

# The Gujarat Lokayukta Act, 1986

GUJARAT

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### Act 31 of 1986

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The Gujarat Lokayukta Act, 1986 Gujarat Act. No. 31 of 1986 [Dated 19th November, 1986] For Statement of Objects and Reasons, see Gujarat Government Gazette, Extraordinary, Part V, dated the 1st August, 1986, pp. 30-14 to 30-16. This Act was assented to by the President on the 12th November, 1986 An Act to make provision for the appointment of Lokayukta for the investigation of allegations against public functionaries in the State of Gujarat, and also for safeguarding the dignity and prestige of public functionaries against false and frivolous allegations and for matters connected therewith. It is hereby enacted in the Thirty-seventh Year of the Republic of India as follows:-

### 1. Short title and commencement.

(1) This Act may be called the Gujarat Lokayukta Act, 1986. (2) It extends to the whole of the State of Gujarat, and it applies also to public functionaries outside the State of Gujarat. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

### 2. Definitions.

- In this Act, unless the context otherwise requires,- (1) "action" means action taken whether before or after the commencement of this Act by way of decision, recommendation or finding or in any other manner and includes failure to act, and all other expressions connoting action shall be construed accordingly; (2) "allegation" in relation to a public functionary and with reference to any action taken by him, means any affirmation that such public functionary in his capacity as a public functionary-(a) is guilty of corruption, or lack of integrity; or (b) was actuated in the discharge of his functions by personal interest or improper or corrupt motives; or (c) has abused his position to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person; (3) "competent authority", means (a) in the case of a Minister (other than the Chief Minister), the Chief Minister; and (b) in the case of any other public functionary, such authority, as may be prescribed; (4) "Lokayukta" means a person appointed as the Lokayukta under section 3; (5) "Minister" means a member of the Council of Ministers for the State of Gujarat by whatsoever

name called, that is to say, the Chief Minister, a Minister, Minister of State and Deputy Minister includes a Parliamentary Secretary to the Chief Minister;(6)"prescribed" means prescribed by rules made under this Act;(7)"public functionary" means a person who holds or has held an office of-(a)a Minister;(b)the Chairman or the Vice-Chairman [or a non-official director or a non-official member] [These words added by Gujarat 26 of 2003, dated 17th September 2003.] of a Government Company within the meaning of section 617 of the Companies Act, 1956 (I of 1956) in which not less than fifty one per cent, of its paid up share capital is held by the State Government and the Chairman or the Vice-Chairman [or a non-official director or a non-official member] [These words added by Gujarat 26 of 2003, dated 17th September 2003.] of a Company which is subsidiary of a company in which not less than fifty one per cent, of its paid up share capital is held by the State Government;(c)[ the Chairman or the Vice-Chairman or a non-official director or a non-official member of a Corporation or Board established by or under the Bombay Act or the Gujarat Act or by the State Government and owned or controlled by the State Government;] [Sub-clause (c) substituted by Gujarat 26 of 2003, dated 17th September 2003.](d)the Vice-Chancellor of a University established by law in the State of Gujarat;(8)"Public servant" shall have the same meaning as in section 21 of the Indian Penal Code (21 of 1860).

### **3. Appointment of Lokayukta.**

(1)For the purpose of conducting investigations 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;Provided that the Lokayukta shall be appointed after consultation with the Chief Justice of High Court and except where such appointment is to be made at a time when the Legislative Assembly of the State of Gujarat has been dissolved or a Proclamation under article 356 of the Constitution is in operation in the State of Gujarat, after consultation also with the Leader of the Opposition in the Legislative Assembly, or if there be no such Leader, a person elected in this behalf by the members of the Opposition in that House in such manner as the Speaker may direct.(2)A person shall not be qualified for appointment as a Lokayukta unless he is or has been a Judge of a High Court.(3)Every person appointed as the 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 affirmative in the form set out for the purpose in the First Schedule.

### **4. Disabilities in the case of Lokayukta.**

- The Lokayukta shall not be a member of Parliament or a member of the Legislature of any State and shall not hold any office of trust or profit (other than his office as the Lokayukta) or be connected with any political party or shall not carry on any business or practise any profession: and accordingly before he enters upon his office, a person appointed as the Lokayukta shall,-(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, resign from such office; or(c)if he is connected with any political party, sever his connection with it; or(d)if he is carrying on any business, sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or(e)if he is practising any profession, suspend practice of such profession.(2)A person shall be disqualified for appointment as a Lokayukta or for continuing to hold any such post if any member of his family has

entered into any commercial contract with the State Government and the contract is subsisting or has any other dealing with the State Government relating to any business of a commercial nature. Explanation: - For the purpose of sub-section (2), the expression "family" means wife, husband, son, unmarried daughter, and son's wife.

## **5. Term of office and other conditions of service of Lokayukta.**

(1) Every person appointed as the 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 may, by writing under his hand addressed to the Governor, resign his office; (b) the Lokayukta may be removed from office in the manner specified in section 6. (2) On ceasing to hold office, the Lokayukta shall be ineligible for further employment (whether as the Lokayukta or in any other capacity) under the Government of Gujarat or for any employment under, or office in, any such Government company, Corporation, or University as is referred to in sub-clauses (b), (c) and (d) of clause (7) of section 2. (3) There shall be paid to the Lokayukta such salaries as is specified in the Second Schedule. (4) The allowances and pension to, and other conditions of service of, the Lokayukta shall be such as may be prescribed: Provided that in prescribing the allowances and pension payable to, and other conditions of service, of the Lokayukta regard shall be had to the allowances and pension payable to, and other conditions of service, of, [the Chief Justice of the High Court] [Substituted for 'a Judge of the High Court' by Gujarat 23 of 1989, dated 12th October 1989 (w.r.e.f. 26-07-1988)].: Provided further that, the allowances and pension payable to, and other conditions of service of, the Lokayukta shall not be varied to his disadvantage after his appointment. [The salaries, allowances and pension payable to, or in respect of, Lokayukta shall be expenditure charged on the Consolidated Fund of the State.] [Sub-section (5) added by Gujarat 11 of 1998, dated 31st July 1998.]

## **6. Removal of Lokayukta.**

- The Lokayukta shall not be removed from his office except by an order made by the Governor on the ground of proved misbehaviour or incapacity after an inquiry made by the Chief Justice of the High Court or, as the case may be, by such other Judge of the High Court as the Chief Justice may nominate in this behalf, in which the Lokayukta had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

## **7. Matters which may be investigated by 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 a public functionary 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) No matter in respect of which a complaint is made under this Act shall be referred to a Commission for inquiry under the Commissions of Inquiry Act, 1952 (60 of 1952), except on the recommendation or with the concurrence of the Lokayukta; Provided that nothing in this sub-section shall prevent the State Government from referring the matter to such commission for inquiry in its opinion the matter is exceptionally a matter of definite public importance. (3) Notwithstanding anything contained in

sub-section (1), the Lokayukta shall, before proceeding to investigate any action, make such preliminary inquiry as he deems fit for ascertaining whether there exist reasonable ground for conducting the investigation and, if he finds that there exists no such grounds, he shall record a finding to that effect and thereupon the matter shall be closed and the complainant shall be informed accordingly.(4)An investigation under this section of an action taken by or with the general or specific approval of a public functionary shall not be affected merely on the ground that subsequent to such action such public functionary ceased to hold the capacity in which the action was taken by him or with his approval or ceased to be such public functionary.

## **8. Matters not subject to investigation.**

(1)The Lokayukta shall not investigate any action,-(a)in respect of which a formal and public inquiry has been ordered under the Public Servants (Inquires) Act, 1850 (37 of 1850) with his prior concurrence, or(b)in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952 (60 of 1952), on his recommendation or with his prior concurrence or by the State Government under the proviso to sub-section (2) of section 7, or(c)in respect of a matter which has been inquired into under the enactments referred to in clauses (a) and (b) or has been finally decided by a competent Court.(2)The Lokayukta shall not investigate any complaint which is excluded from his jurisdiction by virtue of a notification issued under section 20.(3)The Lokayukta shall not inquire into any matter concerning any person if he has any bias in respect of such matter or person and if any dispute arises in this behalf, the Governor shall, on a application made by the party aggrieved, obtain in such manner as may be prescribed, the opinion of the Chief Justice of the High Court and decide the dispute in conformity with such opinion.(4)The Lokayukta shall not inquire into any complaint if the complaint is made after the expiry of five years from the date on which the action mentioned in such complaint is alleged to have been taken.

## **9. Provisions relating to complaints.**

(1)Subject to the provisions of this Act, a complaint stating the allegations may be made under this Act to the Lokayukta by any person other than a public servant in his capacity as such:]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 contained in any other enactment, any letter written to the Lokayukta by a person in police custody, or in a jail 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 jail, asylum or other place and the Lokayukta may, if satisfied that it is necessary so to do, treat such letter as a complaint made in accordance with the provisions of sub-section (2).(4)The complainant shall deposit in such manner and with such authority or agency as may be prescribed a sum of one thousand rupees to be available for disposal under section 21;Provided that the Lokayukta may for sufficient cause, to be recorded in writing, exempt a complainant from the requirement of depositing the sum under this section.(5)Notwithstanding anything contained in Section 10 or any other provision of this Act, every person who wilfully or maliciously makes any false allegations in a complaint under this Act

shall, on conviction, be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine.(6)The offence punishable under sub-section (5) shall be cognizable.

## **10. Procedure in respect of investigations.**

(1)Where the Lokayukta decides 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 functionary concerned and the competent authority concerned;(b)shall afford to the public functionary 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)Every such investigation shall be conducted in private and in particular, the identity of the complainant and of the public functionary affected by the investigation shall not be disclosed to the public or the press published in any manner whether before, during or after the investigation:Provided that, the Lokayukta may conduct any investigation relating to a matter of definite public importance in public, if he, for reasons to be recorded in writing, thinks fit to do.(3)Save as aforesaid the procedure for conducting any such investigation shall be such as the Lokayukta considers appropriate in the circumstances of the case.(4)The Lokayukta may, in his discretion, refuse to investigate or cease to investigate any complaint, if in his opinion-(a)the complaint is frivolous or vexatious, or is not made in good faith; or(b)there are no sufficient grounds for investigating, or, as the case may be, for continuing the investigation; or(c)other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies,(5)In any case where the Lokayukta decides not to entertain a complaint or to discontinue any investigation in respect of a complaint, he shall record his reasons therefor and communicate the same to the complainant and the public functionary concerned.(6)The conduct of an investigation under this Act in respect of any action shall not affect such action, or any power or duty of any public functionary to take further action with respect to any matter subject to the investigation.(7)Whoever discloses to the public or to the press any information or publishes such information in contravention of the provisions of this section shall, on conviction, be punished with imprisonment for a term which may extend to two years and shall also be liable to fine.

## **11. Evidence.**

(1)Subject to the provisions of this section, for the purpose of investigation (including the preliminary inquiry, before such investigation) under this Act, the 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 inquiry), the Lokayukta shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (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)The Lokayukta shall have power to

require any person subject to the provisions of sub-section (8) to furnish information on such points or matters as, in the opinion of the Lokayukta may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code (45 of 1860).(4)The Lokayukta or any Gazetted officer specially authorised in this behalf by the Lokayukta may enter any building or place where he has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom, subject to the provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) in so far as they may be applicable.(5)The Lokayukta shall be deemed to be a Civil Court and when any offence as is described in section 175, section 178, section 179 or section 180 of the Indian Penal Code is committed in the view or presence of the Lokayukta, the Lokayukta may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure (45 of 1860), 1973 (2 of 1974), forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (2 of 1974).(6)Any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code (45 of 1860).(7)Subject to the provisions of sub-section (8), no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to the State Government, or any public servant, whether imposed by any enactment or by any rule of law shall apply to the disclosure of information for the purpose of any investigation under this Act and the State 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 of the giving of evidence as is allowed by any enactment or by any rule of law in legal proceedings.(8)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 investigation or detection of crime; or (b) as might involve the disclosure of proceedings other than the decision, of the Cabinet or Council of Ministers of the State Government or any committee thereof, if any; and for the purpose of this sub-section a certificate issued by the Chief Secretary 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 in case of the Chief Minister.**

(1)If, after investigation of any action in respect of which a complaint involving an allegation has been made against the Chief Minister or against the Chief Minister in conjunction with any other public functionary, the Lokayukta is satisfied that such allegation can be substantiated, either wholly or partly against the Chief Minister, he shall by a report in writing, communicate his findings, alongwith the relevant documents, material and other evidence, to the Chief Minister.(2)On receipt of the report under sub-section (1), the Chief Minister shall cause the same to be placed, without delay, before the Council of Ministers.

### **13. Findings and recommendations to be communicated to competent authority by a report.**

(1) If, in any case to which section 12 does not apply, the Lokayukta after investigation of any action in respect of which a complaint involving an allegation has been or can be or could have been made, is satisfied that such allegation can be substantiated, either wholly or partly, he shall by a report in writing, communicate his finding alongwith the relevant documents, materials and other evidence, to the competent authority. (2) The competent authority shall examine the report forwarded to it under subsection (1) and intimate, within three months of the date of receipt of the report, to the Lokayukta the action taken or proposed to be taken on the basis of the report.

### **14. Annual reports of Lokayukta.**

(1) The Lokayukta shall present annually consolidated report of the performance of his functions under this Act to the Governor, and the Governor shall, on receipt of such report, cause a copy thereof together with an explanatory memorandum to be laid before the State Legislature. (2) 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 which may appear to him to be general public, academic or professional interest, in such manner and to such persons as he may deem appropriate.

### **15. Staff of Lokayukta.**

(1) The Lokayukta may appoint, or authorise any officer subordinate to the him to appoint officers, and other employees to assist the lokayukta in the discharge of his 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 shall be such as may be prescribed after consultation with the Lokayukta. (3) Without prejudice to the provisions of sub-section (1), the Lokayukta may, for the purpose of conducting investigations under this Act utilize the services of-(i) any officer or investigation agency of the State Government; (ii) any officer or investigation agency of the Central Government, with the consent of that Government obtained in accordance with article 253A of the Constitution; or (iii) any other person or agency. (4) For the purpose of investigating into any matter, of any officer, agency or person whose services are utilised under sub-section (3) may, subject to the direction of the Lokayukta, -(a) summon and enforce the attendance of any person and examine him; (b) require the discovery and production of any document; and (c) requisition any public record or copy thereof from any office. (5) The provisions of sections 11 and 16 shall apply in relation to any information furnished to any officer, agency or person whose services are utilised under sub-section (3) as they apply in relation to the information furnished to the Lokayukta during the course of the investigation of any action by him.

## **16. Secrecy of information.**

(1) Any information, obtained by the Lokayukta or members of his staff in the course of, or for the purposes of, any investigation under this Act, and any evidence recorded in connection with such information, shall, subject to the provisions of the proviso to the sub-section (2) of section 10, be treated as confidential and notwithstanding anything contained in the Indian Evidence Act, 1872 (I of 1882), no court shall be entitled to compel the Lokayukta or any public servant to give evidence relating to such information or produce the evidence so recorded. (2) Nothing in sub-section (1) shall apply to the disclosure of any information or particulars, - (a) in any report to be made on an investigation under this Act or for any action or proceeding to be taken on such report; or (b) for purposes of any proceedings for an offence under the Official Secrets Act, 1923 (19 of 1923), or an offence of giving or fabricating false evidence under the Indian Penal Code (45 of 1860) or for purposes of any proceedings under section 17; 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 with respect to any document or information specified in the notice or any class of documents so specified that in the opinion of the State Government the disclosure of the documents or information or of documents or information of that class would be contrary to public interest and where such a notice is given, nothing in this Act shall be construed as authorising or requiring the Lokayukta, or any member of their staff to disclose or communicate to any person any document or information specified in the notice or any document or information of a class so specified.

## **17. Intentional insult or interruption to, or bringing into disrepute Lokayukta.**

(1) Whoever intentionally offers any insult, or causes any interruption, to the Lokayukta while the 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 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 (2 of 1974), 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 (2) 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 of the Lokayukta.

## **18. Protection.**

(1) No suit, prosecution, or other legal proceeding shall lie against the Lokayukta or against any officer, employee, agency or person referred to in section 15 in respect of anything which is in good faith done or intended to be done under this Act. (2) No proceedings of the Lokayukta shall be held bad for want of form and except on the ground of jurisdiction, no proceedings or decision of the Lokayukta shall be liable to be challenged, reviewed, quashed or called in question in any court.



## **19. Conferment of additional functions on Lokayukta.**

(1)The Governor, may, by notification published in the Official Gazette, and after consultation with the Lokayukta, confer on the Lokayukta 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 such powers of a supervisory nature over agencies, authorities or officers set up, constituted or appointed by State Government for the eradication of corruption as may be specified in the order.(3)The Governor may, by order in writing and subject to such conditions and limitations as may be specified in the order, require the Lokayukta to investigate any action (being action in respect of which a complaint may be made under this Act, to the Lokayukta) and notwithstanding anything contained in this Act, the Lokayukta shall comply with such order:(4)When any additional functions are conferred on the Lokayukta under sub-section (1), or when the Lokayukta is to investigate any action under sub-section (3), the 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.

## **20. Power to exclude complaints against certain classes of public functionaries.**

(1)The State Government may on the recommendation of the Lokayukta and on being satisfied that it is necessary or expedient in the public interest so to do, exclude, by notification in the Official Gazette, complaints, involving allegations against persons belonging to any class of public functionaries specified in the notification, from the jurisdiction of the Lokayukta.(2)Every notification issued under sub-section (1) shall be laid as soon as may be after it is issued before State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the State Legislature agree in making any modification in the notification or agree that the notification should not be made; and notify such decision in the Official Gazette, the notification shall, from the date of publication of such decision have effect only in such modified form or be of 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 by virtue of that notification.

## **21. Disposal of deposit.**

- The sum deposited under section 9 by a complainant shall,-(a)in a case where the complaint is refused to be investigated or ceases to be investigated under sub-section (4) of section 10, stands forfeited to the State Government.(b)if the Lokayukta, for reasons to be recorded in writing so directs, be utilised for compensating the public functionary complained against, and(c)in any other case be refunded to the complainant.

## **22. Power to delegate.**

- The Lokayukta may, by a general or a special order in writing, direct that any powers conferred or duties imposed on him by or under this Act (except the power to make reports to the Governor under Sections 12 and 13) may also be exercised or discharged by such of the officers, employees or agencies referred to in Section 15 as may be specified in the order.

## **23. Power to make rules.**

(1)The Governor may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions 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(b)of clause (3) of section 2;(b)the allowances and pension payable to, and other conditions of service of, the Lokayukta under sub-section (4) of section 5;(c)the manner in which the opinion of the Chief Justice of the High Court shall be obtained for deciding the dispute referred to in sub-section (3) of section 8;(d)the forms in which complaints may and the affidavits which may accompany such forms under sub-section (2) of section 9 and the manner in which and the authority or agency with which the complainant shall deposit the amount under sub-section (4) of that section;(e)the other matters in respect of which the Lokayukta shall have powers of a Civil Court under clause (f) of sub-section (2) of section 11;(f)the categories of officers and employees who may be appointed, their salaries and allowances and other conditions of service and the administrative powers of Lokayukta under sub-section (2) of section 15;(g)the other purposes in relation to disclosure of any information or particulars under clause (c) of sub-section (2) of section 16 to which the provision of sub-section (1) of that section shall not apply and the officer or other authority who may give notice for the purpose of sub-section (3) of that section;(h)any other matter which is to be, or may be, prescribed or in respect of which this Act makes no provision is, in the opinion of the Governor, necessary for the proper implementation of this Act.(3)All rules made under this section shall be laid, for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the Legislature, or to such modification as the Legislature may make during the session in which they are so laid, or the session immediately following,(4)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

## **24. Provisions of this Act to be in addition to and not in derogation of any other law.**

- The provisions of this Act shall be in addition to and not in derogation of the provisions of [the Prevention of Corruption Act, 1988 (49 of 1988)] [Substituted for 'the Prevention of Corruption Act, 1947 (2 of 1947)' by Gujarat 26 of 2003, dated 17th September 2003.], or any other law for the time being in force.

## 25. Savings.

(1) The provisions of this Act shall be in addition to the provisions of any other enactment or any rule of law under which any remedy by way of appeal, revision, review or in any other manner is available to a person making a complaint under this Act in respect of any action, and nothing in this Act shall limit or affect the right of such person to avail of such remedy. (2) Nothing contained in this Act shall be construed as affecting the constitution of, or the continuance of functioning or exercise of powers, by any Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952 (60 of 1952), before the commencement of this Act and no complaint shall be made under this Act in respect of any matter referred for inquiry to such Commission before such commencement. The First Schedule [See Section 3(3)] I \_\_\_\_\_, having been appointed Lokayukta do swear in the name of God that I will bear true faith and \_\_\_\_\_. Solemnly affirm allegiance to the Constitution of India as by law established, and I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill will. The Second Schedule [See Sub-Sections (3) and (4) of Section 5] [Substituted for 'See section 5(4)' by Gujarat 23 of 1989, dated 12th October 1989 (w.r.e.f. 26-07-1988)]. [There shall be paid to the Lokayukta in respect of time spent on actual service, salary at the rate per mensem equal to that payable to the Chief Justice of the High Court] [Substituted by Gujarat 23 of 1989, dated 12th October 1989 (w.r.e.f. 26-07-1988)]. [There shall be paid to the Lokayukta in respect of time spent on actual service, salary at the following rates per mensem, that is to say:- Lokayukta... ... 4,000 rupees] Provided that, if the Lokayukta is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of the predecessor Governments or under the Government of State or any of its predecessor Governments, his salary in respect of service as the Lokayukta shall be reduced-(a) by the amount of that pension, and (b) if he receives in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, [\*\*\*] [The word 'and' deleted by Gujarat 23 of 1989, dated 12th October 1989 (w.r.e.f. 26-07-1988)]. [\*\*\*] [Clause (c) deleted by Gujarat 23 of 1989, dated 12th October 1989 (w.r.e.f. 26-07-1988).]