THE MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS ACT, 1971

[*Text as on 16th April 2025*]

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2. Amended by Mah. 18 of 2011[2] (10-3-2011)

1 Maharashtra Ordinance No. 1 of 1999 was repealed by Mah. 16 of 1999, s. 3.

2 Maharashtra Ordinance No. 8 of 2011 was repealed by Mah. 18 of 2011, s. 3.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

MAHARASHTRA ACT NO. XLVI OF 1971[1]

[THE MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS ACT, 1971.]

[This Actreceived the assent of the President on the 30th November 1971; assent was first published in the *MaharashtraGovernment Gazette*, Extraordinary No. 55, Part IV, on the 10th December 1971.]

An Act to make provision for the appointment and functions of certain authorities for the investigation of administrative action taken by or on behalf of the Government of Maharashtra or certain public authorities in the State of Maharashtra, in certain cases and for matters connected therewith.

WHEREAS, it is expedient to make provision for the appointment and functions of certain authorities for the investigation of administrative action taken by or on behalf of the Government of Maharashtra or certain public authorities in the State of Maharashtra in certain cases and for matters connected therewith; It is hereby enacted in the Twenty-second year of the Republic of India as follows :—

1. Short title, extent and commencement.—(*1*) This Act may be called the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971.

(*2*) It extends to the whole of the State of Maharashtra.

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

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "action" means action taken by way of decision, recommendation or finding or in any other manner and includes failure to act; and all other expressions connoting action shall be construed accordingly;

(*b*) "allegation", in relation to a public servant, means any affirmation that such public servant,—

(*i*) has abused his position as such to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person,

(*ii*) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives, or

(*iii*) is guilty of corruption, or lack of integrity in his capacity as such public servant;

(*c*) "competent authority", in relation to a public servant, means,—

(*i*) in the case of a Minis . . the Chief Minister,

(*ii*) in the case of any other public servant . . such authority as may be prescribed;

(*d*) "grievance" means a claim by a person that he sustained injustice or undue hardship in consequence of maladministration;

(*e*) "Lokayukta" means a person appointed as the Lokayukta under section 3;

(*f*) "Upa-Lokayukta" means a person appointed as an Upa-Lokayukta under section 3;

(*g*) "maladministration" means action taken or purporting to have been taken in the exercise of administrative functions in any case,—

(*i*) where such action or the administrative procedure or practice governing such action is unreasonable, unjust, oppressive or improperly discriminatory, or

1 For Statement of Objects and Reasons of the L. A. Bill No. XIII of 1971, *see Maharashtra Government Gazette*, 1971, Extraordinary No. 11, Part V, dated 8th April 1971, pages 98-99.

2 2nd day of October, 1972 *vide*, G. N., G. A. D., No. LPL. 1072-D-1, dated the 2nd October 1972.

(*ii*) where there has been negligence or undue delay in taking such action, or the administrative procedure or practice governing such action involves undue delay;

(*h*) "Minister" means a member (other than the Chief Minister) of the Council of Ministers, by whatever name called, for the State of Maharashtra, that is to say, a Minister, Minister of State and Deputy Minister;

(*i*) "officer" means a person appointed to a public service or post in connection with the affairs of the State of Maharashtra;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "public servant" denotes a person falling under any of the descriptions hereinafter following, namely :—

(*i*) every Minister referred to in clause (*h*);

(*ii*) every officer referred to in clause (*i*);

(*iii*) (*a*) 1[every President, Vice-President and Councillor of a *Zilla Parishad*], 2[Chairman, Deputy Chairman and Member of a Panchyat Samiti], and Chairman of the Standing or any Subjects Committee, constituted under the Maharashtra Zilla Parishads and Panchyat Samitis Act, 1961 (Mah. V of 1962);

(*b*) 3[every President, Vice-President and Councillor of a Municipal Council], and Chairman of the Standing or any Subjects Committee, constituted or deemed to be constituted under the 4[Maharashtra Municipal Councils, *Nagar Panchyats* and Industrial Townships] Act, 1965 (Mah. XL of 1965);

5[(*c*) every Mayor, Deputy Mayor and Councillor of all Municipal Corporations and Chairman of Standing or any Subject Committee, constituted under the Mumbai Municipal Corporation Act (Bom. III of 1888), the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950) and the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949);]

(*iv*) every person in the service or pay of,—

(*a*) any local authority in the State of Maharashtra, which is notified by the State Government in this behalf in the *Official Gazette*,

(*b*) any corporation (not being local authority) established by or under a State of Provincial Act and owned or controlled by the State Government,

(*c*) any Government company within the meaning of section 617 of the Companies Act, 1956 (1 of 1956), in which not less than fifty-one per cent. of the paid up share capital is held by the State Government, or any company which is a subsidiary of a company in which not less than fifty-one per cent. of the paid up share capital is held by the State Government,

(*d*) any society registered under the Societies Registration Act, 1860 (21 of 1860), which is subject to the control of the State Government and which is notified by that Government in this behalf in the *Official Gazette*;

(*l*) "Secretary" means a Secretary to the Government of Maharashtra and includes a Special Secretary, an Additional Secretary and a Joint Secretary.

1 These words were substituted for the words "every President and Vice-President of a *Zilla Parishad*" by Mah. 18 of 2011, s. 2(*a*)(*i*).

2 These words were substituted for the words "Chairman and Deputy Chairman of a Panchyat Samiti" by Mah. 18 of 2011, s. 2(*a*)(*ii*).

3 These words were substituted for the words "every President and Vice-President of a Municipal Council" by Mah. 18 of 2011, s. 2(*b*)(*i*).

4 These words were substituted for the words "Maharashtra Municipalities" by Mah. 18 of 2011, s. 2(*b*)(*ii*).

5 Paragraph (*c*) was added by Mah. 18 of 2011, s. 2(*c*).

3. Appointment of Lokayukta and Upa-Lokayuktas.— (*1*) For the purpose of conducting investigations in accordance with the provisions of this Act, the Governor shall, by warrant under his hand and seal, appoint a person to be known as the Lokayukta and one or more persons to be known as the Upa-Lokayukta or Upa-Lokayuktas:

Provided that,—

(*a*) the Lokayukta shall be appointed after consultation with the Chief Justice of the High Court and the Leader of the Opposition in the Legislative Assembly, or if there be no such Leader, a person elected in this behalf by the Members of the Opposition in that house in such manner as the Speaker may direct;

(*b*) the Upa-Lokayukta or Upa-Lokayuktas shall be appointed after consultation with the Lokayukta.

(*2*) Every person appointed as the Lokayukta or an Upa-Lokayukta shall, before entering upon his office, make and subscribe, before the Governor, or some person appointed in that behalf by him, an oath or affirmation in the form set out for the purpose in the First Schedule.

(*3*) The Upa-Lokayuktas shall be subject to the administrative control of the Lokayukta and, in particular, for the purpose of convenient disposal of investigations under this Act, the Lokayukta may issue such general or special directions as he may consider necessary to the Upa-Lokayuktas:

Provided that, nothing in this sub-section shall be construed to authorise the Lokayukta to question any finding, conclusion or recommendation of an Upa-Lokayukta.

4. Lokayukta or Upa-Lokayuktas to hold no other office.—The Lokayukta or an Upa-Lokayukta shall not be a Member of Parliament or a Member of the Legislature of any State and shall not hold any office of trust or profit (other than his office as the Lokayukta or, as the case may be, an Upa-Lokayukta), or be connected with any political party or carry on any business or practice any profession; and accordingly before he enters upon his office, a person appointed as the Lokayukta or, as the case may be, an Upa-Lokayukta shall,—

(*a*) if he is a Member of Parliament or of the Legislature of any State, resign such membership; or

(*b*) if he holds any office of trust or profit, resign from such office; or

(*c*) if he is connected with an nnection with it; or

(*d*) if he is carrying on any business sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or

(*e*) if he is practising any profession, suspend practice of such profession.

5. Term of office and other conditions of service of Lokayukta and Upa-Lokayuktas.—(*1*) Every person appointed as the Lokayukta or an Upa-Lokyukta shall hold office for a term of five years from the date on which he enters upon his office:

Provided that,—

(*a*) the Lokayukta or an Upa-Lokayukta may, by writing under his hand addressed to the Governor, resign his office;

(*b*) the Lokayukta or an Upa-Lokayukta may be removed from office in the manner specified in section 6.

(*2*) If the office of the Lokayukta or an Upa-Lokayukta becomes vacant, or if the Lokayukta or an Upa-Lokayukta is, by reason of absence or for any other reason whatsoever, unable to perform the duties of his office, those duties shall, until some other person appointed under section 3 enters upon such office or, as the case may be, until the Lokayukta or such Upa-Lokayukta resumes his duties, be performed,—

(*a*) where the office of the Lokayukta becomes vacant or where he is unable to perform the duties of his office, by the Upa-Lokayukta or if there are two or more Upa-Lokayuktas by such one of the Upa-Lokayuktas as the Governor may by order direct;

(*b*) where the office of an Upa-Lokayukta becomes vacant or where he is unable to perform the duties of his office, by the Lokayukta himself, or if the Lokayukta so directs, by the other Upa-Lokayukta or, as the case may be, such one of the other Upa-Lokayuktas as may be specified in the direction.

(*3*) On ceasing to hold office, the Lokayukta or an Upa-Lokayukta shall be ineligible for further employment (whether as the Lokayukta or an Upa-Lokayukta or in any other capacity) under the Government of Maharashtra or for any employment under, or office in, any such local authority, corporation, Government company or society as is referred to in sub-clause (*iv*) of clause (*k*) of section 2.

(*4*) There shall be paid to the Lokayukta and the Upa-Lokayuktas such salaries as are specified in the Second Schedule.

(*5*) The allowances [1][* * *] payable to, and other conditions of service, of the Lokayukta or an Upa-Lokayukta shall be such as may be prescribed:

Provided that,—

(*a*) in prescribing the allowances [2][* * *] payable to, and other conditions of service of, the Lokayukta, regard shall be had to the allowances [3][* * *] payable to and other conditions of service of, the Chief Justice of the High Court;

(*b*) in prescribing the allowances [4][* * *], payable to, and other conditions of service of, the Upa-Lokayuktas, regard shall be had to the allowances [5][* * *] payable to, and other conditions of service of, a Judge of the High Court:

Provided further that, the allowances [6][* * *] payable to, and other conditions of service of, the Lokayukta or an Upa-Lokayukta shall not be varied to his disadvantage after his appointment.

6. Removal of Lokayukta or Upa-Lokayukta.— (*1*) Subject to the provisions of Article 311 of the Constitution, the Lokayukta or an Upa-Lokayukta may be removed from his office by the Governor on the ground of misbehaviour or incapacity, and on no other ground:

Provided that, the inquiry required to be held under clause (*2*) of the said Article before such removal—

(*i*) in respect of Lokayukta shall only be held by a person appointed by the Governor being a person who is or has been a Judge of the Supreme Court or a Chief Justice of a High Court; and

(*ii*) in respect of an Upa-Lokayukta shall be held by a person appointed by the Governor being a person who is or has been a Judge of the Supreme Court or who is or has been a Judge of a High Court.

(*2*) The person appointed under the proviso to sub-section (*1*) shall submit the report of his inquiry to the Governor who shall, as soon as may be, cause it to be laid before each House of the State Legislature.

(*3*) Notwithstanding anything contained in sub-section (*1*), the Governor shall not remove the Lokayukta or an Upa-Lokayukta unless an address by each House of the State Legislature supported by a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting, has been presented to the Governor in the same session for such removal.

1 The words "and pension" were deleted by Mah. 29 of 1988, s. 2. 2 The words "and pension" were deleted by Mah. 29 of 1988, s. 2. 3 The words "and pension" were deleted by Mah. 29 of 1988, s. 2. 4 The words "and pension" were deleted by Mah. 29 of 1988, s. 2. 5 The words "and pension" were deleted by Mah. 29 of 1988, s. 2. 6 The words "and pension" were deleted by Mah. 29 of 1988, s. 2.

7. Matters which may be investigated by Lokayukta or Upa-Lokayukta.—(*1*) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of,—

(*i*) a Minister or a Secretary; or

(*ii*) any public servant referred to in sub-clause (*iii*) of clause (*k*) of section 2; or

(*iii*) any other public servant being a public servant of a class or sub-class of public servants notified by the State Government in consultation with the Lokayukta in this behalf,

in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Lokayukta, the subject of a grievance or an allegation.

(*2*) Subject to the provisions of this Act, an Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant not being a Minister, Secretary or other public servant referred to in sub-section (*1*) in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of a grievance or an allegation.

(*3*) Notwithstanding anything contained in sub-section (*2*), the Lokayukta may, for reasons to be recorded in writing, investigate any action which may be investigated by an Upa-Lokayukta under that sub-section whether or not a complaint has been made to the Lokayukta in respect of such action.

(*4*) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may, by general or special order, assign to each of them matters which may be investigated by them under this Act:

Provided that, no investigation made by an Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be open to question on the ground only that such investigation relates to a matter which is not assigned to him by such order.

8. Matters not subject to investigation.—(*1*) Except as hereinafter provided, the Lokayukta or an Upa-Lokayukta shall not conduct any investigation under this Act in the case of a complaint involving a grievance in respect of any action,—

(*a*) if such action relates to any matter specified in the Third Schedule; or

(*b*) if the complainant has or had any remedy by way of proceedings before any tribunal or court of law:

Provided that, the Lokayukta or an Upa-Lokayukta may conduct an investigation notwithstanding that the complainant had or has such a remedy if the Lokayukta or, as the case may be, the Upa-Lokayukta is satisfied that such person could not or cannot, for sufficient cause, have recourse to such remedy.

(*2*) The Lokayukta or an Upa-Lokayukta shall not investigate any action,—

(*a*) in respect of which a formal and public inquiry has been ordered under the Public Servants (Inquiries) Act, 1850 (37 of 1850); or

(*b*) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952 (60 of 1952), [1][* * *].

(*3*) The Lokayukta or an Upa-Lokayukta shall not investigate any complaint involving a grievance against a public servant referred to in sub-clause (*iv*) of clause (*k*) of section 2.

(*4*) The Lokayukta or an Upa-Lokayukta shall not investigate any complaint which is excluded from his jurisdiction by virtue of a notification issued under section 18.

1 The words "with the prior concurrence of the Lokayukta" were deleted by Mah. 13 of 1989, s. 2.

(*5*) The Lokayukta or an Upa-Lokayukta shall not investigate,—

(*a*) any complaint involving a grievance, if the complaint is made after the expiry of twelve months from the date on which the action complained against becomes known to the complainant;

(*b*) any complaint involving an allegation, if the complaint is made after the expiry of three years from the date on which the action complained against is alleged to have taken place:

Provided that, the Lokayukta or Upa-Lokayukta may entertain a complaint referred to in clause (*a*), if the complainant satisfies him that he had sufficient cause for not making the complaint within the period specified in that clause.

(*6*) In the case of any complaint involving a grievance, nothing in this Act shall be construed as empowering the Lokayukta or an Upa-Lokayukta to question any administrative action involving the exercise of a discretion except where he is satisfied that the elements involved in the exercise of the discretion are absent to such an extent that the discretion can *prima facie* be regarded as having been improperly exercised.

9. Provisions relating to complaints.— (*1*) Subject to the provisions of this Act, a complaint may be made under this Act to the Lokayukta or an Upa-Lokayukta,—

(*a*) in the case of a grievance, by the person aggrieved;

(*b*) in the case of an allegation, by any person other than a public servant:

Provided that, where the person aggrieved is dead or is for any reason unable to act for himself, the complaint may be made by any person who in law represents his estate or, as the case may be, by any person who is authorised by him in this behalf.

(*2*) Every complaint shall be made in such form and shall be accompanied by such affidavits as may be prescribed.

(*3*) Notwithstanding anything contained in any other enactment, any letter written to the Lokayukta or an Upa-Lokayukta by a person in police custody, or in a gaol or in any asylum or other place for insane persons, shall be forwarded to the addressee unopened and without delay by the police officer or other person in charge of such gaol, asylum or other place and the Lokayukta or an Upa-Lokayukta, as the case may be, may, if satisfied that it is necessary so to do, treat such letter as a complaint made in accordance with the provisions of sub-section (*2*).

(*4*) Notwithstanding anything contained in section 10 or any other provision of this Act, every person who wilfully or maliciously makes any false complaint under this Act shall, on conviction, be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine. No Court shall take cognizance of such offence except with the previous sanction of the Lokayukta.

10. Procedure in respect of investigations.—(*1*) Where the Lokayukta or an Upa-Lokayukta proposes (after making such preliminary inquiry, as he deems fit) to conduct any investigation under this Act, he—

(*a*) shall forward a copy of the complaint or, the case of any investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefore, to the public servant concerned and the competent authority concerned;

(*b*) shall afford to the public servant concerned an opportunity to offer his comments on such complaint or statement; and

(*c*) may make such orders as to the safe custody of documents relevant to the investigation, as he deems fit.

(*2*) Every such investigation shall be conducted in private and in particular, the identity of the complainant and of the public servant affected by the investigation shall not be disclosed to the public or the press whether before, during or after the investigation:

Provided that, the Lokayukta or an Upa-Lokayukta may conduct any investigation relating to a matter of definite public importance in public, if he, for reasons to be recorded in writing, thinks fit to do so.

(*3*) Save as aforesaid the procedure for conducting any such investigation shall be such as the Lokayukta or, as the case may be, the Upa-Lokayukta considers appropriate in the circumstances of the case.

(*4*) The Lokayukta or an Upa-Lokayukta may, in his discretion, refuse to investigate or ceases to investigate any complaint involving a grievance or an allegation if in his opinion,—

(*a*) the complaint is frivolous or vexatious, or is not made in good faith;

(*b*) there are no sufficient grounds for investigating or, as the case may be, for continuing the investigation; or

(*c*) other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies.

(*5*) In any case where the Lokayukta or Upa-Lokayukta decides not to entertain a complaint or to discontinue any investigation in respect of a complaint, he shall record his reasons therefore and communicate the same to the complainant and the public servant concerned.

(*6*) The conduct of an investigation under this Act in respect of any action shall not affect such action, or any power or duty of any public servant to take further action with respect to any matter subject to the investigation.

11. Evidence.— (*1*) Subject to the provisions of this section, for the purpose of any investigation (including the preliminary inquiry, if any, before such investigation) under this Act the Lokayukta or an Upa-Lokayukta may require any public servant or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(*2*) For the purpose of any such investigation (including the preliminary inquiry) the Lokayukta or an Upa-Lokayukta shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely :—

(*a*) summoning and enforcing n and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any Court or office;

(*e*) issuing commissions for the examination of witnesses or documents;

(*f*) such other matters as may be prescribed.

(*3*) Any proceeding before the Lokayukta or an Upa-Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code (45 of 1860).

(*4*) Subject to the provisions of sub-section (*5*), no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to the State Government or any public servant, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information for the purposes of any investigation under this Act and the State Government or any public servant shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by any enactment or by any rule of law in legal proceedings.

(*5*) No person shall be required or authorised by virtue of this Act to furnish any such information or answer any such question or produce so much of any document—

(*a*) as might prejudice the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organisation), or the investigation or detection of crime; or

(*b*) as might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet,

and for the purpose of this sub-section a certificate issued by the Chief Secretary certifying that any information, answer or portion of a document is of the nature specified in clause (*a*) or clause (*b*), shall be binding and conclusive.

(*6*) Subject to the provisions of sub-section (*4*), no person shall be compelled for the purposes of investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a Court.

12. Reports of Lokayukta and Upa-Lokayuktas.— (*1*) If, after investigation of any action in respect of which a complaint involving a grievance has been or can be or could have been made, the Lokayukta or an Upa-Lokayukta is satisfied that such action has resulted in injustice or undue hardship to the complainant or any other person, the Lokayukta or Upa-Lokayukta shall, by a report in writing, recommend to the public servant and the competent authority concerned that such injustice, or undue hardship shall be remedied or redressed in such manner and within such time as may be specified in the report.

(*2*) The competent authority to whom a report is sent under sub-section (*1*) shall within one month of the expiry of the term specified in the report, intimate or cause to be intimated to the Lokayukta or, as the case may be, the Upa-Lokayukta, the action taken for compliance with the report.

(*3*) If, after investigation of any action in respect of which a complaint involving an allegation has been or can be or could have been made, the Lokayukta or an Upa-Lokayukta is satisfied that such allegation can be substantiated either wholly or partly, he shall by report in writing communicate his findings and recommendations along with the relevant documents, materials and other evidence to the competent authority.

(*4*) The competent authority shall examine the report forwarded to it under sub-section (*3*) and intimate within three months of the date of receipt of the report, the Lokayukta or, as the case may be, the Upa-Lokayukta, the action taken or proposed to be taken on the basis of the report.

(*5*) If the Lokayukta or the Upa-Lokayukta is satisfied with the action taken or proposed to be taken on his recommendations or findings referred to in sub-section (*1*) and (*3*), he shall close the case under information to the complainant, the public servant and the competent authority concerned, but where he is not so satisfied and if he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the complainant concerned.

(*6*) The Lokayukta and the Upa-Lokayukta shall present annually a consolidated report on the performance of their functions under this Act to the Governor.

(*7*) On receipt of a special report under sub-section (*5*), or the annual report under sub-section (*6*), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before each House of the State Legislature.

(*8*) Subject to the provisions of sub-section (*2*) of section 10, the Lokayukta may at his discretion make available, from time to time, the substance of cases closed or otherwise disposed of by him or by an Upa-Lokayukta, which may appear to him to be of general public, academic or professional interest, in such manner and to such persons as he may deem appropriate.

13. Staff of Lokayukta and Upa-Lokayuktas.—(*1*) The Lokayukta may appoint, or authorise an Upa-Lokayukta or any Officer subordinate to the Lokayukta or an Upa-Lokayukta to appoint, officers and other employees to assist the Lokayukta and the Upa-Lokayuktas in the discharge of their functions under this Act.

(*2*) The categories of officers and employees who may be appointed under sub-section (*1*), their salaries, allowances and other conditions of service and the administrative powers of the Lokayukta and Upa-Lokayuktas shall be such as may be prescribed, after consultation with the Lokayukta.

(*3*) Without prejudice to the provisions of sub-section (*1*), the Lokayukta or an Upa-Lokayukta may for the purpose of conducting investigations under this Act utilise the services of—

(*i*) any officer or investigation agency of the State or Central Government with the concurrence of that Government; or

(*ii*) any other person or agency.

14. Secrecy of information.— (*1*) Any information, obtained by the Lokayukta or the Upa-Lokayuktas or members of their staff in the course of, or for the purposes of any investigation under this Act, and any evidence recorded or collected in connection with such information, shall, subject to the provisions of the proviso to sub-section (*2*) of section 10, be treated as confidential and notwithstanding anything contained in the Indian Evidence Act, 1872 (I of 1872), no Court shall be entitled to compel the Lokayukta or an Upa-Lokayukta or any public servant to give evidence relating to such information or produce the evidence so recorded or collected.

(*2*) Nothing in sub-section (*1*) shall apply to the disclosure of any information or particulars,—

(*a*) for purposes of the investigation or in any report to be made thereon or for any action or proceedings to be taken on such report; or

(*b*) for purposes of any proceedings for an offence under the Official Secrets Act, 1923 (19 of 1923), or an offence of giving or fabricating false evidence under the Indian Penal Code (45 of 1860) or for purposes of any proceedings under section 15; or

(*c*) for such other purposes as may be prescribed.

(*3*) An officer or other authority prescribed in this behalf may give notice in writing to the Lokayukta or an Upa-Lokayukta, as the case may be, with respect to any document or information specified in the notice or any class of documents so specified that in the opinion of the State Government the disclosure of the documents or information or of documents or information of that class would be contrary to public interest and where such a notice is given, nothing in this Act shall be construed as authorising or requiring

the Lokayukta, the Upa-Lokayukta or any member of their staff to communicate to any person, any document or information specified in the notice or any document or information of a class so specified.

15. Intentional insult or interruption to, or bringing into disrepute, Lokayukta or Upa-Lokayuktas.— (*1*) Whoever intentionally offers any insult, or causes any interruption to the Lokayukta or an Upa-Lokayukta while the Lokayukta or the Upa-Lokayukta is conducting any investigation under this Act, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(*2*) Whoever, by words spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Lokayukta or an Upa-Lokayukta into disrepute, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(*3*) The provision of section 198B of the [1]Code of Criminal Procedure, 1898 (5 of 1898) shall apply in relation to an offence under sub-section (*1*) or sub-section (*2*) as they apply in relation to an offence referred to in sub-section (*1*) of the said section 198B, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction,—

(*a*) in the case of an offence against the Lokayukta, of the Lokayukta;

(*b*) in the case of an offence against an Upa-Lokayukta, of the Upa-Lokayukta concerned.

16. Protection.— (*1*) No suit, prosecution, or other legal proceeding shall lie against the Lokayukta or the Upa-Lokayuktas or against any officer, employee, agency or person referred to in section 13 in respect of anything which is in good faith done or intended to be done under this Act.

1 Now *see* the Code of Criminal Procedure, 1973 (2 of 1974).

(*2*) No proceedings of the Lokayukta or the Upa-Lokayuktas shall be held bad for want of form and except on the ground of jurisdiction, no proceedings or decision of the Lokayukta or the Upa-Lokayuktas shall be liable to be challenged, reviewed, quashed or called in question in any court.

17. Conferment of additional functions on Lokayukta, and Upa-Lokayuktas, etc.— (*1*) The Governor may, by notification published in the *Official Gazette*, and after consultation with the Lokayukta, confer on the Lokayukta or an Upa-Lokayukta, as the case may be, such additional functions in relation to the redress of grievances and eradication of corruption as may be specified in the notification.

(*2*) The Governor may, by order in writing and after consultation with the Lokayukta, confer on the Lokayukta or an Upa-Lokayukta such powers of a supervisory nature over agencies, authorities or officers set up, constituted or appointed by State Government for the redress of grievances and eradication of corruption.

(*3*) The Governor may, by order in writing and subject to such condition and limitations as may be specified in the order, require the Lokayukta to investigate any action (being action in respect of which a complaint may be made under this Act, to the Lokayukta or an Upa-Lokayukta), and notwithstanding anything contained in this Act the Lokayukta shall comply with such order:

Provided that, the Lokayukta may entrust investigation of any such action (being action in respect of which a complaint may be made under this Act to an Upa-Lokayukta) to an Upa-Lokayukta.

(*4*) When any additional functions are conferred on the Lokayukta or an Upa-Lokayukta under sub-section (*1*), or when the Lokayukta or an Upa-Lokayukta is to investigate any action under sub-section (*3*), the Lokayukta or an Upa-Lokayukta shall exercise the same powers and discharge the same functions as he would in the case of any investigation made on a complaint involving a grievance or an allegation, as the case may be, and the provisions of this Act shall apply accordingly.

18. Power to exclude complaints against certain classes of public servant.— (*1*) The State Government may on the recommendation of the Lokayukta and on being satisfied that it is necessary or

expedient in the public interest so to do, exclude, by notification in the *Official Gazette*, complaints, involving grievances or allegations or both against persons belongings to any class of public servants specified in the notification, from the jurisdiction of the Lokayukta or, as the case may be, Upa-Lokayukta:

Provided that, no such notification shall be issued in respect of public servant holding posts carrying a minimum monthly salary (exclusive of allowances) of seven hundred and fifty rupees or more.

(*2*) Every notification issued under sub-section (*1*) shall be laid as soon as may be after it is issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, and notify such decision in the *Official Gazette*, the notification shall from the date of publication of such decision have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done by virtue of that notification.

19. Power to delegate.—The Lokayukta or an Upa-Lokayukta may, by a general or special order in writing, direct that any powers conferred or duties imposed on him by or under this Act (except the power to make reports to the Governor under section 12) may also be exercised or discharged by such of the officers, employees or agencies referred to in section 13, as may be specified in the order.

20. Power to make rules.— (*1*) The Governor may, by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for—

(*a*) the authorities for the purpose required to be prescribed under sub-clause (*ii*) of clause (*c*) of section 2;

(*b*) the allowances [1][* * *] payable to and other conditions of service of, the Lokayukta and Upa-Lokayuktas;

(*c*) the form in which complaints may be made and the fees, if any, which may be charged in respect thereof;

(*d*) the powers of a civil court which may be exercised by the Lokayukta or an Upa-Lokayukta;

(*e*) any other matter which is to be or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is in the opinion of the Governor necessary for the proper implementation of this Act.

(*3*) Every rule under this Act shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified from or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Removal of doubts.—For the removal of doubts it is hereby declared that nothing in this Act shall be construed to authorise the Lokayukta or an Upa-Lokayukta to investigate any action which is taken by or with the approval of—

(*a*) any judge as defined in section 19 of the Indian Penal Code (45 of 1860);

(*b*) any officer or servant of any court in India;

(*c*) the Accountant General, Maharashtra;

(*d*) the Chairman or a member of the Maharashtra State Public Service Commission;

(*e*) the Chief Election Commissioner, the Election Commissioners and the Regional Commissioners referred to in Article 324 of the Constitution and the Chief Electoral Officer, Maharashtra State;

(*f*) the Speaker of the Maharashtra Legislative Assembly or the Chairman of the Maharashtra Legislative Council;

(*g*) any member of the Secretarial staff of either House of the Legislature.

22. Saving.—The provisions of this Act shall be in addition to the provisions of any other enactment or any rule of law under which any remedy by way of appeal, revision, review or in any other manner is available to a person making a complaint under this Act in respect of any action, and nothing in this Act shall limit or affect the right of such person to avail of such remedy.

1 The words "and pension" were deleted by Mah. 29 of 1988, s. 3.

THE FIRST SCHEDULE

[*See* section 3(*2*)]

I,....., having been appointed Lokayukta / Upa-Lokayukta do swear in the name of God / solemnly affirm

that I will bear faith and allegiance to the Constitution of India as by law established, and I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or, ill will.

THE SECOND SCHEDULE

[*See* section 5(*4*)]

There shall be paid to the Lokayukta and the Upa-Lokayuktas in respect of time spent on actual service, salary at the following rates per mensem, that is to say :—

Lokayukta	. .	. .	. .	. .	[1]30,000 Rupees.
Upa-Lokayukta	. .	. .	. .	. .	[2]26,000 Rupees:

Provided that, if the Lokayukta or an Upa-Lokayukta at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Government or under the Government of a State or any of its predecessor Governments, his salary in respect of service as the Lokayukta or, as the case may be, Upa-Lokayukta shall be reduced—

(*a*) by the amount of that pension, and

(*b*) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and

(*c*) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.

THE THIRD SCHEDULE

[*See* section 8(*1*)(*a*)]

(*a*) Action taken for the purpose of investigating crime or protecting the security of the State.

(*b*) Action taken in the exercise of powers in relation to determining whether a matter shall go to a court or not.

(*c*) Action taken in matters which arise out of the terms of contract governing purely commercial relations of the administration with customers or suppliers, except where the complainant alleges harassment or gross delay in meeting contractual obligations.

(*d*) Action taken in respect of appointments, removals, pay, discipline, superannuation or other matters relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claims which arise on retirement, removal or termination of service.

(*e*) Grant of honours and awards.

1 Deemed to have been substituted with effect from the 1st day of January 1996 (*vide* Maharashtra Act No. XVI of 1999, published in the *Maharashtra Government Gazette* (Extraordinary) of March 26, 1999).

2 Deemed to have been substituted with effect from the 1st day of January 1996 (*vide* Maharashtra Act No. XVI of 1999, published in the *Maharashtra Government Gazette* (Extraordinary) of March 26, 1999).