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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

**GOVERNMENT OF WEST BENGAL****LAW DEPARTMENT****Legislative****NOTIFICATION**

No. 1290-L.—23rd July, 2018.—The Governor having been pleased to order, in cancellation of the

notification No. 1164-L, dated 16th July, 2018, under rule 66 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the re-publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby re-published for general information:—

**Bill No. 14 of 2018****THE WEST BENGAL LOKAYUKTA (AMENDMENT) BILL, 2018.****A****BILL**

*to amend the West Bengal Lokayukta Act, 2003.*

WHEREAS it is expedient to amend the West Bengal *Lokayukta Act, 2003*, for the purposes and in the manner hereinafter appearing;

West Ben.  
Act XXXV of  
2003.

It is hereby enacted in the Sixty-ninth year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and  
commencement.

1. (1) This Act may be called the West Bengal *Lokayukta (Amendment) Act, 2018*.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*The West Bengal Lokayukta (Amendment) Bill, 2018.**(Clauses 2, 3.)*

Amendment of section 2 of West Ben. Act XXXV of 2003.

2. In section 2 of the West Bengal *Lokayukta* Act, 2003 (hereinafter referred to as the principal Act),—

(1) in clause (3), after sub-clause(vi), the following sub-clause shall be inserted:—

“(vii) in the case of the Public Servant — State Government;”;

(2) after clause (10), the following sub-clause shall be inserted:—

“(11) “public servant” means a public servant defined under clause (c) of section 2 of the Prevention of Corruption Act, 1988, when serving or who has served in connection with the affairs of the State of West Bengal and against whom no disciplinary or penal action has been taken or contemplated under any statute or statutory rule;”;

49 of 1988.

(3) for clause (14), the following sub-clause shall be substituted:—

“(14) “State Government” means the Government of West Bengal.”.

Amendment of section 3.

3. In section 3 of the principal Act,—

(1) in the marginal heading, for the words “Lokayukta and Upa-Lokayukta”, the word “Lokayukta” shall be substituted;

(2) in sub-section (1),—

(a) for the words “the Lokayukta and one or more persons to be known as Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(b) for the proviso, the following proviso shall be substituted:—

“Provided that the Lokayukta shall be appointed by the Governor on the advice tendered by the Chief Minister in consultation with the Speaker, the Minister-in-Charge of the Department of Parliamentary Affairs and the Leader of the Opposition of the West Bengal Legislative Assembly.”;

(3) in sub-section (2), for the words and figures “unless he has the qualification of being appointed a Judge of the Supreme Court under article 124 of the Constitution”, the words “unless he has been a Judge of the High Court” shall be substituted;

(4) sub-section (3) shall be omitted;

(5) in sub-section (4),—

(a) for the words “a Lokayukta or Upa-Lokayukta”, the words “as a Lokayukta” shall be substituted;

(b) for the words “in consultation with the Speaker”. the words “in consultation with the Speaker, the Minister-in-Charge of the Department of Parliamentary Affairs” shall be substituted.

(6) in sub-section (5),—

(a) in clause (a), for the words “the Lokayukta or the Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

*The West Bengal Lokayukta (Amendment) Bill, 2018.**(Clauses 4-7.)*

(b) in clause (b),—

(i) for the words “Lokayukta or the Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(ii) in the proviso, for the words “Lokayukta or the Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(c) in clause (c), for the words “Lokayukta or the Upa-Lokayukta”, the word “Lokayukta” shall be substituted.

Amendment of section 4.

4. In section 4 of the principal Act,—

(1) in the marginal heading, for the words “Lokayukta or Upa-Lokayukta”, the word “Lokayukta” shall be substituted;

(2) for the words “The Lokayukta or the Upa-Lokayukta”, the words “The Lokayukta” shall be substituted;

(3) for the words “the Lokayukta or, as the case may be, Upa-Lokayukta, or”, the words “the Lokayukta” shall be substituted;

(4) for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of section 5.

5. In section 5 of the principal Act,—

(1) in the marginal heading, for the words “Lokayukta and Upa-Lokayukta”, the word “Lokayukta” shall be substituted;

(2) in sub-section (1),—

(a) for the words “for a period of three years from the date he assumes his office:”, the words “for a period of three years from the date he assumes his office including renewal, if any, for successive terms of three years each or attaining the age of seventy years, whichever is earlier:” shall be substituted;

(b) in the proviso,—

(i) in clause (a), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(ii) in clause (b), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(3) in sub-section (2), for the words “the Lokayukta or Upa-Lokayukta shall be ineligible for further appointment as the Lokayukta or Upa-Lokayukta or”, the words “the Lokayukta shall be ineligible” shall be substituted.

Amendment of section 6.

6. In section 6 of the principal Act,—

(1) in the marginal heading, for the words “Lokayukta or Upa-Lokayukta”, the word “Lokayukta” shall be substituted;

(2) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(3) in sub-section (2), for the words “the Lokayukta or Upa-Lokayukta”, wherever they occur, the words “the Lokayukta” shall be substituted;

Amendment of section 7.

7. In section 7 of the principal Act,—

(1) in the marginal heading, for the words “Lokayukta or Upa-Lokayukta”, the word “Lokayukta” shall be substituted;

*The West Bengal Lokayukta (Amendment) Bill, 2018.**(Clauses 8-11.)*

(2) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(3) sub-section (2) shall be omitted.

Amendment of section 8.

**8.** In section 8 of the principal Act,—

(1) in sub-section (1), for the words “The Lokayukta or Upa-Lokayukta”, the words “The Lokayukta” shall be substituted;

(2) in sub-section (2),—

(a) for the words “The Lokayukta or Upa-Lokayukta”, wherever they occur, the words “Lokayukta” shall be substituted;

(b) in the proviso, for the words “the Lokayukta or Upa-Lokayukta”, wherever they occur, the words “the Lokayukta” shall be substituted;

(3) in sub-section (3), for the words “The Lokayukta or Upa-Lokayukta”, the words “The Lokayukta” shall be substituted.

Substitution of section 8A.

**9.** For section 8A of the principal Act, the following section shall be substituted :—

“Bar of investigation.

8A. Notwithstanding anything contained in any of the provisions of this Act, the Lokayukta shall not investigate into—

(a) any matter involved in, or arising from, or connected with, any allegation of corruption against the Chief Minister relating to public order; and

(b) any of the complaint against a public servant without prior approval of the State Government.”.

Amendment of section 9.

**10.** In the proviso to sub-section (1) of section 9 of the principal Act, for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of section 10.

**11.** In section 10 of the principal Act,—

(1) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(2) in sub-section (3),—

(a) in clause (a), for the words “the Lokayukta or, as the case may be, the Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;

(b) in clause (b), for the words “the Lokayukta or Upa-Lokayukta” the words “the Lokayukta” shall be substituted;

(3) in sub-section (4), for the words “The Lokayukta or Upa-Lokayukta”, the words “The Lokayukta” shall be substituted;

(4) in sub-section (5), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.



*The West Bengal Lokayukta (Amendment) Bill, 2018.**(Clauses 12-18.)*Amendment of  
section 11.**12.** In section 11 of the principal Act,—

- (1) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;
- (2) in sub-section (2), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;
- (3) in sub-section (3), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of  
section 12.**13.** In section 12 of the principal Act,—

- (1) in the marginal heading, for the words “Lokayukta and Upa-Lokayukta”, the word “Lokayukta” shall be substituted;
- (2) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;
- (3) in sub-section (2), for the words “the Lokayukta or the Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of  
section 13.**14.** In section 13 of the principal Act,—

- (1) in the marginal heading, for the words “Lokayukta and Upa-Lokayukta”, the word “Lokayukta” shall be substituted;
- (2) in sub-section (1), for the words “The Lokayukta and the Upa-Lokayukta”, the words “The Lokayukta” shall be substituted.
- (3) in sub-section (2), for the words “the Lokayukta and the Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of  
section 14.**15.** In section 14 of the principal Act, in sub-section (3), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.Amendment of  
section 15.**16.** In section 15 of the principal Act,—

- (1) in the marginal heading, for the words “Lokayukta and Upa-Lokayukta”, the word “Lokayukta” shall be substituted;
- (2) for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of  
section 16.**17.** In section 16 of the principal Act,—

- (1) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, wherever they occur, the words “the Lokayukta” shall be substituted;
- (2) in sub-section (3), for the words “the Lokayukta or Upa-Lokayukta”, wherever they occur, the words “the Lokayukta” shall be substituted.

Amendment of  
section 17.**18.** In section 17 of the principal Act,—

- (1) in the marginal heading, for the words “Lokayukta or Upa-Lokayukta”, the word “Lokayukta” shall be substituted;

*The West Bengal Lokayukta (Amendment) Bill, 2018.**(Clauses 19-22.)*

- (2) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, wherever they occur, the words “the Lokayukta” shall be substituted;
- (3) in sub-section (2), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;
- (4) in sub-section (3), for the words “except with the previous sanction,—
- (a) in the case of an offence against Upa-Lokayukta, of the Lokayukta;
- (b) in the case of offence against Lokayukta, of the Upa-Lokayukta concerned”,
- the words “except with the previous sanction from the State Government in the case of an offence against Lokayukta” shall be substituted;
- (5) in sub-section (4),—
- (a) for the words “The Lokayukta and Upa-Lokayukta”, the words “The Lokayukta” shall be substituted;
- (b) for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of section 18.

**19.** In section 18 of the principal Act,—

- (1) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;
- (2) in sub-section (2), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;
- (3) in sub-section (3), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of section 19.

**20.** In section 19 of the principal Act,—

- (1) in the marginal heading, for the words “Lokayukta and Upa-Lokayukta”, the word “Lokayukta” shall be substituted;
- (2) for the words “the Lokayukta and Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

Amendment of section 20.

**21.** In section 20 of the principal Act,—

- (1) in the marginal heading, for the words “Lokayukta and Upa-Lokayukta”, the word “Lokayukta” shall be substituted;
- (2) in sub-section (1), for the words “the Lokayukta or Upa-Lokayukta”, wherever they occur, the words “the Lokayukta” shall be substituted;
- (3) in sub-section (2), for the words “the Lokayukta or Upa-Lokayukta”, wherever they occur, the words “the Lokayukta” shall be substituted.

Amendment of section 21.

- 22.** In sub-section (2) of section 21 of the principal Act, in clause (b), for the words “the Lokayukta or Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

*The West Bengal Lokayukta (Amendment) Bill, 2018.*

*(Clause 23.)*

Amendment of  
section 22.

23. In section 22 of the principal Act, in sub-section (2),—

- (a) in clause (b), for the words “the Lokayukta and Upa-Lokayukta”, the words “the Lokayukta” shall be substituted;
- (b) in clause (c), for the words “the Lokayukta and Upa-Lokayukta”, the words “the Lokayukta” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS.**

It is considered necessary and expedient to make, among others, the following changes in the West Bengal *Lokayukta Act, 2003* (West Ben. Act XXXV of 2003) (hereinafter referred to as the said Act), in order to ensure effective implementation of the provisions of the said Act, by—

- (a) amending the words “the Lokayukta or Upa-Lokayukta”, with the words “the Lokayukta”, wherever they occur in the Act, for the purpose of abolishing the post of Upa-Lokayukta;
- (b) amending clause (11) of section 2 of the said Act so as to include within the purview of the said Act of any complaint alleging corrupt practices by any public servant to be investigated by the Lokayukta;
- (c) amending the proviso to sub-section (1) and sub-section (4) of section 3 of the said Act in order to include the Hon’ble Minister-in-Charge, Department of Parliamentary Affairs, for making consultation at the time of appointment of the Lokayukta;
- (d) amending sub-section (2) of section 3 of the said Act in order to specifying the qualification of the post of Lokayukta i.e. Lokayukta being a person who has been a judge of the High Court;
- (e) amending sub-section (1) and sub-section (2) of section 5 of the said Act so as to modify the term of office of the Lokayukta for a period of three years from the date he assumes his office including renewal, if any, for successive terms of three years each or attaining the age of seventy years, whichever is earlier;

*The West Bengal Lokayukta (Amendment) Bill, 2018.*

(f) amending section 8A so as to exclude from the purview of the said Act any investigation of any complaint relating to allegation of corruption against the Hon'ble Chief Minister relating to public order, which is in line with the provisions contained in the proviso to section 14(1)(a) of the Lokpal and Lokayuktas Act, 2013 (1 of 2014), and any investigation of the complaint against a public servant without the approval of the State Government.

2. The Bill has been framed with the above objects in view.
3. There is no financial implication involved in the Bill.

KOLKATA,

*The 23rd July, 2018.*

MAMATA BANERJEE,

*Member-in-Charge.*

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,  
*Secy. to the Govt. of West Bengal,  
Law Department.*