

L. A. BILL No. CVI OF 2025.

A BILL

to amend the Maharashtra Lokayukta Act, 2023.

Mah. XLVI 5 WHEREAS it is expedient to amend the Maharashtra Lokayukta Act, 2023
of 2025. for the purposes hereinafter appearing; it is hereby enacted in the Seventy-sixth
Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Lokayukta (Amendment) Short title. Act, 2025.

Amendment of section 1 of Mah. XLVI of 2025. **2.** In section 1 of the Maharashtra Lokayukta Act, 2023 (hereinafter referred to as “the principal Act”), for sub- section (3), the following sub-section shall be substituted with effect from the 8th December 2025, namely :–

Mah. XLVI of 2025.

“(3) (i) Sections 1, 3 and 4 shall come into force on the date of publication of this Act in the *Official Gazette*. 5

(ii) Remaining sections shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

3. In section 2 of the principal Act, in sub-section (1),–

(1) in clause (f), after paragraph (viii), the following *Explanation* shall be added, namely :–

“*Explanation*.– For the purposes of this Act, the Chairperson or Member or an Officer of any body or board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under the Act of the Parliament, means only such Chairperson, Member or person appointed by the State Government under the Act of Parliament.”;

(2) in clause (j), for the words, brackets, letter and figures “under clause (h) of section 2 of the Code of Criminal Procedure, 1973” the words, brackets, letter and figures “clause (l) of sub-section (1) of section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023” shall be substituted.

2 of 1974.
46 of 2023.

4. In section 12 of the principal Act, in sub-section (1), after clause (g), the following *Explanation* shall be added, namely :–

“*Explanation*.– For the purposes of this clause, officers and employees of any body or board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of the Parliament, means officers and employees appointed by the State Government or by any authority of the State Government under the Act of Parliament;”.

5. In section 24 of the principal Act,–

(1) in sub-section (3), for the words and figures “section 173 of the Code of Criminal Procedure, 1973” the words and figures “section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023” shall be substituted;

2 of 1974.
46 of 2023.

(2) in sub-section (4), for the words and figures “section 173 of the Code of Criminal Procedure, 1973” the words and figures “section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023” shall be substituted.

2 of 1974.
46 of 2023.

Amendment of section 12 of Mah. XLVI of 2025.

Amendment of section 24 of Mah. XLVI of 2025.

6. In section 27 of the principal Act,-

Amendment of
section 27 of
Mah. XLVI of
2025.

1 of 1872.
47 of 2023.

(1) in sub-section (1), for the words and figures “the Indian Evidence Act, 1872” the words and figures “the Bharatiya Sakshya Adhiniyam, 2023” shall be substituted;

45 of 1860. 5
45 of 2023.

(2) in sub-section (2), in clause (b), for the words “the Indian Penal Code” the words and figures “the Bharatiya Nyaya Sanhita, 2023” shall be substituted.

2 of 1974.
46 of 2023. 10

7. In section 30 of the principal Act, in sub-section (2), for the words and figures “section 197 of the Code of Criminal Procedure, 1973” the words and figures “section 218 of the Bharatiya Nagarik Suraksha Sanhita, 2023” shall be substituted.

Amendment of
section 30 of
Mah. XLVI of
2025.

45 of 1860.
45 of 2023.

8. In section 35 of the principal Act, in sub-section (2), for the words and figures “section 193 of the Indian Penal Code” the words and figures “section 229 of the Bharatiya Nyaya Sanhita, 2023” shall be substituted.

Amendment of
section 35 of
Mah. XLVI of
2025.

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9. In section 50 of the principal Act, in sub-section (3), for the portion beginning with the words “The provisions of sub-section (2)” and ending with the words and figures “the said section 199” the following portion shall be substituted, namely :-

46 of 2023.

“The provisions of sub-sections (2) to (5) of section 222 of the Bharatiya Nagarik Suraksha Sanhita, 2023 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 222”.

Amendment of
section 50 of
Mah. XLVI of
2025.

45 of 1860.
45 of 2023.

10. In section 56 of the principal Act, for the words and figures “section 21 of the Indian Penal Code” the words, brackets and figures “clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023” shall be substituted.

Amendment of
section 56 of
Mah. XLVI of
2025.

45 of 1860.
45 of 2023.

11. In section 65 of the principal Act, in clause (a), for the words and figures “section 19 of the Indian Penal Code” the words, brackets and figures “clause (16) of section 2 of the Bharatiya Nyaya Sanhita, 2023” shall be substituted.

Amendment of
section 65 of
Mah. XLVI of
2025.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Lokayukta Act, 2023 (Mah. XLVI of 2025) is enacted to provide for establishment of a body of Lokayukta for inquiry of administrative actions taken by or on behalf of the Government of Maharashtra or certain public authorities in the State of Maharashtra, in certain cases and to inquire into and investigate allegations of corruption against them and for matters connected therewith or incidental thereto. In section 12 of the said Act, various authorities, officers and employees which are within the jurisdiction of the lokayukta are specified.

2. As per the provisions of different Acts of Parliament various boards, authorities, committees, etc., are constituted or appointed by the Central as well as State Government. Under clause (g) of sub-section (1) of section 12 of the said Act, it is intended to cover within the jurisdiction of the lokayukta only such authorities or officers which are constituted or appointed by the State Government under the Act of Parliament and having their jurisdiction for the whole or part of the State and not the authorities or officers which are constituted or appointed by the Central Government under the Act of Parliament which are within the purview of the Lokpal and Lokayuktas Act, 2013 (1 of 2014).

In order to remove the doubt of overlapping of jurisdiction of Lokpal appointed under the Lokpal and Lokayuktas Act, 2013 and Lokayukta under the said Act in respect of such authorities appointed under the Central Acts, and in view of correspondence of the Ministry of Home Affairs, Government of India in this regard, it is considered expedient to bring clarity in the provisions of the said Act. Therefore, it is proposed to amend section 2 and clause (g) of sub-section (1) of section 12 of the said Act, suitably.

Also, in order to select members of the Lokayukta under the said Act, it is necessary to bring in force sections relating to Selection Committee of the said Act with immediate effect. It is considered expedient to amend the commencement section of the said Act, suitably.

3. An opportunity is also taken to make consequential amendments to substitute references of the repealed Central Acts by existing Central Acts in the Maharashtra Lokayukta Act.

4. The Bill seeks to achieve the above objectives.

Nagpur,
Dated the 10th December, 2025.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :-

Clause 2.—Under this clause, which proposes to substitute sub-section (3) of section 1 of the Maharashtra Lokayukta Act, 2023, power is taken to the State Government to bring into force the remaining sections of the Act on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of the Act.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

**ANNEXURE TO THE L. A. BILL No. CVI OF 2025 THE
MAHARASHTRA LOKAYUKTA (AMENDMENT) BILL, 2025.**

(Extracts from the Maharashtra Lokayukta Act, 2023)

(Mah. XLVI of 2025)

1. (1) and (2)	**	**	**	**	Short title extent and commencement.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.					
2. (1) In this Act, unless the context otherwise requires,—					Definitions.
(a) to (e)	**	**	**	**	
(f) “competent authority”, in relation to,					
(i) the Chief Minister, means the Maharashtra Legislative Assembly;					
(ii) Ministers referred to in clause (o), means the Governor;					
(iii) a Member of the Maharashtra State Legislature other than a Minister means,—					
(a) in the case of a Member of the Maharashtra Legislative Council, the Chairman of the Council; and					
(b) in the case of a Member of the Maharashtra Legislative Assembly, the Speaker of the Assembly;					
(iv) persons referred to in clause (d) of sub-section (1) of section 12, the Minister of the concerned administrative department;					
(v) All India Services Officers (including Indian Administrative Service, Indian Police Service, Indian Forest Services, etc.), means the Chief Minister;					
(vi) an officer in the department of the State Government means the Minister in-charge of the department under which such officer is serving:					
Provided that, if such officer is head of the department declared by the State Government then, competent authority shall be the Chief Minister:					
(vii) a Chairperson or Member of any body or board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under the Act of the Parliament or of the State Legislature or wholly or partly financed by the State Government or controlled by it, means the Minister in-charge of the administrative department of such body or board or corporation or authority or company or society or autonomous body:					
Provided that, if such Chairperson or Member is All India Services Officer then, the competent authority shall be the Chief Minister;					

(viii) an officer of any body or board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under the Act of the Parliament or of the State Legislature or wholly or partly financed by the State Government or controlled by it, means the head of such body or board or corporation or authority or company or society or autonomous body;

(ix) in any other case not falling under sub-clauses (i) to (viii) above, means such department or authority as the State Government may, by notification in the Official Gazette, specify:

Provided that, if any person referred to in sub-clause (vii) or sub-clause (viii) is also a Member of the Maharashtra State Legislature but not being the Chief Minister or the Member of the Council of Ministers, then the competent authority shall be—

(a) in case such Member is a Member of the Maharashtra Legislative Council, the Chairman of the Council; and

(b) in case such Member is a Member of the Maharashtra Legislative Assembly, the Speaker of the Assembly :

Provided further that, for the purposes of this clause, in cases, where the complaint is made against any person specified in this clause, in respect of corruption by such person, the competent authority specified in this Act for the said person at the time of alleged act of corruption, shall be the competent authority for taking action under this Act:

Provided also that, if the person against whom the complaint is made is the same person acting as the competent authority for such complaint, in such a case, the Governor shall be the competent authority for such person under this Act;

(g) to (i) ** ** ** **

(j) investigation means an investigation defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;

(k) to (y) ** ** ** **

(2) ** ** ** **

3. to 11. ** ** ** **

Jurisdiction of
Lokayukta.

12. (1) Subject to the other provisions of this Act, the Lokayukta shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption under the Prevention of Corruption Act, 1988, made in a complaint in respect of the following, namely :—

(a) any person who is or has been a Chief Minister :

Provided that, before initiating any inquiry against Chief Minister the prior approval of the Maharashtra Legislative Assembly shall be obtained. The motion thereof shall be placed before the next immediate Session of the Maharashtra Legislative Assembly :

Provided further that, such motion shall be passed by not less than two-third of the total Members of the Maharashtra Legislative Assembly :

Provided also that, the Lokayukta shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against the Chief Minister, in so far as it relates to internal security or public order in the State :

Provided also that, any such inquiry shall be held in camera and if the Lokayukta comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone;

(b) any other person who is or has been a Minister;

(c) any person who is or has been a Member of the State Legislature;

(d) any Member or Councillor of the Municipal Corporation, Municipal Council, Nagar Panchayat, Industrial Township, Zilla Parishad, Panchayat Samiti, or Village Panchayat including Mayor, Deputy Mayor, President, Vice-President, Chairman, Deputy Chairman, Sarpanch and Upa-Sarpanch and Chairman of any Committee of said local authorities;

(e) All India Services Officers (including Indian Administrative Services, Indian Police Services, Indian Forest Services, etc.), in connection with the affairs of the State Government;

(f) all officers and employees of the State Government and the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988, when serving or who have served, in connection with the affairs of the State excluding a person who is or has been working on Group 'D' post;

(g) all officers and employees, of any body or board or corporation or authority or company or society or trust or autonomous body (by whatever name called), established by an Act of the Parliament or of the State Legislature or wholly or partly financed by the State Government or controlled by it, equivalent to the officers and employees specified in clause (f);

(h)

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Explanation. For the purposes of clauses (g) and (h), it is hereby clarified that,—

(i) any entity or institution, by whatever name called, corporation, society, trust, association of persons, partnership, sole proprietorship, limited liability partnership (whether registered under any law for the time being in force or not), shall be the entities covered in those clauses;

(ii) a society, association of persons or trust shall be deemed to be wholly or partly aided by the State Government or local authority, if such entity has received any assistance from the State Government or local authority, in the form of land, grant-in-aid, loan, share capital, Government guarantee or any of them:

Provided that, any person referred to in this clause shall be deemed to be a public servant under clause (c) of section 2 of the Prevention of Corruption Act, 1988 and the provisions of that Act shall apply accordingly.

(2)	**	**	**	**
13. to 23.	**	**	**	**
Investigation.	24. (1) and (2)	**	**	**

(3) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, the State Agency shall, in respect of cases referred to it by the Lokayukta, submit the investigation report to the Lokayukta.

(4) The report under sub-section (3) shall be deemed to be a report filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973.

(5) to (10)	**	**	**	**
25. and 26.	**	**	**	**

Secrecy of information. 27. (1) Any information, obtained by the Lokayukta or members of their staff in the course of, or for the purposes of any inquiry or investigation under this Act, and any evidence recorded or collected in connection with such information, shall, subject to the provisions of sub-section (2) of section 24, be treated as confidential and notwithstanding anything contained in the Indian Evidence Act, 1872, no court shall be entitled to compel the Lokayukta or any public servant to give evidence relating to such information or produce the evidence so recorded or collected.

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

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

(b) for purposes of any proceedings for an offence under the Official Secrets Act, 1923, or an offence of giving or fabricating false evidence under the Indian Penal Code or for purposes of any proceedings under section 51 of this Act; or

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

Action on inquiry against public servant.	30. (1)	**	**	**	**
	(2) A Special Court may, notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988, on filing of a charge sheet on completion of investigation, by the Lokayukta or any officer authorized by it in this behalf. take cognizance of offence committed by any public servant.				

(3) and (4)	**	**	**	**
31, to 34.	**	**	**	**

35. (1)

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Lokayukta to have power of civil court in certain case.

(2) Any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

36. to 49.

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50. (1) Whoever intentionally offers any insult, or causes any interruption to the Chairperson or Member of the Lokayukta, while he is conducting any inquiry or 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 into disrepute, Lokayukta.

(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 Chairperson or Member of the Lokayukta into disrepute, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months or with fine, or with both.

(3) The provisions of sub-sections (2) to (5) of section 199 of the Code of Criminal Procedure, 1973 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 199, subject to the modification that no complaint in respect of such offence shall be made by the public prosecutor except with the previous sanction of the Governor in the case of an offence against the Chairperson or Member of Lokayukta.

51. to 55.

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56. The Chairperson, Members, officers and other employees of the Lokayukta shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Intentional insult or interruption to, or bringing into disrepute, Lokayukta.

57. to 64.

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65. For the removal of doubts, it is hereby declared that nothing in this Act shall be construed to authorize the Lokayukta to investigate any action which is taken by or with the approval of,-

Removal of doubts.

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

(b) to (g)

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SCHEDULES.

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**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. CVI OF 2025.]

**[A Bill further to amend the
Maharashtra Lokayukta Act, 2023.]**

**[SHRI DEVENDRA FADNAVIS,
Chief Minister.]**

**JITENDRA BHOLE,
Secretary-1,
Maharashtra Legislative Assembly.**