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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 is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly

Rules :-

## THE GUJARAT LOKAYUKTA (AMENDMENT) BILL, 2011.

GUJARAT BILL NO. 29 OF 2011.

### A BILL

for further to amend the *Gujarat Lokayukta Act, 1986*.

It is hereby enacted in the Sixty-second Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Lokayukta (Amendment) Act, Short title. 2011.

**Amendment of 2.** In the Gujarat Lokayukta Act, 1986, in section 2, in clause (7), after **Guj. 31 of 1986.**  
**section 2 of Guj. 31 of 1986.** sub-clause (d), the following sub-clauses shall be inserted, namely :-

- (e) the Mayor or the Deputy Mayor of a municipal corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949; **Bom. LIX of 1949.**
- (f) the President or the Vice-President of a municipality constituted under the Gujarat Municipalities Act, 1963; **Guj. 34 of 1964.**
- (g) the Sarpanch or the Up-Sarpanch of a village panchayat, the President or the Vice-President of a taluka panchayat or a district panchayat constituted under the Gujarat Panchayats Act, 1993; **Guj. 18 of 1993.**
- (h) the Chairman of any Committee constituted under the Bombay Provincial Municipal Corporations Act, 1949, or the Gujarat Municipalities Act, 1963 or the Gujarat Panchayats Act, 1993; **Bom. LIX of 1949.**  
**Guj. 34 of 1964.**  
**Guj. 18 of 1993.**
- (i) the Councillor who is a member of any Committee constituted under the Bombay Provincial Municipal Corporations Act, 1949 or the Gujarat Municipalities Act, 1963; **Bom. LIX of 1949.**  
**Guj. 34 of 1964.**
- (j) the member, who is elected, of any Committee constituted under the Gujarat Panchayats Act, 1993.” **Guj. 18 of 1993.**

### STATEMENT OF OBJECTS AND REASONS

The 13<sup>th</sup> Finance Commission has recommended setting up of institution of Local Body Ombudsman to look into the complaints of corruption and maladministration against the functionaries of Local Bodies – both elected representatives and officials. The Commission has also recommended in the event that all or a class of elected representatives or officials fall under the jurisdiction of the Lokayukta of a State, the State may decide whether those functionaries should be shifted to the proposed institution of Ombudsman or to continue under the jurisdiction of the existing institution of Lokayukta. Now, so far as the officials of the Local Bodies are concerned effective alternative remedies are available for taking action against them in the cases of their indulgence in corruption or mal-administration. However, the elected representatives of the Local Bodies at present are not covered within the ambit of the Gujarat Lokayukta Act, 1986. As such, it is necessary to bring the elected representatives of the Local Bodies who hold some post in the Local Bodies within the ambit of the Gujarat Lokayukta Act, 1986, so as to meet with the recommendation of the 13<sup>th</sup> Finance Commission. It is, therefore, considered necessary to bring within the jurisdiction of the Gujarat Lokayukta Act, 1986, the elected representatives of the Local Bodies who hold some post such as Mayor, Deputy Mayor of a Municipal Corporation, President, Vice-President of a Municipality, President, Vice-President of a Panchayat and Chairman and members of the Committees constituted by the respective Local Bodies under the respective Acts.

This Bill seeks to amend the said Act to achieve the aforesaid object.

Gandhinagar,  
Dated the 21<sup>st</sup> March, 2011.

VAJUBHAI VALA.

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

Gandhinagar.  
Dated the 21<sup>st</sup> March, 2011.

C. J. GOTHI,

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.