

OFFICE OF THE LEADER OF OPPOSITION

Gujarat Vidhansabha, Gandhinagar.

Press Note

18th April, 2011

- Gujarat Chief Minister Narendra Modi is not issuing notification about new Lokayukta despite instructions from the Governor under Lokayukta Act.
- Law is very clear that neither the Chief Minister nor government has any say in the appointment of Lokayukta
- Governor should invoke powers of Article 355 and Article 356 for the unconstitutional act of the Chief Minister
- He claims that he does not take money nor does he allow others to take money. In that case why does he not appoint Lokayukta ?
- He is not going for the appointment of Lokayukta because he is indulging in multi billion rupee corruption.
- In the entire country, Gujarat is the only state where Lokayukta has not been for the last 8 years despite provision for the appointment of Lokayukta.

Leader of Opposition Shaktisinh Gohil today described as false propaganda the statements of government spokespersons painting Congress as villain in the appointment of Lokayukta in Gujarat. Interacting with media Gohil gave details that tore into pieces the government stand on the issue and established that it was the Chief Minister who has stalled the appointment. This is just because Lokayukta can probe corruption by the Chief Minister and his council of ministers.

He said that the law is very clear that the Governor has to appoint Lokayukta on the basis of consultation with Chief Justice and Leader of Opposition. There is no provision for any kind of involvement of Chief Minister or his cabinet in the appointment of Lokayukta. Explaining the logic of the provision, Gohil said, this is to safeguard the institution of Lokayukta because Lokayukta has power to investigate against Chief Minister and his ministers. Gohil explained legal facts to Chief Minister through his letter of March 3, 2010 when Chief Minister continued to interfere in the appointment process. Gohil released a copy of letter to media.

Chief Justice of Gujarat High Court had last year suggested the name of Justice S D Dave and as leader of Opposition, Gohil had also given his consent. On the basis of this, Governor had forwarded the name of Justice Dave to government. But Modi preferred to sit over the file. He claims himself to be honest. But he is preventing the appointment of Lokayukta. This shows that he is indulging in corruption at a massive scale and all this is to prevent exposure of his multi billion rupee scandals.

Gohil said that even Modi did not respond to two stern reminders by the Governor for the appointment by Governor.

Pointing out that under section 3(1) of the Lokayukta Act Governor has all powers to appoint Lokayukta, Gohil demanded that Governor should assert his right of appointment of Lokayukta invoking powers of Article 355 and in case need arises, Governor should send a report to the President against Modi under Article 356 for his unconstitutional Act. He explained the legal provision with detail :

Appointment of Lokayukta :

(1) For the purpose of conducting investigation in accordance with the provisions of the said Act, the Governor shall, by warrant under his hand and seal, appoint a person to be known as the Lokayukta. Provided that the Lokayukta shall be appointed after consultation with the Chief Justice of the High Court and except where such appointment is to be made at a time when the Legislative Assembly of the state of Gujarat has been dissolved or a proclamation under Article 356 of the Constitution is in operation in the state of Gujarat, after consultation also with the leader of opposition in the legislative Assembly, or if there be no such leader, person elected in his behalf by the members of the opposition in that house in such manner as the speaker may direct.

Gohil said that the law is very obvious about the power of Governor under Section 3 (1) of the Lokayukta Act. This is not so in other cases. However, he is avoiding it by the hook or the crook for the last 8 years. He further demanded action against Modi under Article 355 and Article 356 by the Governor.

To,
The Editor,

Hon'ble Leader of Opposition has requested to kindly publish this press note in your esteemed newspaper.

(J. J. Rasanía)
Personal Assistant