



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ५९(४) | गुरुवार, मार्च १०, २०११/फाल्गुन १९, शके १९३२ [पृष्ठे ३, किंमत : रुपये १४.००]

असाधारण क्रमांक १२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Ordinance, 2011 (Mah. Ord. VIII of 2011), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

(Translation in English of the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Ordinance, 2011 (Mah. Ord. VIII of 2011), published under the authority of the Governor.)

### GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 10 th March 2011.

### MAHARASHTRA ORDINANCE No. VIII OF 2011.

#### AN ORDINANCE

*further to amend the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971.*

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take

Mah. immediate action further to amend the Maharashtra Lokayukta and XLVI of Upa-Lokayuktas Act, 1971 , for the purposes hereinafter appearing ; 1971.

भाग आठ—१२-१

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मार्च १०, २०११/फाल्गुन १९, शके १९३२

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title  
and  
commence-  
ment.

1. (1) This Ordinance may be called the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Ordinance, 2011.
- (2) It shall come into force at once.

Amendment  
of section 2 of  
Mah. XLVI of  
1971.

2. In section 2 of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971, in clause (k), in sub-clause (iii),—
  - (a) in paragraph (a),—

Mah.  
XLVI of  
1971.

(i) for the words “every President and Vice-President of a Zilla Parishad” the words “every President, Vice-President and Councillor of Zilla Parishad” shall be substituted ;

(ii) for the words “Chairman and Deputy Chairman of a Panchayat Samiti” the words “Chairman, Deputy Chairman and member of a Panchayat Samiti” shall be substituted ;

(b) in paragraph (b),—

(i) for the words “every President and Vice-President of Municipal Council” the words “every President, Vice-President and Councillor of a Municipal Council” shall be substituted ;

(ii) for the words “Maharashtra Municipalities” the words “Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships” shall be substituted ;

(c) after paragraph (b), the following paragraph shall be added, namely :—

“(c) every Mayor, Deputy Mayor and Councillor of all Municipal Corporations and Chairman of Standing or any Subject Committee, constituted under the Mumbai Municipal Corporation Act, the City of Nagpur Corporation Act, 1948 and the Bombay Provincial Municipal Corporations Act, 1949 ;”.

Bom.  
III of  
1888.  
C. P.  
and  
Berar  
II of  
1950.  
Bom.  
LIX of  
1949.

STATEMENT

The Thirteenth Finance Commission in its Report has recommended to the State Government to put into place a system of an independent local body Ombudsman for looking into complaints of corruption and mal-administration against the functionaries of local bodies at least in all Municipal Corporations, Municipalities and *Zilla Parishads*. In the said report the Commission further stated that in the event all or a class of such functionaries fall under the jurisdiction of the Lok Ayukta of the State, it is for the State Government to decide whether to continue with these arrangements, or to shift the functionaries to the jurisdiction of Ombudsman.

2. The Government of Maharashtra, therefore, considers it expedient to bring all elected functionaries of all Municipal Corporations, Municipal Councils, *Zilla Parishads* and *Panchayat Samitis* within the purview of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Mah. XLVI of 1971), by amending the said Act, suitably.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 (Mah. XLVI of 1971), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 9th March 2011.

K. SANKARANARAYANAN,  
Governor of Maharashtra.

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

K. P. BAKSHI,  
Principal Secretary (Services) to Government.