



## Inquiry Wing of Lokpal

**For Prelims:** [Lokpal](#), [Lokpal and Lokayuktas Act, 2013](#), [Prevention of Corruption Act, 1988](#), [Central Vigilance Commission \(CVC\)](#), [United Nations Convention Against Corruption \(UNCAC\)](#), [Central Bureau of Investigation \(CBI\)](#), [Second Administrative Reforms Commission \(ARC\)](#), [Transparency International](#), [Public Accounts Committee \(PAC\)](#), [Enforcement Directorate \(ED\)](#).

**For Mains:** Role and significance of Lokpal in anti-corruption framework, Strengthening of Lokpal.

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### Why in News?

Recently, the [Lokpal](#) has constituted an **inquiry wing** to conduct a preliminary **probe** into **graft-related offences** committed by [public servants](#).

### What are the Key Highlights of the Inquiry Wing of Lokpal?

- **Legal Backing:** **Section 11** of the [Lokpal and Lokayuktas Act, 2013](#), mandates the Lokpal to establish an inquiry wing.
  - This wing is responsible for conducting preliminary inquiries into offences under the [Prevention of Corruption Act, 1988](#), allegedly committed by specified public servants and functionaries.
- **Organisational Structure:** There will be a **Director of Inquiry** under the Lokpal chairperson. The director will be assisted by **three Superintendents of Police (SPs)** SP (general), SP (economic and banking) and SP (cyber).
  - Each SP will be further assisted by inquiry officers and other staff.
- **Preliminary Inquiry Timeline and Reporting:** The Inquiry Wing must finalize its preliminary inquiry and submit a report to the Lokpal within 60 days.
  - This report should include feedback from both the public servant and the designated competent authority for each category of public servant.

### Note:

- The Lokpal and Lokayuktas Act, 2013 also has provision to constitute a **prosecution wing** headed by the **“Director of Prosecution”** for the purpose of prosecution of public servants, which is **yet to be constituted**.

### What is the Need of the Inquiry Wing of Lokpal?

- **Effective Preliminary Inquiries:** The [Central Vigilance Commission \(CVC\)](#) emphasises the need for an independent authority like the Inquiry Wing of the Lokpal which is vital for conducting

preliminary inquiries into corruption related allegations.

- **Independence in Anti-Corruption Investigations:** The Lokpal's Inquiry Wing, being autonomous, can mitigate issues such as **allegation of biases** in politically sensitive cases investigated by [Central Bureau of Investigation \(CBI\)](#).
  - The Inquiry Wing will work in conjunction with other agencies such as the **CVC**, **CBI**, and state-level [Lokayuktas](#).
- **Strengthening Accountability and Public Trust:** It aligns with the recommendations of the [Second Administrative Reforms Commission \(ARC\)](#), which suggested strengthening anti-corruption institutions and enhancing coordination between different investigative and prosecuting agencies.
- **Addressing Global Concerns on Corruption:** **Global corruption indices** such as those by [Transparency International](#) have consistently highlighted the need for robust, independent institutions to tackle corruption.
  - The Inquiry wing of Lokpal is seen as a response to international calls for reform by enhancing India's mechanism for transparency and governance.
- **Filling Gaps in the Current Anti-Corruption Framework:** The [2011 Public Accounts Committee \(PAC\) Report](#) on corruption highlighted the limitations of existing anti-corruption frameworks in India.
  - The Inquiry Wing of the Lokpal addresses these gaps by providing a **specialised mechanism** for inquiry, separate from administrative and political influence.

## What are the Key Facts About Lokpal?

- **About :** It is the first institution of its kind in independent India, created to **combat corruption** among public functionaries.
  - It was established under the **Lokpal and Lokayuktas Act, 2013**, to investigate allegations of corruption against individuals within its scope.
- **Composition of the Lokpal:** The Lokpal consists of a **Chairperson and eight Members**, with at least 50% being Judicial Members.
  - The **Chairperson and Members** are appointed by the President of India and serve for a term of **five years** or until the age of **70 years**, whichever is earlier.
  - The **Chairperson's salary and allowances** are equivalent to those of the [Chief Justice of India](#), while the Members receive benefits similar to those of a [Judge of the Supreme Court](#).
- **Organisational Structure:** The Lokpal operates through **two main branches:** the **Administrative Branch** and the **Judicial Branch**.
  - Administrative branch is headed by an officer of the rank of **Secretary to the Government of India**.
  - Judicial branch is headed by a **Judicial Officer** of an appropriate level.
- **Jurisdiction:** The Lokpal has the authority to investigate allegations of corruption against a wide range of public functionaries, including the [Prime Minister, Union Ministers, Members of Parliament](#), and officials in **Groups A, B, C, and D** of the Union Government.
  - It also covers **chairpersons, members, officers, and directors** of any board, **corporation, society, trust, or autonomous body** established by an Act of Parliament or funded by the Union or State Government.
- **Proceeding of Lokpal:** Upon receiving a complaint, the Lokpal may order a **preliminary inquiry** by its Inquiry Wing or refer the matter to agencies like the **Central Bureau of Investigation (CBI) or CVC**.
  - The CVC sends a report back to the Lokpal for officials in Groups A and B, while it takes action under the [CVC Act, 2003](#) for Groups C and D.
- **Function of Lokpal:** They perform the function of an "[ombudsman](#)" and inquire into allegations of corruption against certain public functionaries and for related matters.
  - An ombudsman is an official who **investigates complaints** (usually lodged by private citizens) against **businesses, public entities, or officials**.

## What are the Challenges in Functioning of Lokpal?

- **Delay in Establishment of Supporting Infrastructure:** The **Lokpal and Lokayuktas Act, 2013** mandates separate **Inquiry and Prosecution Wings** for the Lokpal. While the Inquiry Wing

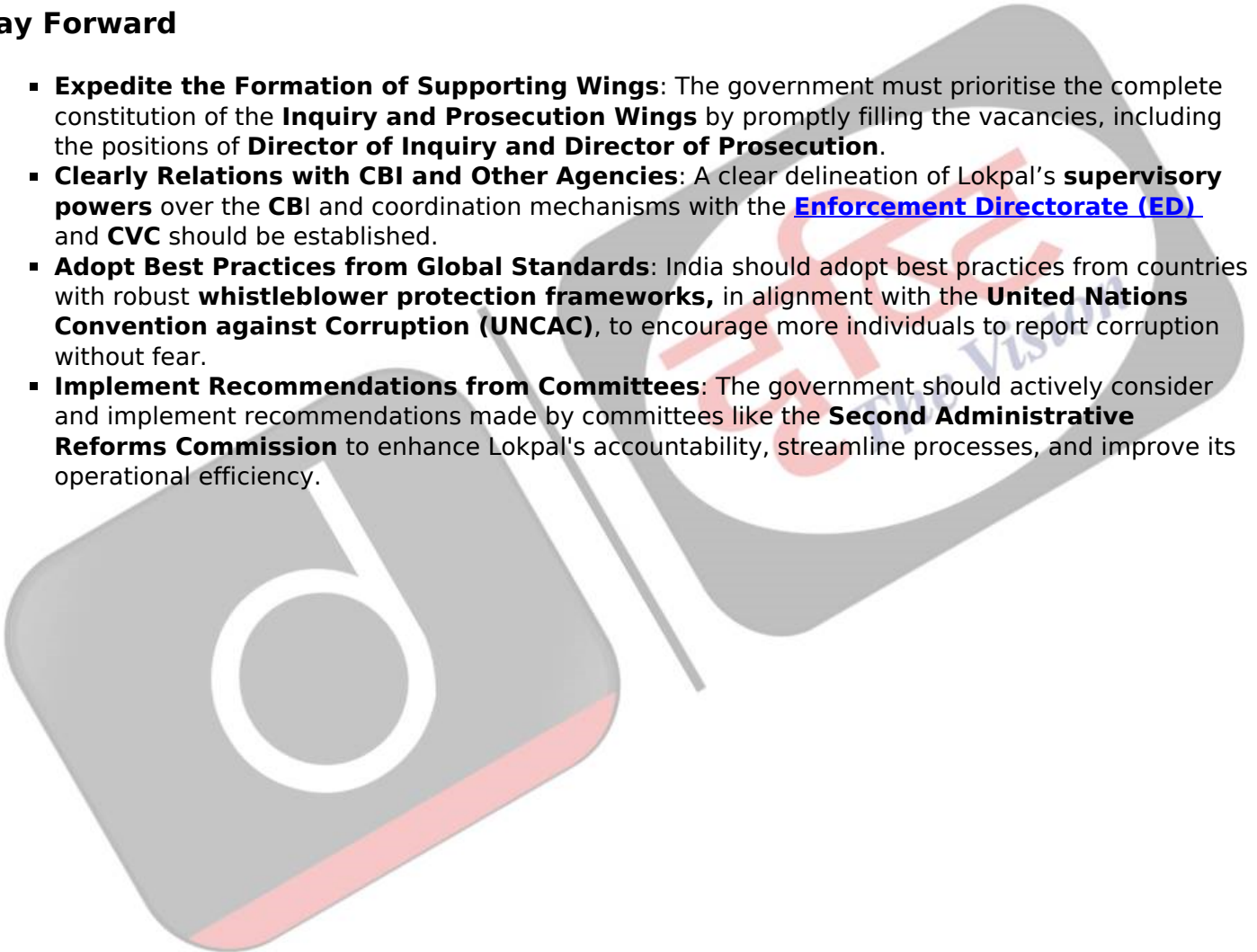
has been established after a decade, the Prosecution Wing is yet to be constituted.

- **Exclusion Clause:** In terms of provisions of **section 14 of the Lokpal and Lokayuktas Act, 2013** the employees of the State Government are not covered unless they have served in connection with the affairs of the Union.
- **Lack of Clarity in Powers Over the CBI:** While the Lokpal has the authority of superintendence over **CBI** for cases referred by it, there are ongoing **ambiguities** regarding the actual extent of this power, especially in relation to investigations involving high-level public officials.
- **Shortage of Personnel:** The Lokpal currently operates with vacancies in key positions. As of 2024, there are **two vacant member positions—one judicial and one non-judicial**. This shortage hampers its ability to effectively discharge its functions.
- **Dependence on External Agencies:** The Lokpal largely depends on **external agencies** like the CBI or the police for conducting investigations, which undermines its independence.
- **No Comprehensive Oversight Mechanism:** While the Lokpal is empowered to investigate high-level corruption, there is no dedicated oversight mechanism to monitor the functioning of the Lokpal itself.

## Way Forward

- **Expedite the Formation of Supporting Wings:** The government must prioritise the complete constitution of the **Inquiry and Prosecution Wings** by promptly filling the vacancies, including the positions of **Director of Inquiry and Director of Prosecution**.
- **Clearly Relations with CBI and Other Agencies:** A clear delineation of Lokpal's **supervisory powers** over the **CBI** and coordination mechanisms with the **Enforcement Directorate (ED)** and **CVC** should be established.
- **Adopt Best Practices from Global Standards:** India should adopt best practices from countries with robust **whistleblower protection frameworks**, in alignment with the **United Nations Convention against Corruption (UNCAC)**, to encourage more individuals to report corruption without fear.
- **Implement Recommendations from Committees:** The government should actively consider and implement recommendations made by committees like the **Second Administrative Reforms Commission** to enhance Lokpal's accountability, streamline processes, and improve its operational efficiency.

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# LOKPAL

It is a statutory body functioning as "Ombudsman" to investigate corruption allegations against specific public officials and related issues.



## HISTORICAL BACKGROUND

### World

- 1809: Institution of Ombudsman first created in Sweden

### India

- 1963: Idea of ombudsman first came up in Parliament
- 1971: First Lokayukta established in Maharashtra
- 2011: Anna Hazare Movement for Lokpal
- 2013: Lokpal and Lokayuktas Bill, 2011 passed
- 2014: Lokpal and Lokayuktas Act, 2013 came into force and amended in 2016
- 2019: Justice (Retd) Pinaki Chandra Ghose as first Lokpal of India

## Statutory Provision: Lokpal And Lokayuktas Act (2013)

Seeks to establish institution of Lokpal at Centre and Lokayukta at State

### Jurisdiction

- Includes Prime Minister, Ministers, MPs and Groups A, B, C and D officers, officials of Central Govt
- Institutions financed fully or partly by Government
- Entities getting over ₹10 lakhs annually in foreign donations under FCRA

### Power

- Authority to approve public servants' prosecution instead of government or relevant authority
- Power of superintendence and direction over any investigating agency, including CBI, for cases referred to them by Lokpal
- Incorporates provisions for attachment and confiscation of property of public servants acquired by corrupt means, even while prosecution pending

### Punishment

- Enhances maximum punishment under Prevention of Corruption Act, 1988

### Appointment

- Selection of Chairperson and members through Selection Committee (PM, Speaker-LS, Leader of largest opp. party, CJI or sitting SC Judge nominated by CJI and an eminent jurist nominated by President)
- Search Committee assists Selection Committee in process of selection

### Structure

- Chairperson + maximum 8 members
  - 50% Judicial members
  - 50% from SCs, STs, OBCs, minorities and women

### Term of office

- 5 yrs or until the age of 70 yrs



Drishti IAS

### Drishti Mains Question:

Discuss the salient features of Lokpal and Lokayuktas Act, 2013. What are the challenges involved in functioning of Lokpal, suggest measures to tackle these challenges.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Prelims

#### Q. Consider the following statements: (2019)

1. The United Nations Convention against Corruption (UNCAC) has a 'Protocol against the Smuggling of Migrants by Land, Sea and Air'.
2. The UNCAC is the ever-first legally binding global anti-corruption instrument.
3. A highlight of the United Nations Convention against Transnational Organized Crime (UNTOC) is the inclusion of a specific chapter aimed at returning assets to their rightful owners from whom they had been taken illicitly.
4. The United Nations Office on Drugs and Crime (UNODC) is mandated by its member States to assist in the implementation of both UNCAC and UNTOC.

#### Which of the statements given above are correct?

- (a) 1 and 3 only
- (b) 2, 3 and 4 only
- (c) 2 and 4 only
- (d) 1, 2, 3 and 4

**Ans: (c)**

### Mains

Q. In the integrity index of Transparency International, India stands very low. Discuss briefly the legal, political, social and cultural factors that have caused the decline of public morality in India. **(2016)**

Q. 'A national Lokpal, however strong it may be, cannot resolve the problems of immorality in public affairs.' Discuss **(2013)**