



## Lokpal Foundation Day

**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.

[Source: TH](#)

### Why in News?

On **16<sup>th</sup> January 2025**, social activist **Anna Hazare**, Justice (retd) **N. Santosh Hegde**, and **Attorney-General R. Venkataramani** will be felicitated on the occasion of **Lokpal Foundation Day**.

- The [Lokpal and Lokayuktas Act, 2013](#), which empowers the anti-corruption body to investigate allegations of corruption, came into effect on **16th January 2014**.

**Note:** The **first Lokpal Day** will be celebrated on **16<sup>th</sup> January 2025** in **Delhi Cantt**, with the **Chief Justice of India (CJI)** as the Chief Guest.

### What is Lokpal?

- **About:** Lokpal is an **independent statutory body** established under the [Lokpal and Lokayuktas Act, 2013](#), to **combat corruption in public offices** and **ensure accountability** among public functionaries.
  - They perform the function of an "**ombudsman**" and inquire into allegations of corruption against **certain public functionaries and for related matters**.
  - The Act also provided for the establishment of **Lokayukta for States**.
- **Origin:** The concept of the **Lokpal/Lokayukta** originates from the **Ombudsman system** in **Scandinavian countries**.
  - In India, the [Administrative Reforms Commission \(1966-70\)](#) recommended the establishment of the **Lokpal** at the central level and **Lokayuktas** in the states.
  - Prior to the enactment of the [Lokpal and Lokayuktas Act, 2013](#), several states had already created the Lokayukta institution through state laws.
    - **Maharashtra** was first in this respect with its Lokayukta body established in **1971**.
- **Salary and Allowances:** 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 of India.

### ▪ Proceeding of Lokpal:

- On receiving a complaint, the Lokpal may initiate a preliminary inquiry through its Inquiry Wing or refer cases to agencies like the [Central Bureau of Investigation \(CBI\)](#) or [Central Vigilance Commission \(CVC\)](#).
- The CVC reports back to Lokpal for Groups A and B officials, while it takes independent action for Groups C and D under the [CVC Act, 2003](#).

# 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

## Lokayukta

- **About:** It is a state-level **anti-corruption authority** in India, established to investigate grievances and allegations against public servants.

- **Appointment:** The **Governor** appoints the Lokayukta and Upalokayukta after consulting **Chief Justice** of the State High Court and the **Leader of the Opposition** in the **State Legislative Assembly**.
- **Tenure:** In most states, the Lokayukta serves a **5-year term** or until reaching **65 years of age**, whichever is earlier.
  - Reappointment is not allowed.
- **Removal;** Once appointed, a Lokayukta cannot be dismissed or transferred by the government and can only be removed through an impeachment motion passed by the state assembly.

## What is the Significance of the Institution of Lokpal?

- **Combating Corruption:** The Lokpal and Lokayukts aim to **address systemic corruption by providing a dedicated platform** for investigating complaints **against public officials**, thus deterring corrupt practices and promoting ethical governance.
- **Enhancing Accountability:** These institutions **enhance accountability by holding public officials responsible for their actions**, which helps restore public trust in government.
- **Empowering Citizens:** The Act empowers **citizens to file complaints against corruption**, offering protection from retaliation by powerful officials.
- **Promoting Good Governance:** Independent oversight by Lokpal and Lokayukts ensures the **effective use of public resources** and encourages officials to act in the public's best interest.

## Similar Global Practices in Other Countries

- **Ombudsman (Scandinavian countries):** Independent authorities investigate complaints against government officials, ensuring fair treatment and accountability.
- **Anti-Corruption Commissions (Hong Kong, Singapore):** Agencies like **ICAC** (Hong Kong) and **CPIB** (Singapore) investigate and prosecute corruption in public and private sectors.
- **Public Protector (South Africa):** Investigates maladministration and corruption by public officials, holding them accountable.
- **Federal Anticorruption Bureau (Brazil):** Oversees corruption investigations with a focus on prosecuting high-level officials.

## What are the Limitations Related to Lokpal?

- **Limitation Period for Filing Complaints:** Under the **Lokpal and Lokayuktas Act, 2013**, complaints against public servants must be filed within **7 years** from the **date of the alleged corruption** or when the complainant becomes aware of it.
  - This time-bound restriction **may lead to the exclusion of older cases of corruption**, especially those discovered much later.
- **Severe Punishment for False Complaints:** The **heavy penalties for filing false complaints** may discourage individuals from lodging complaints, even when justified.
- **Independence Issues:** The Lokpal and Lokayukts face **challenges regarding their independence**, with concerns over political influence affecting their ability to function impartially.
- **Ineffectiveness in Tackling Corruption:** The Lokpal has **struggled to effectively address corruption**, as evidenced by its **receipt of 8,703 complaints between 2019-20 and 2023**, with **5,981 disposed of**.
  - However, it has **not initiated prosecution against any individual for corruption**, as noted in an **April 2023 parliamentary committee report**.
- **Exemptions Clause :** While the Prime Minister falls under Lokpal's jurisdiction, issues related to **international relations, security, public order, atomic energy, and space are excluded**, curbing its authority over sensitive matters.
- **No Oversight Mechanism:** There is no comprehensive mechanism to evaluate Lokpal's own

functioning, raising concerns about its accountability.

## Way Forward

- **Review Limitation Period:** Extend or provide flexibility in the 7-year period for filing complaints to accommodate delayed cases and ensure justice.
- **Balanced Penalties:** Implement **proportional penalties for false complaints** to deter misuse while encouraging legitimate grievances.
- **Ensure Independence:** Strengthen safeguards against political influence, improve selection processes, and provide institutional support to uphold autonomy.
  - The government should implement the **recommendations made by Second ARC**, which focuses on enhancing the **Lokpal's accountability, streamlining processes**, and improving its overall operational efficiency.
- **Clear Relationship with Other Agencies:** A clear delineation of Lokpal's supervisory powers over the CBI, along with well-defined coordination mechanisms with agencies such as the ED and CVC, is essential to **avoid jurisdictional conflicts** and **enhance inter-agency cooperation**.
- **Adopt Global Best Practices:** India should **integrate international best practices**, particularly from countries with strong **whistleblower protection laws**, in line with the **United Nations Convention against Corruption (UNCAC)**.
  - This will encourage citizens to **report corruption without fear of retribution**, thus increasing the effectiveness of anti-corruption measures.

### **Drishti Mains Question:**

Critically evaluate the role of the Lokpal in combating corruption in India. What are the key challenges it faces, and how can its effectiveness be enhanced?

## 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)**

PDF Reference URL: <https://www.drishtias.com/printpdf/lokpal-foundation-day>

