

GOVERNMENT OF GUJARAT
GENERAL ADMINISTRATION DEPARTMENT

Resolution No. SVC-1064-G,
Sachivalaya, Ahmedabad-15, 17th April, 1964.

RESOLUTION

Pursuant to the recommendations of the Committee on Prevention of Corruption, presided over by Shri K. Santhanam, the Government of India has appointed a Central Vigilance Commission for the purpose of prevention of corruption and the maintenance of integrity in the services. The Government of Gujarat has considered the question of appointing a Vigilance Commission for the State of Gujarat in furtherance of its policy to root out corruption and it is hereby pleased to constitute a State Vigilance Commission on the same broad lines as the Central Vigilance Commission and for the same purposes as set out in the following paragraphs.

2. Constitution :-

- (i) The State Vigilance Commission will be a single-member Commission consisting of the Vigilance Commissioner. It shall be called the "Gujarat Vigilance Commission."
- (ii) The Commission will be attached to the Home & Civil Supplies Department.
- (iii) The Commission will by convention have the same measure of independence as the Gujarat Public Service Commission.

3. The Vigilance Commissioner :-

- (i) The Vigilance Commissioner shall be appointed by the Governor and shall not be liable to suspension or removal from office except in the same manner as is provided for the suspension or removal of the Chairman of the Gujarat Public Service Commission.
- (ii) He shall be paid such salary and shall be eligible for such leave and travelling allowances, medical attendance facilities etc. as may be determined at the time of his appointment.
- (iii) The terms and conditions of his appointment shall not be varied to his disadvantage without his consent.
- (iv) On ceasing to hold the office of Vigilance Commissioner, he will not be eligible for any further employment under the Government of Gujarat or for holding any political or public office.

4. Jurisdiction and powers of the Commission :-

The Commission shall have jurisdiction and powers in respect of the matters to which the executive power of the State Government extends :-

- (i) to undertake any inquiry into any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner;
- (ii) to cause an inquiry or investigation to be made into :-

- (a) any complaint that a public servant has exercised or refrained from exercising his powers for improper or corrupt purposes ;
- (b) any complaint of corruption, lack of integrity or other kinds of malpractices, or such misconduct or misdemeanour as is likely to involve corruption or lack of integrity on the part of a public servant including a member of an All India Service for the time being serving in connection with the affairs of the State of Gujarat ;
- (iii) to call for reports, returns and statements from all Secretariat Departments / Departments /Panchayat/Statutory Corporations so as to enable it to exercise general check and supervision over the vigilance and anti-corruption work therein;
- (iv) to take under its direct control such complaints, information or cases as it may consider necessary for further action, which may be either—
 - (a) to ask the Anti-Corruption Bureau to register a regular case and investigate it, or
 - (b) to entrust the complaint,information or case for inquiry either to the Anti-Corruption bureau, or to the Secretariat Department, Panchayat or Statutory Corporation, concerned as the case may be,
- (v) in case referred to in paragraph (iv) (b) above, the report of the inquiry will be forwarded to the Commission so that on a consideration of the report and other relevant records, it may advise the concerned Secretariat Department, Panchayat or Corporation as to the further action to be taken.
- (vi) the Anti-Corruption Bureau will forward to the Home and Civil Supplies Department, through the Vigilance Commission, the final report in all cases investigated by the Bureau in which it considers that a prosecution should be launched provided that sanction for such prosecution is required under any law to be issued in the name of the Governor and the Bureau will simultaneously send a copy to the Secretariat Department, Panchayat or Statutory Corporation concerned for any remarks which it may wish to forward to the Commission;
- (vii) (a) the Commission will advise the Home and Civil Supplies Department, after examining the case and considering any comments so received, whether or not prosecution should be sanctioned; Orders will thereafter be issued by the General Administration Department in whom the power to accord such sanction will be vested;
- (b) in case where an authority other than the Governor is competent to sanction prosecution and it does not propose to accord the sanction sought for by the Anti-Corruption Bureau, the case will be reported to the Vigilance Commission and the authority will take further action after considering the Commission's advice;
- (viii) the Commission will have the power to require that the oral inquiry in any departmental proceedings relating to allegations involving or likely to involve corruption or lack of integrity should be entrusted to one of the Special Officers for

Departmental Inquiries but will not do so in petty cases; one or more such Special Officers will be attached to the Vigilance Commission for this work;

- (ix) the Commission will examine the report of the Special officer for Departmental Inquiries which will in all cases be submitted by such officer to the Commission, and the latter will forward the record of the case to the appropriate disciplinary authority with its advice as to further action;
- (x) In any case in which it appears that discretionary power has been exercised for improper or corrupt purposes, the Commission will advise the Secretariat Department, Panchayat or Statutory Corpn. concerned that suitable action be taken against the public servant involved and if it appears that the procedure or practice is such as to afford scope or facility for corruption or misconduct, the Commission may advise that it be appropriately changed or that it be changed in a particular manner;
- (xi) the Commission may initiate at such intervals as it considers suitable a review of procedures and practices of administration so far as they relate to maintenance of integrity in administration.
- (xii) the Commission may collect such statistics and information from time to time as it considers necessary for the proper discharge of its responsibilities.
- (xiii) the Commission may obtain information about the action taken on its recommendations;
- (xv) the Commission will submit an annual report to the Govt. about its activities, drawing particular attention to any recommendation made by it which was not accepted or acted upon; Govt. shall cause a copy of the report to be laid before the Gujarat Legislative Assembly.

5. Staff :-

The Commission will be provided with such staff as may be necessary for the proper discharge of its duties and responsibilities. The staff may include technical and legal officers.

6. The Vigilance Commissioner will be responsible for the proper performance of the duties and responsibilities assigned to the Commission and for generally co-ordinating the work of advising the Secretariat Departments/Departments/Panchayats/Statutory Corpns. in respect of all matters pertaining to maintenance of integrity in administration.

7. False Complaints :-

The Commission will take the initiative in prosecuting persons found to have made false complaints of corruption or lack of integrity against public servants.

By order and in the name of the Governor of Gujarat,

V. L. GIDWANI
Chief Secretary to Government