

**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 he deems fit) to conduct any investigation under the Act, he shall send a notice in the Form given in the Schedule here to appended to the public servant concerned, along with 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. LA/ULA of

..... .. Complainant.

..... .. Public Servant Complained
against.

To,
(Give name and address of the public servant.)

Lokayukta

Upon considering the material before him, the -----
Upa-Lokayukta
has decided to conduct an investigation under the Maharashtra
Lokayukta and Upa - Lokayuktas Act, 1971 (Mah. XLVI of
in respect of the complaint made by
1971), -----
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 20

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