

Lokpal and Lokayukta Act

Important Facts

- The **Lokpal and Lokayukta Act** is an anti-corruption ombudsman established by the Lokpal and Lokayukta **Act, 2013**.
- It has the provision of appointing 'Lokpal' at the centre and 'Lokayukta' on every state.
- These are **statutory bodies established** without any constitutional status.
- The former Supreme Court Judge Justice Pinaki Chandra Ghose is the first Lokpal of India.

Evolution of Lokpal and Lokayukta in India

- For the first time, an office ombudsman was established in Sweden in 1809.
- The concept of ombudsman developed significantly after the Second World War.
- The United Kingdom adopted it in 1967.
- In India, this concept was first proposed by the then law minister Ashok Kumar Sen in the early 1960s.
- In 1966 the recommendations of the First Administrative Reforms Commission suggested the setting up of independent authority for looking after the complaint against public functionaries.
- In 2005 the 2nd ARC the chaired by Veerappa Moily also recommended for provision of Lokpal.
- In India for the first time, the Lokpal bill was introduced in the Lok Sabha in 1968 but could be not passed, and till 2011 a total of eight failed attempts were made to pass the Bill.
- Finally, massive pressure from civil societies and demand from the social groups resulted in the passing of the Lokpal and Lokayuktas Bill, 2013.

Highlights of the Lokpal Act of 2013

- This Act allows for setting up of anti-corruption ombudsman known as Lokpal at the Centre and Lokayukta for every state.
- The bill extends to the whole of India. The state of Jammu & Kashmir also comes under this Act.
- The Lokpal covers all categories of public servants, including the Prime Minister.
- The officers/personnel of the armed forces do not come under Lokpal.
- It has provisions for attachment and confiscation of property acquired by corrupt means, even during the prosecution.
- The States is to establish the office of Lokayukta within one year of the commencement of the Act.
- It has provisions for the protection of public servants who Act as whistleblowers.

Composition of the Lokpal

- The office of Lokpal consists of a chairperson and a maximum of 8 members.
- The Chairman and half of the members should be from legal backgrounds.
- The 50% of the seats are reserved for SC, ST, OBC, minorities or women.

Criteria for selection of Chairperson

- She/he should be either former Chief Justice of India or Judge of the Supreme Court.
- She/he should be an eminent person with impeccable integrity and outstanding ability with at least 25 years experience in matters related to anti-corruption policy, law, management etc.

Appointment of Chairperson and Members

The President appoints the chairperson and members on the recommendation of a select committee consisting of the following:-

- The Prime Minister
- The Speaker of Lok Sabha
- The Leader of Opposition in Lok Sabha
- The Chief Justice of India
- One eminent jurist appointed by the President

Term of Office

- The Chairman and members of Lokpal hold office for five years or upto the age of 70 yrs.
- The salary, allowances and other condition of service of the chairperson shall be equivalent to the Chief Justice of India, and members are comparable to the Judge of the Supreme Court.
- All expenses are charged from the consolidated fund of India.

Jurisdiction and powers of the Lokpal

- Lokpal has the Jurisdiction over all Groups A, B, C and D officers and officials of Central Government, PSUs, members of parliament, minister and it also includes Prime Minister.
- The Prime Minister comes under the ambit of Lokpal except on the matters of corruption relating to international relations, security, the public order, atomic energy and
- Any other person involved in the Act of abetting, bribe giving, or bribe-taking comes under the ambit of Lokpal.
- It mandates the furnishing of the assets and liabilities of themselves as well as their dependents to all public officials.

- It has **the powers to give directions to all agencies like CBI, CVC etc. It can assign a task. On assignment of any task by Lokpal, the concerned officer can't be transferred without the permission of the Lokpal.**
- The Inquiry Wing of the Lokpal has the powers of a civil court.
- Lokpal has the powers of confiscation of property earned through corrupt means even during the prosecution.
- It has the power of suspension or transfer of public servants connected with the allegation of corruption.
- It can recommend the central government for the establishment of special courts to hear and decide any case.

Working procedure of Lokpal

- Lokpal acts only on the complaint. It can't take suo moto action.
- After receiving it can order a preliminary inquiry.
- The Lokpal has two major wings: investigation wing and prosecution wing.
- Through his investigation wing, the Lokpal can conduct a preliminary investigation of any offence alleged to be committed under the Prevention of Corruption Act, 1988.
- It can also conduct a detailed inquiry. After the inquiry, if the individual is found using corrupt practices, then the Lokpal can recommend disciplinary action.

Procedure for removal of Lokpal from office

- The Chairmen or members of the Lokpal can be **removed** only by the President on the recommendations of the Supreme Court. The grounds of removal are misbehaviour, infirmity of body or mind, insolvent, taken paid employment outside the office.
- For the removal of the chairman or members of Lokpal petition signed by at least 100 members of Parliament is required. After that, it will be referred to the Supreme Court for enquiry.
- After the investigation, if the Supreme Court finds the charges as valid against the chairperson or a member and recommends removal, then he shall be removed by the President.

Post-retirement provisions

- She/he cannot be reappointed as chairman or member.
- She/he can't take any diplomatic assignment.
- She/he can't be appointed to any constitutional or statutory post in which appointment is made by the President.
- She/he can't contest any of the election such as the President/ Vice-President, MLA, MLC or local bodies upto five years after retirement.