



Mains Practice Question

Q. For decades, India has tried to appoint an anti-corruption ombudsman. Discuss the efforts made and challenges remaining in this regard. (250 words)

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Approach:

- Briefly state the legislation and other provisions that deal with appointment of anti-corruption ombudsman in India.
- Explain the steps that have been taken to ensure the appointment.
- Explain the challenges to the appointment.
- Suggest measures that can simplify and ensure the timely appointment of the ombudsman in the country.

Introduction

- Lokpal and Lokayuktas Act, 2013, provides for establishment of Lokpal at the Centre and Lokayuktas at the States.
- The Lokpal is to be an anti-corruption body comprising of a chairperson and a maximum of eight people. The ombudsman will look into allegations of corruption against administrators and legislators.
- The Lokpal Act covers a wide range of public servants — from the Prime Minister, ministers and MP, to groups A, B, C and D officers of the central government.
- Of its other members 50% are to be judicial members, provided that not less than 50% of the members belong to the Scheduled Castes, Scheduled Tribes, OBCs, minorities, and women.
- The Lokpal is appointed by a five-member selection committee which will be headed by the Prime minister and will comprise of the Chief Justice of India, the Lok Sabha Speaker, the leader of the largest opposition party and an eminent jurist.
- Lokayukta is to be the similar body established by the states to deal with complaints relating to corruption against certain public functionaries.

Efforts made to appoint as ombudsman

- The first Bill for a Lokpal was tabled in Parliament in 1968. Institutions such as the Central Bureau of Investigation and the Central Vigilance Commission were set up in those years.
- Amid repeated demands for such an ombudsman, many attempts were made at legislation, with Lokpal Bills introduced in 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005 and 2008.
- It was finally in 2013 that the Bill and demand for Lokpal was popularised by the anti-corruption movement led by Anna Hazare and the representatives of civil societies that pushed for its formulation.
- After the formulation of the Lokpal Act, SC has constantly pushed the government to expedite the process of appointment, suggesting ways to overcome the existing difficulties faced by the government.

Challenges

- **Lack of political will:** It has taken five years since the Lokpal Act, 2013, received the President's assent on January 1, 2014, for a Search Committee to even begin its work. It was formed only in September, 2018, after Common Cause, an NGO, filed a contempt petition against the government over the delay in constituting the authority despite a Supreme Court verdict in April 2017.
- **Lack of resources and administrative machinery:** lack of office space, manpower, infrastructure and a secretariat has hindered the process of appointment.
- **Vacancy of Leader of Opposition (LoP):** The five-member selection committee that mandates inclusion of LoP within it has been vacant after the 16 Lok Sabha elections. The LoP has not been recognised by the Speaker and this has particularly deterred the appointment.
- **Lack of debate on the issue in Parliament and among Public:** The appointment of Lokpal has not been taken up as an urgent matter of concern in the Parliament and this has failed to put pressure on the executive to prioritise it. Also, the citizen groups and communities have not taken up the matter as the follow up on the formulation of the legislation.

Way Forward

- Provisions relating to the selection of the Chief Information Commissioner and the Central Bureau of Investigation Director have been amended to treat the leader of the largest opposition party as the Leader of the Opposition in the absence of anyone recognised as such. Similar process can be followed for the appointment of Lokpal.
- Greater transparency, more right to information and empowerment of citizens and citizen groups is required along with a good leadership that is willing to subject itself to public scrutiny..
- Appointment of Lokpal in itself is not enough. The government should address the issues based on which people are demanding a Lokpal. Merely adding to the strength of investigative agencies will increase the size of the government but not necessarily improve governance. The slogan adopted by the government of "less government and more governance", should be followed in letter and spirit.

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