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PART III— Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1220-L.—5th September, 2007.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XV of 2007

THE WEST BENGAL LOKAYUKTA (AMENDMENT) ACT, 2007.

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 5th September, 2007.]*

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 Fifty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Lokayukta (Amendment) Act, 2007.

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

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

(1) in clause (3), for sub-clause (iv), the following sub-clauses shall be substituted:—

“(iv) in the case of the <i>Pradhan</i> , the <i>Upa-pradhan</i> and the members of the <i>Gram Panchayat</i> , the <i>Sabhapati</i> , the <i>Sahakari</i> <i>Sabhapati</i> and the members of the <i>Panchayat Samiti</i>	— <i>Sabhadhipati</i> of the <i>Zilla Parishad</i> of the concerned District;
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(v) in the case of the <i>Sabhadhipati</i> , the <i>Sahakari Sabhadhipati</i> and the members of the <i>Zilla Parishad</i> or the <i>Mahakuma Parishad</i> , as the case may be	— Minister-in-charge, <i>Panchayat</i> and Rural Development Department, Government of West Bengal;
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Short title and
commencement.

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

The West Bengal Lokayukta (Amendment) Act, 2007.

(Sections 3, 4.)

(vi) in the case of the Councillors, — Minister-in-charge, the Chairman, the Vice-Chairman Department of Municipal and the members of the Chairman-in- Affairs, Government of Council, the Mayor, the Deputy West Bengal;”; Mayor, the Member Mayor-in-Council and Commissioner of the Municipality or the Municipal Corporation, as the case may be

(2) clause (11) shall be omitted;

(3) in clause (13), for sub-clause (iii), the following sub-clause shall be substituted:-

“(iii) holding an office or post consequent upon an election held under-

(a) the Howrah Municipal Corporation Act, 1980;

West Ben. Act LVIII of 1980.

(b) the Kolkata Municipal Corporation Act, 1980;

West Ben. Act LIX of 1980.

(c) the Siliguri Municipal Corporation Act, 1990;

West Ben. Act XXX of 1990.

(d) the Asansol Municipal Corporation Act, 1990;

West Ben. Act XXXI of 1990.

(e) the Chandernagore Municipal Corporation Act, 1990;

West Ben. Act XXXII of 1990.

(f) the West Bengal Municipal Act, 1993;

West Ben. Act XXII of 1993.

(g) the West Bengal Municipal Elections Act, 1994;

West Ben. Act XXXIV of 1994.

(h) the Durgapur Municipal Corporation Act, 1994;

West Ben. Act LIII of 1994.

(i) the West Bengal *Panchayat* Elections Act, 2003.”.

West Ben. Act XXI of 2003.

Amendment of section 7.

3. In section 7 of the principal Act, for sub-section (1), the following sub-section shall be substituted :—

“(1) Every investigation on any complaint alleging corrupt practices against the public functionaries under this Act shall be initiated by the Lokayukta or Upa-Lokayukta with the prior approval of the competent authority.”.

Amendment of section 8.

4. In section 8 of the principal Act,—

(1) in sub-section (1),—

(a) for the words “investigate any complaint,”, the words “investigate any complaint alleging corrupt practices against any public functionary,” shall be substituted; and

(b) clause (c) shall be omitted;

(2) in sub-section (2), for the words “investigate any complaint,”, the words “investigate any complaint alleging corrupt practices against any public functionary,” shall be substituted.

The West Bengal Lokayukta (Amendment) Act, 2007.
(Sections 5-11.)

Insertion of new section 8A.

5. After section 8 of the principal Act, the following section shall be inserted:—

“Bar of investigation against Government servant.

8A. Notwithstanding anything contained in any of the provisions of this Act, the Lokayukta or Upa-Lokayukta shall not investigate any complaint against a Government servant.”.

Amendment of section 10.

6. In section 10 of the principal Act,—

(1) for clause (b) of sub-section (3), the following clause shall be substituted:—

“(b) For the purpose of investigation under this Act, the Lokayukta or Upa-Lokayukta may, with the concurrence of the State Government, utilise the services of any officer or investigating agency including the police of that Government, and such officer or investigating agency including the police shall do all such act or deed, which shall be essential for such investigation.”;

(2) in sub-section (5), for the words “and public functionary”, the words “, the public functionary and the competent authority” shall be substituted.

Amendment of section 14.

7. In sub-section (1) of section 14 of the principal Act, for the word “fine”, the words “fine which may extend to rupees ten thousand” shall be substituted.

Amendment of section 15.

8. For section 15 of the principal Act, the following section shall be substituted:—

“Employees of Lokayukta and Upa-Lokayukta.

15. The Lokayukta may, with the prior approval of the State Government, appoint such officers and other employees as may be required to assist the Lokayukta and Upa-Lokayukta in discharging their functions under this Act.”.

Amendment of section 17.

9. In section 17 of the principal Act,—

(1) in sub-section (1), for the word “fine”, the words “fine which may extend to rupees five thousand” shall be substituted;

(2) in sub-section (2), for the word “fine”, the words “fine which may extend to rupees five thousand” shall be substituted.

Amendment of section 20.

10. In sub-section (2) of section 20 of the principal Act, for the words, figure and brackets “the Lokayukta or Upa-Lokayukta under sub-section (1) or when the Lokayukta or Upa-Lokayukta investigates any allegation the Lokayukta or Upa-Lokayukta, as the case may be, shall”, the words, figure and brackets “the Lokayukta or Upa-Lokayukta under sub-section (1), the Lokayukta or Upa-Lokayukta, as the case may be, shall” shall be substituted.

Amendment of section 21.

11. In sub-section (2) of section 21 of the principal Act, clause (a) shall be omitted.

By order of the Governor,

S. K. CHAKRABARTI,
Pr. Secy. to the Govt. of West Bengal,
Law Department.