

Bill Summary

The Maharashtra Lokayukta Bill, 2022

- The Maharashtra Lokayukta Bill, 2022, was introduced in the Maharashtra Assembly on December 26, 2022. It repeals the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971. The Bill seeks to establish a Lokayukta to inquire into allegations of corruption and complaints of grievances against public servants. Key features of the Bill include:
 - **Establishment and composition of the Lokayukta:** The Bill establishes the 'Lokayukta, Maharashtra State'. The Chairperson of the Lokayukta must be a current or former: (i) Chief Justice of a High Court, (ii) judge of the Supreme Court, or (iii) judge of the Bombay High Court. There may be up to four other members, two of who must be judicial members. Current and former judges of high courts/district courts will be eligible to be appointed as judicial members. Persons with experience of at least 25 years in anti-corruption policy, public administration, or finance, can become non-judicial members.
 - **Appointment of the Lokayukta:** The chairperson and members of Lokayukta will be appointed by the Governor on the recommendations of a Selection Committee. The Chief Minister and Deputy Chief Minister of the state will be the Chairperson and Vice-Chairperson of the Committee, respectively. Other members of the selection committee include: (i) Chairman of the Maharashtra Legislative Council, (ii) Speaker of the Maharashtra Legislative Assembly, (iii) Leader of Opposition of both Houses, and (iv) Chief Justice of the Bombay High Court. The Chairperson or any member shall be removed by orders of the Governor on grounds of misbehaviour, after an inquiry by the High Court.
 - **Complaints of corruption:** Under the Bill, the Lokayukta shall have the power to inquire into allegations of corruption involving public servants under the Prevention of Corruption Act, 1988. A complaint may be made: (i) by any person in a case of corruption, (ii) by the person aggrieved for a case of grievance, and (iii) by any person other than public servants in case of an allegation of corruption. Public servants include current and former: (i) Chief Ministers, (ii) ministers, and (iii) members of state legislature. It also includes members/councillors of local authorities, All India Services officers (in connection with matters of the state government) and officers and employees of the state government. The Lokayukta shall not make an inquiry when: (i) same/similar issues are pending before any court, (ii) any complaint is made against the Chairperson/members of the Lokayukta, and (iii) an allegation complaint is made three years after the date of the incident.
 - **Prior approval for investigation:** Different approval mechanisms are provided to initiate preliminary inquiries for different categories of public servants. For instance, an inquiry against a current/former Chief Minister must be approved by a motion passed by two-thirds of members in the Maharashtra Legislative Assembly.
 - **Inquiry and investigation:** On receipt of a complaint, the Lokayukta shall obtain the required prior approval and order a preliminary inquiry to determine whether there is a prima facie case against the public servant. If a case exists, the Lokayukta may direct another preliminary inquiry whose report shall be submitted in 90 days. Following the inquiry, the Lokayukta shall direct any state agency to investigate corruption complaints. Such investigation must be completed within six months (may extend up to two years). On receipt of the investigation report, the Lokayukta may: (i) file charge-sheet/closure report before a special court, or (ii) recommend to initiate departmental proceedings/appropriate action. Further, it may recommend the transfer or suspension of a public servant. A false complaint is punishable with a penalty of up to two lakh rupees or a fine of the same amount and an imprisonment term of up to one year.
 - **Complaints of grievances against public servants:** On receipt of a complaint of grievance, the Lokayukta must determine the existence of a prima facie case. It shall forward the complaint to the concerned public servant and the competent authority for their response. Upon receiving their response within 90 days, the Lokayukta may recommend: (i) initiating departmental inquiry/appropriate action against the public servant, or (ii) a further inquiry.
 - **Special courts:** The Bill provides for special courts for trial of corruption cases. The trial shall be completed within a year (extendable by another year) of filing of the case.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.