

ASSAM LOKAYUKTA AND UPA-LOKAYUKTAS (AMENDMENT) ACT, 1990

The Assam No. A Gazette 87 No. 87 EXTRAORDINARY PUBLISHED BY AUTHORITY 22 1990, I'd, 1912 Dtgpnr» Taesday, 22ad May, 1990, 1st Jyaistb., 1912 (S. GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOR LEGISLATIVE DEPARTMENT LEGISLATIVE BRANCH NOTIFICATION The 22nd No. LGL.32/85/197.—The Legislative Assembly which Governor is hereby published May, 1990 following Act of the Assam received the assent of the for general information. 532 THE ASSAM GAZETTE, EXTRAORDINAR% MAY 22, 1990 ASSAM ACT No, xr OF 1990 (Received the assent of the Governor on 9th May, 1990) THE ASSAM LOKAYUKTA AND UPA-LOKAYUKTAS (AMENDMENT) ACT, 1991) An Act further to amend the Assam Lokayukta and Upa-Lokayuktas Act, 1985. Preamble Wh€ reas it is expedient further to amend the Assam Lokayukta and Upa-Lokayuktag Act, 1985 (Assam Act XX of 1986), hereinafter referred to as the principal Act, in the manner hereinafter appearing; It is hereby enacted in the Forty-first Year of the Re- public of India as follows :— 1. (1) This Act may be called the Assam Lokayukta and Upa-Lokayuktas (Amendment) Act, 1990. (2) It shall the like extent as the principal Act. (3) It Shai) come into force at once

2. In -the principal Act, in SeetiOn 2, in clause (j), paragraphs (a), (b), (c), (d), / e), (f) and (g) of sub-clause (iv) and tub-clauc,e (v) sha!i be renumbered as sub-clauses ' 'c ' ' "(viii)", (ix)" , and 'i (iv)" , ' '6 i)" respectively.The existing paragraph (k) under so re numbered sub-clause (xi) shall be read as paragraph (e)

3. In the principal Act for Section 4, the followlng Amendtgent Section Sections *hail be Bubstftated, namely 4 of the Assam Act XX of 1986 '6 '4, (1) The Lokayukta shall -be a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court: Provided that the qualifications laid down in this sub.section shall not apply to the person already appointed as a Lokavukt8 prior to coming into force Of (Amendm ent) Act, 1990. (2) The Upa-Lokayukta shall be a person who is or has been a Judge of a High Court. (3) T be Lokayukta or Upa.Lokayakta,as the ea•e may be, shall be a person who is not o• nevtr: has been a member o? Parliament or a member Of the Legislature of any State an d jh?ll not hold any ofce Of trust or profit, ot'ter than 'his office ag the Lokayukta or an Upa-Lokayukta, as the case ASSAM GAZETTE. EXTRAORDINARY, MAY 22, 1990 533 may be, or connected any political party or carty on any business or practice any profession and accordingly, before he enters upon his omcs as the Lokayakta o, Upa- Lokayukta, as the c Ase may be, shall— (a) if he ie a sitting Judge of the Supreme Court or (b) (c) (d) 4. In -the Chief Justice Ot a judge of a High Court, as the case may be, or hold any other office or trust or profit, resign such omce ; or if he is comeetel with anv poli'ical party, sever such connection with it : cr if he is carryiog on any business, sever his connec- tion (short -of divesting of ownership) with the conduct and managemznt of such business ; or if he 'is practising any profesylon suspend practice of such profession'S. the principal Act, in section Amendment of Section 5 of the Assam Act XX of 1986t (I) in sub-section (1), for the figure and words "68 years" the fignre and words "67 years whichever is earliet" shall be -substituted, (2) f Jr sube ciion (4; the following sub-sect•on shall be substitu#ed, namely 6) The Lokayukta shall be entitled to such pay, allowances, pension, privileges and other conditions of service as be admissible to the Supreme Court J Jdge or the Chief Justice of the High Court-, ag the case may be, from time to time. (o) The. (.hn-Lokavukta shall entitled to such pay, allow Inces, pension, privileges and other conditions of ser- vice, as may bc admissible, to the Judge of a High Court from time to time. (c) The pay and altowancees 'md penoioa, privilegg and other conditions of service of •the Lokayukta or Upa- Lokayukta shall not be varied t) his dis•advamagge ducing the tenure of his (3) for sub-section (5), the following sub-section shall be substituted, namely : — "(5) If the Lokayukta or Upa-Lokayukta at the ti no of his appointmænt is in receipt of a pension (other than a disability or would pension) in respect of any previous sore vice under the Government -of India or any of his predecess.)r 534 THE ASSAM GAZETTE. EXTRAORDINARY, Govern ment, his salary in respect of his Lokayukta or as the Upa•Lokayukta, as the shall be reduced, -- (a) by the amount of that pension ; MAY 22, 1990 ervice ag the case may be, and (b) if he has before ouch appointment, received in lieu of a portion of tha pension due to him in respect of such previous sex vice, the commuted value thereol. 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 grate uity." 5. In the principal Act, Amend- ment of sec-

in paragraph (1) of clause (b), (or the word; "Third schedule" tion 8 of the the words "Second Schedule" A
 sgam Act XX of 1986. 6, In the principal Act, Amend- ment of Sec- (6) the following sub-section tion 10
 of the Assam Act XX of 1986. The provisionn of this in section 8, in sub-section (I), shall be substitued.
 in S\$ction IO, after sub-sectiona shall be added, namely Act Shal) be in addition to and Amendment of
 Schedule. not in derogation ot the provis,ons of the Prevention of Corruption Act, 1988 or any other law
 for the time being in force. (8) if the Lokayukta declines to inquire into any matter against any person who
 may be his close relation and in case there is no Upa•Lokayukta in the Lckayukta Organisation, in that
 event the Lokayukta shall submit a report to the Governor with a req"est to refer the matter in dispute to
 the Chief Justice of the High Court oi the State for his opinion and to decide the dispute in conformity with
 such opinion." 7, In the principal Act, the Second Schedule shall be deleted and the existing 6' Third
 Schedule" shall be re•numbered as "Second Schedule". K. LASKAR, Secretary to the Govt• of Assam,
 Legislative Department. GUWAHATI.—Printed and published by the Dy. Director (P), Directorate of Ptg.
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