

**THE MAHARASHTRA LOKAYUKTA  
AND  
UPA-LOKAYUKTAS ACT, 1971  
AND  
THE RULES ISSUED THEREUNDER**

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# MAHARASHTRA ACT No. XLVI OF 1971

(First published after having received the assent of the President, in the "Maharashtra Government Gazette" 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. (1) This Act may be called the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971. Short title, extent and commencement.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires— Definitions.
  - (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 Minister or Secretary .. 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
    - (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 Ministers, 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) every President and Vice-President of a *Zilla Parishad*, Chairman and Deputy Chairman of a Panchayat Samiti, and Chairman of the Standing or any Subjects Committee, constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

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(b) every President and Vice-President of a Municipal Council, and Chairman of the Standing or any Subjects Committee, constituted or deemed to be constituted under the Maharashtra Municipalities Act, 1965 ;

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(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, 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.

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(d) any society registered under the Societies Registration Act, 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*.

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1860.

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

3. (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 :

Appoint-  
ment of  
Lokayukta  
and 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. 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,—

Lokayukta or Upa-Lokayuktas to hold no other office

(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 any political party, sever his connection 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. (1) Every person appointed as the Lokayukta or an Upa-Lokayukta shall hold office for a term of five years from the date on which he enters upon his office;

Term of office and other conditions of service of Lokayukta and Upa-Lokayuktas.

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 be 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 (c) 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\* 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\* payable to, and other conditions of service of, the Lokayukta, regard shall be had to the allowances\* payable to and other conditions of service of, the Chief Justice of the High Court;

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

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

\*Deleted vide MAHARASHTRA ACT No. XXIX of 1988.

[Published in the Maharashtra Government Gazette (Extraordinary) of December 28, 1988.]

Removal of Lokayukta or Upa-Lokayukta. 6. (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 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.

Matters which may be investigated by Lokayukta or Upa-Lokayukta. 7. (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 or,—

(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.

Matters not subject to investigation. 8. (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,—

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

(b) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952. \*or

(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.

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

Provisions  
relating to  
complaints.

(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 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).

\*Deleted *vide* MAHARASHTRA ACT No. XIV of 1989.  
[Published in the *Maharashtra Government Gazette* (Extraordinary) of April 24, 1989].

(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.

Procedure in respect of investigations. 10. (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,

(a) shall forward a copy of the complaint or in 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 cease 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 an 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.

Evidence. 11. (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) of 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, in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person 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, 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. (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 persons, 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.

Reports of  
Lokayukta  
and Upa-  
Lokayuktas.

(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-Lokayuktas 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.

Staff of Lokayukta and Upa-Lokayuktas. 13. (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.

Secrecy of information. 14. (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, 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. I of 1872

(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

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1860.

(b) for purposes of any proceedings for an offence under the Official Secrets Act, 1923, or an offence of giving or fabricating false evidence under the Indian Penal Code 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. (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.

Intentional  
insult or  
interruption  
to, or  
bringing in  
to disrepute,  
Lokayukta  
or Upa-  
Lokayuktas.

(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.

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1898. (3) The provisions of section 198B of the Code of Criminal Procedure, 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. (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.

Protection

(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 Lokayuktas or the Upa-Lokayuktas shall be liable to be challenged, reviewed, quashed or called in question in any court.

17. (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.

Conferment  
of additional  
functions on  
Lokayukta,  
and Upa-  
Lokayuktas  
etc.

(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 conditions 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.

Power to exclude complaints against certain classes of public servant. 18. (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 belonging 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.

Power to delegate. 19. 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.

Power to make rules. 20. (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 \*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 provisions or makes insufficient provisions and provisions is in the opinion of the Governor necessary for the proper implementation of this Act.

\*Deleted vide MAHARASHTRA ACT No. XXIX of 1988.

[Published in the *Maharashtra Government Gazette* (Extraordinary) of December 28, 1988.]

(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 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 under that rule.

21. 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 doubts. Removal of  
action which is taken by or with the approval of—

- 45 of 1860.
- (a) any Judge as defined in section 19 of the Indian Penal Code ;
  - (b) any officer or servant of any court in India ;
  - (c) the Accountant Genral, 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. 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. Saving.

### THE FIRST SCHEDULE

[ See section 3(2) ]

I. . . . . having been appointed	Lokayukta ----- Upa-Lokayukta	do	swear in the name of God ----- solemnly affirm
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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	..	..	..	..	*30,000 Rupees.
Upa-Lokayukta	..	..	..	..	*26,000 Rupees ;

\* 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].

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.

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### THE THIRD SCHEDULE

[ See section 8(I) ]

(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 a 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.

(भाग चार-ब) महाराष्ट्र शासन राजपत्र, असा. नोव्हेंबर ११, २००३/कार्तिक २०, शके १९२५  
पृ.११८६

## GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Mumbai 400 032, Dated the 11<sup>th</sup> November 2003

### *NOTIFICATION*

MAHARASHTRA LOK AYUKTA AND UPA LOK AYUKTAS ACT, 1971.

No.LPL.1002/C.R.No.124/2002/15 ,In exercise of the powers conferred by paragraph (a) of sub clause (iv) of clause (k) of section 2 of the Maharashtra Lok Ayukta and Upa Lok Ayuktas Act,1971(Mah.XLVI of 1971),and in supersession of all notifications issued in this behalf, the Government of Maharashtra hereby notifies the local authorities specified in the schedule hereto appended for the purposes of the said paragraph (a),and accordingly every person in the service or pay of each of the said local authorities shall be a public servant for the purpose of the said Act.

#### *Schedule*

- (1)The Brihan Mumbai Municipal Corporation, constituted under the Mumbai Municipal Corporation Act;
- (2)The City of Nagpur Municipal Corporation , constituted under the Nagpur Municipal Corporation Act,1948; and
- (3)All the Municipal Corporations ,constituted and notified, from time to time, under the Provincial Municipal Corporation Act,1949.

By order and in the name of the Governor of Maharashtra,

B.R.WADHAVE  
Deputy Secretary to Government.

## GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Bombay 400 032, dated 18th July 1973

## MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS ACT, 1971.

No. LPL. 1073-D-1.—In exercise of the powers conferred by paragraph (a) of sub-clause (iv) of clause (k) of section 2 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Maharashtra XLVI of 1971), the Government of Maharashtra hereby notifies the local authorities specified in the schedule hereto appended for the purposes of the said paragraph (a), and accordingly every person in the service or pay of each of the said local authorities shall be a public servant for the purposes of the said Act.

## SCHEDULE

- (1) The Municipal Corporation of Greater Bombay.
- (2) The Municipal Corporation of the City of Poona.
- (3) The Corporation of the City of Nagpur.
- (4) The Municipal Corporation of the City of Solapur.
- (5) The Municipal Corporation of the City of Kolhapur.
- (6) The Municipal Corporation of the City of Thane.
- (7) The Municipal Corporation of the City of Pimpri-Chinchwad.
- (8) The Municipal Corporation of the City of Nashik.
- (9) The Municipal Corporation of the City of Aurangabad.

By order and in the name of the Governor of Maharashtra,

L. M. NADKARNI,  
Chief Secretary to Government.

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## GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Bombay 400 032, dated the 10th January 1986.

## MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS ACT, 1971.

No. LPL 1084/355/6-XI.—In exercise of the powers conferred by paragraph (a) of sub-clause (iv) of clause (k) of section 2 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Maharashtra XLVI of 1971), the Government of Maharashtra hereby notifies the local authorities specified in the Schedule hereto appended for the purposes of the said paragraph (a), and accordingly every person in the service or pay of each of the said local authorities shall be a public servant for the purposes of the said Act.

## SCHEDULE

- (1) The Municipal Corporation of the City of Amravati.
- (2) The Municipal Corporation of the City of Kalyan.

By order and in the name of the Governor of Maharashtra,

M. S. MOKASHI,  
Deputy Secretary to Government.



## MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS ACT, 1971

No. LPL. 1072/18085 (A)-DI.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 20 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Maharashtra XLVI of 1971) and of all other powers enabling him in this behalf, the Governor of Maharashtra hereby makes the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Maharashtra Lokayukta (Conditions of Service) Rules, 1973.

(2) They shall be deemed to have come into force on the 25th day of October 1972.

2. *Residential accommodation.*—(1) The Lokayukta shall be entitled, without payment of rent, to the use of a residence provided by the State Government in Bombay, throughout his term of office.

(2) The State Government shall be responsible for the maintenance of the residence (including the payment of rates and taxes due to Government or any local authority) <sup>1</sup>provided under sub-rule (1) and shall bear the expenditure incurred on such maintenance.

(3) Where the Lokayukta occupies any accommodation other than that provided by the State Government, he shall be entitled to a consolidated house allowance <sup>\*Effect</sup> of <sup>1</sup>Rs. 9,000 per month, in lieu of residence and maintenance as aforesaid. <sup>1-8-1997.</sup>

<sup>3</sup>(4) The Lokayukta, irrespective of the fact whether he resides in an official residence or not, shall be entitled to reimbursement of charges on account of 3600 <sup>\*Effect</sup> Kilolitres of water and 10000 units of Electricity per annum consumed at his <sup>12-5-1995.</sup> residence.

3. *Conveyance.*—The State Government shall provide a motor car for the use of Lokayukta and shall bear all expenditure on its maintenance and repairs including expenditure on petrol and oil. The State Government shall also provide free of charge the services of a chauffeur for the motor car so provided.

4. *Travelling and daily allowance.*—The Lokayukta shall be entitled to travelling allowance and daily allowance for journeys undertaken by him in the performance of his duties, at the rates admissible to a Minister under the Bombay Ministers Salaries and Allowances Act, 1956 (Bombay XLVIII of 1956) and the rules and orders made thereunder.

<sup>\*Effect</sup> <sup>7-11-1986.</sup> <sup>4</sup>4A. The Lokayukta shall be entitled to leave travel concession for himself, and dependent members of the family residing with him, for visiting any place in India (including permanent residence in his home State) during his leave, twice a year in accordance with the rules applicable in his regard to a member of the Indian Administrative Service holding the rank of Secretary to the Government. The Lokayukta shall have the option to travel by air or by air-conditioned first class by railway.

*Explanation.*—For the purpose of this rule, the expression members of the family “means the husband, wife, son, daughter, father, mother, brother and sister”.

5. *Hours of work.*—The Lokayukta may fix such hours of work for himself and his staff as he deems fit.

<sup>1</sup>Deleted *vide* G.N., G.A.D., No.LPL.1091/CR-65/91/XI, dated 18th December 1992.

<sup>2</sup>Deemed to have been inserted with effect from 1st day of August 1997 *vide* Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1999.

<sup>3</sup>Deemed to have been inserted with effect from the 12th day of May 1995 *vide* Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1995.

<sup>4</sup>Deemed to have been inserted with effect from the 7th day of November 1986 *vide* the Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1989.

6. *Leave.*—The Lokayukta shall be entitled to leave, in accordance with the provisions of the High Court Judges (Conditions of Services) Act, 1954 (XXVIII of 1954) and the rules made thereunder applicable to a Judge of the High Court, subject to the following modifications, namely :—

(a) The Lokayukta shall be entitled to leave on full allowances at the rate of one month for each completed year of service and proportionately for the remaining period of service.

<sup>1</sup>(b) The Lokayukta shall, every year, be entitled to a vacation of fifteen<sup>1</sup> days in summer and <sup>2</sup>seven days in winter. \*Effect from 29-10-1996.

<sup>3</sup>(c) The Lokayukta shall be entitled, at the time of <sup>4</sup>retirement, to encash the earned leave at his credit. \*Effect 18-12-1992.

7. *Provident Fund.*—(1) The Lokayukta shall be entitled to subscribe to the Contributory Provident Fund in accordance with the provisions of the Contributory Provident Fund Rules, (Bombay) and subject to the conditions as laid down in Government Resolution, General Administration Department, No. PFR-1060-J, dated the 20th April 1961 and Government Resolution, General Administration, No. GPF-1185/CR-52/XIII-A, dated the 28th May, 1986. \*Effect 28-12-1988.

Provided that, a person holding the office of the Lokayukta on the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988), shall be entitled to subscribe only to the General Provident Fund in accordance with the provisions of the Bombay General Provident Fund Rules.

<sup>5</sup>Provided further that the conditions laid down in Government Resolution<sup>6</sup> General Administration Department, No. GPF. 1185/CR-52/XIII-A, dated the 28th May 1986 shall not apply to the person holding the office of the Lokayukta on the date of Commencements of the Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1997.

8. *Pension.*—A person appointed to the office of the Lokayukta on or after the date of commencement of the Maharashtra Lokayukta and Upa-Lokayukta (Amendment) Act, 1988 (Maharashtra XXIX of 1988), shall not be entitled to pension: \*Effect 28-12-1988.

Provided that a person appointed to office of the Lokayukta before the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988), shall be entitled to a pension for life, at the rate of Rs. 2,700 per year for each completed year of service as the Lokayukta or proportionately for a part thereof :

Provided further that the maximum amount of such pension shall not exceed Rs. 13,500 per annum ;

Provided also that, in computing the service for part of a year, only six monthly period of completed service shall be taken into account and not any broken period which is less than six months.

9. *Dearness Allowance.*—The Lokayukta shall be entitled to dearness allowance and additional dearness allowance at the rates admissible to the members of the Indian Administrative Service drawing pay of <sup>7</sup>Rs. 30,000 and above per mensem. \*Effect 1-4-1996.

<sup>1</sup>Deemed to have been substituted with effect from 29th day of October 1996 [vide the Maharashtra Lokayukta (Condition of Service) (Amendment) Rules, 1996.]

<sup>2</sup>Deemed to have been substituted with effect from 18th day of December 1992 vide Maharashtra Lokayukta (Condition of Service) (Amendment) Rules, 1992.

<sup>3</sup>Added vide the Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1997 Government Notification GAD No. LPL-1095/CR-165/95/15, dated the 17th May, 1997.)

<sup>4</sup>Deemed to have been substituted with effect from the 1st day of January 1996 vide the Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1999.

<sup>9</sup>10. *Medical Attendance.*—Save as otherwise provided in these rules or in the absence of any other specific order in this behalf, the Lokayukta and the members of the family of the Lokayukta, residing with and dependent on him, shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment.

*Explanation.*—For the purposes of this rule, the expression “ a member of the family ” means “ the husband, wife, son, daughter, father, mother, brother or sister.”

\*Effect from 11-1-1996. 11. *Sumptuary Allowance.*—The Lokayukta shall be entitled to a sumptuary allowance of <sup>10</sup>Rs. 3,000 per month.

\*Effect from 27-4-1995. 12. <sup>11</sup>*City Compensatory Allowance.*—The Lokayukta shall be entitled to the City Compensatory Allowance with effect from the <sup>13</sup>1st August 1997 at the rate admissible to the members of Indian Administrative Service of the rank of Secretary to the Government.

## MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS ACT, 1971

No. LPL. 1173-DI.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 20 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Maharashtra XLVI of 1971) and of all other powers enabling him in this behalf the Governor of Maharashtra hereby makes the following rules, namely :—

1. *Short title and commencements.*—(1) These rules may be called the Maharashtra Upa-Lokayuktas (Conditions of Service) Rules, 1973.

(2) They shall come into force on the 1st October 1973.

2. *Residential accommodation.*—(1) An Upa-Lokayukta shall be entitled, without payment of rent, to the use of a residence provided by the State Government in Bombay throughout his term of office.

(2) The State Government shall be responsible for the maintenance of the residence (including the payment of rates and taxes due to Government or any local authority <sup>12</sup>provided under sub-rule (1) and shall bear the expenditure incurred on such maintenance.

\*Effect 1-8-1999. (3) Where an Upa-Lokayukta occupies any accommodation other than that provided by the State Government, he shall be entitled to a consolidated house allowance of <sup>13</sup>Rs. 7,800 per month, in lieu of residence and maintenance as aforesaid.

\*12-5-1995. (4) The Upa-Lokayukta, irrespective of the fact whether he resides in an official residence or not, shall be entitled to reimbursement of charges on account of 3,600 kilolitres of water and 10,000 units of Electricity per annum consumed at his residence.

3. *Conveyance.*—The State Government shall provide a motor car for the use of Upa-Lokayukta and shall bear all expenditure on its maintenance and repairs including expenditure on petrol and oil. The State Government shall also provide free of charge the services of a chauffeur for the motor car so provided.

\*Added vide the Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1988— [Government Notification, GAD No.LPL-1185/2643/13 XI-(1), dated the 20th November 1988.]

<sup>10</sup>Deemed to have been substituted with effect from the 11th day of January 1996 vide Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1996.

<sup>11</sup>Deemed to have been substituted with effect from 27th day of April, 1995 vide the Maharashtra Lokayukta (Condition of Service) (Amendment) Rules, 1995.

<sup>12</sup>Deleted vide G.N., G.A.D., No. LPL-1091/CR-6<sup>2</sup>/91/XI, dated the 18th December 1992.

<sup>13</sup> Deemed to have been substituted with effect from 1st day of August 1997 vide the Maharashtra Upa-Lokayukta (Conditions of Service) (Amendment) Rules, 1999.

Vide G.N.G.A.D. No. LPL-1098/CR-4/98/15 dated 15/01/2001. in Rule 7 of the Maharashtra Upa-Lokayuktas (Conditions of Service) Rules, 1973.

(a) In the first proviso for the letters and figures "Rs. 2,025/-", the letters and figures "Rs. 6,580/-" have been substituted and deemed to have been given effect from the 1<sup>st</sup> day of January, 1996.

(b) In the second proviso for the letters and figures "Rs. 10,125/-", the letters and figures "Rs. 32,900/-" have been substituted and deemed to have been given effect from the 1<sup>st</sup> day of January, 1996.

4. *Travelling and daily allowance.*—An Upa-Lokayukta shall be entitled to travelling allowance and daily allowance for journeys undertaken by him in the performance of his duties, at the rates admissible to a Minister under the Bombay Ministers' Salaries and Allowances Act, 1956 (Bombay XLVIII of 1956) and the rules and orders made thereunder.

14A. An Upa-Lokayukta shall be entitled to leave travel concession for himself<sup>f</sup> and dependent members of the family residing with him for visiting any place in India (including permanent residence in his home State) during his leave twice a year, in accordance with the rules applicable in this regard to a member of the Indian Administrative Service holding the rank of Secretary to the Government. The Upa-Lokayukta shall have the option to travel or by air by air-conditioned first class by railway. \*Effect 7-11-1986.

*Explanation.*—For the purpose of this rule, the expression "members of the family" means the husband, wife, son, daughter, father, mother brother or sister."

5. *Leave.*—(1) An Upa-Lokayukta shall be entitled to leave, in accordance with the provisions of the High Court Judges (Conditions of Service) Act, 1954 (XXVIII of 1954) and the rules made thereunder applicable to a Judge of the High Court subject to the following modifications, namely :—

(a) The Upa-Lokayukta shall be entitled to leave on full allowances at the rate of one month for each completed year or service and proportionately for the remaining period of service.

(b) The Upa Lokayukta shall, every year, be entitled to a vacation of fifteen days in summer and <sup>16</sup>seven days in winter. \*Effect 29-10-1996.

(c) The Upa-Lokayukta shall be entitled, at the time of retirement, to encash the earned leave at his credit. \*Effect 18-12-1992.

6. *Provident Fund.*—An Upa-Lokayukta shall be entitled to subscribe to the Contributory Provident Fund in accordance with the provisions of the Contributory Provident Fund Rules (Bombay) and subject to the conditions as laid down in Government Resolution, General Administration Department, No. PFR-1060-J, dated the 20th April 1961 <sup>18</sup>and Government Resolution, General Administration Department, No. GPF-1185/CR-52/XIII-A dated the 28th May, 1986. \*Effect 28-12-1988.

Provided that, a person holding the office of the Upa-Lokayukta on the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988) shall be entitled to subscribe only to the General Provident Fund in accordance with the provisions of Bombay General Provident Fund Rules.

<sup>16</sup> Provided further that the conditions laid down in Government Resolution, General Administration Department, No. GPF. 1185/CR-52/XIII-A dated the 28th May 1986 shall not apply to the person holding the office of the Upa-Lokayukta on the date of commencement of the Maharashtra Upa-Lokayukta (Conditions of Service) Rules, 1997.

7. *Pension.*—A person appointed to the office of the Upa-Lokayukta on or after the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act, 1988 (Maharashtra XXIX of 1988) shall not be entitled to pension: \*Effect from 28-12-1988.

Provided that, a person holding the office of the Upa-Lokayukta before the date of commencement of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment), Act, 1988 (Maharashtra XXIX of 1988) shall be entitled to a pension for life,

<sup>14</sup>Deemed to have been inserted with effect from the 7th day of November 1986, (c) vide the Maharashtra Upa-Lokayuktas (Conditions of Service) (Amendment) Rules, 1989.

<sup>15</sup>Deemed to have been substituted with effect from the 29th day of October 1996 [vide the Maharashtra Upa-Lokayuktas (Conditions of Service) (Amendment) Rules, 1996.]

<sup>16</sup> Added vide the Maharashtra Lokayukta (Conditions of Service) (Amendment) Rules, 1997 [Government Notification GAD No. LPL-1095/CR-165/95/15, dated the 17th May 1997.]

at the rate of Rs.2,025 per year for each completed year of service as the Upa-Lokayukta or proportionately for a part thereof :

Provided further that, the maximum amount of such pension shall not exceed Rs.10,125 per annum :

Provided also that, in computing the service for part of a year, only six monthly period of completed service shall be taken into account and not any broken period less than six months.

8. *Charge allowance to Upa-Lokayukta performing duties of office of Lokayukta.*—An Upa-Lokayukta who is directed to perform the duties of the office of the Lokayukta under clause (a) of sub-section (2) of section 5 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971, shall, in addition to his salary as an Upa-Lokayukta, be entitled to draw <sup>17</sup>“per month difference between his:

(i) Salary, Dearness Allowance and Sumptuary Allowance, with effect from 1st January, 1996; and

(ii) house rent allowance, with effect from 1st August 1997, and the salaries and allowances aforesaid entitled to the post of Lokayukta as a charge allowances during the period he performed such duties.”

9. *Dearness Allowance.*—The Upa-Lokayukta shall be entitled to dearness allowance and additional dearness allowance at the rate admissible to the members of the Indian Administrative Service drawing pay of <sup>18</sup>Rs. <sup>19</sup>26,000 and above per mensem.

\*Effect  
01-01-1996.

<sup>20</sup>10. *Medical attendance.*—Save as otherwise provided in these rules or in the absence of any other specific order in this behalf, the Upa-Lokayukta and the members of the family of the Upa-Lokayukta residing with and dependent on him shall be entitled, free of charge to accommodation in hospitals maintained by the State Government and to medical attendance and treatment.

*Explanation.*—For the purpose of this rule, the expression “a member of the family” means the husband, wife, son, daughter, father, mother, brother or sister.

11. *Sumptuary allowance.*—The Upa-Lokayukta shall be entitled to a sumptuary allowance of <sup>21</sup>Rs. 2000 per month.

\*Effect  
11-01-1996

12. <sup>22</sup>*City Compensatory Allowance.*—The up Lokayukta shall be entitled to the City Compensatory Allowance with effect from the <sup>23</sup>1st August, 1997 at the rate admissible to the members of Indian Administrative Service of the rank of Secretary to the Government.”

\*Effect from  
27-04-1995.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,  
Deputy Secretary to Government.

<sup>17</sup> Added vide the Maharashtra Upa-Lokayukta (Condition of Service) (Amendment) Rules, 1999.

<sup>18</sup> Deemed to have been substituted with effect from the 1st day of Jan. 1996, vide., the Maharashtra Upa-Lokayuktas (Conditions of Service) (Amendment) Rules, 1999.

<sup>19</sup> Deemed to have been substituted with effect from 1st day of January 1996 vide Maharashtra Upa-Lokayukta (Condition of Service) (Amendment) Rules, 1999.

<sup>20</sup> Added vide the Maharashtra Upa-Lokayuktas (Conditions of Service) (Amendment) Rules (Government Notification, General Administration Department No.LPL-1185/2643/13/X1/(2) 1988 dated the 20th November 1988).

<sup>21</sup> Deemed to have been substituted with effect from 11th day of January 1996 vide the Maharashtra Upa-Lokayukta (Conditions of Service) (Amendment) Rules, 1996.

<sup>22</sup> Deemed to have been substituted with effect from 27th day of April, 1995 vide the Maharashtra Upa-Lokayukta (Condition of Service) (Amendment) Rules, 1995.

<sup>23</sup> Deemed to have been substituted with effect from 1st day of August, 1997 vide the Maharashtra Upa-Lokayukta (Condition of Service) (Amendment) Rules, 1999.

## MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS ACT, 1971

No. LPL. 1173/20433-DI—In exercise of the powers conferred by sub-section (1), read with clauses (a) and (e) of sub-section (2) of section 20 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Mah. XLVI of 1971), and of all other powers enabling him in this behalf, the Governor of Maharashtra hereby makes the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Maharashtra Lokayukta and Upa-Lokayuktas (Competent Authorities) Rules, 1973.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Act” means the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Mah. XLVI of 1971) ;

(b) “Section” means a section of this Act ;

(c) Words and expressions used in the Act but not defined in these rules shall have the meanings assigned to them in the Act.

3. *Competent Authorities.*—The competent authority, in relation to a public servant (other than a Minister or a Secretary) specified in column (1) of the Table below shall be the authority specified against him in column (2) of that Table.

TABLE

Description of the public servant (1)	Competent Authority (2)
1. Any public servant falling under the description given in sub-clause (ii) of clause (k) of section 2.	The Secretary to the Government of Maharashtra of the Department to which the public servant belongs or is subordinate.
2. Any public servant falling under the description given in paragraph (a) of sub-clause (iii) of clause (k) of section 2.	The Secretary to the Government of Maharashtra, Rural Development Department.
3. Any public servant falling under the description given in paragraph (b) of sub-clause (iii) of clause (k) of section 2.	The Secretary to the Government of Maharashtra, Urban Development, Public Health and Housing Department.
4. Any public servant (other than the public servant specified as Competent Authority in column 2 opposite) falling under the description given in paragraph (a) of sub-clause (iv) of clause (k) of section 2.	The Municipal Commissioner, in case of a local authority which is a Municipal Corporation, in the service or pay of which the public servant is for the time being.
5. Any public servant falling under the description given in paragraphs (b), (c) and (d) of sub-clause (iv) of clause (k) of section 2.	The Secretary to the Government of Maharashtra of the Department controlling or concerned with the corporation (other than a local authority), the Company or the society, as the case may be, in the service or pay of which the public servant is for the time being.

4. *Notice to public servant in case of investigation.*—(1) Where a Lokayukta or an Upa-Lokayukta proposes (after making such preliminary inquiry as the deems fit) to conduct any investigation under the Act, he shall send a notice in the Form given in the Schedule hereto appended to the public servant concerned, alongwith a copy of the complaint or in the case of any investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefor. The notice shall require the public servant to submit his reply within the time specified therein or within such further time (if any) as may be granted.

(2) A copy of such notice and of its accompaniments shall be sent to the competent authority concerned.

*Schedule*

(See rule 4)

In the Office of the Lokayukta,  
 \_\_\_\_\_—Bombay  
 Upa-Lokayukta,

Complaint No. L/UL

of 19

Complainant.  
 Public Servant  
 Complained against.

To

(Give name and address of the public servant)

Lokayukta

Upon considering the material before him, the \_\_\_\_\_ has decided to  
 Upa-Lokayukta  
 conduct an investigation under the Maharashtra Lokayukta and Upa-Lokayuktas  
 Act, 1971 (Mah. XLVI of 1971), \_\_\_\_\_  
 in respect of the complaint made by  
 \_\_\_\_\_  
 on his own motion and a statement

(name and address of the complainant) against  
 you and a copy of the complaint is appended.

\_\_\_\_\_ statement setting out the grounds therefor is appended

Take notice that you are hereby required on or before \_\_\_\_\_  
 (date) to file a statement in reply and to offer your comments and explanations  
 supported by an affidavit and to produce true copies under your signature of the  
 documents (if any) on which you want to rely in your defence.

Take further notice that if, on or before the date aforesaid you fail to appear in  
 person to file the reply and offer your comments and explanation or fail to send the  
 reply etc., by post or otherwise, the matter may be decided in your absence.

Given under my hand and the seal of the office.

Dated the

day of

19

Assistant Registrar,  
 Lokayukta,

Office of the \_\_\_\_\_ Bombay.  
 Upa-Lokayukta,

By order and in the name of the Governor of Maharashtra,

K. G. PARANJPE,  
 Secretary to Government.



## MAHARASHTRA LOKAYUKTA AND UPA-LOKAYUKTAS ACT, 1971

NO. LPL. 1173/15548-D-I.—In exercise of the powers conferred by sub-section (1), read with clauses (c), (d) and (e) of sub-section (2), of section 20 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Mah. XLVI of 1971) and of all other powers enabling him in that behalf, the Governor of Maharashtra hereby makes the following rules, namely :—

### CHAPTER I

#### PRELIMINARY

1. *Short title and Commencement.*—(1) These rules may be called the Maharashtra Lokayukta and Upa-Lokayuktas Rules, 1974.

They shall come into force at once.

2. (1) *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “ Act ” means the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Mah. XLVI of 1971);

(b) “ Assistant Registrar ” means a person appointed to be an Assistant Registrar under section 13;

(c) “ Civil Manual ” means the Civil Manual issued by the High Court of Judicature, Bombay, Appellate side, for the guidance of the Civil Courts and Officers subordinate to it, as amended from time to time;

(d) “ Code ” means the Code of Civil Procedure, 1908 (V of 1908), in its application to the State of Maharashtra ;

(e) “ Criminal Manual ” means the Criminal Manual issued by the High Court of Bombay for the guidance of the Criminal Courts and Officers subordinate to it, as amended from time to time;

(f) “ Registrar ” means a person appointed to be the Registrar under section 13;

(g) “ Section ” means a section of the Act;

(h) “ Schedule ” means a Schedule appended to these rules.

(2) Words and expressions used but not defined in these rules and defined in the Act, shall have the meanings respectively assigned to them in the Act.

### CHAPTER II

#### COMPLAINTS AND AFFIDAVITS—FORM AND CONTENTS

[See sub-section (2) of section 9 and clause (a) of sub-section (5) of section 8]

3. *Form and contents of complaint.*—Save as otherwise provided in these rules every complaint under the Act shall be made as far as possible in the form prescribed in schedule A and shall contain the following particulars :—

(a) The name and address of the complainant.

(b) The name official designation (if any) and address of the person against whom the complaint involving a grievance or an allegation is made.

(c) If a complaint involving a grievance is made after the expiry of twelve months from the date of the action complained against, the date on which the said action complained against became known to the complainant and statement of grounds showing sufficient cause for not making the complaint within the period specified in section 8 (5) (a).

(d) A statement that the complainant has not for the same matter resorted to any other remedy by way of proceedings before any tribunal or court of law or any other authority empowered to decide that matter. If the complainant has

resorted to any such remedy, the designation of the tribunal or court or authority, as the case may be before which such proceedings were instituted, the date on which they were instituted, the number given to such proceedings, if the proceedings are disposed of, the result of such proceedings and if the proceedings are pending the state at which pending, should be stated.

4. *Signature or thumb impression below complaint.*—Every complaint shall be, duly signed by the complainant, or if he is illiterate it shall bear his thumb impression duly attested by a literate person under his signature and such person shall give his name and address below his signature.

5. *Copies of complaint.*—Every complaint shall be accompanied by as many spare copies as there are public servants complained against.

6. *Affidavit to accompany complaint.*—Every complaint shall be supported by an affidavit as prescribed in rules 7 and 8.

7. *Contents of affidavit.*—(1) Every affidavit shall be drawn up clearly and legibly and as far as possible, in a language which the person making it understands. It shall be drawn in the first person and shall be divided into paragraphs, if any, which should be numbered consecutively. Each paragraph shall as far as possible, be confined to a distinct subject or portion thereof. The affidavit shall be sworn in before the Registrar or the Assistant Registrar or before a person legally authorised to administer oath.

(2) Every person making an affidavit shall state his name, father's or husband's name, as the case may be, surname (if any), age, profession or trade and place of residence and give such other particulars as will make it possible to identify him clearly.

(3) Every affidavit shall be duly signed by the person making it, or if he is illiterate it shall bear his thumb impression duly attested by a literate person under his signature and such literate person shall give his name and address below his signature.

(4) Every affidavit shall also include averments consistent with clause (d) of rule 3.

8. *Manner of submission of complaint or affidavit.*—Every complaint or affidavit shall be legibly typed or written on foolscap paper only one side, leaving one fourth of each page as margin and shall be entitled "Before the Lokayukta Maharashtra" or "Before the Upa-Lokayukta Maharashtra", as the case may be.

(2) Every affidavit shall conclude as follows :—

" I do Swear in the name of God		Thumb impression
solemnly affirm	—that this is my name and	signature
		swear
and that the contents of this affidavit are true. I further		solemnly affirm

that what is stated in paragraph (give numbers) is true to my personal knowledge and what is stated in paragraphs (give numbers) is true to my information and is believed by me to be true."

9. *Copies of documents to be relied upon.*—If a complainant wants to rely upon any document, he shall alongwith his complaint, submit under his signature or thumb impression duly attested, a true copy of the document on which he wants to rely.

(2) All such documents filed shall be accompanied by a list in the form prescribed in Schedule B.

10. *Dispensing of documents in cases falling under section 9(3).*—Nothing in these rules shall apply to any complaint or letter submitted under sub-section (3) of section 9 :

Provided that, the Lokayukta or an Upa-Lokayukta, as the case may be, may in any such case call for a complaint in the form prescribed in Schedule A, or an affidavit as provided in rule 7, from the person concerned.

### CHAPTER III

#### PRELIMINARY ACTION ON RECEIPT OF COMPLAINT, ETC.

11. *Registering of complaints.*—After any complaint is received in the office, it shall be scrutinized by the Registrar, or under his authority by an Assistant registrar, and if the Registrar or the Assistant Registrar, as the case may be (hereinafter in this Chapter referred to as “the registering authority”, is satisfied that the complaint is proper, he may direct the complaint to be registered in a register maintained for that purpose.

12. *Defects in complaint.*—If the registering authority finds that the complaint is not according to the rules or is otherwise defective, he may postpone the registration of the complaint and inform the complainant to rectify the defects within a specified time and after such compliance he may direct the complaint to be registered.

13. *Effects of non-compliance.*—If the necessary requirements are not complied with within the time specified under the last preceding rule or such further time as the registering authority may allow, the complaint may be put up by the registering authority before the Lokayukta or the Upa-Lokayukta, as the case be, and the Lokayukta or Upa-Lokayukta may summarily reject such complaint or pass such other order as he deems fit in the circumstances of the case.

14. *Acknowledgement of complaint.*—After any complaint is registered, the registering authority or any other officer empowered in that behalf by the Registrar, shall send to the complainant an acknowledgement of the complaint in the form prescribed in Schedule ‘O’, informing him that his complaint is registered and giving him the number of his complaint.

### CHAPTER IV

#### INVESTIGATION AND PROCEDURE

(See section 10)

15. *Manner of service of notice.*—A notice under rule 4 of the Maharashtra Lokayukta and Upa-Lokayuktas (Competent Authorities) Rules, 1973, shall be served upon the public servant concerned by registered post acknowledgement due or by personal delivery after obtaining a receipt from him or through the Officer to whom the public servant is subordinate in service.

16. *Manner of reply.*—Such public servant shall send his reply and offer his comments within the time specified or granted. The reply shall be accompanied by an affidavit and also by a copy or copies of the document or documents, if any, on which the public servant desires to reply for his defence.

17. *Failure to reply.*—If such public servant fails to appear personally to file his reply and to offer his comments or fails to file his reply and to offer his comments within the time specified or granted, the complaint may be heard and decided in his absence.

18. *Power to condone delay.*—The Lokayukta or an Upa-Lokayukta, as the case may be, may for sufficient cause shown allow the public servant concerned to file his reply and to offer his comments after the time specified or granted.

19. *Safe custody of documents etc.*—If any party to the investigation files a document or documents in his support or if any file is called for from a public record and if the Lokayukta or an Upa-Lokayukta, as the case may be, considers it necessary in the interests of safety or security he may specially direct any officer subordinate to him to take the documents or file in his charge and safe custody, subject to further orders in that behalf.

20. *Appearance of Advocates, Pleaders etc.*—Ordinarily no Advocate, Pleader Muktyar or other legal representative will be allowed to appear before the Lokayukta or Upa-Lokayukta in the investigations under this Act:

Provided that the Lokayukta or Upa-Lokayukta may in specific cases allow the parties to appear through any such person.

21. *Notice of hearing.*—(1) During the course of conducting an investigation the Lokayukta or Upa-Lokayukta may serve both parties with notice in the form prescribed in Schedule D to appear before him for a hearing, with or without witnesses, or for any other purpose.

(2) Such notice may be sent through the Police Station of the area in which the complainant or public servant complained against resides or through the Head of the Department in which the public servant is serving or by registered post acknowledgement due or in any other manner which the Lokayukta or the Upa-Lokayukta, as the case may be, thinks fit.

22. *Examination and cross-examination of witnesses.*—During the course of hearing, each party shall have a right to examine himself and his witnesses and to cross-examine the opposite party and the witnesses examined by that party :

Provided that, if any cross-examination is irrelevant or is unduly lengthy or is otherwise improper, the Lokayukta or the Upa-Lokayukta, as the case may be, may disallow it or any part of it.

23. *Administering oath and recording of evidence.*—(1) The Lokayukta or the Upa-Lokayukta, as the case may be, or an officer duly empowered by the Lokayukta may administer oath to every person examined during any investigation under the Act.

(2) The Lokayukta or the Upa-Lokayukta, as the case may be may record in English the substance of the evidence given by each person examined by him.

24. *Interpreters.*—(1) The Lokayukta or Upa-Lokayukta may in special cases appoint an interpreter or interpreters, who shall be paid remuneration at such rate as may be fixed by the Lokayukta.

(2) The interpreter shall take oath in the following form :—

do swear in the name of God

I ----- that I will well and truly interpret and explain  
Solemnly affirm

all questions put to and evidence given by witnesses and translate correctly and accurately all documents given to me for translation.

25. *Witness summons and process.*—If either party wants his witnesses to be summoned he shall pay in the form of Court fee stamps process fee at the rate of 30 paise per witness and he shall deposit in the office subsistence allowance at the rate prescribed in the Criminal Manual and obtain a receipt as prescribed by rule 27:

Provided that, the person named in paragraph 3 of Chapter II of the Criminal Manual shall be exempted from payment of process fee.

26. *Witness summons and manner of service.*—Save as otherwise provided or in the absence of any other specific order in that behalf, summons to witnesses may be issued in the form prescribed in Schedule ' E ' and may be served through the Police Station within whose jurisdiction the witness resides.

## CHAPTER V

## ACCOUNTS

27. *Issue of receipt.*— A party depositing witness subsistence allowance shall be given a receipt in form ' A ' as shown in the Civil Manual.

28. *' G ' Register.*— Such amounts shall be entered in ' G ' Register as prescribed in the Civil Manual.

29. *' H ' Register.*— All amounts paid to a witness or witnesses or repaid to the party concerned, shall be entered in a register described as ' H ' Register in the Civil Manual.

30. *Cash Book.*— The daily total of ' G ' and ' H ' Register shall be carried to the daily cash book.

31. *Balance over one year.*— Balance unclaimed within one year from the close of the case shall after the close of March next year be credited to Government.

## CHAPTER VI

## CLOSURE OF A CASE

(See section 10)

32. *Procedure after closure of case under section 10.*— If the Lokayukta or Upa-Lokayukta refuses to investigate or ceases to investigate any complaint for reasons stated in sub-section (4) of section 10, the finding shall be communicated to the complainant and, if necessary to the public servant concerned, in the form prescribed in Schedule ' F '.

## CHAPTER VII

## FURNISHING OF INFORMATION AND PRODUCTION OF DOCUMENTS, ETC.

(See section 11)

33. *Furnishing of information and production of documents.*—(1) Where the Lokayukta or Upa-Lokayukta require any public servant or any other person to furnish information or to produce documents under section 11(1) the Registrar shall issue a notice in the form prescribed in Schedule ' G ' to the office or authority in whose custody that document or file would ordinarily be.

(2) If the file is not produced or sent within one month from the date of receipt of the notice by the officer or authority concerned, the Registrar shall write to the Head of the Department concerned and wait for 15 days thereafter.

(3) If the file is not received within 15 days after the Registrar's letter referred to in sub-rule (2), the complaint shall be put up before the Lokayukta or the Upa-Lokayukta as the case may be, for disposal.

34. *Consequences of refusal of a party to produce documents.*— Where any party to an investigation before the Lokayukta or Upa-Lokayukta, without lawful excuse, refuses to produce a document or documents in his custody or power, the Lokayukta or the Upa-Lokayukta as the case may be, proceed to decide the matter against him in the absence of those documents and may also strike off the complaint or defence as the case may be ; or may make such other orders as he thinks fit.

## CHAPTER VIII

## GENERAL POWERS

[See sections 11(2) (f) and 20(2)]

35. *Interim stay etc.*—If during the course of an inquiry or investigation under this Act, the Lokayukta or Upa-Lokayukta is *prima facie* satisfied that the case is likely to result in an action being taken under section 12(1) or 12(3), he may direct that the further implementation or enforcement of the order or action complained against be stayed and may direct the *status quo* as on the date of the application to be maintained on such terms and conditions, if any, as he thinks fit.

## CHAPTER IX

## MISCELLANEOUS

36. *Time limit for certificate under section 11.*—(1) The Certificate as required by sub-section (5) of section 11 shall be issued by the Chief Secretary, within a period of sixty days from the date on which the information is required to be furnished, the question is required to be answered or the document is required to be produced:

Provided that, this period may be extended by the Lokayukta or the Upa-Lokayukta, as the case may be, for such period as he thinks fit.

(2) If the certificate is not issued during this period, it shall be deemed that for the purposes of the investigation no such objection exists.

37. *Information under section 12(5) when case is closed.*—When a case is closed, the information to be given to the complainant, to the public servant concerned and to the competent authority concerned according to sub-section (5) of section 12, shall subject to the specific written order of the Lokayukta or Upa-Lokayukta, be given in the form prescribed in Schedule 'H'.

38. *Information under section 12(5) when a report is made to the Governor.*—When a special report is made to the Governor under sub-section (5) of section 12, the information to be given to the complainant regarding such report shall, subject to the specific written order of the Lokayukta or Upa-Lokayukta be given in the form prescribed in Schedule 'I'.

39. *Rehearing of a complaint.*—If the case is closed for default of complainant or if it is ordered to be filed or if it is decided *ex parte* against the public servant, the Lokayukta or Upa-Lokayukta as the case may be if sufficient cause is shown to him, may restore the complaint to file and may re-open the case and re-hear it on merits.

40. *General Powers during inquiry.*—(1) While conducting a preliminary inquiry or an investigation under this Act, the Lokayukta or the Upa-Lokayukta, as the case may be, shall have all the powers of a Civil Court as contained in Order XI, rules 12, 13, 14 and 21, Order XII, rule 3-A, Order XIII, rule 10, Order XVI, rules 1 to 7, 10, 11, 12 regarding imposition of fine only, 14, 15 and 16, in the First Schedule to the Code, with such variations as circumstances may require.

(2) Any amount of fine imposed as per Order XVI rule 12, aforesaid, shall be recovered from the party as an arrear of land revenue.

41. *Certified Copy.*—No person shall be entitled to a certified copy of any record of the proceeding before the Lokayukta or the Upa-Lokayukta as the case may be :

Provided that, subject to the provisions of sections 10(2) and 14 (J), the Lokayukta or Upa-Lokayukta, may permit a certified copy to be granted of the final order passed in a case or of such part thereof as he may deem fit.

**42. Destruction of record.**— Subject to the general or special order issued by the Lokayukta in this behalf the record of a case may be destroyed after a period of three years from the date of close of the case. For example if a case is closed on the 20th February 1973, the record should be destroyed after 1976;

Provided that, the original complaint and the final order passed or the finding given shall be preserved permanently.

**43. Attendance of Witnesses.**— (1) If while making any preliminary inquiry or while conducting any investigation under the Act, or at any time, the Lokayukta or the Upa-Lokayukta, as the case may be, on his own motion examines any person as a witness, whether as witness to give evidence, or to produce any document in his possession, and if such person is in any private service, such person shall obtain from the office of the Lokayukta a certificate that he has attended the office of Lokayukta or Upa-Lokayukta for the purpose of giving evidence. The certificate shall state the date of his appearance and the period for which he had been detained;

*Explanation.*— For the purposes of this rule, " Private service " means any employment other than that of a public servant :

(2) If the person produces such a certificate before his employer, he shall be deemed to have been on duty on such date or dates and he shall not be marked absent from duty on such date or dates or be penalised in any manner.

(3) If such person is a public servant to whom Civil Services Rules or Regulations apply, he shall obtain a similar certificate that he was so summoned and has attended the office of Lokayukta or Upa-Lokayukta. Upon production of such a certificate, he shall be treated as on duty on the day or dates on which he attended the office of the Lokayukta or Upa-Lokayukta.

(4) If such person is not employed in any service and, if the Lokayukta or the Upa-Lokayukta, as the case may be, thinks fit, such person may be paid travelling allowance, if any, and subsistence allowance at the rates mentioned in the Civil Manual.

## SCHEDULE ' A '

(See rule 3)

**Before the Lokayukta Upa-Lokayukta, Maharashtra, at Bombay**

COM. No. L/UL

of

A. B. (Add description and residence) .. .. . Complainant;

*Versus*

C. D. (Add Official designation if any and address) .. .. . Public Servant  
Complained against

Herein the complainant complains as follows :—

(Here give a brief substance of the action complained against and of the grievance or allegation.) (Lengthy statements should be avoided.).

[If a complaint involving a grievance is made after the expiry of 12 months from the date of the action complained against, give the date on which the action complained against became known to the complainant and a statement of grounds showing sufficient cause for not making the complaint within the period specified in section 8(5)(a).]

A duly sworn in affidavit supporting the averments in the complaint is filed herewith.

This                                  day of                                  (month and year).

(Signature or thumb mark of the complainant).

**SCHEDULE ' B '**

[See rule 9(2)]

**Office of the Lokayukta and Upa-Lokayukta**

Complaint No. .... of .....

*Names of Parties.*—(1) Complainant .....

*Versus*

**Persons complained against**

(1) .....

(2) .....

(3) .....

List of documents filed on behalf of the .....

Serial No. of Document	Brief Description of the document	Original certified Copy or true copy	Remarks
1	2	3	4

Verified

Date

Signature of the Officer.

Signature of the party filing.



## SCHEDULE ' C '

(See rule 14)

To

(Give name and address of complainant).

Your complaint addressed to the Lokayukta/Upa-Lokayukta

लोक आयुक्त/उप-लोक आयुक्त यांचे नावे आपण पाठविलेली दिनांक .....ची  
dated ..... is received in this office on .....तक्रार या कार्यालयास ..... रोजी पोहोचली.  
It is registered as COM. No. L/UL ..... of 19ती तक्रार लो/उप-लो नंबर ..... म्हणून नोंदविण्यात आली आहे.  
In all further correspondence this number should be invariably mentioned.

पुढील सर्व व्यवहारात सदर नंबरचा उल्लेख करणे आवश्यक आहे.

Your complaint is defective on account of following defect :—

आपल्या तक्रारीत खालीलप्रमाणे उणिवा आहेत :—

It will not be registered unless these defects are rectified

सदर उणिवा दूर केल्याशिवाय आपली तक्रार दाखल करून घेता येणार नाही.

They should be rectified on or before .....

त्या दिनांक ..... रोजी अगर त्यापूर्वी दूर कराव्यात.

Date ..... Superintendent.

तारीख ..... अधीक्षक,

Office of the Lokayukta/Upa-Lokayukta, Bombay.

लोक आयुक्त/उप-लोक आयुक्त यांचे कार्यालय, मुंबई.

## SCHEDULE ' D '

(See rule 21)

Before the Lokayukta/Upa-Lokayukta, Maharashtra at Bombay

COM. No. L/UL

of

Complainant's;

Versus

Public Servant. ....

To

Take notice that the aforesaid complaint is fixed for hearing.....

(Place)

on ..... You are, therefore, required to remain present  
there with your witnesses, if any, at ..... Herein fail not.Take notice that if you fail to attend in accordance with this notice, the matter  
may be decided in your absence.

Given under my hand and seal of the office.

Dated .....

Assistant Registrar,

Office of the Lokayukta/Upa-Lokayukta, Bombay.

## SCHEDULE ' E '

(See rule 26)

## SUMMONS TO WITNESS

In the Office of the Lokayukta/Upa-Lokayukta at Bombay

COM. No. L/UL No.

of

Complainant ;

*versus*

Public Servant.

To

Whereas your attendance is required as a witness before Lokayukta/Upa-Lokayukta on behalf of ..... in the above complaint, you are hereby required to appear personally before him on the ..... at 11 O'clock in the forenoon and to bring with you the following documents or to send them through your servant or agent able to prove them.

A sum of Rs. .... being your travelling allowance other expenses and subsistence allowance for one day is deposited in this office and will be paid to you after your appearance here. Should you require the amount prior to your appearance you should inform this office accordingly so that the amount will be sent to you by money order. If you fail to comply with this order without lawful excuse you will be subject to consequences of non-attendance as laid down in rule 12, Order XVI in the First Schedule to the Code of Civil Procedure, 1908.

Given under my hand and seal of the office.

Dated .....

Assistant Registrar,

Office of the Lokayukta/Upa-Lokayukta, Bombay.

## SCHEDULE ' F '

(See rule 32)

In the Office of the Lokayukta/Upa-Lokayukta at Bombay

COM. No. L/UL No.

of

Complainant ;

*versus*

Public Servant.

To

Take notice that under section 10(4) of the Act, the Lokayukta/Upa-Lokayukta has refused to investigate/or ceased to investigate, this complaint as,—

\*(a) The complaint is frivolous or vexatious; or is not made in good faith ; or

\*(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.

Given under my hand and seal of the office.

Dated .....

Assistant Registrar,

Office of the Lokayukta/Upa-Lokayukta, Bombay.

## SCHEDULE ' G '

(See rule 33)

SUMMONS TO PRODUCE A DOCUMENT UNDER SECTION 11(1) OF THE ACT

In the Office of the Lokayukta/Upa-Lokayukta at Bombay

COM. No. L/UL No.

of

Whereas a complaint has been made before the Lokayukta/Upa-Lokayukta at Bombay by ..... against  
(Name and address of Complainant)

Public Servant ..... containing  
(Name, designation address)

grievance  
allegation in respect of ..... and it appears to the Lokayukta

Upa-Lokayukta desirable for the purpose of inquiry that the following  
investigation

document(s) should be produced before him.

You are hereby summoned to attend and produce or cause to be produced through your servant, clerk or agent, the said document(s) before him in his office on ..... next at eleven O'clock in the forenoon. Herein fail not.

Given under my hand and seal of the office.

Dated .....

Assistant Registrar,  
Office of the Lokayukta/Upa-Lokayukta, Bombay.

## SCHEDULE ' H '

(See rule 37)

In the Office of the Lokayukta/Upa-Lokayukta at Bombay

COM. No. L/UL No.

of

Complainant ;

versus

Public Servant.

To

Whereas the Lokayukta/Upa-Lokayukta is satisfied with the action taken or proposed to be taken on his recommendations or findings referred to in sub-sections (1) and (3) of section 12 of the Act, the case is hereby closed.

Given under my hand and seal of the office.

Dated .....

Assistant Registrar,  
Office of the Lokayukta Upa-Lokayukta, Bombay.

**SCHEDULE 'I'***(See rule 38)***In the Office of the Lokayukta/Upa-Lokayukta at Bombay**

COM. No. L/UL No.

of

Complainant ;

*Versus*

Public Servant.

To

.....

Whereas the Lokayukta/Upa-Lokayukta is not satisfied with the action taken or proposed to be taken on his recommendations and findings referred to in sub-sections (1) and (3) of section 12 of the Act and whereas he considers that a special report deserves to be made to the Governor as per section 12(5) of the Act, he has accordingly made such special report upon this case to the Governor of Maharashtra.

Given under my hand and seal of the office.

Date .....

Assistant Registrar,  
Office of the Lokayukta/Upa-Lokayukta, Bombay

By order and in the name of the Governor of Maharashtra,

**K. G. PARANJPE,**  
Secretary to Government.