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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill which was introduced on the 4th March, 2010 by Shri Sabirbhai Khedavala M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 6 OF 2010.

THE GUJARAT PREVENTION OF CONTEMPT OF THE PEOPLE (BY PUBLIC SERVANT) BILL, 2010.

A BILL

to provide for the protection of the people from insult and disrespect shown by public servant against them and for assuring dignity of the individual.

It is hereby enacted in the Sixty one year of Republic of India as follows:—

1. (1) This Act may be called the Gujarat Prevention of Contempt of the People (By Public Servant) Act, 2010.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires—

Definitions

(1) The words "contempt of the people" denotes an act or an omission by public servant falling under any of the description hereinafter following, namely:-

- (a) wandering or remaining absent from the place of duty in order to avoid work during duty hours.
- (b) reading newspapers, magazines or other books or hearing radio which is not a part of his duty during the duty hours at one's duty place.
- (c) sitting or behaving in disorderly manner at one's place of duty during duty hours.
- (d) not replying properly and politely to any person coming for official work or for inquiry.
- (e) not replying properly and to the point to any written application made by any person.
- (f) insulting or disrespecting any person by using abusive or offensive language.
- (g) asking for or accepting anything from any person which is not necessary for one's duty or job assigned to a public servant.
- (h) furnishing false information to any person.
- (i) omitting to render or furnish assistance to any person.
- (j) disobedience of any law, rule, order or direction issued by the State Government

(2) "public servant" means every person;

- (a) in the service or pay of the State Government or remunerated by fees or commission for the performance of any public duty by the State Government.
- (b) in the service or pay of a local authority or a corporation established under a Central or State Act or a Government company as defined in section 617 of the Companies Act, 1956, excepting 'Judges' as defined in the Indian Penal Code.

1 of 1956
45 of 1960

Punishment for Contempt.

3. Any Public Servant who commits contempt of the people shall be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both:

Provided that the public servant may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Judge.

Jurisdiction

4. Any person who feels or comes to know that any public servant has committed contempt of the people may apply to the Civil Judge within whose jurisdiction the alleged contempt has been committed with supporting affidavits of himself and of witnesses, if any, and with all or any documentary evidence available with him:

Provided that application referred to in this section may be presented personally or may be sent by post.

5. The Civil Judge will give or send by post receipt of the application within three days to the applicant and issue a show cause notice to the public servant concerned within eight days.

Show Cause Notice.

6. A public servant who receives a show cause notice from the Civil Judge will send his reply with affidavit of himself and of witnesses, if any, and with all or any documentary evidence available with him for his or her defense within ten days from the receipt of the show cause notice.

Public Servant to reply affidavit.

7. After receiving reply from the public servant if the Civil Judge thinks it necessary to call the applicant and the public servant for personal hearing, he will fix a date for the same and intimate about it to the applicant and the public servant concerned and after hearing the both, pass a necessary order under section 3 or dismiss the application.

Hearing and Disposal.

8. The order of the Civil Judge shall be final, subject to any modifications alteration or correction made by the High Court in revision either on application of any party or suomoto.

Revision by High Court.

9. No Court shall have jurisdiction to question the legality of any action taken or any decision given by the Civil Judge under this Act in connection with the contempt of the people by public servant and no suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Protection for the acts done in good faith.

10. Nothing in this act shall be deemed to prohibit or restrict any action for which the public servant is liable under any other law or rules for the time being in force.

No prohibition for action under other law.

11. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall there upon take effect.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India recognises dignity of the individual in the preamble but during these sixty one years of independence, people feel by experience that instead of peoples' rule public servant at many a times are openly disrespecting and insulting common people in the State and behaving many a times in such a way that people at large have been losing confidence in public administration and hence for the protection of the people from insult and disrespect by public servants and for assuring dignity of the individual some easy and quasi judicial summary remedies are necessary.

This Bill seeks to achieve the above objects.

Gandhinagar.

Dated the 15th February, 2010,

SABIRBHAI KHEDAVALA

M.L.A.

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

Clause 11 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is assential and of normal character.

Gandhinagar.

Dated the 15th February, 2010.

SABIRBHAI KHEDAVALA

M.L.A.

Gandhinagar.

Dated the 4th March, 2010.

D. M. PATEL,

Secretary,

Gujarat Legislative Assembly.

Government Central Press, Gandhinagar.