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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1794-L.—13th September, 2018.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XIV of 2018

THE WEST BENGAL *LOKAYUKTA* (AMENDMENT) ACT, 2018.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 13th September, 2018.]

An Act 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) Act, 2018.

(Sections 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) Act, 2018.**(Sections 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) Act, 2018.**(Sections 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:

Provided that notwithstanding anything contrary contained in section 7, the *Lokayukta* shall investigate into any complaint relating to the other matters involved in, or arising from, or connected with, any allegation of corruption against the Chief Minister, with the approval of the West Bengal Legislative Assembly, by a majority of two-third of its members present and voting, as the competent authority under sub-clause (i) of clause (3) of section 2.”.

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) Act, 2018.**(Sections 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) Act, 2018.**(Sections 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) Act, 2018.**(Section 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.

By order of the Governor,

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