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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. 109-L.— 7th February, 2023.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the 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 published for general information:—

Bill No. 2 of 2023

**THE WEST BENGAL LOKAYUKTA
(AMENDMENT) BILL, 2023.**

A

BILL

to amend the West Bengal Lokayukta Act, 2003.

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

West Ben. Act
XXXV of 2003.

It is hereby enacted in the Seventy-fourth 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, 2023.

*The West Bengal Lokayukta
(Amendment) Bill, 2023.*

(Clause 2.)

(2) It extends to the whole of West Bengal.

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

Substitution of
new section for
section 5 of West
Ben. Act. XXXV
of 2003.

2. For section 5 of the West Bengal Lokayukta Act, 2003, the following section shall be substituted:—

“Term of office of Lokayukta. 5. (1) Every person appointed as the Lokayukta shall, subject to the provisions of sub-section (3), hold office for a period of three years from the date he assumes charge of his office or till he attains the age of seventy years, whichever is earlier:

Provided that —

- (a) the Lokayukta may, in writing under his hand addressed to the Governor, resign his office;
- (b) the Lokayukta may be removed from office in the manner provided in section 6.

(2) On ceasing to hold office, the Lokayukta shall be ineligible for further appointment as the Lokayukta or for any employment under the State Government or Local Authority, or University, or Statutory Body or Corporation, or Society, or Co-operative Society, or a Government Company or any other body or Corporation constituted by or under any State Law.

Explanation.— Where the term of the Lokayukta has been extended in accordance with sub-section (3), the provisions of sub-section (2) shall apply only upon completion of such extended terms of office or upon resignation or removal of the Lokayukta, as the case may be.

(3) The term of office of the Lokayukta may be extended before the expiry of the initial term of office of three years or within two years after the expiry of the original term of office of three years, by the Governor by warrant under his hand and seal:

Provided that the proviso to sub-section (1) of section 3 shall not apply to such extension of the term of office of the Lokayukta by the Governor:

Provided further that in the event of the Governor extending the term of office of the Lokayukta after the expiry of the original term of three years, such extension of term of office shall be made by warrant under the hand and seal of the Governor and thereupon, the extension of term of office shall be deemed to have come into effect:

Provided also that such extension of term of office shall in no case be extended beyond the date on which the incumbent Lokayukta attains the age of seventy years.”.

*The West Bengal Lokayukta
(Amendment) Bill, 2023.*

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the West Bengal Lokayukta Act, 2003 (West Ben. Act XXXV of 2003) with a view to making the said Act more effective by vesting in the Governor the power to extend the term of Office of the Lokayukta for the purposes of carrying out the provisions of the said Act.

2. The Bill has been framed with the above objects in view.

3. There is no financial implication involved in giving effect to the provisions of the Bill.

KOLKATA:

The 2nd February, 2023.

MAMATA BANERJEE,

Member-in-charge.

By order of the Governor,

PRADIP KUMAR PANJA,
*Secy. to the Govt. of West Bengal,
Law Department.*