



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Lokayukta  
(First Amendment) Bill, 2013**

**(Bill No. 3 of 2013)**

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(As passed by the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM-GOA

JANUARY, 2013

**The Goa Lokayukta (First Amendment)  
Bill, 2013**

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BILL

*further to amend the Goa Lokayukta Act, 2011  
(Goa Act 3 of 2012).*

Be it enacted by the Legislative Assembly of Goa in the Sixty fourth Year of the Republic of India, as follows:-

1. *Short title and commencement.*—(1) This Act may be called the Goa Lokayukta (First Amendment) Act, 2013.

(2) It shall come into force from the date of coming into force of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012).

2. *Amendment of section 2.*— In section 2 of the Goa Lokayukta Act, 2011 (Goa Act 3 of 2012)(hereinafter referred to as the "principal Act"), in clause (q), in sub-clause (iii), for item (4), the following shall be substituted, namely:-

"(4) any other Corporation or Board or Society or non-statutory body or administrative committee, owned or controlled by the Government of Goa; or".

3. *Amendment of section 3.*— For sub-section (2) of section 3 of the principal Act, the following sub-section shall be substituted, namely:-

"(2) A person to be appointed as the Lokayukta shall be a person who has held the office of a Judge of the Supreme Court, or of a Chief Justice of the High Court. A person to be appointed as the Upa-Lokayukta shall be a person who has held the office of a Judge of the High Court or is qualified to be appointed as a Judge of the High Court."

4. *Amendment of section 5.*— In sub-section (1) of section 5 of the principal Act,—

(i) for the words "three years", the words "five years" shall be substituted;

(ii) in the existing proviso, for the words "Provided that", the words "Provided further that" shall be substituted;

(iii) before the existing proviso, the following proviso shall be inserted, namely:—

"Provided that where a Judge of the Supreme Court has been appointed as a Lokayukta, he shall be entitled to hold office for a term of five years from the date on which he enters upon his office as a Lokayukta or till he attains the age of seventy three years, whichever is earlier."

5. *Amendment of section 6.*— In sub-section (1) of section 6 of the principal Act,—

(i) for the expression " The Lokayukta or Upa-Lokayukta shall have the like status, shall be entitled to the same salary, allowances and pension and shall be subject to the same conditions of service, as a judge of the High Court:", the expression "The Lokayukta shall

have the status of a Judge of the Supreme Court and the Upa-Lokayukta shall have the status of a Judge of the High Court, and they shall be entitled to salary, allowances and pension and shall be subject to the same conditions of service, as a Judge of the Supreme Court and a Judge of the High Court, respectively:";

(ii) the first proviso shall be omitted.

6. Insertion of new section 16A.- After section 16 of the principal Act, the following section shall be inserted, namely:-

"16A. Public functionary to vacate office.—(1) Where, after investigation into a complaint, the Lokayukta or the Upa-Lokayukta is satisfied that the complaint involving an allegation against the public functionary is substantiated and that the public functionary concerned should not continue to hold the office held by him, the Lokayukta or the Upa-Lokayukta shall make a declaration to that effect in his report under clause (a) of sub-section (1) of section 16. The Competent Authority may either accept or reject such declaration after giving an opportunity of being heard to the public functionary concerned.

(2) If the declaration under sub-section (1) is accepted or rejected within a period of three months from the date of receipt of the report, or of a copy of the report, as the case may be, the fact of such acceptance or rejection shall immediately be intimated by the Competent Authority to the public functionary concerned.

(3) If the declaration under sub-section (1) is in respect of a Chief Minister or a Minister, accepted by the Competent Authority, he may resign from his office.

(4) With effect from the date of intimation of acceptance of the declaration under sub-section (1), notwithstanding anything contained in any law, order, notification, rule or contract of appointment, the public functionary, -

(i) specified under sub-clauses (iii) to (xi), except sub-clause (ix), of clause (q) of section 2, shall be deemed to have vacated his office;

(ii) specified under sub-clause (ix) of clause (q) of section 2, shall be deemed to have been placed under suspension:

Provided that if the public functionary is a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (Central Act 61 of 1951), the State Government shall take action to keep him under suspension in accordance with the Rules or regulations applicable to his service.

(5) If the declaration under sub-section (1) is not accepted within a period of three months from the date of receipt of the report, or of a copy of the report, as the case may be, it shall be deemed to have been rejected on the expiry of the said period of three months."

7. *Amendment of section 19.*— In sub-section (1) of section 19 of the principal Act, for the expression "not more than rupees ten thousand" the

expression "which shall not be less than rupees one lakh and which may extend to rupees ten lakhs" shall be substituted.

8. *Insertion of new section 19A.*— After section 19 of the principal Act, the following section shall be inserted, namely:-

"19A. Offence and Penalty.- (1) Notwithstanding anything contained in this Act, whoever makes,-

- (i) a complaint containing false allegations;
- (ii) a complaint with *malafide* intention or ulterior motive;
- (iii) a complaint with intention to malign or tarnish image or reputation of the public functionary;
- (iv) a complaint with an affidavit containing false statements;
- (v) a frivolous or vexatious complaint;

shall on conviction be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than rupees fifty thousand but which may extend to rupees one lakh.

(2) No Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a public functionary after obtaining the previous sanction of the Lokayukta or the Upa-Lokayukta, as the case may be.

(3) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the State Government."

9. Amendment of section 33.-In section 33 of the principal Act,—

(i) in clause (iii), the words, "and any member of its staff" be omitted;

(ii) in clause (v), the words "or any member of their staff" shall be omitted;

(iii) for clause (vi), the following clause shall be substituted, namely:-

"(vi) The State Election Commissioner referred to in Article 243 K of the Constitution of India."

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