

# The M.P. Lokayukt Evam Up-Lokayukt Adhiniyam, 1981

MADHYA PRADESH

India

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### Act 37 of 1981

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The M.P. Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 M.P. Act 37 of 1981 [Dated 16th September, 1981] Received the assent of the President on 16-9-1981; assent first published in the Madhya Pradesh Gazette (Extraordinary), dated 15-10-1981. An Act to make provision for the appointment and functions of certain authorities for the enquiry into the allegations against [public servants] [Substituted by M.P. Act No. 1 of 1987 (w.e.f. 9-1-1987).] and for matters connected therewith. Be it enacted by the Madhya Pradesh Legislature in the Thirty-second Year of the Republic of India as follows :-

### 1. Short title, extent and commencement.

(1) This Act may be called the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981. (2) It extends to the whole of the State of Madhya Pradesh. (3) It shall come into force on such [date] [w.e.f. 14-2-1982.] as the State Government may, by notification, appoint.

### 2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Officer" means a person appointed to a public service or post in connection with the affairs of the State of Madhya Pradesh; (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 to any person; (ii) was actuated in the discharge of his functions as such public servant by improper or corrupt motives; (iii) is guilty of corruption; or (iv) is in possession of pecuniary resources or property disproportionate to his known source of income and such pecuniary resources or property is held by the public servant personally or by any member of his family or by some other person on his behalf. Explanation. - For the purpose of this sub-clause 'family' means husband, wife, sons and unmarried daughters living jointly with him; (c) "Up-Lokayukt" means a person appointed

as a Up-Lokayukt under Section 3;(d)"action" means action by way of prosecution or otherwise taken on the report of the Lokayukt or Up-Lokayukt and includes failure to act; and all other expressions connecting action shall be construed accordingly;(e)"Minister" means a member of the Council of Ministers by whatever name called for the State of Madhya Pradesh that is to say [Chief Minister] [Inserted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).], Deputy Chief Minister, Minister, Minister of State, Deputy Minister and Parliamentary Secretary [and shall include Neta Pratipaksha as defined in clause (a) of Section 2 of the Madhya Pradesh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhalta) Adhiniyam, 1980 (No. 8 of 1980);] [Substituted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).](f)"Lokayukt" means a person appointed as the Lokayukt under Section 3;(g)"Public servant" means person falling under any of the following categories, namely,-(i)Minister;(i)a Government company within the meaning of Section 617 of the Companies Act, 1956; or(ii)a Corporation or local, authority established by State Government under a Central or State enactment.](vi)[ (a) Up-Kulpati, Adhyacharya and Kul-Sachiva of the Indira Kala Sangeet Vishwavidyalaya constituted under Section 3 of the Indira Kala Sangeet Vishwavidyalaya Act, 1956 (No. 19 of 1956); [Inserted by M.P. Act No. 5 of 1985 (w.e.f. 26-4-1985).](ii)a person having the rank of a Minister but shall not include Speaker and Deputy Speaker of the Madhya Pradesh Vidhan Sabha and Neta Pratipaksha;(iii)an officer referred to in clause (a);(iv)[ an officer of an Apex Society or Central Society within the meaning of clause (t-1) read with clauses (a-1), (c-1) and (z) of Section 2 of the Madhya Pradesh Co-operative Societies Act 1960 (No. 17 of 1961);] [Substituted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).](v)[ Any person holding any office in, or any employee of- [Inserted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).](b)Kulpati and Registrar of the Jawaharlal Nehru Krishi Vishwavidyalaya constituted under Section 3 of the Jawaharlal Nehru Krishi Vishwavidyalaya Act, 1963 (No. 12 of 1963);(c)Kulpati, Rector and Registrar of the Vishwavidyalaya constituted under Section 5 of the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973 (No. 22 of 1973).](h)"Competent authority" in relation to a public servant, means,-

- (i) in the case of a Minister Chief Minister or during the period of operation of proclamation issued or Secretary. under Article 356 of the Constitution of India, the Governor,
- (ii) in the case of any other public servant. Such authority as may be prescribed;

(i)"Secretary" means the Chief Secretary, a Principal Secretary, an Additional Chief Secretary, and a Secretary to Government of Madhya Pradesh and includes an Additional Secretary and a Special Secretary.

### 3. Appointment of Lokayukt and Up-Lokayukt.

(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 Lokayukt and one or more persons to be known as Up-Lokayukt:Provided that,-(a)The Lokayukt shall be appointed after consultation with [the Chief Justice of the Madhya Pradesh High Court and] [Substituted by M.P. Act No. 1 of 1987 (w.e.f. 9-1-1987).] the Leader of the Opposition in the Legislative Assembly, or if there be no such leader, a person selected in this behalf by the members of the opposition in that House in such manner as the Speaker may direct;(b)[ Up-Lokayukt shall be appointed after consultation with the Lokayukt, or where a sitting Judge of a High Court is to be

appointed, the Chief Justice of that High Court in which he is working, shall also be consulted.] [Substituted by M.P. Act No. 1 of 1987 (w.e.f. 9-1-1987).](2)[ A person shall not be qualified for appointment as,-(a)Lokayukt, unless he has been a Judge of the Supreme Court [or Chief Justice or Judge of any High Court in India;](b)Up-Lokayukt, unless he is or has been a Judge of any High Court in India or has held the office of the Secretary to Government of India or has held any other post under the Central or a State Government carrying a scale of pay [which is not less than that of an Additional Secretary to Government of India] [Substituted by M.P. Act No. 24 of 2003 (w.e.f. 20-5-2003).].](3)Every person appointed as Lokayukt or Up-Lokayukt 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.(4)The Up-Lokayukt shall be subject to the administrative control of the Lokayukt and, in particular, for the purpose of convenient disposal of investigations under this Act, the Lokayukt may issue such general or special directions as he may consider necessary to the Lokayukt and may withdraw to himself [or may, subject to the provisions of Section 7, make over any case to Up-Lokayukt for disposal:] [Substituted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).]Provided that, nothing in this sub-section shall be construed to authorise the Lokayukt to question any finding, conclusion or recommendation of Up-Lokayukt.

#### **4. Lokayukt or Up-Lokayukt to hold no other office.**

- The Lokayukt or Up-Lokayukt shall not be a member of Parliament or a member of the Legislature of any State and shall not hold any other office of trust or profit or be an officer of a Co-operative Society and shall not 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 Lokayukt or Up-Lokayukt as the case may be, shall,-(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 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. Term of office and other conditions of service of Lokayukt and Up-Lokayukt.**

(1)Every person appointed as Lokayukt or Up-Lokayukt shall hold office for a term of [six years] [Substituted by M.P. Act No. 25 of 1998 (w.e.f. 31-8-1998).] from the date on which he enters upon his office and shall not be eligible for re-appointment thereafter :[Provided that the term of Up-Lokayukt may be extended for a period not exceeding three years, if so recommended by the Lokayukt :[Provided further that] [Inserted by M.P. Act No. 12 of 1992 (w.e.f. 31-3-1992).]-(a)Lokayukt or Up-Lokayukt may, by writing under his hand addressed to the Governor, resign his office and such resignation shall be effective as soon as it is tendered;(b)Lokayukt or Up-Lokayukt may be removed from office in the manner specified in Section 6.(2)[ In the event of occurrence of any vacancy in the office of the Lokayukt by reason of his death, resignation, removal or for any other reason] [Substituted by M.P. Act No. 7 of 2004 (w.e.f.

1-4-2004).], the Up-Lokayukt or if there are more than one then such one of them as the Governor may, by order direct shall, notwithstanding anything contained in clause (a) of sub-section (2) of Section 3, act as Lokayukt until the date a new Lokayukt appointed in accordance with the provisions of this Act to fill such vacancy enters upon his office.(2-A) When the Lokayukt is unable to discharge his functions owing to absence, illness or any other cause, the Up-Lokayukt or if there are more than one then such one of them as the Governor may, by order, direct, shall, notwithstanding anything contained in clause (a) of sub-section (2) of Section 3, discharge his functions until the date the Lokayukt resumes his duties.(2-B) The Up-Lokayukt shall, during, and in respect of, the period while he is so acting as, or discharging the functions of Lokayukt, have all the powers and immunities of the Lokayukt and be entitled to salary, allowances and perquisites as are specified in the Second Schedule in relation to Lokayukt.(2-C) A vacancy occurring in the office of the Lokayukt or an Up-Lokayukt by reason of his death, resignation or removal shall be filled in as soon as possible but not later than one year from the date of occurrence of such vacancy.] [Substituted by M.P. Act No. 1 of 1987 (w.e.f. 9-1-1987).](3)On ceasing to hold office, Lokayukt or Up-Lokayukt shall be ineligible for further employment (whether as Lokayukt or Up-Lokayukt or in any other capacity) under the Government of Madhya Pradesh or for any employment under, or office in, any such cooperative society, Government Company, or Corporation [under the administrative control of the Government of Madhya Pradesh] [Inserted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).] as is referred to in sub-clauses (iv) and (v) of clause (g) of Section 2.(4)[ The salary, allowances, pension and other perquisites payable to and other conditions of service of Lokayukt shall be same as are admissible to him before his appointment as contained in the Supreme Court Judges (Conditions of Service) Act, 1958 (No. 41 of 1958), or the High Court Judges (Conditions of Service) Act, 1954 (No. 28 of 1954) and the rules made under the aforesaid Acts as the case may be.] [Substituted by M.P. Act No. 7 of 2004 (w.e.f. 1-4-2004).](5)[ The salary, allowances, pension and other perquisites payable to and other conditions of service of Up-Lokayukt shall be the same as admissible to a sitting Judge of a High Court as contained in the High Court Judges (Conditions of Service) Act, 1954 (No. 28 of 1954) and the rules made thereunder:Provided that, if the Lokayukt or a Up-Lokayukt 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, his salary in respect of service as the Lokayukt or, as the case may be, Up-Lokayukt 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.]

## 6. Removal of Lokayukt.

(1)The Lokayukt shall not be removed from his office except by an order of the Governor passed after an address by the Madhya Pradesh Legislative Assembly supported by a majority of the total membership of the Legislative Assembly and by a majority of not less than two-thirds of the members thereof present and voting has been presented to the Governor in the same session for such removal on the ground of proved misbehaviour or incapacity.(2)The procedure for the presentation of an address and the investigation and proof of the misbehaviour or incapacity of the Lokayukt under sub-section (1) shall be as provided in the Judge (Inquiry) Act, 1968 (No. 51 of 1968), in relation to the removal of a Judge and, accordingly, the provisions of that Act shall, subject

to necessary modifications, apply in relation to the removal of the Lokayukt as they apply in relation to the removal of a Judge.

## **7. [ Matters which may be enquired into by Lokayukt or Up-Lokayukt. [Substituted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).]**

- Subject to the provisions of this Act, on receiving complaint or other information,-(i)the Lokayukt may proceed to enquire into an allegation made against a public servant in relation to whom the Chief Minister is the competent authority;(ii)the Up-Lokayukt may proceed to enquire into an allegation made against any public servant other than that referred to in clause (i) :Provided that the Lokayukt may enquire into an allegation made against any public servant referred to in clause (ii).] [Substituted by M.P. Act 25 of 1998 (w.e.f. 1-1-1996).][Explanation. - For the purposes of this section the expressions "may proceed to enquire" and "may enquire" include investigation by police agency put at the disposal of Lokayukt and Up-Lokayukt in pursuance of sub-section (3) of Section 13.] [Inserted by M.P. Act No. 20 of 1984 (w.e.f. 16-5-1984).]

## **8. Matters not subject to enquiry.**

- The Lokayukt or an Up-Lokayukt shall not inquire into any matter,-(a)in respect of which a formal and public inquiry has been ordered under the Public Servants (Inquiries) Act, 1950 (No. 37 of 1950);(b)which has been referred for inquiry under the Commission of Inquiry Act, 1952 (No. 60 of 1952); or(c)relating to an allegation against a public servant, if the complaint is made after expiration of a period of five years from the date on which the conduct complained against is alleged to have been committed.

## **9. Provisions relating to complaints.**

(1)Every complaint involving an allegation shall be made in such form as may be prescribed and shall be accompanied by a deposit of twenty-five rupees. The complainant shall also swear in affidavit in such form as may be prescribed before the Lokayukt or any officer authorised by the Lokayukt in this behalf:[Provided that, in the case of a complaint against a public servant in relation to whom the Chief Minister is not the competent authority neither the deposit nor the affidavit shall be necessary :Provided further that, if in the opinion of the Lokayukt or the Up-Lokayukt, it is necessary to have the deposit as well as the affidavit, he may direct that the complainant shall also make the deposit of twenty-live rupees and submit an affidavit in the prescribed form before him or any officer authorised by him.] [Inserted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).][(1-a) Notwithstanding anything contained in this Act or any other law enacted by the State Legislature for the time being in force, any letter written to the Lokayukt by a person in police custody or in a Jail or in any asylum or other place for insane person, shall be forwarded to the Lokayukt unopened and without delay by the Police Officer or person in charge of such Jail, asylum or other place and the Lokayukt 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 (1).] [Inserted by M.P. Act No. 25 of 1998 (w.e.f. 31-8-1998).](2)Notwithstanding anything contained in Section 10 or any other provision of the Act

every person who wilfully or maliciously makes any false complaint under this Act shall, on conviction be punished with rigorous imprisonment which may extend to two years or with fine which may extend to live thousand rupees or with both and the Court may order that out of the amount of fine, such sum as it may deem fit, be paid by way of compensation to the person against whom such complaint was made :[Provided that no Court shall take cognizance of an offence punishable under this section except on a complaint made by or under the authority of the Lokayukt or Up-Lokayukt, as the case may be] [Substituted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).] :Provided further that the complaint made under the signature and seal of Lokayukt or Up-Lokayukt shall be deemed as formally proved and the evidence of Lokayukt and Up-Lokayukt shall not be necessary for the purpose.

## **10. [ Procedure in respect of enquiry. [Substituted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).]**

- The Lokayukt or Up-Lokayukt shall, in each case before it, decide the procedure to be followed for making the enquiry and in so doing ensure that the principles of natural justice are satisfied.]

## **11. Applicability of Evidence Act and Code of Criminal Procedure.**

- The general principles of powers conferred by Evidence Act, 1872 (No. 1 of 1872), and Criminal Procedure Code, 1973 (No. 2 of 1974), shall as nearly as may be apply to the procedure of inquiry before Lokayukt or Up-Lokayukt in the matter of, -(a) summoning and enforcing the attendance of any person and his examination on oath; (b) requiring the discovery and production of documents and proof thereof; (c) receiving evidence on affidavits; (d) requisitioning any public record or copy thereof, from any Court or office; (e) issuing commission for examination of witness or documents; and such other matters as may be prescribed :Provided that no proceeding before the Lokayukt or Up-Lokayukt shall be invalidated only on account of want of formal proof if the principles of natural justice are satisfied :[Provided further that where it is necessary to summon any Government servant in his official capacity, his statement on affidavit shall be deemed to be sufficient evidence.] [Inserted by M.P. Act No, 24 of 2003 (w.e.f. 20-5-2003).] (2) Any proceeding before Lokayukt or Up-Lokayukt shall be deemed to be a Judicial proceeding within the meaning of Section 193 [and Section 228] [Inserted by M.P. Act No. 7 of 1982 (w.e.f. 28-1-1982).] of the Indian Penal Code, 1860 (No. 45 of 1860). (3) The Lokayukt or Up-Lokayukt shall be deemed to be Court within the meaning of Contempt of Courts Act, 1971 (No. LXX of 1971).

## **12. Reports of Lokayukt and Up-Lokayukt.**

(1) If, after enquiry into the allegations the Lokayukt or an Up-Lokayukt is satisfied that such allegation is established, he shall by report in writing communicate his findings and recommendations alongwith the relevant document, materials and other evidence to the competent authority. (2) The competent authority shall examine the report forwarded to it under sub-section (3) and initiate, within three months of the date of receipt of the report, the Lokayukt or, as the case may be, the Up-Lokayukt, the action taken or proposed to be taken on the basis of the report. [(2-A)

x x x] [Omitted by M.P. Act No. 17 of 1983 (w.e.f. 4-2-1983).](3)If the Lokayukt or the Up-Lokayukt is satisfied with the action taken or proposed to be taken on his recommendations, he shall close the case under information to the complainant, the public servant and the competent authority concerned. In any other case, 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.(4)The Lokayukt or the Up-Lokayukt shall present annually a consolidated report on the performance of their functions under this Act, to the Governor.(5)If in any special report under sub-section (3) or the annual report under sub-section (4) any adverse comment is made against any public servant, such report shall also contain the substance of the defence adduced by such public servant and the comment made thereon by or on behalf of the State Government or department concerned of the State Government or the public authority concerned, as the case may be.(6)On receipt of a special report under sub-section (3), or the annual report under sub-section (4), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before the State Legislative Assembly.(7)Subject to the provisions of Section 10, the Lokayukt may at his discretion make available from time to time, the substance of cases closed or otherwise disposed of by him or by an Up-Lokayukt, 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.

## **12A. [ Report in respect of complaint against the Chief Minister or Neta Pratipaksha. [Substituted by M.P. Act No. 11 of 1984 (w.e.f 29-1-1984).]**

- [(1) The Lokayukt shall send his report in respect of a complaint against the Chief Minister or the Neta Pratipaksha with his recommendations to the Governor who shall take such action as he may deem lit or expedient on the report.](2)The report of the Lokayukt and the order passed by the Governor shall be laid on the table of the Legislative Assembly.]

## **13. Staff of Lokayukt and Up-Lokayukt.**

(1)The Lokayukt may appoint, or authorise an Up-Lokayukt or any Officer subordinate to the Lokayukt or an Up-Lokayukt to appoint, officers and other employees to assist the Lokayukt and the Up-Lokayukt 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 Lokayukt and Up-Lokayukt shall be such as may be prescribed, after consultation with the Lokayukt.(3)Without prejudice to the provisions of sub-section (1), the Lokayukt or an Up-Lokayukt may for the purpose of conducting enquiries under this Act, utilize the services of,-(i)[ [Divisional Vigilance Committee] [Inserted by M.P. Act No. 20 of 1994 (w.e.f. 8-6-1994) and existing clauses be renumbered as (ii) and (iii).] constituted under Section 13-A;](ii)any officer or investigation agency of the State or Central Government with the concurrence of that Government; or(iii)any other person or agency.(4)[ The services of officers and employees, other than those appointed by the Lokayukt under sub-section (1) shall not be taken back before the expiry of the period of deputation by the concerned department without prior concurrence of the Lokayukt.] [Inserted by M.P. Act No. 25 of 1998 (w.e.f. 31-8-1998).]

### **13A. [ Constitution of [Divisional Vigilance Committee] [Inserted by M.P. Act No. 20 of 1994 (w.e.f. 8-6-1994).].**

- [(1) The State Government may, by notification in the Official Gazette constitute a [Divisional Vigilance Committee] [Substituted by M.P. Act No. 2 of 1995 (w.e.f. 3-1-1995).] for [each Division] [Substituted by M.P. Act No. 24 of 2003 (w.e.f. 14-5-2003).] consisting of three members out of whom one shall be retired Judicial Officer not below the rank of a Civil Judge Class I or a retired executive officer having experience of Court's working not below the rank of a class I Officer of the State Government.](2)One of the members shall be the Chairperson of the Committee. The Chairperson and the members shall be appointed by the State Government [on the recommendation of] [Substituted by M.P. Act No. 2 of 1995 (w.e.f. 7-1-1995).] Lokayukt.(3)[ Every member of the [Divisional Vigilance Committee] [Substituted by M.P. Act No. 25 of 1998 (w.e.f. 31-8-1998).] shall hold office for a term of 3 years and shall be eligible for re-appointment for another term not exceeding three years. However, no member shall hold office as such after he has attained the age of 70 years :Provided that the Chairperson or a member may resign his office before expiry of his term by sending a letter to the Lokayukt:Provided further that the Chairperson or a member may be removed by the State Government, on grounds of misconduct or physical or mental incapacity for discharging duties of the office, on the recommendations of the Lokayukt.(3-A) The minimum age for appointment as a member shall be thirty-five years.](4)The State Government may authorise a [Divisional Vigilance Committee] [Substituted by M.P. Act No. 24 of 2003 (w.e.f. 14-5-2003).] to have jurisdiction over [another Division] [Substituted by M.P. Act No. 24 of 2003 (w.e.f. 14-5-2003).] also for which no separate committee is constituted.(5)A [Divisional Vigilance Committee] [Substituted by M.P. Act No. 24 of 2003 (w.e.f. 14-5-2003).] shall enquire into a complaint referred to it by the Lokayukt or the Up-Lokayukt and submit a report to the Lokayukt or the Up-Lokayukt, as the case may be.(6)In holding the enquiry, the committee shall ensure that the principles of natural justice are observed. The committee shall have the powers under the Code of Criminal Procedure, 1973 (2 of 1974) in respect of the following matters,-(a)Summoning and enforcing the attendance of any person and his examination on oath.(b)Requiring the discovery and production of documents and proof thereof.(c)Receiving evidence on affidavits.(d)Requisitioning any public record or copy thereof from any Court or office.(e)Issuing commission for examination of witnesses or documents and such other matters as may be prescribed.(7)Subject to foregoing provisions the procedure relating to conduct of meetings of the committee, its place of sitting and other allied matters, shall be such as may be prescribed by the State Government in consultation with the Lokayukt.(8)The Committee shall discharge the functions under the administrative control of the Lokayukt who may issue such general or special directions as he may think fit for smooth and efficient functioning of the committees.]

### **14. Secrecy of information.**

(1)Any information, obtained by the Lokayukt or Up-Lokayukt 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, be treated as confidential and notwithstanding anything contained in the Indian Evidence Act, 1872 (No. 1 of 1872), no Court shall be entitled to compel the Lokayukt or an Up-Lokayukt 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 enquiry 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 (No. 19 of 1923), or any 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 Lokayukt or an Up-Lokayukt, 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 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 Lokayukt, the Up-Lokayukt 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. Protection.**

- No suit, prosecution or other legal proceeding shall lie against the Lokayukt or the Up-Lokayukt 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.

## **16. Lokayukt to make suggestions.**

- The Lokayukt, in the discharge of his function under this Act, notices a practice or procedure which in his opinion affords an opportunity for corruption or mal-administration, he may bring it to the notice of the Government and may suggest such improvement in the said practice or procedure as he may deem fit.

## **17. Power to make rules.**

(1)The Governor may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.(2)[ In particular and without prejudice to the generality of powers in sub-section (1), the State Government in consultation with the Lokayukt may by rules provide for the mode and manner of selection of Chairperson and Members of the [Divisional Vigilance Committee] [Inserted by M.P. Act No. 20 of 1994 (w.e.f. 8-6-1994).], their honorarium and other allowances, conditions of service, staff of the committee and allied matters.](3)[ [Renumbered by M.P. Act No. 20 of 1994 (w.e.f. 8-6-1994).] All rules made under this section shall be laid on the table of the Legislative Assembly.

## **18. Removal of doubts.**

- For the removal of doubts it is hereby declared that nothing in this Act, shall be construed to authorise the Lokayukt or an Up-Lokayukt to enquire into an allegation against,-(a)any member of

the judicial service who is under the administrative control of the High Court under Article 235 of the Constitution of India;(b)the Chairman or a member of the Madhya Pradesh State Public Service Commission.

## **19. Saving.**

- The provision 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 matter is available to a person making a complaint under this Act, in respect of any action, and nothing in this Act, shall limit or effect the right of such person to avail of such remedy.

## **20. Transfer of complaints pending before Vigilance Commissioner and prohibition to entertain complaints disposed of prior to commencement of this Act.**

(1)All complaints pending before the Vigilance Commissioner immediately before the commencement of this Act, shall, on such commencement, stand transferred to the Lokayukt or Up-Lokayukt as the case may be, and shall thereupon be disposed of by the Lokayukt or the Up-Lokayukt as if they were complaints entertained by him under this Act.(2)No complaint disposed of by the Vigilance Commissioner prior to the commencement of this Act, shall be entertained by the Lokayukt or Up-Lokayukt under this Act:Provided that the Lokayukt or Up-Lokayukt, as the case may be, may if he considers it necessary so to do to meet the ends of justice, enquire into any complaint finally disposed of by the Vigilance Commissioner within a period of two years prior to the commencement of this Act.The First Schedule[See Section 3 (3)]I..... having been appointed Lokayukt/Up-Lokayukt do swear in the name of God/solemnly affirm 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[x x x] [Omitted by M.P. Act No. 25 of 1998 (w.e.f. 31-8-1998).]Notifications[Notification No. F.E.5-(6)-1981-1-5, dated 14-2-1982.] [Published in M.P. Rajpatra (Asadharan), dated 14-2-1982 at page 161.] - In exercise of the powers conferred by sub-section (3) of Section 1 of the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 (No. 37 of 1981), the State Government hereby appoints 14th February, 1982 as the date on which the said Adhiniyam shall come into force.[Notification No. F. 3 (5)-85-XLIX-10, dated 15-12-1988.] [Published in M.P. Rajpatra (Asadharan), dated 22-12-1988 at page 2564.] - Consequent upon the constitution of Lokayukt organisation in place of State Vigilance Commission under the Madhya Pradesh Lokayukt Evam Up-Lokayukt Adhiniyam, 1981 (with effect from the 14th February, 1982) the State Government hereby declare that the State Vigilance Commission which was constituted under the General Administration Department's Resolution No. 354-Cr-9-1 (b)-64, dated the 6th February, 1964 will cease to function with effect from 14th February, 1982.

**2. The State Government after dissolving the Divisional Vigilance Boards and District Vigilance Officers constituted under the said Resolution of the General Administration Department, hereby constitute the following Divisional Vigilance Board at each Division level with immediate effect : -**

Divisional Vigilance Board

**1. There shall be a Divisional Vigilance Board (hereinafter referred to as the 'Board') for each Division.**

**2. There shall be two members in every Board namely : -**

Divisional Commissioner and Dy. Inspector General of Police.

**3. The Divisional Commissioner will be the convenor of the Board.**

**4. The powers and functions of the Board shall be as follows,-**

(a)To take suitable action in the cases received from Lokayukt/ Up-Lokayukt/State Bureau of Investigation of Economic Offences;(b)To entrust any complaint, information or case received by it to the concerned Division/District level officer for enquiry;(c)To issue directions for further action, after examining the enquiry report received in the above mentioned cases;(d)To ensure expeditious execution of enquiry work in various cases by officers of different departments working in the division;(e)To examine the procedures of divisional level and subordinate officer from time to time and to suggest ways and means to redress the delay and inconvenience, if any, caused to the general public.