

The Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Act, 1981

Act 7 of 1981

Keyword(s):

Lokayukta, Up-Lokayukta, Consolidated Fund, Salary, Allowances, Pension, Chief Justice, Court

Amendments appended: 8 of 1988, 10 of 1989, 29 of 2006

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Dated Lucknow, April 14, 1981

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Lok Ayukta tatha Up Lok Ayukta (Sanshodhan) Adhiniyam, 1981 (Uttar Pradesh Adhiniyam Sankhya 7, of 1981), as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 13, 1981 :

**THE UTTAR PRADESH LOKAYUKTA AND UP-LOKAYUKTAS
(AMENDMENT) ACT, 1981**

[U.P. ACT No. 7 OF 1981]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

to amend the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975.

IT IS HEREBY enacted in the Thirty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Act, 1981.

Amendment of
section 2 of U.P.
Act 42 of 1975.

2. In section 2 of the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975, thereafter referred to as the principal Act, in the Hindi version,—

(a) in clause (च), in sub-clause (1), after the word “अन्यायपूर्ण” the word “उत्पीड़क” shall be inserted and deemed always to have been inserted ;

(b) in clause (अ), in sub-clause (5), in paragraph (ग), for the words "राज्य सरकार या किसी कम्पनी द्वारा धारित है", the words "राज्य सरकार द्वारा धारित है या कोई कम्पनी" shall be *substituted* and deemed always to have been *substituted*.

3. In section 5 of the principal Act, in sub-section (3), for the words and figures "sub-clause (iv) of clause (i) of section 2", the words and figures "sub-clause (v) of clause (j) of section 2" shall be *substituted* and deemed always to have been *substituted*.

Amendment of
section 5.

4. In section 7 of the principal Act, in Hindi version, in sub-section (1), in clause (3), the words "किसी लोक सेवक से भिन्न" shall be *omitted* and deemed always to have been *omitted*.

Amendment of
section 7.

5. In section 20 of the principal Act, in Hindi version, for the words "धारा 14 में निर्दिष्ट अधिकारियों, कर्मचारियों अथवा ऐसे अधिकारियों, कर्मचारियों अथवा एजेन्सियों द्वारा", the words "धारा 14 में निर्दिष्ट ऐसे अधिकारियों, कर्मचारियों अथवा एजेन्सियों द्वारा" shall be *substituted* and deemed always to have been *substituted*.

Amendment of
section 20.

6. After section [20] of the principal Act, the following section shall be *inserted*, namely:

Insertion of new
section 20-A.

"20-A. It is hereby declared that the salary, allowances and pension payable to or in respect of the Lokayukta or the Up-Lokayuktas, the expenditure relating to their staff and office and other expenditure in respect of the implementation of this Act shall be expenditure charged on the Consolidated Fund of the State of Uttar Pradesh."

Expenditures to
be charged on
Consolidated
Fund.

By order,
G. B. SINGH,
Sachiv.

THE UTTAR PRADESH LOKAYUKTA AND UP-LOKAYUKTAS
(AMENDMENT) ACT, 1988

(U. P. ACT NO. 8 OF 1988)

(As passed by the U. P. Legislature)

AN
ACT

further to amend the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975

IT IS HEREBY enacted in the Thirty-ninth Year of the Republic of India as follows :

1. (1) This Act may be called the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Act, 1988.

Short title and commencement

(2) Section 2 shall be deemed to have come into force on January 8, 1988, section 3 shall be deemed to have come into force on April 1, 1986 and the remaining provisions shall come into force at once.

2. In section 5 of the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975, hereinafter referred to as the principal Act, in sub-section (1) for the words "five years" the words "six years" shall be substituted.

Amendment of section 5 of U.P. Act no. 42 of 1975

3. For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely :—

Substitution of Second Schedule

“THE SECOND SCHEDULE”

[See Section 5(4)]

There shall be paid to the Lokayukta and the Up-Lokayukta in respect of time spent on actual service, salary at the following rates per mensem, that is to say :

Lokayukta In case he has been a Judge of the Supreme Court or Chief Justice of a High Court or a Judge of a High Court, the salary respectively admissible from time to time to a Judge of the Supreme Court or Chief Justice of a High Court or Judge of a High Court.

Up-Lokayukta In case he has been a Judge of a High Court, the salary admissible from time to time to a Judge of a High Court and in any other case, the salary admissible from time to time to an Additional Secretary of the Government of India:

Provided that if the Lokayukta or an Up-Lokayukta 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 under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, his salary in respect of service as the Lokayukta or, as the case may be, Up-Lokayukta 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, and

(c) if he has before such appointment, received a retirement gratuity in respect of such previous service by the pension equivalent of that gratuity”.

4. (1) The Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Ordinance, 1988, is hereby repealed.

Repeal and Saving

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,
S. N. SAHAY,
Sahciv.

[P. Ordinance no. 1 of 1988]



Dated Lucknow, March 31, 1989

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Lok Ayukta Tatha Up-Lok Ayukta (Samshodhan) Adhiniyam, 1989, (Uttar Pradesh Adhiniyam Sankhya 10 of 1989), as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 31, 1989.

UTTAR PRADESH LOKAYUKTA AND UP-LOKAYUKTAS
(AMENDMENT) ACT, 1989

(U. P. ACT NO. 10 OF 1989)

(As passed by the U. P. Legislature)

AN
ACT

to further amend the Uttar Pradesh Lokayukta and Up-lokayuktas Act, 1975.

It is hereby enacted in the Fortieth Year of the Republic of India as follows:

1. This Act may be called the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Act, 1989.

उत्तर प्रदेश कलाधारण मजदूर, 31 मार्च, 1989

3

2. In section 2 of the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975, hereinafter referred to as the principal Act, for clause (d), the following clause shall be substituted, namely :

Amendment to
Section 2 of U.P.
Act no. 4 of
1975.

“(d) ‘grievance’ means :—

(i) a claim by a person that he sustained injustice or undue hardship in consequence of maladministration, or

(ii) a complaint to the effect that an authority empowered to make appointments to a public service or post in connection with the affairs of the State of Uttar Pradesh has after the commencement of the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Act, 1989 made any appointment in breach of the quota of reservation for members of scheduled castes or scheduled tribes laid down by the State Government.”

3. In section 9 of the principal Act, in sub-section (1), after existing proviso, the following proviso shall be inserted, namely :

Amendment of
section 9.

“Provided further that in the case of a grievance involving a complaint referred to in sub-clause (ii) of clause (d) of section 2, the complaint may be made also by an organization recognized in that behalf by the State Government.”

4. In section 22 of the principal Act,—

Amendment of
section 22.

(a) after the word “allegation” the words “or grievance” shall be inserted;

(b) after clause (f), the following clause shall be inserted, namely :—

“(g) any member of the staff of Governor’s Secretariat.”

5. In the Second Schedule to the principal Act in the proviso,—

Amendment of
Second Schedule.

(i) in clause (b), for the words “pension, and” the word “pension” shall be substituted;

(ii) clause (c) shall be omitted.

6. In the Third Schedule to the principal Act, in paragraph (d), after the word “appointments” the following brackets, words and figures shall be inserted, namely :—

Amendment of
Third Schedule.

“(other than an appointment referred to in clause (ii) of clause (d) of section 2.”)

By order,
NARAYAN DAS,
Sachiv,

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Dated Lucknow, October 26, 2006

IN pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Lok Ayukta Tatha Up Lok Ayukta (Sansodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 29 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 23, 2006:—

THE UTTAR PRADESH LOKAYUKTA AND UP-LOKAYUKTAS (AMENDMENT)
ACT, 2006

(U.P. Act no. 29 of 2006)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975.

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows:—

Short title

1. This Act may be called the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Act, 2006.

Amendment of
Second Schedule
to U.P. Act no. 42
of 1975

2. In the Second Schedule to the Uttar Pradesh Lokayukta and Up-Lokayukta Act, 1975 in the entries relating to the rate of salary the Lokayukta for the words "Chief Justice of the High Court or Judge of a High Court" appearing in the end the words "Chief Justice of a High Court" shall be *substituted*.

STATEMENT OF OBJECTS AND REASONS

The Second Schedule to the Uttar Pradesh Lokayukta and Up-Lokayukta Act, 1975 (U.P. Act no. 42 of 1975) *inter alia* provides that the Lokayukta, in case he has been a judge of the Supreme Court or the Chief Justice or a Judge of a High Court is entitled to salary respectively admissible from time to time to a judge of the Supreme Court or Chief Justice of a High Court or Judge of a High Court, keeping in view the salary of the Lokayuktas of other states such as Andhra Pradesh, Bihar, Delhi, Gujrat, Karnatka, Maharashtra and Madhya Pradesh which is Rs. 30,000/- per mensum equal to the salary admissible to a Judge of Supreme Court or Chief Justice of a High Court, it has been decided to amend the said Act to provide for entitling the Lokayukta to the salary at the rate admissible from time to time to a Judge of the Supreme Court or Chief Justice of a High Court.

The Uttar Pradesh Lokayukta and Up-Lokayukta's (Amendment) Bill, 2006 is introduced accordingly.

By order,

R. M. CHAUHAN,

Pramukh Sachiv.