# Lokpal of India: Recent Update and Overview

### Why in the News?

In January 2025, the **Lokpal of India**, the country's statutory anti-corruption authority established under the **Lokpal and Lokayuktas Act, 2013**, celebrated its first **Foundation Day**.

## Lokpal and Lokayukta Act, 2013: Key Points

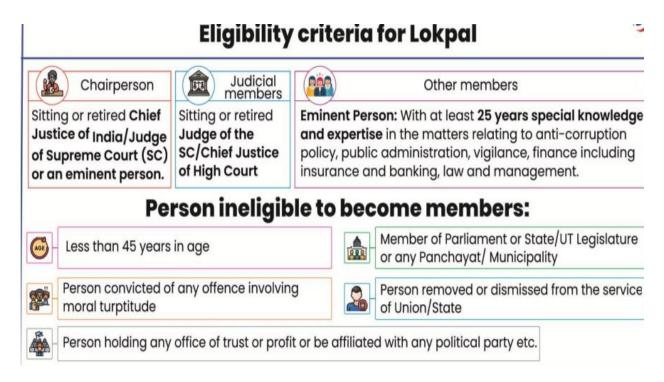
- The Act mandates the setting up of a **Lokpal at the central level** and **Lokayuktas** at the state level to handle corruption complaints against specific public officials.
- A **2016 amendment** allowed the **leader of the largest opposition party** in the Lok Sabha to be part of the Lokpal selection committee if there is no formally recognized Leader of Opposition.
- The amendment also modified **Section 44**, concerning the declaration of assets and liabilities by public servants.

## **About Lokpal**

- **Composition**: The Lokpal includes a **Chairperson** and up to **eight Members**, with at least **50% being Judicial Members**. Moreover, **half of the total membership** must belong to SCs, STs, OBCs, minorities, or women.
- **Tenure**: Members serve for **five years** or until reaching the **age of 70**.
- Appointment Process:

Appointed by the President based on the recommendations of a **Selection Committee** comprising:

- Prime Minister (Chairperson)
- Speaker of the Lok Sabha
- Leader of Opposition or leader of the largest opposition party
- Chief Justice of India or a nominated Supreme Court judge
- One eminent jurist nominated by the President



## • Jurisdiction:

Covers the **Prime Minister** (with exceptions relating to national security, international relations, atomic energy, public order, and space), Union Ministers, Members of Parliament, and officers from **Groups A, B, C, and D**.

#### Powers and Functions:

- Supervises Delhi Special Police Establishment (DSPE) investigations.
- Authorizes searches and seizures necessary for investigations.
- Directs the **Central Vigilance Commission** to report on cases referred to it.
- Exercises powers similar to a civil court during preliminary inquiries.

#### **About Lokayuktas**

- Lokayuktas are set up independently by each **State** through separate legislation.
- Their **structure**, **selection criteria**, **tenure**, **and powers** differ across states.

#### Challenges Associated with Lokpal and Lokayukta

#### • Whistleblower Protection:

The Act lacks adequate protection for complainants. The possibility of inquiry

against a complainant if the accused is found innocent discourages genuine complaints.

### Appeal Mechanism:

There are insufficient provisions for appeals, affecting transparency.

#### Political Influence:

The selection committee includes political members, making the process susceptible to bias. Also, no clear criteria exist to define an "eminent jurist," adding to ambiguity.

#### • Prime Minister's Inclusion:

Investigations against the Prime Minister could impair executive functioning. Concerns have been raised that only Parliament should have this oversight.

## • Other Shortcomings:

- No constitutional status for Lokpal and Lokayuktas.
- Delays in information gathering from government departments hamper efficiency.
- Complaints must be filed within **seven years** of the incident.
- Judiciary remains outside Lokpal's jurisdiction.
- No standard framework for appointing Lokayuktas across states.

## **Suggested Reforms**

#### • Second Administrative Reforms Commission (ARC):

Recommended **excluding the Prime Minister** from Lokpal's jurisdiction to protect executive independence.

#### • Strengthening the Institution:

- Grant **constitutional status** and **financial autonomy** to the Lokpal.
- Decentralize power among multiple institutions with accountability mechanisms.

### • 11th All India Lokayukta Conference (2012):

Proposed to:

- Designate Lokayuktas as the nodal agency for corruption complaints.
- Empower Lokayuktas with control over state probe agencies.
- Include bureaucrats under their purview.
- Grant powers like search and seizure and initiate contempt proceedings.
- Ensure administrative and financial autonomy.
- Extend jurisdiction over NGOs receiving government funding.

#### Conclusion

As **Publius Cornelius Tacitus** rightly said, "The more corrupt the state, the more numerous the laws." Thus, rather than enacting new laws, India must focus on the **effective implementation of existing ones** to combat corruption efficiently.