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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 GUJARAT PROVISION FOR DISQUALIFICATION OF MEMBERS OF LOCAL AUTHORITIES FOR DEFECTION (AMENDMENT) BILL, 2016

GUJARAT BILL NO. 31 OF 2016.

A BILL

*further to amend the Gujarat Provision for Disqualification of Members
of Local Authorities for Defection Act, 1986.*

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

1. (1) This Act may be called the Gujarat Provision for Short title and commencement.
Disqualification of Members of Local Authorities for Defection
(Amendment) Act, 2016.

(2) It shall come into force at once.

Amendment
of section 6
of Guj. 23 of
1986.

2. In the Gujarat Provision for Disqualification of Members of Local Authorities for Defection Act, 1986 (hereinafter referred to as "the principal Act"), in section 6, after the words "in this behalf", the words "or to such retired officer who, at the time of his retirement was holding the post not below the rank of a Secretary to the Government as may be appointed by the State Government in this behalf" shall be inserted.

Guj. 23 of 1986.

Amendment
of section 7
of Guj. 23 of
1986.

3. In the principal Act, in section 7, -

(i) after the words "in this behalf", the words "or a retired officer who, at the time of his retirement was holding the post not below the rank of a Secretary to the Government" shall be inserted;

(ii) for the words "Chief Secretary or the designated officer", the words "Chief Secretary, the designated officer or the retired officer" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Provision for Disqualification of Members of Local Authorities for Defection Act, 1986 to provide for disqualification of members and councillors of the Local Authorities on ground of defection and for matters connected therewith. Section 6 of the said Act *inter alia* provides that question relating to disqualification of a councillor or a member as the case may be, of any local authority shall be referred to the Chief Secretary or to such officer not below the rank of a Secretary of any Department of the State Government as may be designated by the State Government in this behalf.

It has been found in this connection that the officers who hold the post not below the rank of a Secretary to whom the question relating to disqualification is referred take a long time to render their decision in the matter as they are over loaded with the functions of their respective department. It is necessary that the decision relating to disqualification

the situation the State Government has thought it fit to appoint the retired officers who at the time of their retirement were holding the post not below the rank of a Secretary who can also deal with and decide the matter relating to disqualification. It is, therefore, considered necessary to amend section 6 of the said Act suitably. Consequential amendment is also carried out in section 7 of the said Act.

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

Dated 16th August, 2016.

JAYANTIBHAI KAVADIA,

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

Gandhinagar
Dated the 16th August, 2016

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