007, w.e.f. 28-2-2007.

2. Ins. by Act No. 11 of 2011, w.e.f. 5-5-2011, vide G.O.Ms.No. 219, Genl. Admn. (Spl.C), dt. 5-5-2011, Pub. in A.P. Gaz. Part-I, Ext.No. 242, dt. 23-5-2011.

3. Subs. by Act No. 11 of 2011, w.e.f. 5-5-2011.

4. Subs. by Act No. 1 of 2007, w.e.f. 28-2-2007.

- (iii) Officer as referred to in clause (i);
- (iv)¹[(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 by or under the Andhra Pradesh Panchayat Raj Act, 1994];
- (2) every Mayor ²[every Deputy Mayor and elected members] of a Municipal Corporation constituted by or under the relevant law for the time being in force;
- ³[(3) Every Chair-person, Vice Chair-person and elected members of a Municipal Council constituted under the Andhra Pradesh Municipalities Act, 1965;]
- (v) every Chairman or President, by whatever name called of the Governing Body to which the management is entrusted and every director or member, if any, in respect of,—
- (1) any local authority in the State of Andhra Pradesh;
- (2) any statutory body or Corporation (not being a local authority) established by or under ⁴[a State Act or a Central Act] and owned or controlled by the Government of Andhra Pradesh 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 Companies Act, 1956 in which not less than 51 per cent of its paid up share capital is held by the Government of Andhra Pradesh or any Company which is a subsidiary of such company;
- (4) any society registered under the Andhra Pradesh Societies Registration Act, 2001 which is subject to the control of the Government;

1. Subs. by Act No. 11 of 2011, w.e.f. 5-5-2011.

2. Ins. by *Ibid.*

3. Subs. by *Ibid.*

4. Subs. for "a State Act" by *Ibid.*

- ¹[(5) any Co-operative Society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 and the Andhra Pradesh Mutually Aided Co-operative Societies Act, 1995 having its area of operation in the State either whole or in part;].
- (6) Member of a Committee or Board, statutory or non-statutory, constituted by the Government of Andhra Pradesh;
- (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 ²[as is referred to in sub-clauses (iv) to (vi);]
- (l) 'Secretary' means a Secretary to the Government, and includes the Principal Secretary, a Second Secretary, a Special Secretary, an Additional Secretary and Joint Secretary;
- (m) 'Upa-Lokayukta' means a person appointed to be the Upa-Lokayukta under Section 3.

3. Appointment of Lokayukta and Upa-Lokayukta:— (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 to be known as the Upa-Lokayukta or Upa-Lokayuktas:

Provided that,—

- (a) the person to be appointed as the Lokayukta shall be
"a retired Chief Justice or a retired Judge of a High Court"
- (b) the Lokayukta shall be appointed after consultation with the Chief Justice of the High Court concerned;
- (c) the Upa-Lokayukta shall be appointed from among the District Judges of Grade I, out of a panel of five names forwarded by the Chief Justice of the High Court of Andhra Pradesh.

⁴[(2)](i) Every person appointed to be the Lokayukta shall, before entering upon his office, make and subscribe, before the Governor an oath

1. Sub. by Act No. 11 of 2011, w.e.f. 5-5-2011

2. Added by Ibid.

3. Amendend by AP Lokayukta (Amendment) act 31 of 2019

4. Subs. by Act No. 1 of 2001, w.e.f. 27-03-2001, pub. in A.P.Gaz. Pt. IV-B, ext. No.1 dated 27-3-2001

or affirmation according to the form setout 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 behalf by him, an oath or affirmation according to the form setout 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 such 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*.

4. Lokayukta or Upa-Lokayukta to hold no other Office:—(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 he hold 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 practice such profession.

5. Term of office and other conditions of service of Lokayukta and Upa-Lokayukta:— (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:

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.

(3) On ceasing to hold office, the Lokayukta or Upa-Lokayukta shall be ineligible for re-appointment to that office and also for further employment for a period of five years either under the Government or any such local authority, Corporation, Government Company or Society as is referred to in sub-clause (v) of Clause (k) of Section 2.

¹[(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 Judge of the High Court of Andhra Pradesh].

1. Subs. by Act 39 of 1987, w.e.f. 1-4-1986.

(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 High Court of Andhra Pradesh:

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

CASE LAW

Sections 5(4), 5(5), 20(2)(b), 3(1)(c):— Insofar as conditions of service of Lokayukta and Upa-Lokayukta, especially with regard to the allowances and pension payable to them are concerned, Revised Pension Rules have no application. *M. Rama Krishna v. Government of Andhra Pradesh and others*, 2009 (3) ALD 211 (DB) = 2009 (2) ALT 330 = 2009 (1) APLJ 60 (DB).

A person appointed to the office of Lokayukta and Upa-Lokayukta is entitled for two pensions: one, in respect of his previous service under the State, and the other for service as Upa-Lokayukta. By an executive order, right of Upa-Lokayukta for claiming DA/DR cannot be curtailed. *M. Rama Krishna v. Government of Andhra Pradesh and others*, 2009 (3) ALD 211 (DB) = 2009 (2) ALT 330 = 2009 (1) APLJ 60 (DB).

Allowance, salary and pension and other conditions of service of Lokayukta and Upa-Lokayukta shall be as those of Chief Justice/Judge of High Court of Andhra Pradesh and shall not be varied to the disadvantage after the appointment. *M. Rama Krishna v. Government of Andhra Pradesh and others*, 2009 (3) ALD 211 (DB) = 2009 (2) ALT 330 = 2009 (1) APLJ 60 (DB).

6. Removal of Lokayukta or Upa-Lokayukta:— (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:

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 High Court of Andhra Pradesh.

(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.

7. Matters which may be investigated by Lokayukta or Upa-Lokayukta:— (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
- (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

¹[(iiiia) 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

1. Subs. by Act No. 1 of 2007, w.e.f. 28-2-2007.

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 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.

CASE LAW

Section 7, 10, 12:— The order does not disclose as to whether the complaint was in time and as to whether it was in respect of any specific action taken by the petitioner and what was the specific allegation against him. It does not appear from the order whether the petitioner had abused his office and position to obtain gain or favour to himself or to any other person or caused any undue hardship or harm to any other person or that he was actuated in the discharge of his function as a public servant by improper or corrupt motives and had thereby caused loss to the State or any member or section of the public or was guilty of corruption or lack of integrity in his capacity as such public servant. Such facts are to be found against the public servant by investigation which includes affording of an opportunity to him to lead evidence and to rebut it. No *ex parte* opinion can be formed by the Lokayukta without giving opportunity and without following the procedure to the public servant concerned. It appears from the counter-affidavit a stand to have been taken that the complaint received against the petitioner was merely sent to the District Collector to take action and that since action had been taken, the matter was directed to be closed by order of 12-6-1996. Such a plea is not available since the order passed on 17-4-1996 was not merely a request to the District Collector to take action. Specific view was expressed in the order that the officer should be transferred to a distant far away place as it appeared to the Lokayukta that the petitioner had developed deep roots and vested interests in Shadnagar Mandal by working for too long a period in that area. Not only that, the District Collector was also directed to inform of the action taken by the date fixed viz., 12-6-1996. It can hardly be doubted that the order was intended as a direction to take action against the public servant concerned. *S. Jagadeswar vs. Lokayukta of A.P., Hyd. and Others*, 1996 (4) ALT 1072 (DB) = 1996 (4) ALD 282 (DB).

Where the action of the petitioner in respect of which the complaint was made by the General Secretary, AISF, A.P. State Council, which was

not an action of the Member of the Legislature or an action taken by the petitioner at the behest of the Member of the said Legislature, the provisions of Section 7(1) of the Act were held to have no application. *C. Subbarayudu v. Institution of Lokayukta and Upa-Lokayukta of Andhra Pradesh, Hyderabad*, 2001 (4) ALD 843 (DB).

Act 11 of 1983 also covers the All India Service Officers and there is no repugnancy between the Central Act 61 of 1951 and the rules framed thereunder and the State Act 11 of 1983. The learned Lokayukta/Upa-Lokayukta have jurisdiction to investigate into any action taken by the persons specified in Section 7 of the Act except those covered by Section 21 of the Act. *J. Papa Rao v. Government of Andhra Pradesh and others*, 2004 (2) ALD 855 (AP) (DB)=2004 (2) ALT 663 (DB).

There is no provision under the Act enabling the Upa-Lokayukta to grant such relief as has been granted in the instance case, i.e., compelling the petitioners to pay certain amounts under the bills to the second respondent-firm, even after finding that no case was made out for investigation against the petitioners. *Chief Engineer, Municipal Corporation of Hyderabad and others v. Registrar, Office of the Upa-Lokayukta, A.P., Hyderabad and another*, 2004 (1) ALD 115 (AP) (DB) = 2004 (1) ALT 534.

Passing of a final order without requiring the DG, ACB to complete the investigation and sending the report to the Upa-Lokayukta to enable the latter preparing a final report and submitting the same to the appropriate authority for further action was held *ultra vires* the jurisdiction of the Upa-Lokayukta. *Government of Andhra Pradesh, Revenue (Endts.) Department and others v. G. Kesavulu, former Executive Officer of Sri Bramaramba Mallikarjuna Swamy Devasthanam, Srisailam and others*, 2003 (2) ALD 1 = 2003 (1) ALT 636 (AP) (DB).

Sections 7, 9, 12, 2(a), 2(b):-- The jurisdiction of Hon'ble the Lokayukta (HTL) is initiated by complaint made by any person relating to any allegation in respect of an action within the meaning of Section 9(1) of the Act. A plain reading of the definition of 'action' means, 'administrative action' taken by public servant. On a conjoint reading of definitions of 'complaint', 'action' and 'allegation', it would be incorrect to understand that there should necessarily be an allegation in respect of an action so as to constitute a complaint. Any complaint regarding an action or inaction which cause undue harm or hardship to any person would amount to a complaint with allegation. *A.P. State Fishermen Development and Welfare Association, Vizag District v. District Collector, Visakhapatnam*, 2010 (2) ALD 300 (DB).

Lokayukta cannot be equated to Chief Vigilance Commissioner of Anti Corruption Bureau. *A.P. State Fishermen Development and Welfare Association, Vizag District v. District Collector, Visakhapatnam*, 2010 (2) ALD 300 (DB).

8. Matters not subject to investigation by Lokayukta or Upa-Lokayukta:— (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 (Inquiries) 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 60 of 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 intimation of withholding it is communicated within ninety days after the receipt of the application by the Lokayukta or Upa-Lokayukta, as the case may be, the concurrence shall be deemed to have been given.

¹[(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 from the date on which the action complained against becomes known to the complainant, whichever is later].

9. Provision relating to complaints:— ¹[(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.]

Provided that where the person aggrieved is dead or is for any reason unable to act for himself, the complaint may be made by any person who in law represents his estate, or as the case may be, by any person who is authorised by him in this behalf.

(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

1. Subs. by Act No. 11 of 2011, w.e.f. 5-5-2011.

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).

10. Procedure in respect of investigations:— (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;
- (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.

¹[(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,—

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

1. Subs. by Act No. 1 of 2007, w.e.f. 28-2-2007.

- (b) there are no sufficient grounds for investigation 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.

CASE LAW

Section 10(2)(b) – The Lokayukta cannot give teeth to his own action by drawing analogy between the Court of Judicature and the Institution of Lokayukta and Upa-Lokayukta justifying his action to continue the investigation beyond the period of one year as provided under Section 10(2)(b) of the Act. *P.V.R. Bhaskar Rao v. Andhra Pradesh Administrative Tribunal, Hyderabad and others*, 2002 (2) ALD 21 (DB) = 2002 (3) ALT 101 (DB).

Section 10(4) – Sub-section (2)(a) of Section 10 postulates that 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. In other words, the statutory provision contemplates that while conducting preliminary verification of the complaint under sub-section (1) of Section 10, the investigation is required to be made in confidentiality and on satisfying from the investigation of the alleged misconduct, etc., he is empowered to take further action under the Act. He is also empowered under Section 11 to collect evidence or have the investigation done as a civil Court by operation of sub-section (2) of Section 11 of the Act only when he satisfies that there is evidence to proceed further under Section 10 (1)(b). At that stage, he shall afford an opportunity to the aggrieved person to comment on such complaint of the statement and conduct the investigation or enquiry. He is enjoined to give reasonable opportunity to the public servant. After conducting the said enquiry, if he finds that the public servant or the person referred committed misconduct, then he is required to submit the report to the Government as enjoined under Section 12 of the Act. On receipt thereof, under sub-section (3), it shall be lawful for the Government to take action as recommended by the Lokayukta. *Ch. Rama Rao vs. Lokayukta and Ors.*, 1997 (1) ALD (SCSN) 18 = 1996 (5) SCC 304.

Section 10(4) – On a reading of Section 10 of the Act in conjunction with Rule 5(3) of the Rules, it was held that the first respondent was vested

with the discretion to pass an order if the allegations levelled in the complaint were baseless and ill-founded, even without hearing the complainant also. *M. Girish Reddy v. Lokayukta of A.P. and Ors.*, 1998(6) ALD 257 (DB)=1999 AIHC 992=1998 (5) ALT 743.

The primary and principal function of the Lokayukta or the Upa-Lokayukta is to conduct investigation and submit a report along with his recommendations to the appropriate competent authority for taking action. *Government of Andhra Pradesh, Revenue (Endts.) Department and others v. G. Kesavulu, former Executive Officer of Sri Bramaramba Mallikarjuna Swamy Devasthanam, Srisailam and others*, 2003 (2) ALD 1 = 2003 (1) ALT 636 (AP) (DB).

11. Evidence:— (1) Subject to the 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 while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 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 servant, 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 organisation); or
- (b) as might involve the disclosure of the 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.

12. Reports of Lokayukta or Upa-Lokayukta:—(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 a 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 an 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.

CASE LAW

There are no powers either under the Act or the Rules framed thereunder whereby the Lokayukta can issue bailable or non-bailable warrants of arrest as a coercive measure for enforcing the orders. *Superintending Engineer, Irrigation Circle, Visakhapatnam and another v. Institution of Lokayukta and Upa-Lokayukta, Hyderabad and another*, 2001 (5) ALD 635 (DB).

13. Prosecution for false complaints:—(1) 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 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.

[13-A. Imposition of costs:— (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.]

14. Staff of Lokayukta and Upa-Lokayukta:— (1) 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-Lokayukta 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 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.

15. Secrecy of Information:— (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, (Central Act 1 of 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.

(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 (Central Act 19 of 1923) or an offence of giving or fabricating false evidence under the Indian Penal Code, 1860 (Central Act 45 of 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.

16. Intentional insult or interruption to, or bringing into disrepute, Lokayukta or Upa-Lokayukta:—(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 to 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—

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

17. Protection of action taken in good faith:—(1) 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.

(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, renewed, quashed or called in question in any Court or Tribunal.

18. Conferment of Additional functions on Lokayukta and Upa-Lokayukta, etc.:— (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.

(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 for 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.

CASE LAW

A writ petition filed after the report was submitted to Governor is not maintainable. It is for the Governor and not to the High Court which can pass any order. *Sangeetam Venkata Reddy v. Government of A.P.*, 1999 (5) ALT 694.

19. Powers to delegate:— 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.

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

(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 provision 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 of 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.

21. Removal of doubts:— 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, Andhra Pradesh;
- (d) the Chairman or a Member of the Andhra Pradesh Public Service Commission;
- (e) the Chief Election Commissioner, the Election Commissioners and the Regional Commissioners referred to in Art. 324 of the Constitution and the Chief Electoral Officer of the State of Andhra Pradesh;
- (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;
- (g) the Chairman or member of the Andhra Pradesh Administrative Tribunal;
- (h) any Officer or Servant of the Andhra Pradesh Administrative Tribunal.

22. Savings:— 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.

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 judgment perform the duties of my office without fear and favour, affection or ill-will.

SECOND SCHEDULE

[x x x]

THE ANDHRA PRADESH LOKAYUKTA AND UPA-LOKAYUKTA (INVESTIGATION) RULES, 1984

¹[G.O.Ms.No. 34, General Administration (SC-D), dt. 20-1-1984]

In exercise of the powers conferred by Section 20 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983), the Governor of Andhra Pradesh hereby makes the following rules relating to allegations and complaints against public servants, their verification and investigation.

CHAPTER I Preliminary

1. **Short title:**— These rules may be called the Andhra Pradesh Lokayukta and Upa-Lokayukta (Investigation) Rules, 1984.

2. **Definitions:**—(1) In these rules unless the context otherwise requires,—

- (i) "**Act**" means the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983);
- (ii) "**Complainant**" means any person by whom a complaint is made under Section 9 of the Act;
- (iii) "**Complaint**" means a statement made in writing to the Lokayukta or Upa-Lokayukta by a complainant containing an allegation against a public servant in respect of an action taken by such public servant;
- (iv) "**form**" means a form appended to these rules;
- (v) "**Governor**" means the Governor of Andhra Pradesh;
- ²[(v-a) "**Institution**" means, the Institution of Lok Ayukta and Upa-Lok Ayukta of Andhra Pradesh];
- (vi) "**investigation**" means any inquiry or other proceedings conducted by the Lokayukta or Upa-Lokayukta in connection with the complaint, or on his own motion or under the orders of the Governor but shall not include preliminary verification;
- (vii) "**person aggrieved**" means a person who sustained injustice or undue hardship in consequence of any act of a public servant falling within the scope of sub-clause (i), (ii) or (iii) of Clause (b) of Section 2 of the Act;

1. Published in A.P. Gazette, R.S. to Part I, dt. 20-1-1984.

2. Inserted by G.O.Ms.No. 120 (G.A.), dt. 19-3-1987, Pub. in A.P. Gaz., R.S. to Part I (Ext.), dt. 6-4-1987.

- (viii) "*Preliminary verification*" means any inquiry or other proceedings conducted by the Lokayukta or Upa-Lokayukta in connection with a complaint or on his own motion for the purpose of satisfying himself as to whether there are any grounds for conducting an investigation into such complaint;
- (ix) "*registrar*" means the principal administrative officer of the establishment of the Lokayukta and Upa-Lokayukta and appointed by the Lokayukta under sub-section (1) of Section 14 of the Act;
- (x) "*State*" means the State of Andhra Pradesh.

(2) Words and expressions used in these rules but not defined herein shall have the same meaning as are assigned to them under the Constitution of India and the Act.

CHAPTER II

Complaints, their Scrutiny and Verification

3. Complaint:— (1) A complaint shall be signed by the complainant and shall be made in Form I accompanied by his own affidavit in Form II and affidavits of his witnesses, if any, duly affirmed and attested by a Gazetted Officer, Village Munsif or Patel, Member of the State Legislature, Advocate, Notary Public, Sarpanch, or a Central Nazir or Deputy Nazir governed by the Andhra Pradesh Judicial Ministerial Service Rules.

¹[Provided that the Lok Ayukta or the Upa-Lok Ayukta, as the case may be, may in his discretion permit the filing of Forms I and II on any day subsequent to the date of filing of the original complaint.]

²[(2) Every complaint shall be accompanied by a Money Order, Banker's Cheque or Demand Draft drawn in favour of the Registrar of the Institution on any Bank having a branch at Hyderabad for Rupees one hundred and fifty or cash of Rupees one hundred and fifty.]

(3) A complaint may be presented in person to the Registrar or any other officer duly authorised by him in this behalf or be sent by registered post.

4. Scrutiny of complaint:— (1) As soon as may be after presentation or receipt of the complaint, it shall be scrutinised by such member of the staff of the Lokayukta as may be specially authorised in that behalf by the Lokayukta.

1. Proviso inserted by G.O.Ms.No. 120, G.A.D. dt. 19-3-1987.

2. Subs. by G.O.Ms.No. 367, GAD (SC. E), dt. 04.09.2001, w.e.f. 04.09.2001, pub. in A.P. Gaz. RS Pt. I ex. No. 50, dt. 04.09.2001.

(2) If, on scrutiny of the complaint, it is found to be defective or deficient in any of the required particulars, the complainant shall be called upon in Form III to rectify the defects or supply the omissions within ten days or such further time as may be granted in his discretion by the Lokayukta or Upa-Lokayukta, as the case may be.

(3) If the defects are not rectified and/or the omissions are not supplied within the time specified or such further time as may be granted by the Lokayukta or Upa-Lokayukta, as the case may be, the Lokayukta or Upa-Lokayukta may reject the complaint and inform the complainant in Form IV.

(4) The complaint shall also be liable for rejection in *limine* by the Lokayukta or Upa-Lokayukta, as the case may be, for any of the following reasons, namely,—

(a) that the complaint does not disclose an allegation which may be investigated by the Lokayukta or Upa-Lokayukta, as the case may be;

(b) that the complaint is—

(i) frivolous, or

(ii) vexatious, or

(iii) not made in good faith;

(c) that there are no sufficient grounds for investigating the complaint;

(d) that 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;

(e) that the public servant against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta or Upa-Lokayukta;

(f) that the complaint is made after the expiry of six years from the date on which the action complained against is alleged to have taken place;

(g) that an earlier complaint based on the same allegations as those made in the present complaint was previously disposed of by the Lokayukta or Upa-Lokayukta or any other authority.

(5) The Lokayukta or Upa-Lokayukta, as the case may be, in his discretion afford an opportunity to the complainant to show cause why the complaint shall not be rejected for any of the reasons mentioned in sub-rule (4).

CASE LAW

Rule 4(4)(g) – Rejection of application filed by a retired officer to summon the concerned records in support of his plea that the allegations against him made in the present proceedings were already enquired into earlier, was held to be improper. *Ch. Srinivasan v. Hon'ble Upalokayukta of A.P.*, 1998 (5) ALT 621 = 1998 (6) ALD 289.

CHAPTER III

Preliminary Verification and Investigation

5. Preliminary verification:— (1) After the registration of the complaint, the Lokayukta or Upa-Lokayukta, as the case may be, shall inform the complainant in Form V and may make such preliminary verification as he deems fit in regard to the allegation in the complaint and the action complained of on the basis of the information furnished through the complaint and the affidavits, documents and copies thereof, if any, enclosed to the complaint and also on his own motion before he proposes to conduct any investigation.

(2) The Lokayukta or Upa-Lokayukta may utilise the services of such Law Officers or other legally trained persons as may be attached to his establishment in the course of the preliminary verification.

(3) The Lokayukta or Upa-Lokayukta may ¹[if felt necessary] hear the complainant after giving him notice in Form VI before passing an order refusing to investigate his complaint at the stage of preliminary verification.

¹[(4) If the Lok Ayukta or Upa-Lok Ayukta, as the case may be, does not reject a complaint under sub-rule (3) or sub-rule (4) of Rule 4 ; and if in his opinion, the complaint contains verifiable details justifying further action, he may,—

- (i) call for remarks, information or report after a confidential probe from the concerned departmental authority or officer about the truth or otherwise of the allegations made in the complaint and fix a time for submission of such remarks, information or report; and or
- (ii) require any investigating agency or the Investigation Section attached to the Institution to make a confidential probe into the allegations contained in the complaint and submit a report within the time specified.

(5) The remarks, information or report referred to in sub-rule (4) shall after its receipt in the Institution be examined by the legal Section attached

1. Ins. by G.O.Ms.No. 120 (G.A.D.), dt. 19.03.1987.

to the Institution and after such examination they shall submit their report along with the remarks, information and report referred to in sub-rule (4) of the Lok Ayukta or Upa-Lok Ayukta as the case may be.

(6) After consideration of the remarks, information and/or reports referred to in sub-rules (4) and (5) and after hearing the complainant if and when available and necessary and also the officers of the Section, the Lok Ayukta or Upa-Lok Ayukta, as the case may be, shall decide whether or not there are any sufficient grounds for ordering investigation, and if he finds that there are no sufficient grounds for conducting investigation, he shall pass an order rejecting the complaint :

Provided that if the Lok Ayukta or Upa-Lok Ayukta, as the case may be, is of the opinion after a consideration of the material referred to in sub-rules (4) and (5), that the injustice complained of or the grievance alleged can be remedied or redressed at the departmental level, he may close the complaint and send the relevant records to the concerned departmental authority with suitable directions and for appropriate action.

(7) If after such consideration of the reports etc., mentioned above the Lok Ayukta or Upa-Lok Ayukta, as the case may be, is satisfied that there is a *prima facie* case for conducting an investigation into the allegations in the complaint, he may pass an order to that effect and direct the concerned officers of the Institution to take the necessary steps in that behalf.

(8) Nothing prevents the Lok Ayukta or Upa-Lok Ayukta from closing a complaint at any stage and referring it to the concerned departmental authorities for appropriate action].

CASE LAW

Rules 5(6) – Having regard to the decision of the Apex Court in AIR 1998 SC 3047, an institution of Lok Ayukta has no jurisdiction to refer the complaint to the Central Bureau of Investigation. Even initiation of proceeding must precede the satisfaction of mind of competent authority that *prima facie* a case for investigation has been made out and the application must be based on the source of the information received by the Anti-Corruption Bureau as also the materials placed before it and not upon the direction of a statutory authority, which had no jurisdiction in that regard. *Ratnakar Indurkar v. Institution of Lok Ayuktha and Upa Lok Ayuktha and others*, 2002 (1) ALD 597 (DB).

6. Commencement of investigation:—(1) If the Lokayukta or Upa-Lokayukta, after making necessary preliminary verification, proposes to conduct an investigation into the complaint, he shall inform the Complainant accordingly and forward a copy of the complaint together with a list of the witnesses whom the complainant proposes to examine and also the affidavits, if any, produced by the complainant to the public servant concerned and the competent authority concerned.

(2) Where the Lokayukta or Upa-Lokayukta proposes to conduct an investigation on his own motion against a public servant, he shall forward to the public servant concerned, and the competent authority concerned, a statement containing details of the action attributed to such public servant or the allegation against him regarding which information has been received by the Lokayukta or Upa-Lokayukta otherwise than through a complaint together with a list of witnesses whom the Lokayukta or Upa-Lokayukta proposes to examine, if any:

[Provided that the Lok Ayukta or Upa-Lok Ayukta, as the case may be, any for reasons to be recorded in writing, permit the examination of any witnesses in addition to those cited in the Statement of allegations communicated to the public servant concerned.]

(3) Where the Governor makes an order under sub-section (3) of Section 18 of the Act, requiring the Lokayukta to investigate any action, the detailed grounds therefor together with a list of witnesses, if any, shall be stated in the said order and a copy of the same shall be forwarded to the public servant concerned and the competent authority concerned by the Lokayukta or Upa-Lokayukta, as the case may be.

(4) The public servant concerned shall be afforded an opportunity in Form VII to offer his comments and also produce affidavits of his witnesses and the documents he desires to be examined and considered before further steps in the investigation are ordered, within a fortnight or before the expiry of such further time as may be granted in his discretion by the Lokayukta or Upa-Lokayukta on the complaint referred to in sub-rule (1) or such portions thereof as may be specified or on the statement referred to in sub-rule (2) or the order and grounds referred to in sub-rule (3).

(5) If no comments are received from the public servant concerned in response to the opportunity afforded to him under sub-rule (4), the Lokayukta or Upa-Lokayukta may proceed further with the investigation on the basis of the material available.

(6) If, after receipt of the comments of the public servant concerned and on a consideration thereof, the Lokayukta or Upa-Lokayukta comes to a provisional conclusion that the case does not warrant further investigation, the Lokayukta or Upa-Lokayukta may discontinue further investigation:

Provided that before discontinuing further investigation, the complainant shall be heard in the matter.

1. Added by G.O.Ms.No. 120 (G.A.D.), dt. 19.03.1987.

¹[(7) If inquiry into the conduct of an officer holding a post carrying a minimum scale of pay of rupees seven thousand four hundred or below becomes necessary for conducting the investigation in regard to an allegation relating to a public servant falling within item (iii) of Clause (k) of Section 2 of the Act, the Lokayukta or Upa-Lokayukta may inquire into the conduct of such officer also.]

7. Procedure for conducting investigation:— (1) When the Lokayukta or Upa-Lokayukta decides to conduct any investigation under the Act, notices shall be sent to the complainant and the public servant concerned in Form VIII informing them about the proposed investigation and directing them to appear in person on the date mentioned therein.

(2) In an investigation conducted on a complaint if the complainant so chooses, he may be permitted to engage a legal practitioner to present the case on his behalf. The public servant concerned shall also be informed that he may take the assistance of any other public servant or a legal practitioner to defend him.

²[(3) The Lok Ayukta or Upa-Lok Ayukta, as the case may be, may utilise the services of any Legal Practitioner or an Officer of the Legal Section of the Institution or other legally trained person to assist him in any investigation by leading oral and documentary evidence in support of the allegations contained in the Statement of Allegations communicated to the public servant by cross-examining the witnesses, if any, examined by or on behalf of the public servant and by addressing arguments].

(4) On the date fixed for appearance, the public servant concerned shall appear and he may also bring his defence assistant to represent him, In a case where investigation has been initiated on a complaint, the complainant and his legal counsel, if any, shall also be present.

(5) The Lokayukta or Upa-Lokayukta shall ask the public servant concerned whether he admits or denies the allegations contained in the complaint or statement or grounds communicated to him earlier and his plea shall be recorded. If he admits, the Lokayukta, or Upa-Lokayukta as the case may be, shall communicate his findings and recommendations to the competent authority and if he denies, the Lokayukta or Upa-Lokayukta, as the case may be, shall conduct the investigation.

(6) If the public servant concerned requests permission to inspect the documents proposed to be relied upon in support of the allegations, he may

1. Subs. by G.O.Ms.No. 367, GAD (SC. E), dt. 04.09.2001, w.e.f. 04.09.2001, pub. in A.P. Gaz. RS Pt. I ex. No. 50, dt. 04.09.2001.

2. Subs. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

be allowed such reasonable time as the Lokayukta or Upa-Lokayukta deems fit for such inspection. If the public servant wishes to summon for any documents which are relevant for the purpose of his defence, he may file a written request for the same giving particulars of the documents and the relevancy and purpose for which they are required and thereupon, after satisfying himself about the relevancy and admissibility of the documents, the Lokayukta or Upa-Lokayukta may issue summons for production of such documents and adjourn the investigation to another date.

(7)(i) For the purpose of conducting any investigation under the Act, the Lokayukta or Upa-Lokayukta may utilise the services of,—

- (a) any officer or investigation agency of the State Government or the Central Government with the concurrence of that Government;
- (b) any other person or agency; and such officer, investigation agency, other person or agency shall act under the directions of the Lokayukta or Upa-Lokayukta, as the case may be.
- (ii) The Lokayukta or Upa-Lokayukta may appoint one or more assessors to assist and advise him on any matter connected with the investigation:

Provided that the advice tendered by the assessors shall not be binding on the Lokayukta or Upa-Lokayukta.

- (iii) The Lokayukta or Upa-Lokayukta may utilise the services of any technical person in any investigation under the Act.
- (iv) The Lokayukta or Upa-Lokayukta may accept as evidence in the case, the affidavits produced by the complainant and the public servant concerned and consider the documents produced by them as evidence without formal proof of the contents thereof, unless the genuineness or handwriting or contents of any document is challenged by either side, in which case he may permit necessary oral evidence to be adduced in proof of such documents.
- (v) The officers of the Investigation Section while making a confidential probe into the allegations referred to them by the Lok Ayukta or the Upa-Lok Ayukta, as the case may be, and submitting a report after such confidential probe, and the officers of the Legal Section while submitting reports after examining the remarks, information or report referred to in sub-rules (4) and (5) of Rule 5, and the documents and records, if any, secured in the course of the preliminary verification, while leading evidence or cross-examining

1. Subs. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

the witnesses, if any, examined by or on behalf of the public servant and addressing arguments, shall act independently and on their own responsibility.]

- (8)(i) For the purpose of any preliminary verification or investigation under the Act, the Lokayukta or Upa-Lokayukta may issue summons in Form IX to any public servant or any other person whose attendance is required either to give evidence or to produce documents.
- (ii) Every summons issued by the Lokayukta or Upa-Lokayukta shall be in duplicate and shall be signed by the Registrar and sealed with the seal of the Lokayukta or Upa-Lokayukta, as the case may be, and it shall specify the time and place at which the person summoned is required to attend and also whether his personal attendance is required for the purpose of giving evidence or to produce a document or for both the purposes.
- (iii) A person may be summoned merely to produce a document without being summoned to give evidence. Any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.
- (iv) Every such summons shall be served generally by sending it by registered post or, where felt necessary, through a messenger to the person for whom it is intended.
- (v) When a person not in the service of Government is required by the Lokayukta or by the Upa-Lok Ayukta to appear before him to give evidence as a witness for the complainant or defence or to assist the Court, he being the complainant and having filed the complaint in public interest he shall be paid travelling allowance and daily allowance for the journey calculated under the ordinary rules for the journey of a Government servant on tour and actual conveyance charges in the case of local persons and for this purpose the Lok Ayukta or Upa-Lok Ayukta may declare by special order the grade to which such person shall be considered to belong according to his status in life and his decision in this respect shall be final.]
- (vi) For the purpose of investigation under the Act, the Lokayukta or Upa-Lokayukta shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely,—

1. Subs. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and produced of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or Office;
- (e) issuing commission for the examination of witness and documents.

(9) On the receipt of the document summoned, a date shall be fixed for recording the evidence. As far as possible, the witness shall be examined from day to day. Oral and documentary evidence shall be adduced in support of and against the allegation subject to the provisions of sub-rule (10). The parties to the investigation shall have an opportunity to examine or cross-examine or re-examine the witnesses. The Lokayukta or Upa-Lokayukta or his legal assistant may also put such questions as may be necessary to the witnesses.

(10) After the closure of the evidence in support of the allegation, the public servant concerned shall be called upon to file a list of witnesses to be examined on his behalf and the documents to be filed in support of his defence.

(11) After the closure of the defence evidence, the Lokayukta or Upa-Lokayukta, as the case may be, may hear oral arguments on both sides if he thinks it necessary. Both sides may file written briefs of their respective cases if they so desire.

(12) Whenever the Lokayukta or Upa-Lokayukta considers that it is not expedient to follow the above procedure, he may regulate the procedure for conducting the investigation in such manner as he deems fit in the circumstances of each case, '[including the appointment of a Gazetted Officer of the Institution as Commissioner to receive documentary evidence and record oral evidence in the investigations conducted under this Act, alinude the powers conferred on a Civil Court under Order XXVI of the Code of Civil Procedure and putting such questions to any witness examined in he course of the Investigations conducted under the Act as may be necessary for purposes of elucidation of any points in issue.] Provided however that such procedure shall conform to the principles of natural justice and shall not be repugnant to the rules and other conditions of service, if any, applicable to the public servant concerned.

1. Ins. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

8. Reckoning of time limit for completing investigation:— The time limit mentioned in Clause (b) of sub-section (2) of Section 10 of the Act shall be reckoned from the date on which the Lokayukta or Upa-Lokayukta, as the case may be, orders a copy of the complaint or statement to be forwarded to the public servant concerned and the competent authority concerned under Clause (a) of sub-section (1) of Section 10 of the Act.

9. Refusal to investigate and discontinuance of investigation:—(1) The Lokayukta or Upa-Lokayukta shall not investigate any allegation for any of the reasons mentioned in Clauses (a) and (b) of sub-section (1) of Section 8 of the Act.

(2) The Lokayukta or Upa-Lokayukta, as the case may be, may at any time after the commencement of any investigation under the Act order discontinuance of further investigations of any complaint involving an allegation for any of the reasons mentioned in Clauses (a) to (c) of sub-section (4) of Section 10 of the Act.

10. Transfer of preliminary verification and investigation by Lokayukta:— The Lokayukta may make over any preliminary verification or investigation under the Act to the Upa-Lokayukta for reasons to be recorded in writing, if, in his opinion, it would be consistent with principles of natural justice and fair play so to do.

[11. Furnishing copies of documents, affidavits and depositions:— The complainant and the public servant shall be entitled to be supplied with copies of the documents exhibited, affidavits relied upon and depositions recorded in the course of any investigation under the Act at their own cost. The fee for the supply of such copies is fixed as follows,—

	Rs. P.s
Fee for ordinary application	0.25
Fee for urgent copy application	2.25
Copying charges for every 175 words or less of the matter supplied	0.60
Charges for each page of Xerox copy	1.25]

12. Place of sitting of Lokayukta and Upa-Lokayukta:— The Lokayukta or Upa-Lokayukta may, in his discretion, conduct any preliminary verification or any investigation under the Act either partly or wholly either at his principal seat at Hyderabad or at such other place or places in the State as may be notified by him from time to time.

1. Subs. by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

13. Completion of investigation:— (1) After completion of investigation in any allegation in respect of any action under the Act, the Lokayukta or Upa-Lokayukta, as the case may be, if satisfied that the allegation is substantiated either wholly or partly, shall by a report in writing communicate his findings and recommendations along with the relevant documents, materials or other evidence to the competent authority concerned.

(2) If after investigation of any allegation in respect of any action under the Act, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that the allegation is not substantiated even partly, he shall inform the complainant and the public servant concerned and the competent authority concerned accordingly.

14. Death of the complainant:— When the complainant after making a complaint either dies or is incapacitated from taking or does not take further steps for substantiating the allegation, the Lokayukta or Upa-Lokayukta, as the case may be, for reasons to be recorded in writing, proceed further with the complaint on the basis of the material available.

15. Withdrawal of complaint:— No complaint shall be permitted to be withdrawn unless the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that the complaint was made under a *bona fide* mistake or that the grievance complained of, has been adequately redressed.

[15-A. Restoration and review:— (1) Where a complaint is rejected under sub-rule (3) of Rule 4 or for non-appearance of the complainant before the Lok Ayukta or Upa-Lok Ayukta, in response to the notice issued under sub-rule (5) of Rule 4, the complainant shall be precluded from bringing a fresh complaint on the same set of facts. But he may apply for an order to set the rejection aside and if he satisfies the Lok Ayukta or Upa-Lok Ayukta, as the case may be, that there was sufficient cause for not rectifying the defects and/or not supplying the omissions within the time specified or for not appearing before the Lok Ayukta or Upa-Lok Ayukta, as the case may be, in response to a notice issued under sub-rule (5) of Rule 4, the Lok Ayukta or Upa-Lok Ayukta, as the case may be, shall make an order setting aside the rejection of the complaint upon such terms as he thinks fit and shall appoint a day for proceeding further with the matter.]

16. Interim Report:— (1) The Lokayukta or Upa-Lokayukta, as the case may be, may forward an interim report to the competent authority recommending grant of interim relief to the complainant if he is satisfied, at the stage of preliminary verification or investigation, that the complainant has sustained injustice or undue hardship in consequence of any act of a

1. Inserted by G.O.Ms.No. 120 (G.A.D.), dt. 19-3-1987.

public servant and that the grievance complained of shall be redressed expeditiously.

(2) The competent authority shall intimate the Lokayukta or Upa-Lokayukta, as the case may be, within one month from the date of receipt of the interim report referred to in sub-rule (1), the action taken in pursuance thereof.

CHAPTER IV Miscellaneous

17. Application of the Code of Criminal Procedure:— The procedure prescribed in sub-section (1) of Section 340 of the Code of Criminal Procedure, 1973, (Act No. 2 of 1974) shall be followed in respect of offences referred to in Clause (b) of sub-section (1) of Section 195 of the said Code and the complaint made under Section 340 of the said Code shall be signed by the Registrar.

18. Prosecution for false complaints:— When upon an application made by a person against whom a complaint was made, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied after such enquiry as he deems necessary, that a false complaint has been wilfully or maliciously made against such person under the Act and that it is expedient and in the interests of justice to accord sanction to such person to prosecute the complainant for wilfully or maliciously making a false complaint against him under the Act, sanction may be accorded to such person to lay a complaint against the complainant before a Court of the Judicial Magistrate of the First Class.

19. Transaction of business:— The Lokayukta may, from time to time by general or special order, provide for the convenient and efficient transaction of business arising on the administration and implementation of these rules and the procedure to be followed for the purpose:

Provided that such order may also specify a matter or class of matters which shall be brought to the personal notice of the Lokayukta or Upa-Lokayukta before any orders are issued.

20. Residuary powers:— All matters not specifically provided for in these rules, whether incidental or ancillary to the provisions of these rules or otherwise, including the fixation of vacations for the Lokayukta and Upa-Lokayukta and holidays and vacations for their office and establishment, shall be regulated in accordance with such orders as the Lokayukta may, from time to time make.

21. Power to regulate proceedings and investigations:— The Lokayukta or Upa-Lokayukta shall have the power, subject to the provisions

of the Act and these rules, to regulate the conduct of proceedings, preliminary verifications, investigations and inquiries in all matters not provided for in these rules.

22. Power of Lokayukta to give directions:— The Lokayukta may, by order not inconsistent with these rules, provide for matters for which no provision has been made in these rules, and may give such directions as may be necessary for giving effect to the provisions of the Act, the rules and such orders.

23. Application of rules to certain complaints:— The complaints received by the Lokayukta before the making of these rules shall also be disposed of in accordance with these rules.

FORMS

FORM NO. I

(Complaint)

[See Rule 3(1)]

Before the Lokayukta/Upa-Lokayukta for Andhra Pradesh

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 prescribed form 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. Names and addresses of the witnesses whom the complainant desires to examine in support of the allegations:
(Affidavits, if any, of the witnesses may be produced).
6. Particulars of the documents relied upon by the complainant in support of the allegations:
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:
9. Did the complainant make a complaint previously to the Lokayukta or the Upa-Lokayukta or any other authority for redressal of his

grievance, in respect of the action now complained of and against the public servant mentioned in Column (3):

(Particulars to be furnished together with the result of the previous complaint)

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:

Dated:

Signature or thumb mark of the complainant

FORM NO. II

(Complainant's Affidavit)

[See Rule 3(1)]

Before the Lokayukta/Upa-Lokayukta for Andhra Pradesh

I, son of Shri aged years, profession resident of P.S. district at present at P.S. 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 and belief.

Dated :

Signature or thumb mark of the Deponent

Solemnly affirmed before me this day of 1998 at

Signature of Attestor.

FORM NO. III

[See Rule 4(2)]

Office of the Lokayukta/Upa-Lokayukta for Andhra
Pradesh at Hyderabad

Proceedings No.

Dated:

To

Sri/Srimathi

Sir/Madam,

Ref.:— Your complaint dated

Your complaint dated against Sri/Srimathi is found to be deficient in the following particulars. You are hereby requested to supply the omissions and rectify the defects mentioned below within ten days after receipt of this communication, failing which your complaint will be disposed of on the basis of the available material.

Yours faithfully,

Registrar,

for the Lokayukta of Andhra Pradesh.

Omissions to be supplied:—

1. Prescribed fee of Rs. 25 to be paid.
2. Complaint is not signed by the complainant.
3. Affidavit of the complainant in the prescribed form and/or of the witnesses not enclosed.
4. Name, designation and address of the public servant complained against not furnished.
5. Documents relied on or true copies thereof in the custody and control of the complainant not enclosed.
6. Particulars of documents relied on not in the custody or control of the complainant not furnished.
7. Required sets of copies of affidavits and documents not enclosed.
8. Other reasons.

FORM NO. IV

[See Rule 4(3)]

Office of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

Proceedings No.

Dated:

To

Sri/Srimathi

Sir/Madam,

Your complaint, dated containing certain allegations against Sri/Srimathi is rejected for the reasons mentioned below:

Lokayukta/Upa-Lokayukta.

Reasons for rejection of the complaint:

1. The defects and/or omissions pointed out in proceedings No. dated have not been rectified and/or supplied.
2. The complaint does not disclose an allegation which can be investigated by the Lokayukta/Upa-Lokayukta.
3. The complaint, is:
 - (a) frivolous
 - (b) vexatious
 - (c) not made in good faith.
4. There are no sufficient grounds for investigating the complaint.
5. 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.
6. The public servant against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta/Upa-Lokayukta.
7. The complaint is made after the expiry of six years from the date on which the action complained against is alleged to have taken place.
8. An earlier complaint based on the same allegation as those made in the present complaint was previously disposed of by the Lokayukta/Upa-Lokayukta or any other authority through proceedings No. dated
9. The prescribed fee of Rs. 25 has not been paid.

FORM NO. V

[See Rule 5(1)]

Office of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

Proceedings No.

Dated:

To

Sri/Srimathi.....

Sir/Madam,

Ref.:— Your complaint dated

Your complaint, dated against Sri/Srimathi has been registered and numbered as Intimation will be sent to you in due course regarding the further action on your complaint.

Yours faithfully,

Registrar,

Office of the Lokayukta for Andhra Pradesh

FORM NO. VI

[See Rule 5(3)]

Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No.

Dated:

To

Sri/Srimathi

Sir/Madam,

Ref.:— Complaint No. of 19.....

Your complaint dated against Sri/Srimathi registered as complaint No. of 19..., stands posted to at 10:30 A.M. for preliminary verification by the Honourable Lokayukta/Upa-Lokayukta.

You are hereby informed that you may appear in person at the time mentioned above if you wish to be heard at the time of such preliminary verification.

You may take the assistance of a legal practitioner to present your case.

If you fail to appear as aforesaid either in person or through a legal practitioner, the matter will be decided in your absence.

Yours faithfully,

Registrar,

for the Lokayukta of Andhra Pradesh

FORM NO. VII

[See Rule 6(4)]

Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No.

Dated :

To

Sri/Srimathi

Sir/Madam,

Ref.:— Complaint No. of 19.....

After conducting a preliminary verification into the above complaint the Honourable Lokayukta/Upa-Lokayukta proposes to conduct an investigation into it. So, you are hereby afforded an opportunity to offer your comments on:

- (i) the complaint, dated sent against you by Sri/Srimathi
A copy of which is herewith enclosed along with copies of affidavits produced by the complainant;
- (ii) the enclosed statement containing an allegation against you, which the Honourable Lokayukta/Upa-Lokayukta has on his own motion proposed to investigate for the grounds mentioned therein;
- (iii) the action in respect of which the Governor of Andhra Pradesh has required the Honourable Lokayukta to conduct an investigation as per the enclosed copy.

You may therefore submit your comments as aforesaid on at 10:30 A.M. before the Honourable Lokayukta/Upa-Lokayukta at his office together with such affidavits of witnesses and documents in the original and three sets of copies thereof, as you may desire to be examined and considered before further steps in the investigation are ordered.

You may engage another public servant or a legal practitioner to represent you.

If you fail to appear in the aforesaid manner and submit your comments as aforesaid, further investigation may be proceeded with on the basis of the material available.

Yours faithfully,

Registrar,

for the Lokayukta for Andhra Pradesh

FORM NO. VIII

[See Rule 7(1)]

Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No.

Dated:

To

Sri/Srimathi

Sir/Madam,

Ref.:— Your complaint, dated against Sri/Srimathi ...

I am to inform you that the Honourable Lokayukta/Upa-Lokayukta proposes to conduct an investigation into your complaint cited in the above reference.

The matter stands posted to

You are directed to appear before the Honourable Lokayukta/Upa-Lokayukta at his office on the date mentioned above at 10:30 A.M.

You may engage a legal practitioner to present your case if you so desire.

If you fail to appear as aforesaid, the investigation may be proceeded within your absence.

Yours faithfully,

Registrar,

for the Lokayukta of Andhra Pradesh.

FORM NO. IX

[See Rule 7(8)]

Before the Lokayukta/Upa-Lokayukta for Andhra Pradesh

Complaint No. of

To

Sri/Srimathi

Sir/Madam,

Whereas your attendance is required as a witness before the Lokayukta/Upa-Lokayukta of Andhra Pradesh in the above complaint—

- (a) to give oral evidence; and/or
- (b) to produce the documents mentioned in the annexure hereto.

You are hereby required to appear personally before him and produce or cause production of the required documents at 10:30 A.M. on You will be paid travelling allowance and daily allowance at the admissible rates.

If you fail to comply with this order without valid reason you will be subjected to the consequences of non-compliance with the summons as laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Lokayukta/Upa-Lokayukta of Andhra Pradesh this day of 19.....

Lokayukta/Upa-Lokayukta.

ANNEXURE

Description of the documents required to be produced.

- 1.
- 2.
- 3.

**THE ANDHRA PRADESH LOKAYUKTA AND
UPA-LOKAYUKTA (COMPETENT AUTHORITY)
RULES, 1984**

[G.O.Ms. No. 159, General Administration (SC-D.), dt. 13-3-1984]

In exercise of the powers conferred by Section 20 read with sub-clause (iii) of Clause (c) of Section 2 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983), the Governor of Andhra Pradesh hereby makes the following rules relating to Competent Authority in respect of other Public Servants for the purpose of the said sub-clause (iii).

1. Short title, commencement and application:— (1) These rules may be called the Andhra Pradesh Lokayukta and Upa-Lokayukta (Competent Authority) Rules, 1984.

(2) They shall come into force at once.

(3) They shall apply to all public servants other than a Minister, Chief Secretary or Secretary, a Member of either House of the State Legislature specified in sub-clauses (i) and (ii) of Clause (c) of Section 2 read with Clause (iv) of sub-section (1) of Section 7 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983.

2. Definitions:— (1) In these rules, unless the context otherwise requires,—

(i) "Act" means the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983);

(ii) "Section" means a section of the Act.

(2) Words and expressions used in these rules but not defined herein shall have the same meaning as are assigned to them under the Act.

3. Competent Authority:— The following shall be the competent authority in relation to the public servants specified in sub-clause (iii) of Clause (c) of Section 2:

	Competent Authority
(a) Officers	
All India Service Officers	Chief Minister
Andhra Pradesh Administrative Service Officers and Heads of Depts., including Chief Engineers.	Chief Minister
All other Officers.	Appointing Authority
(b) Chairman, Zilla Parishad	Chief Minister
(c) Mayor of Municipal Corporation	Chief Minister

(d) Chairman/President and Managing Director who is also a Director [not belonging to (a) above]	Chief Minister
(e) Vice-Chancellor	Chancellor
(f) Registrar of University	Vice-Chancellor
(g) President, Panchayat Samithi	Minister-in-charge
(h) Chairman, Municipal Council (1st Grade and above)	Minister-in-charge
(i) Director in a Governing Body falling under Section 2(k)(v)	Minister-in-charge.

NOTIFICATIONS UNDER A.P. LOKAYUKTA AND UPA-LOKAYUKTA ACT, 1983

1. Notified Classes of Public Servants

[G.O.Ms.No. 158, General Administration (SCD), dt. 13.3.1984]

In exercise of the powers conferred by Clause (iv) of sub-section (1) of Section 7 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983), the Governor of Andhra Pradesh, after consultation with the Lokayukta, hereby notifies the following classes of public servants for the purposes of the said Clause (iv), namely:—

(a) Officers:—

Indian Administrative Service Officers belonging to Selection Grade and above and all District Collectors.

Indian Police Service Officers of the rank of Deputy Inspector General of Police and above.

Indian Forest Service Officers of the rank of Conservator of Forest and above.

All Chief Engineers.

(b) ²Chairmen Zilla Parishads.

2. The Andhra Pradesh Lokayukta (Amendment) Act, 2011 coming into force from 5th May, 2011.

³[G.O.Ms.No. 219, General Administration (Spl.C), 5th May, 2011.]

In exercise of the powers conferred by sub-section (2) of Section 1 of the Andhra Pradesh Lokayukta (Amendment) Act, 2011 (Andhra Pradesh Act No. 11 of 2011), the Governor of Andhra Pradesh hereby appoints the 5th day, May 2011 as the date on and from which the provisions of the said Act shall come into force.

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1. Published in A.P. Gazette, Part I, Ext., Issue No. 135, dt. 13.3.1984.
 2. In place of Zilla Parishads, Zilla Praja Parishads have come into existence as per Act No. 31 of 1986.
 3. Pub. in A.P. Gaz., Part-I, Ext.No. 242, dated 23-5-2011.

**THE ANDHRA PRADESH LOKAYUKTA AND UPA-
LOKAYUKTA (OFFICERS AND EMPLOYEES)
SERVICE RULES, 1986**

[G.O.Ms. No. 495, General Administration (SC-D), dt. 25-9-1986]

In exercise of the powers conferred by Sections 14(2), 20(1) and (2)(c) of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983), the Governor of Andhra Pradesh hereby makes the following rules to regulate the categories, method of recruitment, salaries, allowances and other conditions of service of Officers and employees of and attached to the Institution of the Andhra Pradesh Lokayukta and Upa-Lokayukta.

1. Short title, commencement and extent:— (1) These rules may be called the Andhra Pradesh Lokayukta and Upa-Lokayukta (Officers and Employees) Service Rules, 1986.

(2) These rules shall be deemed to have come into force on the 15th November, 1983, namely, the date on which the first Andhra Pradesh Lokayukta assumed Office.

(3) These rules shall apply to all persons appointed to the service on or after the date mentioned in sub-rule (2).

(4) When a post is created as a temporary addition to the cadre of the service in any of the Gazette categories 1 to 5 and Non-Gazetted categories 1 to 7 specified in Rule 3, the rules applicable to permanent posts borne on the said cadre shall apply also to such temporary post during its subsistence.

2. Applicability of the General Rules:— The general rules applicable to the State and Subordinate Services under the Government of Andhra Pradesh shall govern all the members of the service except to the extent otherwise expressly provided in these rules, and the Officers and other employees covered by the special category appointed by deputation shall be governed by the special rules applicable to their parent service.

3. Constitution:— The service shall consist of the following categories and sub-categories of Officers and employees:

Gazetted:

Category-1	—	Registrar
Category-2	—	(a) Joint Registrar (b) Director (Legal)
Category-3	—	(a) Deputy Registrar

1. Published in A.P. Gazette, Pt. I, dt. 30-10-1986

- Category-4 — (b) Deputy Director (Legal)
(c) Secretary to the Lokayukta
'[(a)(i) Assistant Registrar ; and
(ii) Assistant Registrar (Judicial)
- Category-5 — (b) Assistant Registrar (Accounts)
(a) Personal Assistants to the
Lokayukta, Upa-Lokayukta and
Registrar
(b) Section Officers
(c) Accounts Officers
- Non-Gazetted:**
- Category-1 — Special Category Stenographers
- Category-2 — (a) Upper Division Stenographers
(b) Assistant Section Officers
(c) Librarian
- Category-3 — Upper Division Accountant
- Category-4 — (a) Steno-Typists
(b) Typists
(c) Assistants
- Category-5 — (a) Drivers
(b) Motor Cycle Messenger
- Category-6 — (a) Record Assistants
(b) Roneo Operators (Roneo and
Xerox)
(c) Jamedars
- Category-7 — (a) Attenders
(b) Chowkidars
(c) Sweeper-cum-Scavengers.
- Special Category
(Investigation Section) ²[(d) Gardeners]
- (a) Director (Investigation)
(b) Deputy Director (Investigation)
(c) Investigating Officers
(d) Constable and Orderlies

4. Appointing Authority:— The appointing authority for Gazetted Categories 1 to 5 Non-Gazetted Categories 1 to 7 and the Special Categories

1. Subs. by G.O.Ms.No. 340, Gen. Admn. (SC-E), dt. 01-08-1996.

2. Added by G.O.Rt.No. 4408, Genl. Admn. (SC-D), Dept., dated 26-7-1994.

shall be the Lokayukta or Upa-Lokayukta to any Officer subordinate to the Lokayukta or Upa-Lokayukta duly authorised in this behalf by the Lokayukta.

5. Method of appointment:— (1) Appointments to the posts in the categories mentioned in Column (1) of the table below shall be made in the manner specified against them in Column (2) thereof.

TABLE

Category & Post	Method of appointment
1	2
Gazetted:	
Category-1 Registrar]	(i) By promotion from Category-2, namely, Joint Registrar ; or (ii) By transfer or by deputation on tenure basis from among District Judges, Grade. I pertaining to the Andhra Pradesh State Higher Judicial Service, whose services are placed at the disposal of the Lokayukta by the Governor of Andhra Pradesh in consultation with the Chief Justice of the High Court of Andhra Pradesh; (iii) By direct recruitment.
Category-2:	
[xxx] Director (Legal)	(i) By promotion from Category-3, namely. (a) Deputy Registrar (b) Deputy Director (Legal) or (c) Secretary to the Lokayukta; (ii) By transfer or by deputation on tenure basis from among District Judges, Grade. II pertaining to the Andhra Pradesh State Higher Judicial Service preferably with experience in the Court of Special Judge for SPE and ACB cases whose services are placed at the disposal of the Lokayukta by the Governor of Andhra Pradesh in consultation with the Chief Justice of the High Court of Andhra Pradesh; (iii) In the case of Category-2(b), by deputation on tenure basis, from among Prosecuting

1. The words "(a) Joint Registrar and (b)" deleted by Lr.Dis.No. 3181/Estt./Lok/2011, dated 20-6-2011.

1

2

Officers having not less than ten years of service preferably with experience in the Court of Special Judge for SPE and ACB cases; or

(iv) By direct recruitment.

Category-3

(a) Deputy Registrar

(i) In the case of Categories 3(a) and (c) by promotion from ¹[Category-4 (a)(ii) viz., Assistant Registrar (Judicial) ; or

(b) Deputy Director (Legal)

(c) Secretary to the Lokayukta (ii) In the case of Categories 3(a) and (b) by transfer or by deputation on tenure basis from among the Subordinate Judges pertaining to the Andhra Pradesh State Judicial Service or Deputy Registrars of the Andhra Pradesh High Court Service whose services are placed at the disposal of the Lokayukta by the Chief Justice, High Court of Andhra Pradesh.

(iii) In the case of Category-3(c) by transfer or by deputation on tenure basis from among the Deputy Registrars, Assistant Registrars and Court Masters of the Andhra Pradesh High Court Service whose services are placed at the disposal of the Lokayukta by the Chief Justice, High Court of Andhra Pradesh.

(iv) By direct recruitment.

Category-4:

²[(a)(i) Assistant Registrar

(i) By promotion from Category-5(a) namely,

(ii) Assistant Registrar (Judicial)

Personal Assistants to the Lokayukta or Upa-Lokayukta or Registrar, from Category 5(b) namely, Section Officers and from Category 5(c) namely, Accounts Officer;

1. Substituted by G.O.Ms.No. 340, Gen. Admn. (SC-E), dt. 1-8-1996.

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- (ii) By transfer or by deputation on tenure basis from among the District Munsifs pertaining to the Andhra Pradesh State Judicial Service or members of the High Court Service eligible for promotion as Assistant Registrar in High Court whose Services are placed at the disposal of the Lokayukta by the Governor of Andhra Pradesh in consultation with the Chief Justice of the High Court of Andhra Pradesh in the case of transfer and by the Chief Justice of the High Court of Andhra Pradesh in the case of deputation or from among the Directors of Prosecution appointed for the Tribunal for Disciplinary proceedings or Prosecuting Officers having not less than five years of service; or
- (iii) By direct recruitment.
- (b) Assistant Registrar (Accounts)
- (i) By promotion from Gazetted Category 5(c) namely, Accounts Officer,
- (ii) By transfer or by deputation or by tenure basis from among the members of any other service dealing with the accounts preferably from Treasuries and Accounts Department, Pay and Accounts Office holding similar posts carrying the same scale of pay and scale of pay lower than that of corresponding posts in this category.]

Category-5:

- (a) Personal Assistants to the Lokayukta, Upa-Lokayukta and Registrar
- (i)(a) In the case of Category-5(a) by promotion from Non-Gazetted category namely, Special Category Stenographers or from Non-Gazetted Category-2(a) namely, Upper Division Stenographers;
- (b) Section Officers
- (b) In the case of Category-5(b) by promotion from Non-Gazetted Category-2(b) namely, Assistant Section Officers;
- (c) Accounts Officer
- (c) In the case of Category-5(c) by promotion from Non-Gazetted Category-2(b) namely, Assistant Section Officers or from Non-

1

2

Gazetted Category-3, namely, Upper Division Accountant;

- (ii) In the case of Category-5(a) by transfer or by deputation on tenure basis from among the members of the Andhra Pradesh High Court Service eligible for appointment to the posts of Personal Assistants to the Judges, Court Masters, Court Officers, Section Officers and Scrutiny Officers or from members of any other service whose services are placed at the disposal of the Lokayukta holding posts carrying the same scale of pay or a scale of pay lower than that of the posts covered by this category, as selected by the concerned authority subject to the approval of the Lokayuka.
- (iii) In the case of Category-5(b) by transfer or by deputation on tenure basis from among the members of the Andhra Pradesh High Court Service eligible for appointment to the posts of Section Officers and Scrutiny Officers and from members of any other service holding posts carrying the same scale of pay or a scale of pay lower than that of the posts covered by this category.
- (iv) In the case of Category-5(c) by transfer or by deputation on tenure basis from among the members of any other service preferably from Treasuries and Accounts Department, holding posts carrying the same scale of pay or a scale of pay lower than that of the posts covered by this category.
- (v) By direct recruitment.

Non-Gazetted:

Category-1:

Special Category
Stenographers

- (i) By promotion from Non-Gazetted Category-2 (a) namely, Upper Division Stenographers; or
- (ii) By transfer from any other service.

1	2
Category-2:	(i) In the case of Category-2(a):
(a) Upper Division Stenographers	(a) by promotion from Non-Gazetted Category-4(a) namely, Steno-Typists; or
(b) Assistant Section Officers	(b) by transfer from any other service or by deputation on tenure basis from among the Steno Typists pertaining to the Andhra Pradesh Judicial Ministerial Service whose services are placed at the disposal of the Lokayukta;
(c) Librarian	(c) By direct recruitment
	(ii) In the case of Non-Gazetted Category-2(b):
	(a) by promotion from Non-Gazetted Category- 4(b) namely, Typists or from Non-Gazetted Category-4(c) namely, Assistants; or
	(b) by transfer from any other service or by deputation on tenure basis from among the Typists, Junior Assistants, Examiners and Readers pertaining to the Andhra Pradesh Judicial Ministerial Service possessing the general and special qualifications prescribed under these rules, whose services are placed at the disposal of the Lokayuka.
	(c) by direct recruitment provided the incumbent holds a degree in Law from a University in India established or incorporated by or under a Central or a State Act or from any other Institution recognised by the University Grants Commission.
	(iii) In the case of Non-Gazetted Category-2(c)
	(a) by transfer from any other service
	(b) By direct recruitment
Category-3:	
Upper Division Accountant	(i) By promotion from Non-Gazetted Category- 4(c) namely, Assistants; or
	(ii) By transfer from any other service preferably from Treasuries and Accounts Department.

1	2
Category-4:	
(a) Steno-Typists	(i) By transfer from any other service; or (ii) By direct recruitment; or
(b) Typists	
(c) Assistants	(iii) By promotion from Non-Gazetted Categories 5, 6 and 7.
Category-5:	
(a) Drivers	(i) By promotion from Non-Gazetted Category-6 or from Non-Gazetted Categories 7(a) and (b) or
(b) Motor cycle messengers	(ii) By transfer from any other service; or (iii) By direct recruitment.
Category-6:	
(a) Record Assistants	(i) By promotion from Non-Gazetted Category-7.
(b) Roneo Operators (Roneo and Xerox)	(a) Attenders, (b) Chowkidars, and
(c) Jamedars	(c) Sweepers-cum-Scavengers, or ¹ [(d) Gardeners]
	(ii) By transfer from any other service; or (iii) By direct recruitment
Category-7:	
(a) Attenders	(i) By direct recruitment; or
(b) Chowkidars	(ii) By transfer from any other service
(c) Sweepers-cum-Scavengers	
² [(d) Gardeners]	
Special Category:	
(Investigation Section)	
(a) Director (Investigation)	(i) By deputation on tenure basis from among Officers of the Police Department Central Bureau of Investigation, C.B.C.I.D., A.C.B., S.P.E., and
(b) Deputy Director (Investigation)	Vigilance Forces of other Departments holding similar posts in those Departments or posts carrying the same scale of pay or a scale of pay lower than that of the corresponding post, in this category.
(c) Investigating Officers	(ii) In the case of Special Category (b) — also by promotion from among Officers working on deputation in Special Category (c)
(d) Constables and Orderlies	

1. Inserted by G.O.Rt.No. 4408, Genl. Admn. (SC-D), Dept., dated 26-7-1994.

2. Added by *Ibid.*

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2

- (iii) In the case of Special Category (c) — also by direct recruitment from persons eligible for appointment by direct recruitment as Sub-Inspectors of Police.
- (iv) In the case of Special Category (d) — also by direct recruitment from among persons eligible for appointment by direct recruitment as Constables in the Police Department.

(2) Nothing in sub-rule (1) shall be construed to limit or abridge the power of the Lokayukta to re-employ in accordance with the provisions contained in the Civil Services Regulations, Pension Code or Pension Rules, any person who has been retired on pension or gratuity from the service or any other service and appoint him to any of the posts included in Gazetted Categories 1 to 5, Non-Gazetted Categories 1 to 7 and the Special Categories provided he possesses the Educational and Special Qualifications, if any, prescribed in these rules for those posts, or held any of the posts mentioned for appointment by transfer or deputation to the relevant posts and such appointment shall be in addition to the methods of appointment specified in sub-rule (1). The re-employment of such person in the service shall not be regarded as first appointment to the service.

(3) In the case of an Officer or other employee who has been appointed on deputation, the Lokayukta shall have the power to repatriate him to his former service at any time before the expiry of the term of deputation without assigning any reason.

(4) In the case of appointment by deputation, the lending authority may, on receiving a request in that behalf from the Lokayukta, forward to him a name or panel of names of qualified persons mutually agreed upon whose services are intended to be placed at the disposal of the Lokayukta for such appointment.

(5) The Lokayukta may,—

- (a) determine the proportion of vacancies to be filled by each method where appointment to any category or post is provided by more than one method in sub-rule (1); and where promotion is one of the prescribed methods of appointments, the Lokayukta may also determine the number of posts so to be filled up from each of the lower categories from which promotion to those posts is permissible; or

- (b) specify the manner in which such appointment shall be made in the case of direct recruitment.

6. Qualifications:— 1. General Qualifications:—No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the following,—

- (a) that he is of sound health, active habits and free from any bodily defect or infirmity making him unfit for the service;
- (b) that his character and antecedents are such as would not disqualify him from the service;
- (c) that he has completed the age of 18 years and not attained the age of 28 years or such age as may from time to time be prescribed by the Government of Andhra Pradesh for entry into Government Service, whichever is higher, by the 1st day of the year of recruitment:

Provided that the upper age limit mentioned above shall not apply to Gazetted Categories 1 to 5 and Non-Gazetted Category-7:

Provided further that the upper age limit shall be forty five years for Gazetted Categories 1 to 3, thirty two years for Gazetted Category-4, thirty years for Gazetted Category-5 and thirty two years for Non-Gazetted Category-7 subject to such relaxation relating to the age limit for entry into Government Service as may be ordered by the Government of Andhra Pradesh from time to time:

Provided further that the maximum age limits prescribed in this sub-rule shall be raised uniformly by five years in the case of a candidate belonging to any of the Scheduled Castes, Scheduled Tribes or Aboriginal Tribes in any agency areas and Backward Classes specified in the Andhra Pradesh State and Subordinate Services Rules for direct recruitment to the service:

Provided further that the Lokayukta may, in his discretion, relax the age rule if he considers it necessary in individual cases to do so.

2. Other Qualifications:—(i) No person shall be eligible for appointment to the service by direct recruitment,—

- (a) in Gazetted Categories 1, 2 and 3 unless he has been actually practising as an advocate for a period of not less than ten years, seven years and six years respectively;
- (b) in Gazetted Category-4, unless he has been actually practising as an advocate for a period of not less than five years;

- (c) in Gazetted Category-5 and Non-Gazetted Categories 1 to 4, unless he is the holder of a degree in Arts, Science or Commerce of a University in India established or incorporated by or under a Central or a State Act or from any other Institution recognised by the University Grants Commission;
- (d) in Non-Gazetted Category-5(a), unless he possesses the qualifications prescribed in G.O.Ms.No. 172, General Administration (Services-B) Department, dt. 2-3-1979, as amended from time to time, for appointment by direct recruitment as Driver of light vehicles;
- (dd) in Non-Gazetted Category-5(b), unless he is able to read and write and unless he possesses a current licence to drive a motor cycle;
- (e) in Non-Gazetted Category-6(a), unless he possesses such minimum general educational qualifications as may be prescribed by the Governor of Andhra Pradesh from time to time for appointment to the Category of Record Assistants in the Andhra Pradesh General Subordinate Service;
- (f) in Non-Gazetted Category-6(b), unless he is able to read and write and has received training atleast for three days in operating a Roneo Duplicator;
- (g) in Non-Gazetted Categories-6(c) and 7, unless he is able to read and write;
- (h) in the Special Category, unless he possesses adequate experience in conducting investigations, disciplinary proceedings and domestic enquiries.
- (ii) No person shall be eligible for promotion to Gazetted [Categories 1 to 3 and 4 (a)] unless he holds a degree in law of a University in India established or incorporated by or under Central or State Act or from an Institution recognised by the University Grants Commission.
- (iii) Members of Non-Gazetted Categories 5 and 6 not holding degree qualifications may be promoted to Non-Gazetted Category-4, provided they possess the minimum general educational qualification and have put in ordinarily not less than three years of service:

Provided that the Lokayukta may, in his discretion, relax the requirements as to the educational qualifications mentioned in sub-rule 2, if he considers it necessary in individual cases to do so.

7. Special Qualifications:—(1) No person shall be eligible for appointment as full member in Gazetted ¹[Categories 1 to 3 and 4 (a)] unless he qualifies himself in the Accounts Test for Executive Officers:

Provided that a person who has already passed Part-I ²[and II] of the Accounts Test for Subordinate Officers shall ²[not] be required to pass the Accounts Test for Executive Officers.

(2) No person shall be eligible for promotion to and appointment as full member of ¹[Gazetted Categories 4(a) and 5] and Non-Gazetted Categories 1 to 4 unless in addition to the qualifications prescribed in Rule 6, he possesses the qualifications specified in Column 2 of Schedule I against each of the categories mentioned in Column 1 of the said Schedule.

(3) A person appointed by transfer or direct recruitment shall pass the prescribed special tests within the period of probation, if he has not already passed:

Provided that the Lokayukta may, in his discretion, relax the requirement as to special qualifications mentioned in sub-rules (1) and (2) if he considers it necessary in individual cases to do so.

8. Security:—Every person appointed to the following posts shall, for the due and faithful performance of the duties attached thereto, furnish security within three months from the date of appointment to the satisfaction of the Lokayukta in the sum specified below:

Gazetted Category 5(c)	Accounts Officer Rs. 5, 000/-
Non-Gazetted Category 3	Upper Division Accountant Rs. 2,000/-

9. Reservation of Appointment:—The special rule of reservation in the case of appointment to the service by direct recruitment as prescribed in Rules 22 and 22-A of the Andhra Pradesh State and Subordinate Services Rules shall be followed while making appointments by direct recruitment to the several categories in the service.

10. Probation:—(1) Every person appointed to the service otherwise than by promotion shall be on probation for a total period of two years on duty within a continuous period of three years.

(2) Every person promoted from any post in the service to a post carrying a higher scale of pay shall be on probation for a total period of one year on duty within a continuous period of two years.

(3) A probationer in any category of the service who, in accordance with Rules 6, 15 and 16 is appointed to any other category carrying a higher

1. Substituted by G.O.Ms.No. 340, Gen. Admn. (SC-E), dt. 1-8-1996.

2. The words "and II" and "not" included respectively by Lr.Dis.No.3181/Estt./Lok/2011, dated 20-6-2011.

scale of pay, shall be entitled to count towards his probation in the former category any period of duty in the latter category, if during such period he would have held a post in the former category, but for such appointment.

11. Termination of Probation:—(1) At any time before the expiry of the period of probation specified in Rule 10, the appointing authority may, in his discretion, by order terminate the probation of a probationer and discharge him from service after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(2) *Penalty for failure to pass the prescribed tests:—*

(a) If within the period of probation a probationer fails to pass the prescribed special tests, the appointing authority shall by order discharge him from service unless the period of probation is extended under Rule 12 or relaxed under the proviso to sub-rule (3) of Rule 7.

(b) If such probationer has appeared within the period of probation for any such tests and the results of the tests for which he has so appeared are not published before the expiry of such period, he shall continue to be on probation until the publication of the results of the tests for which he has appeared. In case the probationer fails to pass any of the tests for which he has so appeared, the appointing authority shall forthwith by order discharge him from service unless the period of probation is extended under Rule 12 or relaxed under the proviso to sub-rule (3) of Rule 7.

(c) *Approved Probationer,—*

(i) If at the end of the prescribed or extended period of probation, as the case may be, the appointing authority considers the probationer to be suitable for full membership, an order shall be issued declaring the probationer to have satisfactorily completed his period of probation. On the issue of such an order, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed or extended period of probation, as the case may be.

(ii) *Termination of Probation:*

If the appointing authority does not consider the probationer to be suitable for such membership, he shall, unless the period of probation is extended under Rule 12, or relaxed under the proviso to sub-rule (3) of Rule 7, by order discharge him from the service after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(3) In respect of a probationer, if no such order as referred to in sub-rule 2(a) or 2 (b) is issued within one year from the date of expiration of the prescribed or extended period of probation, the probationer shall, subject to the other provisions of these rules, be deemed to have satisfactorily completed his probation with retrospective effect from the date of expiry of the prescribed or extended period of probation and a formal order to that effect may be issued for the purpose of record:

Provided that nothing in this sub-rule shall apply to a probationer against whom disciplinary proceedings are pending on the date of expiration of the period of one year aforesaid.

Explanation:— In the proviso, the term “disciplinary proceedings” shall include the preliminary investigation conducted for the purpose of ascertaining the relevant facts for the institution of disciplinary proceedings.

12. Extension of probation:— In the case of any probationer falling under sub-rule (2) of Rule 11, the appointing authority may extend his period of probation to enable him to acquire the special qualifications or pass the prescribed tests or, as the case may be, to enable the appointing authority to decide whether the probationer is suitable for full membership or not. Such extended period of probation shall terminate, at the latest, when the probationer has, after the date of expiry of the period of probation prescribed for the category in which he is on probation, completed one more year on duty in such category. In cases where the probation of a probationer is extended, a condition shall, unless there are special reasons to the contrary, be attached to the order of extension of probation that the probationer's increment be stopped until he is declared to have satisfactorily completed his probation. If, however, the probationer has already drawn an increment, his next increment shall be postponed until he is declared to have satisfactorily completed his probation and by the period for which his probation is extended. Such stoppage of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing the future increments after he has passed the prescribed tests or examination or after he is declared to have satisfactorily completed his probation.

(13. Discharge of probationers and approved probationers for want of vacancies and their reappointment:— Probationers and approved probationers shall be discharged for want of vacancies in the following order;

- (a) First, the probationers in order of juniority; and
- (b) Second, the approved probationers in order of juniority.

(2) Approved probationers and probationers who have been discharged for want of vacancies shall be re-appointed as and when vacancies arise in the inverse of the order laid down in Clause (a) or (b) of sub-rule (1).

(3) The order of discharge of re-appointment prescribed above may be departed from in case where its observance would involve exceptional administrative inconvenience.

(4) *Right of appointment of probationers and approved probationers:—*

A vacancy in any category or sub-category or post in the service shall not be filled by the appointment of a person who has not commenced his probation therein when an approved probationer or probationer therein is available for such appointment.)

14. Appointment of Full Members:— As approved probationer shall, if a substantive vacancy in the permanent cadre of category or sub-category or post for which he was selected exists, be appointed to be a full member of the service in such category or sub-category or post at the earliest possible opportunity, and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date, or, as the case may be, from a subsequent date from which he was continuously on duty as a member of the service in such category or any higher category:

Provided that where more than one approved probationer is available for such appointment as full member, the senior-most approved probationer on the date of the vacancy shall be appointed ;

Provided further that where for administrative reasons, a member of the service completes his probation earlier than another member of the service, who is senior to him, a member who so completes his probation earlier shall not be confirmed before the member who is senior to him. The senior member shall be confirmed according to his seniority in the service after he completes satisfactorily the period of probation.

Explanation:— For the purpose of this rule, an approved probationer when on leave or other duty shall be deemed to be on duty as a member of the service in the category concerned, if he would have been on duty in such category or in a higher category but for his absence on leave or deputation.

15. Promotions:—(1) All promotions shall be made by the appointing authority in accordance with Rule 5 of these rules.

(2) No member of the service shall be eligible for promotion from the category in which he was appointed to the service unless he has satisfactorily completed his probation in that category.

(3) All posts included in Gazetted Categories 1 to 5 shall be selection posts and promotion thereto shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

(4) All posts included in Non-Gazetted Category 1 to 4 and 6 shall be non-selection posts and promotions thereto shall be made only on the basis of seniority, subject to the condition that the employee concerned is fit to hold the post.

16. Temporary appointments and promotions:—Temporary appointments and promotions to the posts in the several categories in the service shall be made in accordance with the principles laid down respectively in Rules 10 and 37 of the Andhra Pradesh State and Sub-ordinate Services Rules.

17. Equation of Posts and Scales of Pay and Allowances:—(1) The posts covered by Gazetted Categories 1 to 5 and Non-Gazetted Categories 1 to 7 of these rules which are shown in Column 1 of Schedule II shall correspond to the posts in the Secretariat of the Government of Andhra Pradesh or other services as shown in Column 2 of the said Schedule for purposes of Pay, Allowances, Leave, Encashment of Leave, Leave Travel Concessions and other benefits, and the members of those categories shall draw the same Pay, Allowances and other perquisites as those admissible to the members of the corresponding posts as revised from time to time.

(2) In the case of posts covered by the Special Category (Investigation section), the pay and allowances shall be as prescribed in G.O. Rt. No. 2915/ C-1 (SC.D) Department, Dt. 27-4-1984 as amended from time to time.

18. Relaxation of Rules by the Lokayukta:—Nothing in these rules shall be construed to limit or abridge the powers of the Lokayukta to deal with the case of any member of the service or any person to be appointed to the service in such manner as may appear to him to be just or equitable:

Provided that where any such rule is applicable to the case of any member of the service or any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule.

SCHEDULE - I

Special Qualifications

[Under Rule 7(2)]

Gazetted:

[Category 4(b) Must have passed the Accounts Test for Executive Officers and also Subordinate Accounts Service Test (SAS).]

1. Inserted by G.O.Ms.No. 340, Gen. Admn. (SC-E), dt. 1-8-1996.

- Category-5(a) Must have passed the Government Technical Examination with a speed of 180 words per minute in Shorthand and Type-writing by the Higher Grade.
- Category-5(b) Civil Judicial Test, Criminal Judicial Test, Translation Test in Telugu, Hindi or Urdu, Accounts Test for Subordinate Officers, Part-I.
- Category-5(c) Accounts Test for Subordinate Officers, Parts I and II.
- Non-Gazetted:**
- Category-1 Must have passed the Government Technical Examination with a speed of 150 words per minute in Shorthand English or High Speed Test in Telugu Shorthand and Typewriting by the Higher Grade in English or Telugu as the case may be.
- Category-2(a) Must have passed the Government Technical Examination in Shorthand and Typewriting by the Higher Grade.
- Category-2(b) Civil Judicial Test and Accounts Test for Subordinate Officers, Part-I.
- Category-2(c) Degree in Library Science awarded by any University in India established or incorporated by or under a Central Act, Provincial Act or State Act or from any other Institution recognised by the University Grants Commission.
- Category-3 Accounts Test for Subordinate Officers, Parts I and II.
- Category-4(a) Must have passed the Government Technical Examination in Shorthand and Typewriting preferably by the Higher Grade.
- Category-4(b) Must have passed the Government Technical Examination in Typewriting by the Higher Grade.

Note:— The holders of a Degree in Law of any University in India established or incorporated by or under a Central Act, Provincial Act or a State Act or any Institution recognised by the University Grants Commission, shall not be required to pass the Civil Judicial and Criminal Judicial Tests.

SCHEDULE - II
Equation of Posts
(Under Rule 17)

Name of the Post	Corresponding post in the Secretariat of Andhra Pradesh and other services as shown against the posts.
(1)	(2)
1. Registrar	Secretary to Government, Law & Legislature Departments.
2.(a) Joint Registrar	Joint Secretary to the Government.
(b) Director (Legal)	
3.(a) Deputy Registrar	
(b) Deputy Director (Legal)	Deputy Secretary to the Government.
(c) Secretary to the Lokayukta	
4. Assistant Registrar	Assistant Secretary to the Government.
5.(a) Personal Assistants to Lokayukta, Upa-Lokayukta & Registrar	Section Officers
(b) Section Officers	
(c) Accounts Officers	
6. Special Category Stenographers	Special Category Stenographers
7.(a) Upper Division Stenographers	Upper Division Stenographers
(b) Assistant Section Officers	Assistant Section Officers
(c) Librarian	Librarian in the Government, Law & Legislature Department.
8. Upper Division Accountant.	Upper Division Accountant in the Treasury and Accounts Department.
9.(a) Steno-Typists	Steno-Typists
(b) Typists	Typists
(c) Assistants	Assistants
10.(a) Drivers	Drivers
(b) Motor Cycle Messenger	Motor Cycle Messenger
11.(a) Record Assistants	Record Assistants

(b) Roneo Operators	Roneo Operators
(c) Jamedars	Jamedars
12.(a) Attenders	Attenders
(b) Chowkidars	
(c) Sweeper-cum-Scavengers '[Gardeners]	
13. Investigating Officers	Inspector of Police in the Police Department.
14. Constables and Orderlies	Constables in the Police Department.

1. Inserted by G.O.Rt.No. 4408, Genl. Admn. (SC-D), Dept., dated 26-7-1994.

**'THE ANDHRA PRADESH LOKAYUKTA AND
UPA-LOKAYUKTA (CONDITIONS OF SERVICE)
RULES, 1987**

[G.O.Ms.No. 557, General Administration (SC-D.), dt. 23-11-1987]

In exercise of the powers conferred by Clause (b) of sub-section (2) of Section 20 of the Andhra Pradesh Lok-Ayukta and Upa-Lok Ayukta Act, 1983 (Act No. 11 of 1983), the Governor of Andhra Pradesh hereby makes the following rules relating to the allowances and pension payable to and other conditions of service of the Lok Ayukta and Upa-Lok Ayukta, namely:—

1. **Short title and commencement:**— (1) These rules may be called the Andhra Pradesh Lokayukta and Upa-Lokayukta (Conditions of Service) Rules, 1987.

(2) This shall be deemed to have come into force on the 1st day of November, 1983.

2. **Definitions:**—(1) In these rules, unless the context otherwise requires,—

(a) 'Act' means the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983);

(b) 'actual service' includes,—

(i) time spent by the Lokayukta and Upa-Lokayukta on duty;

(ii) joining time on transfer to the Institution from a post or an Office in the parent service;

(iii) vacations, excluding any time during which the Lokayukta or the Upa-Lokayukta is absent on leave;

(c) 'family' means,—

(i) the wife or husband of the Lokayukta and the Upa-Lokayukta; and

(ii) the parents legitimate children and step-children of the Lokayukta and the Upa-Lokayukta wholly dependent upon his/her;

(d) 'Government' means the State Government;

(e) 'Governor' means the Governor of Andhra Pradesh;

(f) 'Institution' means the Institution of the Andhra Pradesh Lokayukta and Upa-Lokayukta as established under the Act;

(g) 'Lokayukta' means a person appointed to be the Lokayukta under sub-section (1) of Section 3 of the Act;

1. Pub. in A.P. Gazette, R.S. to Part I (Ext.), dt. 20-11-1987.

- (h) 'parent service' means in relation to a person appointed as the Lokayukta or the Upa-Lokayukta the qualifying service under which he was employed before such appointment;
- (i) 'pension' means pension of any kind payable to the Lokayukta or the Upa-Lokayukta and includes any gratuity or other sum or sums so payable by way of death or retirement benefits;
- (j) 'Upa-Lokayukta' means a person appointed to be the Upa-Lokayukta under sub-section (1) of Section 3 of the Act.

(2) Words and expressions used in these rules but not defined herein shall have the same meaning as are assigned to them in the Act.

3. Applicability:— The Service conditions of the Lokayukta and Upa-Lokayukta shall be governed by the High Court Judges (Conditions of Service) Act, 1954 (Act 28 of 1954) and the High Court Judges Rules, 1956 as amended and modified from time to time and the instructions and orders issued from time to time by the Government of India with reference to those rules to the extent that they are relevant subject to the variations and modifications contained in these rules.

4. Vacation Holidays and Working Hours:— The vacations, holidays and the hours of work for the Lokayukta and Upa-Lokayukta and for the Officers and other employees of the Institution shall be such as may be declared by the Lokayukta from time to time:

Provided that the Lokayukta and the Upa-Lokayukta shall have a vacation of thirty days in each calendar year.

5. Leave:— (1) The Lokayukta and the Upa-Lokayukta shall be entitled to leave of various kinds as are admissible to the Chief Justice and Judges of the High Court of Andhra Pradesh.

(2) The authority competent to grant or refuse leave to the Lokayukta or the Upa-Lokayukta or to revoke or curtail the leave granted to him/her shall be the Governor.

6. Pension:— (1) The Lokayukta shall be paid pension of ¹[Rs. 43,890 (Rupees forty three thousand eight hundred and ninety only) per annum] for each completed year of service as Lokayukta subject to a maximum of ²[Rs.2,19,450/- p.a.]

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1. Subs. for "Rs. 21,945/- (Rupees twenty one thousand nine hundred and forty five only) per annum" by G.O.Ms.No.184, Genl. Admn. (SPL.C), dt. 19-4-2010, w.r.e.f. 1-1-2006. Pub. in A.P. Gaz. Part-I, Ext.No. 178, dt. 19-4-2010.
2. Subs. for "Rs. 1,09,725 p.a." by *Ibid.*

(2) The Upa-Lokayukta shall be paid pension of '[Rs. 34,350 (Rupees thirty four thousand three hundred and fifty only) per annum] for each completed year of service as Upa-Lokayukta subject to a maximum of '[Rs.1,71,750 p.a.]

(3) The Lokayukta and Upa-Lokayukta shall be entitled to pension as stated above in addition to the pension to which they may be entitled in respect of any previous service rendered by them under the Union or the State:

Provided that the Lokayukta and the Upa-Lokayukta shall not receive any pension if he/she has been removed from that office under Section 6 of the Act.

(4) The rules for the time being applicable to the Chief Justice or the Judges of the High Court of Andhra Pradesh in regard to the commutation of pension shall apply *mutatis mutandis* to the Lokayukta and the Upa-Lokayukta respectively.

(5) The Governor may, for special reasons, direct that any period not exceeding three months shall be added to the actual service of the Lokayukta or the Upa-Lokayukta, as the case may be, for the purpose of fixing the pension payable to him/her.

7. Travelling Allowance:— The Lokayukta and the Upa-Lokayukta shall receive such reasonable allowance to reimburse them for the expenses incurred in travelling on duty within the territory of India and they shall be afforded such reasonable facilities in connection with travelling as may from time to time be prescribed in the case of the Chief Justice and other Judges of the High Court of Andhra Pradesh respectively.

8. Medical Treatment:— The Lokayukta and the Upa-Lokayukta shall be entitled for himself/herself and his/her family to such facilities for medical treatment and for accommodation in hospitals as may from time to time be prescribed under the High Court Judges (Conditions of Service) Act, 1954 (Central Act 28 of 1954) and the High Court Judges Rules, 1956.

9. Residential Accommodation:—(1) The Lokayukta and Upa-Lokayukta shall be entitled without payment of rent to the use of a furnished official residence on par respectively with the Chief Justice and a Judge of the High Court of Andhra Pradesh.

1. Subs. for Rs.16,725/- (Rupees sixteen thousand seven hundred and twenty five only) per annum" by G.O.Ms.No.184, Genl. Admn. (SPL.C), dt. 19-4-2010, w.r.e.f. 1-1-2006.

Pub. in A.P. Gaz. Part-I, Ext.No. 178, dt. 19-4-2010.

2. Subs. for "Rs. 83,625/- p.a." by *Ibid*.

(2) The Lokayukta and Upa-Lokayukta who reside in his/her own house shall be paid house rent allowance besides an additional amount towards annual maintenance of the House and towards special repairs of the house in accordance with G.O.Ms. No. 348, General Administration (Special-B) Department, dated the 28th June, 1983 as amended or modified from time to time.

10. Conveyance Facilities:— The Lokayukta and Upa-Lokayukta shall be entitled to a staff car and consumption of petrol as the Chief Justice and other Judges of High Court of Andhra Pradesh are entitled to under the High Court Judges (Conditions of Service) Act, 1954 as amended.

11. Provident Fund:— The Lokayukta and the Upa-Lokayukta shall be entitled to subscribe to the General Provident Fund in accordance with the rules regulating that Fund.

12. Dearness Allowance etc.:— The Dearness Allowance, Sumptuary allowance, City Compensatory Allowance and other allowances payable to the Lokayukta or the Upa-Lokayukta, shall be the same as those payable to the Chief Justice or a Judge of the High Court of Andhra Pradesh respectively.

13. Additional Charge Allowance:— Where, under sub-section (2) of Section 5 of the Act, the Upa-Lokayukta performs the duties of the Lokayukta, he/she shall be entitled to additional charge allowance [at the rate of rupees ten thousand per month] for such period during which he/she performs such duties.

14. Leave Travel Concession:— The Leave Travel Concession Rules that are applicable to the Chief Justice and Judges of the High Court of Andhra Pradesh shall apply to the Lokayukta and Upa-Lokayukta respectively.

15. Gratuity and Family Pension:— The Lokayukta and Upa-Lokayukta are entitled to gratuity and family pension as applicable to the Chief Justice and Judges of the High Court of Andhra Pradesh respectively.

1. Subs. for "at the rate of rupees six thousand per month" by G.O.Ms.No. 184, Genl. Admn. (SPL.C), dt. 19-4-2010, w.r.e.f. 1-1-2006.

Pub. in A.P. Gaz. Part-I, Ext.No. 178, dt. 19-4-2010.

DISPOSAL BY DESTRUCTION OF RECORDS IN THE INSTITUTION OF ANDHRA PRADESH LOKAYUKTA AND UPA-LOKAYUKTA RULES, 1993

*Approval of draft Rules made by the Lokayukta of the Institution of Andhra Pradesh Lokayukta and Upa-Lokayukta for disposal by destruction of the Documents in the Institution.

[G.O.Rt.No.4281, General Administration (SC.D), Dt.26-8-1993]

In exercise of the powers conferred by sub-section (3) of Section 3 of the Destruction of Records Act, 1917 (Central Act V of 1917), the Government of Andhra Pradesh hereby approve the draft rules made by the Lokayukta of the Institution of A.P. Lokayukta and Upa-Lokayukta for disposal by destruction of the documents in the said Institution.

Whereas the Governor of Andhra Pradesh has been pleased to authorise, by notification issued in G.O.Rt. No.3455, General Administration (SC.D) Department, dated the 14th July, 1993, the Lokayukta of the Institution of Andhra Pradesh Lokayukta and Upa-Lokayukta, to make rules for the disposal, by destruction of records under sub-clause (i) of clause (c) of sub-section (2) of Section 3 of the Destruction of Records Act, 1917 (Central Act, V of 1917) and published in the Rules Supplement to the Andhra Pradesh Gazette, dated the 12-8-1993 (12th August, 1993) at page 1087 of A.P. Gazette No.32.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Destruction of Records Act, 1917 (Central Act V of 1917) the Lokayukta of the Institution of Andhra Pradesh Lokayukta and Upa-Lokayukta with prior approval of the Government of Andhra Pradesh made under sub-section (3) of Section 3 of the said Act hereby makes the following rules :

1. Short title:— These rules may be called the Disposal by Destruction of Records in the Institution of Andhra Pradesh Lokayukta and Upa-Lokayukta Rules, 1993.

2. Index Paper to be opened:— An Index in the form prescribed in Annexure-A hereto, shall be put up with the records of every complaint on its registration, and each paper, as it is filed with the record, shall be entered in such index.

3. Records to be divided into parts:— Every record shall after its completion and immediately before it is deposited in the record room, be

1. R.S. to Part I, A.P. Gazette No. 8, dt. 7-10-1993.

divided into parts as specified in Appendix-B, and to facilitate such division, each paper shall, as soon as it is filed with the record be numbered and marked off in the index as appertaining to one or another of such parts.

4. Unfiled Documents to be kept apart and destroyed:— (1) Documents which have been produced by parties but have either not been tendered in evidence, or having been tendered in evidence and have been rejected shall be kept apart from the record of the complaint or other proceedings to which they belong and entered in the register of unfiled documents and shall, if not reclaimed by the party who produced them, be retained in the Institution for a period of one year from the date of the final order in the complaint or proceeding in which the documents were produced, and shall at the expiration of that period be destroyed in the manner prescribed under ¹[sub-rule (1) of rule 10].

(2) No application shall be necessary for the return of the documents produced, which have either not been tendered in evidence or if tendered, have been rejected. It is sufficient if a receipt for their return is taken in the list with which have been put up:

Provided that notice of destruction shall be given in the manner prescribed ²[in sub-rule (1) of rule 11] in the month of January/July succeeding the date of expiry of the period of one year referred to in this rule; and also by affixing on the notice board of the Institution of Lokayukta and Upa-Lokayukta a copy of the notice published in the District Gazette.

5. Periods of Retention of Records:— The parts of records specified in Appendix-C shall be retained for the periods respectively shown against them from the date of their completion:

Provided that in any case the Lokayukta or the Upa-Lokayukta, as the case may be, may, for reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed, in which case such fact shall be noted in the index and the papers are dealt with as if they had belonged from the commencement to the part to which they were so transferred.

³[**6. Periods of Retention of Registers etc.:—** Registers, diaries, books and papers described in parts II to IV of Appendix-C and Parts I to III of Appendix D shall be retained for the periods specified respectively against them reckoning the period from the end of the year for which they relate.]

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1. Subs for the words "Rule 6" by G.O.Rt.No. 3847, G A (SC-D) dt 22-6-1994.
 2. Subs for the expression "in Rule 9" by ibid.
 3. Subs by G.O.Rt. 3847, G A (SC-D) dt 22-6-1994.

7. Documents ripe for Destruction taken for Consideration in another Complaint:— Where any documents of which the destruction is ordered by these rules, if before it has been destroyed, made evidence in any other complaint or proceedings, the rule regarding its destruction shall be the rule applicable to evidence filed in such complaint or proceedings where the periods prescribed by such last mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

8. Books and papers to be destroyed after prescribed period:— All records, registerers, diaries, books and papers specified in Appendix-C and Appendix-D shall be destroyed without fail at the expiration of the periods prescribed.

9. Records which are not to be destroyed:— The following records shall not be destroyed:

Records connected with expenditure which is within the statute of limitation.

Records connected with claims to service and personal matters affecting persons in service; and

Orders and sanctions of permanent character until revised.

10. Districts and Andhra Pradesh Gazettes:— (1) With the exception of District Gazettes, parts I-A, II-B, III and IV of the Andhra Pradesh Gazette and Parts-I, II and III and supplements to the Government of India Gazette, which may be sold as waste paper, all other records, books and papers to be destroyed under '[Rule 8] shall be disposed by burning in the presence of the record-keeper or torn to pieces and sold as paper waste.

(2) Whenever records, books, diaries, papers or Gazettes are to be destroyed under '[Rule 8] a complete list of records, books, diaries, papers or Gazettes to be so destroyed shall be prepared and the date of destruction shall be entered on the top of the list. It shall be the duty of the Record-Keeper, or his assistant, as the case may be, to certify the correctness of the lists before obtaining the orders of the Registrar for destruction thereof.

11. (1) In January/July of each year notice shall be published in the Andhra Pradesh Gazette and shall be affixed on the Institution's notice board specifying the documents filed by the Parties which will be destroyed during the ensuing six months, and the complaints to which such documents appertain, if any, and the dates on which they will be destroyed and giving a notice that unless previously, reclaimed by the parties entitled if any before the said dates, destruction shall without fail, ensue.

1. Subs for "Rule 6" by G.O.Rt. 3847, G A (SC-D), dt 22-6-1994.

(2) All documents reclaimed by the parties entitled shall be returned to such parties under orders of the Registrar.

12. Nothing contained in these rules shall be deemed to authorise the destruction of any document or record filed by any officer of the Government or produced by such officer upon summons of requisition issued by the Institution either *suo motu* or at the request of the party to the complaint. Such documents, if not previously reclaimed, shall invariably be returned to the office from which they were produced.

13. Records in matters in relation to which proceedings are pending in the High Court or the Supreme Court as the case may be shall not be destroyed till the disposal thereof by the respective authorities.

APPENDIX A

Index Sheet

Institution of Andhra Pradesh Lok Ayukta and Upa-Lok Ayukta, Hyderabad

Complaint No. of 19

Between :

Complaint

And

Public Servant

Date of final disposal:

Sl. No.	Description of the document	Date of document	Part No.	Number of Sheets.	Remarks
1	2	3	4	5	6

APPENDIX B

Table showing the division of the record and the description of the papers falling under each division

PART I

(Matters taken up for Final Investigation under Section 10 of the A.P. Lokayukta and Upa-Lokayukta Act, 1983).

1. Index
2. Complaint including Forms I and II (including material on which *suo motu* enquiry is started.)

3. Reference made under Section 18(3) by Governor.
4. Report under Section 12 of the Act.
5. Report from the Government under Section 12 of the Act.

PART II

(Matters taken up for Final Investigation under Section 10 of the A.P. Lokayukta and Upa-Lokayukta Act, 1983)

1. Documentary Evidence.
2. Oral Evidence.
3. Reports received under Rule 5 of A.P. Lokayukta and Upa-Lokayukta (Investigation) Rules, 1986.

PART III

(Complaints other than those taken up for Final Investigation under Section 10 of the A.P. Lokayukta and Upa-Lokayukta Act, 1983).

1. Index.
2. Complaint including Forms I and II (including material on which *suo motu* enquiry is started).
3. Final Orders.
4. Documentary evidence.
5. Oral Evidence.
6. Reports received under Rule 5 of A.P. Lokayukta and Upa-Lokayukta (Investigation) Rules, 1986.

PART IV

1. All Papers not otherwise specified.
2. All other orders passed by Lokayukta or Upa-Lokayukta.

APPENDIX C

Table Showing the Periods Prescribed for the Retention by various Parts of the Records in the various cases of Proceedings.

Part I

	Period
(Matters taken up for Final Investigation under Section 10 of the Lokayukta and Upa-Lokayukta Act, 1983).	
1. Index.	Permanent
2. Complaint including Forms I and II (including material on which <i>suo motu</i> enquiry is started).	Permanent
3. Report under Section 12 of the Act.	Permanent

4. Report from the Government under Section 12 of the Act. Permanent

Part II

(Matters taken up for Final Investigation under Section 10 of the Lokayukta and Upa-Lokayukta Act, 1983).

1. Documentary Evidence ...Six Years
 2. Oral Evidence ...Six Years
 3. Reports received under Rule 5 of A.P. Lokayukta and Upa-Lokayukta (Investigation) Rules, 1986. ...Six Years

Part III

(Complaint other than those taken up for Final Investigation under Section 10 of the Lokayukta and Upa-Lokayukta Act, 1983).

1. Index ...Three Years
 2. Complaint including Forms I & II (including material on which *suo motu* enquiry is started) ...Three Years
 3. Final Orders ...Three Years
 4. Documentary Evidence ...Three Years
 5. Oral Evidence ...Three Years
 6. Reports received under Rule 5 of A.P. Lokayukta and Upa-Lokayukta (Investigation) Rules, 1986. ...Three Years

Part IV

1. All papers not otherwise specified. ...One Year
 2. All other orders passed by Lokayukta or Upa-Lokayukta. ...One Year

APPENDIX D**Part I****JUDICIAL**

1. Complaint Register No.1 ...Permanent
 2. Final Investigation Register ...Permanent
 3. Records receive Register (Record Room) ...Permanent

4. Destruction Register	...Permanent
5. Disposal and Consignment Register	...Six Years
6. Documents Return Register	...Six Years
7. Register of records called for from other departments	...Six Years
8. Attendance register or witness	...Six Years
9. Register No.2A. Reports called for from other Offices.	
Register No.2B. Reports called for from Investigation Agencies	...Three Years
10. Inward Register (Judicial)	...Three Years
11. Records Issue register (Record Room)	...Three Years
12. Copyist Register	...One Year
13. Court Diary	...One Year
14. Hearing Book	...One Year
15. Cause Lists	...One Year
16. C.M.P. Register	...One Year

Part II ACCOUNTS SECTION

1. Cash Book and Ledger	...Permanent
2. Pay Bill Registers of Officers, Ministerial staff and Class-IV employees	...Permanent
3. Service Registers	...Permanent
4. Challan and Cheque Books	...(10)
5. Acquittance Register	...(6)
6. Register of Bills sent to P.A.O.	...(6)
7. Budget Register	...(6)
8. Pension Files (after retirement)	...(5 years)
9. Permanent Advance Register	...(5)
10. Travelling Allowance Bills and Acquittance Rolls relating thereto	...(3)
11. Register of complaint Fees	...(3)
12. Contingent and other Miscellaneous Bills	...(3)
13. U.D. Pay Register	...(3)
14. Non-Government Cash Book	...(3)

Part III
GENERAL SECTION

- | | |
|--|---|
| 1. Loans and Advance Register | ...Permanent |
| 2. Register of Books received in the Library | ...Permanent |
| 3. Furniture and other movable properties Register | ...Permanent |
| 4. Gradation list of employees | ...Permanent |
| 5. Stock file containing Government, sanction in respect of this Institution | ...Permanent |
| 6. General Stock file containing Circulars, G.Os. and Memorandums issued by the Government | ...Permanent |
| 7. Departmental enquiry files | ...6 years |
| 8. Inward and Outward Registers | ...(5) |
| 9. Tappal Book | ...(5) |
| 10. Service Postage Register | ...(5) |
| 11. Franking Register | ...(5) |
| 12. Administrative files finally closed | ...(5) |
| 13. Increment Register | ...(3) |
| 14. Stationery Account Book | ...(3) |
| 15. Log Book | ...(3) |
| 16. Earned leave, Half-Pay Leave, Surrender Leave, Leave on loss of Pay applications with orders | ...(3) |
| 17. Confidential files | ...(3 years after retirement of concerned employee) |
| 18. Casual Leave Register | ...(1) |
| 19. Casual Leave Applications file | ...(1) |
| 20. Late Attendance Register | ...(1) |
| 21. Attendance Register | ...(1) |
| 22. Office Order Register (Roc. Register) | ...(1) |
| 23. Xerox Register | ...(1) |
| 24. Roneo Register | ...(1) |
| 25. Register of Book issued to Sec | ...(1) |
| 26. Routine Correspondence | ...(1) |