

## **Himachal Pradesh Lokayukta Act, 1983**

**17 of 1983**

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### **SCHEDULE 1 :- THE FIRST SCHEDULE**

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## **Himachal Pradesh Lokayukta Act, 1983**

**17 of 1983**

AN ACT To make provisions for the appointment and functions of the Lokayukta for the inquiry into the allegations against certain high dignitaries and others and for matters connected therewith. BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fourth Year of the Republic of India as follows:-

## **1. Short Title, Extent & Commencement :-**

- (1) This Act may be called the Himachal Pradesh Lokayukta Act, 1983.
- (2) It extends to the whole of the State of Himachal Pradesh.
- (3) It shall be deemed to have come into force with effect from the 1st day of June, 1983.

## **2. Definitions :-**

In this Act, unless the context otherwise inquires,---

(a) "action" means action by way of prosecution or otherwise taken on the report of the Lokayukta and includes failure to act, and all other expressions connoting action shall be construed accordingly;

(b) "allegation" in relation to a public servant means any affirmation that such public servant---

(i) has knowingly and intentionally abused his position as such to obtain any undue gain or favour to himself or to any other person or to cause undue harm to any other person:

Provide that the service matters relating to persons referred to in sub-clause (3) and (12) of clause (f) of section 2 shall be excluded therefrom; or

(ii) was actuated in the discharge of his functions as such public servant by corrupt motives ; or

(iii) is guilty of corruption ; or

(iv) is in possession of pecuniary resources or property disproportionate to his known source of income and such pecuniary resources or property held by the public servant personally or by any member of his family or by some other person on his behalf.

Explanation.-For the purpose of this sub-clause family means husband, wife sons and unmarried daughters living jointly with him or dependent on him ;

(c) "Lokayukta" means a person appointed as a Lokayukta under section 3 ;

(d) "corruption" includes any act punishable under Chapter IX of the Indian Penal Code or the Prevention of Corruption Act, 1988(45 of 1988) ;

(e) "Minister" means a member of the Council of Ministers, by whatever name called, for the State of Himachal Pradesh, that is to say, Chief Minister, Minister, Minister of State, Deputy Minister and shall also include the Chief Parliamentary Secretary and Parliamentary Secretary ;

(f) "public servant" means a person, who is or has been-

(1) a Minister,

(2) a Member of the Legislative Assembly of Himachal Pradesh.

(3) appointed to public service or post in connection with the affairs of the State of Himachal Pradesh,

(4) a Chairman, Vice-Chairman, Managing Director or a member of the Board of Directors or Chief Executive Officer, by whatever name called, of a Government Company within the meaning of section 617 of the Companies Act, 1956(1 of 1956), in which not less than fifty-one percent of the paid up share capital is held by the State Government, or any company which is a subsidiary of a company in which not less than fifty-one percent of the paid up share capital is held by the State Government.

(5) a Mayor, Deputy Mayor, Councillor or Commissioner of a Municipal Corporation constituted by or under the Himachal Pradesh Municipal Corporation Act, 1994

(6) a President, Vice-President, a member or Administrator of a Municipal Committee or Notified Area Committee ordeemed to have been Constituted of H.P. Municipal Corporation Act, 1994, Figures 1988, 1994 and 1994 have been substituted for 1947, 1980 and 1968 vide H.P. Lokayukta (Seventh amendment Act), 1989.

(7) a Vice Chancellor or Pro-Vice-Chancellor of a University established or deemed to have been established by or under any law of the State Legislature ;

(8) a Chairman or Vice-Chairman of the Zila Parishad or Panchyat Samiti constituted by or under the Himachal Pradesh Panchayati Raj Act, 1994,

(9) a President or Vice-President or member of any managing committee of an Apex Society incorporated by or under the Himachal Pradesh Co-operative Societies Act, 1968,

(10) a President, Vice-President, Managing Director or a member of the Board of Directors of such other Co-operative Societies incorporated by or under the Himachal Pradesh Co-operative Societies Act, 1968, as may be notified by the State Government from time to time ;

(11) a Chairman, Vice-Chairman, Managing Director or the Chief Executive Officer by whatever name called, of any statutory or non-statutory body incorporated or set up by the State Government,

(12) in the service or pay of a Government Company, Local Body, University, Zila Parishad, Panchayat Samiti, Apex Society, Co-operative Society, statutory or non-statutory body referred to in

sub-clauses(4) to (11) of this clause, and  
(13) holding any other post or office under the control of the State Government or an authority referred to in sub-clause(12) and notified by the State Government in the Official Gazette from time to time ;

(g) " officer" means and includes,--

(i) the Chief Secretary, Secretary, Principal Secretary, Additional Secretary, Special Secretary, Joint Secretary, Deputy Secretary and Under Secretary to the Government of Himachal Pradesh, by whatever name he may be called;

(ii) the Head of Department of the State Government ; and

(iii) any other Government servant to be notified by the State Government ;

(h) "competent authority" in relation to a public servant, means-

(i) in case of Chief Minister, or member of the State Legislature The Governor acting in his discretion

(ii) in the case of Minister other than the Chief Minister, and the Officers. The Chief Minister or during the period of proclamation issued under Article 356 of the Constitution of India, the Governor

### **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 the High Court of Himachal Pradesh and 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 Lokayukta, unless he has been a Judge of the Supreme Court or a Chief Justice of a High Court in India.

(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 affirmation in the form set out for the purpose in the First Schedule.

### **4. Lokayukta To Held No Other Office :-**

Except as provided in Section 15-A, Lokayukta shall not be a member of Parliament or member of the Legislature of any State

and shall not hold any other office of trust or profit or be an officer of a co-operative society and shall not be connected with any political party or carry on any business or practice 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 practicing any profession, suspend practice of such profession.

Explanation.- For the purpose of this section a person shall not be deemed to hold an office of trust or profit by reason only that he has been entrusted additional function or conferred powers to discharge the said functions under section 15-A of this Act.

## **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 and shall not be eligible for re-appointment thereafter :

Provided that-

(a) the Lokayukta may, by writing under his hand addressed to the Governor, resign his office and such resignation shall be effective as soon as it is tendered ; and

(b) the Lokayukta may be removed from the office in the manner specified in section 6.

(2) A vacancy occurring in the office of the Lokayukta shall be filled in as soon as possible but not later than six months from the date of occurrence of such vacancy.

(3) On ceasing to hold office, Lokayukta shall be ineligible for further employment in any other capacity under the Government of Himachal Pradesh for any employment under, or office in, any such Local Authority, Co-operative society, Government Company, University, Corporation, or a Corporate Body under the administrative control of the Government of Himachal Pradesh as is

Referred to in sub-clauses (4) to (11) and sub-clause (13) of clause (f) of section 2.

(4) There shall be paid to the Lokayukta such salary as is specified in the Second schedule.

(5) The allowances payable to and other conditions of service of Lokayukta shall be such as may be prescribed:

Provided that in prescribing the allowances payable to, and other conditions of service of, the Lokayukta, regard shall be had to the allowances payable to, and other conditions of service of a serving Judge of the Supreme Court or the Chief Justice of a High Court, as the case may be :

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

(6) The salaries and allowances payable to, or in respect of, the Lokayukta shall be expenditure charged on the Consolidated Fund of the State.

## **6. Removal Of Lokayukta :-**

(1) The Lokayukta shall not be removed from his office except by an order of the Governor passed after an address by the Himachal Pradesh Legislative Assembly, supported by a majority of the total membership of the Legislative Assembly and by a majority of not less than two thirds of the members thereof, present and voting, has been presented to the Governor in the same session for such removal on the ground of proved misbehavior or incapacity.

(2) The procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of the Lokayukta under sub-section(1) shall be as provided in the Judges(Inquiry) Act, 1968(51 of 1968), in relation to the removal of a judge and, accordingly, the provisions of that Act shall, subject to necessary modifications, apply in relation to the removal of the Lokayukta as they apply in relation to the removal of a Judge.

## **7. Matters Which May Be Enquired Into By The Lokayukta :-**

Subject to the provisions of this Act on receiving a complaint the Lokayukta may proceed to enquire into the allegations made against a public servant.

## **8. Matters Not Subject To Inquiry :-**

The Lokayukta shall not inquire into any matter,---

(a) in respect of which a formal and public inquiry has been ordered under the Public Servants(Inquires) Act, 1850(37 of 1850) ; or

(b) omitted

(c) which is not connected with the discharge of functions as public servant of the person against whom allegation is made ; or

(d) relating to an allegation against a public servant, if the complaint is made after expiration of a period of ten years from the date on which the conduct complained against is alleged to have been committed.

## **9. Provisions Relating To Complaints :-**

(1) Any person may make a complaint under this Act to the Lokayukta

(2) Every complaint involving an allegation shall be made in such form as may be prescribed. The complainant shall swear an affidavit in such form as may be prescribed before the Lokayukta or any officer authorised by the Lokayukta in this behalf.

(3) Notwithstanding anything contained in section 10 or any other provision of the Act, every person who willfully or maliciously makes any false complaint under this Act, shall, on conviction, be punished with rigorous imprisonment which may extend to two year or with fine which may extend to five thousand rupees or with both and the court may order that out of the amount of fine, such sum, as it may deem fit, be paid by way of compensation to the person against whom such complaint was made :

Provided that no court shall take cognizance of an offence punishable under this section except on a complaint made by or under the authority of the Lokayukta :

Provided further that the complaints made by or under the authority of Lokayukta shall be exclusively tried by a Court of Session which may take cognizance of the offence on such complaints without complaints being committed to it, anything contained in the Code of Criminal Procedure 1973(2 of 1974) notwithstanding :

Provided further that the complaint made under the signature and seal of the Lokayukta shall be deemed as formally proved and the evidence of the Lokayukta shall not be necessary for the purpose.

(4) If the Lokayukta is satisfied,-

(a) that all or any of the allegations made in the complaint have or has been substantiated either wholly or partly ; and

(b) that having regard to the expenses incurred by the complainant in relation to the proceedings in respect of such complaints and all other relevant circumstances of the case, the complainant deserves to be compensated ;

the Lokayukta shall determine a reasonable amount which shall be paid to the complainant by way of such compensation and the State Government shall pay the amount so determined to the complainant.

#### **10. Procedure In Respect Of Inquiry :-**

(1) Subject to the provisions contained in sub-section(2) the Lokayukta shall, in each case before it, decide the procedure to be followed for making an inquiry and in so doing ensure that the principles of natural justice are satisfied.

(2) Every inquiry under the Act shall, unless the Lokayukta for reasons to be recorded in writing determines otherwise, be conducted in camera.

"10-A. (1) Where in consequence of information in his possession or after such inquiry as he thinks necessary, the Lokayukta,-

(a) has reason to believe that a person-

(i) to whom a summons or notice under this Act, has been or might be issued, will not or would not produce or cause to be produced any property, document or thing which will be necessary or useful for or relevant to any inquiry or other proceedings to be conducted by him,

(ii) is in possession of any money, bullion, jewelery, or other valuable article or thing and such money, bullion, jewelery or other valuable article or thing represents either wholly or partly income or property which has not been disclosed to the authorities for the purpose of any law or rule in force which requires such disclosure to be made or

(b) considers that the purposes of any inquiry or other proceedings to be conducted by him will be served by a general search of inspection, may issue a search warrant and he or any person authorised by him may, by that search warrant-

(i) enter and search any building or place where he has reason to suspect that such property, document, money, bullion, jewelery or other valuable article or thing is kept ;

(ii) break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers conferred by sub-clause

(i) where the keys thereof are not available ;



(iii) seize any such property, document, money, bullion, jewelery or other valuable article or thing found as a result of such search ;  
(iv) place a mark of identification on any property or document or make or cause to be made extracts or copies therefrom ; or  
(v) make a note or an inventory of any such property, document, money, bullion, jewelery or other valuable article or thing.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973(2 of 1974) shall, so far as may be, apply to searches under sub-section(1).

(3). A warrant issued under sub-section(1) shall, for all purposes, be deemed to be a warrant issued by a Court under section 93 of the Code of Criminal Procedure, 1973"

## **11. Evidence :-**

(1) Subject to the provisions of this section, for the purpose of any inquiry, the Lokayukta or any person authorised by him in this behalf-

(a) may require any public servant or any other person who, in his opinion, is able to furnish information or produce documents relevant to such inquiry, to furnish any such information or produce any such document ;

(b) may enter upon any land and survey, demarcate or prepare a map of the same ;

(c) shall have all the powers of a civil court while trying a suit under Code of Civil Procedure, 1908(5 of 1908) in respect of the following matters, namely :-

(i) summoning and enforcing the attendance of any person and examining him on oath,

(ii) requiring the discovery and production of any document,

(iii) receiving evidence on affidavits,

(iv) requisitioning any public record or copy thereof from any court or office, and

(v) issuing commissions for the examination of witnesses or documents :

Provided that no person, without the prior permission of the appropriate Government shall be required or authorised by virtue of the provisions contained in this Act to furnish any such information or answer any such question or produce so much of any document as might involve the disclosure of any information or production of any document which is punishable under the provisions of the Official Secrets Act, 1923(19 of 1923

(2) Any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code, 1860(45 of 1860).

(3) Omitted.

**11A. Power To Punish For Contempt :-**

The Lokayukta shall have and exercise the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971 shall have effect subject to the modification that-

- (a) the references therein to a High Court shall be construed as including a reference to the Lokayukta ;
- (b) sub-section (1) of section 18 shall not apply to the Lokayukta ;
- (d) in proviso to sub-section (1) of section 19 reference to Judicial Commissioner in any Union territory shall be construed as including a reference to the Lokayukta."

**12. Reports Of Lokayukta :-**

(1) If, after inquiry in respect of a complaint, the Lokayukta is satisfied,--

(a) that no allegation made in the complaint has been substantiated either wholly or partly, he shall close the case and intimate the complainant, the public servant and the competent authority concerned accordingly;

(b) that all or any of the allegations made in the complaint have or has been substantiated either wholly or partly, he shall, by report in writing, communicate his findings and recommendations to the competent authority and intimate the complainant and the public servant concerned about his having made the report.

(2) The competent authority shall examine the report forwarded to it under clause (b) of sub-section(1) and communicate to the Lokayukta, within three months of the date of receipt of the report, the action taken on the basis of the report.

(3) If the Lokayukta is satisfied with the action taken, on the basis of his report under clause (b) of sub-section (1), he shall close the case and intimate the complainant, the public servant and the competent authority concerned accordingly, 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 intimate the complainant, the public servant and the competent authority

concerned about his having made such report.

(4) The Lokayukta shall present annually to the Governor a consolidated report on the administration of this Act.

(5) At the commencement of the session of the State Legislative Assembly after the expiry of ninety days from the presentation of the special report under sub-section(3) the annual report under sub-section(4) or earlier thereto the Governor shall cause the same together with an explanatory memorandum to be laid before the State Legislative Assembly.

(a) that no allegation made in the complaint has been substantiated either wholly or partly, he shall close the case and intimate the complainant, the public servant and the competent authority concerned accordingly;

(b) that all or any of the allegations made in the complaint have or has been substantiated either wholly or partly, he shall, by report in writing, communicate his findings and recommendations to the competent authority and intimate the complainant and the public servant concerned about his having made the report.

(2) The competent authority shall examine the report forwarded to it under clause (b) of sub-section(1) and communicate to the Lokayukta, within three months of the date of receipt of the report, the action taken on the basis of the report.

(6) If the Lokayukta is satisfied with the action taken, on the basis of his report under clause (b) of sub-section (1), he shall close the case and intimate the complainant, the public servant and the competent authority concerned accordingly, 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 intimate the complainant, the public servant and the competent authority concerned about his having made such report.

(7) The Lokayukta shall present annually to the Governor a consolidated report on the administration of this Act.

(8) At the commencement of the session of the State Legislative Assembly after the expiry of ninety days from the presentation of the special report under sub-section(3) the annual report under sub-section(4) or earlier thereto the Governor shall cause the same together with an explanatory memorandum to be laid before the State Legislative Assembly.

### **13. Staff Of Lokayukta :-**

(1) The Lokayukta may appoint, or authorise any officer

subordinate to the Lokayukta 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 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 inquiries under this Act utilise the services of-

(i) any officer or investigation agency of the State or the Central Government with the concurrence of that Government ; or

(ii) any other person or agency.

**13A.** Power To Delegate :-

The Lokayukta may, by general or 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 under section 12) may also be exercised or discharged by such of the officer, employee or agencies referred to in section 13, as may be specified in the order."

**14.** Secretary 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 or collected in connection with such information, shall be treated as confidential and, notwithstanding anything contained in the Evidence Act, 1972(1 of 1972), 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 or collected.

(2) Nothing in sub-section (1) shall apply to the disclosure of any information or particulars-

(a) for purposes of the inquiry or 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 or 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 1960) or under sub-section(1) and (2) of section 11 ; or

(c) for such other purposes as may be prescribed.

## **15. Protection :-**

No suit, prosecution or other legal proceeding shall lie against the Lokayukta or against any officer employee, agency or person referred to in section 13 in respect of anything which is in good faith done or intended to be done under this Act.

### **15A. Entrustment Of Additional Functions On Lokayukta :-**

(1) The Governor may, after consultation with the Lokayukta and by notification published in the official gazette, entrust on Lokayukta such additional functions in relation to the eradication corruption as may be specified in the notification.

(2) The Governor, may by order in writing and after consultation with the Lokayukta, entrust on the Lokayukta such powers of supervisory nature over agencies, authorities or officers set up, constituted or appointed by the State Government for the eradication corruption.

(3) When any additional functions are entrusted on the Lokayukta under subsection (1), the Lokayukta shall exercise the same powers and discharge the same functions as he would in in the case of any investigation made on a complaint involving an allegation, and the provision of this act shall apply accordingly.

(4) Notwithstanding any thing to the contrary contained in this Act, if the Governor is satisfied that :-

(a) the quantum of work connected with investigations under this Act is not sufficient to justify the whole time employment of the Lokayukta: and

(b) the entrustment of additional functions or investigation of matters of public importance ( not connected with eradication of corruption ) can be performed or conducted by the Lokayukta without impending or prejudicious of duties to be performed by him under this Act:

the Governor may, with the consent of the Lokayukta, entrust, either conditionally or un-conditionally to the Lokayukta:-

(i) to make an enquiry into any definite matters of public importance referred for enquiry under the commissions of Inquiry Act, 1952(60 of 1952): or

(ii) to perform the functions and to discharge the duties of a statutory office :

and he shall hold said enquiry to perform said functions or discharge said duties through such officers, employees agencies as are referred to in Section-13.

(5) When any additional functions are entrusted under Sub-Section (4), the Lokayukta shall exercise the same powers and discharge the same functions as he would have exercised or discharged under the Commissions of Inquiry Act, 1952(60 of 1952), or as the case may be, under the enactment Constituting or setting up that office in relation to which he is to perform the functions or to discharge the duties.

Explanation.-For the purpose of this section the expression "statutory office" shall mean the office constituted or set up by the State Government under a State or Central Act for the time being in force in the State, and which is to be manned by a person who is qualified for appointment as, or is a person who is or has been, a Judge of a High Court.

## **16. Power To Make Rules :-**

(1) The State Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature while it is in session for a period of fourteen days which may be comprised in one session or two successive sessions, and if before the expiry of the session in which it is so laid, or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification, 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 under that rule.

## **17. Removal Of Doubts :-**

For the removal of doubts, it is hereby declared that nothing in this Act shall be construed as authorising the Lokayukta to investigate any action which is taken by or with the approval of-

(a) the Chief Justice or any Judge or the High Court or a Member of the Judicial Service as defined in Clause(b) of article 236, or a Presiding, Officer of an administrative tribunal set up under Article 323-A, or an officer the control whereof vests in the High Court by virtue of Article 235, of the Constitution ;

(b) any officer or servant of any civil or criminal court in India;

- (bb) under Article 323-A of the Constitution ;
- (c) the Accountant General for Himachal Pradesh ;
- (d) the Chief Election Commissioner, the Election Commissioner and the Regional Commissioners referred to in Article 324 of the Constitution and the Chief Electoral Officer, Himachal Pradesh State;
- (e) the Chairman or a member of the Himachal Pradesh Public Service Commission ; and
- (f) the President or a Member of the Consumer Disputes Redressal Commission set up by the State Government under clause (b) of section 9 of the Consumer Protection Act, 1986.

### **18. Savings :-**

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.

### **19. Power To Recall Complaints Pending Before The Director Of Vigilance :-**

(1) Where the Lokayukta decides to inquire into a complaint against a public servant, he may ascertain from the Director of Vigilance whether any complaint containing substantially similar allegations against the said public servant is pending in the Directorate of Vigilance.

(2) If the Lokayukta, on examination of the record referred to in sub-section(1), decides to inquire into the matter himself, he shall inform the Director of Vigilance accordingly and the complaint, wholly or partly, as the case may be, shall stand transferred to him for inquiry under the provision of this Act.

(3) Whenever the Lokayukta decides not to inquire into the matter himself and returns the complaint to the Director of Vigilance, the latter shall investigate the complaint returned to him and dispose of the same as if this Act has not been enacted.

### **20. Repeal And Savings 3 Of 1983 :-**

(1) The Himachal Pradesh Lokayukta Ordinance, 1983, is hereby

repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done, or taken, under the corresponding provisions of this Act, as if this Act had come into force on the day on which such thing was done or action was taken.

### **SCHEDULE 1**

#### THE FIRST SCHEDULE

[See Section 3(3)]

I,.....having been appointed Lokayukta of Himachal Pradesh 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 judgement perform the duties of my office without fear or favour, affection or ill-will.

### **SCHEDULE 2**

#### THE SECOND SCHEDULE

[See Section 5 (4)]

There shall be paid to the Lokayukta in respect of time spent on actual service, salary at the rate of 9000 rupees per mensem, plus such perquisites and allowances as are available to serving Judge of the Supreme Court in case he has been a Judge of the Supreme Court or to a serving Chief Justice of a High Court in case he has been a Chief Justice of a High Court:

Provided that, if the Lokayukta at the time of his appointment is in receipt of a pension as a Judge of the Supreme Court or the Chief Justice of a High Court or of a pension (other than a disability or the wound pension) in respect of any previous service under the Government of India or any of its predecessor Government or under the Government of a State or any of its predecessor Government, his salary in respect of service as Lokayukta, shall be reduced :-

(a) by the amount of that pension; and

(b) if he has, before such appointment, received 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; and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.

with effect from 1st April, 1986 for the word and figures " Rs. 4000 the figures and word 9, 000 rupees have been substituted vide H.P. Lokayukta (Second Amendment) Act, 1987 (Act 21 of 1987).