

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

Eligibility criteria for Lokpal

 Chairperson	 Judicial members	 Other members
Sitting or retired Chief Justice of India/Judge of Supreme Court (SC) or an eminent person.	Sitting or retired Judge of the SC/Chief Justice of High Court	Eminent Person: With at least 25 years special knowledge and expertise in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.
Person ineligible to become members:		
 Less than 45 years in age	 Member of Parliament or State/UT Legislature or any Panchayat/ Municipality	
 Person convicted of any offence involving moral turpitude	 Person removed or dismissed from the service of Union/State	
 Person holding any office of trust or profit or be affiliated with any political party etc.		

- **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.