

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 High Court of M.P. and Leader of the Opposition in the Legislative Assembly, or if there be no such Leader, a person selected in this behalf by Members of the Opposition in that House in such manner as the Speaker may direct;
 - (b) Up-Lokayukt shall be appointed after consultation with 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.²
- (2) A person shall not be qualified for appointment as,³
- (a) Lokayukt unless he has been a Judge of the Supreme Court⁴ 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 Central or a State Government carrying a scale of pay⁵ which is not less than that of a Additional Secretary to Government of India.

- 1 Words "Chief Justice of the High Court of Madhya Pradesh and" inserted by Madhya Pradesh Amendment Act no. 7 of 1982, published in "Madhya Pradesh Rajpatra"(Asadharan) pages 426-428.
- 2 Substituted for clause (b) of the proviso to sub-section (1) of section 3 of the Principal Act vide the Madhya Pradesh Lokayukt Evam Up-Lokayukt (Sanshodhan) Adhiniyam, 1986 published in "Madhya Pradesh Rajpatra" dated 9 January, 1987 (p 91), the original clause (b) being "Up-Lokayukt shall be appointed after consultation with the Lokayukt."
- 3 Substituted for sub-section(2) of Sec. 3 of the Principal Act vide the Madhya Pradesh Lokayukt Evam Up-Lokayukt (Sanshodhan) Adhiniyam, 1986, published in "Madhya Pradesh Rajpatra" dated 9 th Jan. 1987 (p. 91). Substitution was made only for sub-clause (b) sub-section (2) of sec. 3 which stood as "Up-Lokayukt, unless he has been a Judge of any High Court in India or has held the office of the Secretary to the Government of India or of Chief Secretary to any State Government.
- 4 Substituted for the words "or the Chief Justice of any High Court in India" vide M.P. Amendment Act No.24 of 2003.
- 5 Substituted for the words "which is not less than that of a secretary to Government of India" vide M.P. Amendment Act No.24 of 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 Up-Lokayukt and may withdraw to himself or may " subject to the provisions of section 7", make over any case to Up-Lokayukt for disposal:

Provided that, nothing in this sub-section shall be construed to authorise the Lokayukt to question any finding, conclusion, recommendation of Up-Lokayukt.

अनुभाग अधिकारी
सामान्य प्रशासन विभाग (कक्ष-10)