

## Lokpal and Lokayukta Act 2013

The Lokpal and Lokayuktas Act, 2013, commonly known as The Lokpal Act, is an anti-corruption Act of Indian Parliament in India.

The Bill was tabled in the Lok Sabha on 22 December 2011 and was passed by the House on 27 December as The Lokpal and Lokayuktas Bill, 2011. It was subsequently tabled in the Rajya Sabha on 29 December.

It was passed in the Rajya Sabha on 17 December 2013 after making certain amendments to the earlier Bill and in the Lok Sabha the next day. It received assent from the then President Pranab Mukherjee on 1 January 2014 and came into force from 16 January.

This article will further give details about the Lokpal and Lokayukta Act 2013 within the context of the IAS Exam.

### Background of the Lokpal and Lokayukta Act 2013

The word 'Lokpal' was first used by a member of parliament Laxmi Mall Singhvi in 1963 during a debate on grievance redressal mechanisms. Administrative Reforms Commissions under Morarji Desai submitted a report which recommended the creation of two special authorities: Lokayukta and Lokpal for the purpose of redressing citizen grievances.

Maharashtra was the first state to introduce Lokayukta through The Maharashtra Lokayukta and Upa-Lokayuktas Act in 1971. Presently, there are no Lokayuktas in the states of Andhra Pradesh, Arunachal Pradesh, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tamil Nadu, Tripura.

The Lokpal Bill was first introduced in the Lok Sabha in 1968. The version enacted in 2013 was from a draft prepared in 2010. The bill is an implementation of the Prevention of Corruption Act, 1988.

The bill was passed following the backdrop of huge anti-corruption protests led by Anna Hazare that shook the nation.

### Features of Lokpal and Lokayukta Act 2013

The salient features of the Lokpal and Lokayukta Act (2013) are as follows:

1. It seeks to establish the institution of Lokpal at the centre and Lokayuktas at the state level and thus provide an anti-corruption roadmap for the nations at the Centre and at the States. The jurisdiction of lokpal includes the Prime Ministers, Ministers, Members of Parliament and Groups A, B,C and D officers and officials of the Central Government

2. The Lokpal Consists of a chairperson with a maximum of 8 members of which 50% shall be judicial members.
3. About 50 % of members of the Lokpal shall come from amongst the SCs, the STs, the OBCs, minorities and women.
4. The selection of the Chairperson and the members of Lokpal shall be through a Selection Committee consisting of the Prime Minister, the Speaker of the Lok Sabha, the Leader of the Opposition, the Chief Justice of India or a sitting Supreme Court Judge nominated by the Chief Justice of India and an eminent person nominated by the President of India.
5. A Search Committee will assist the Selection Committee in the process of selection. 50% of the members of the Search Committee shall also be from amongst the SCs, the STs, the OBCs, minorities and women
6. The Prime Minister has been brought under the purview of the Lokpal with subject matter exclusions and specific process for handling complaints against him/her
7. Lokpal's jurisdiction will cover all categories of public servants including Group A, Group B, Group C and Group D officers and employees of the government
8. The Lokpal will have the power of superintendence and direction over any investigative agency including the CBI for cases referred to by the Lokpal.
9. A High-Powered Committee chaired by the Prime Minister will recommend the selection of the Director of the CBI.
10. It lays down clear timelines. For preliminary enquiry, it is three months extendable by three months. For investigation, it is six months which may be extended by six months at a time. For trial it is one year extendable by one year and to achieve this, special courts are to be set up.
11. It enhances maximum punishment under the Prevention of Corruption Act from 7 to 10 years. The minimum punishment under sections 7,8,9 and 12 of the Act will now be three years and minimum punishment under section 15 (punishment for attempt) will now be two years.
12. Institutions which are financed fully or partly by the Government are under the jurisdiction of the Lokpal, but institutions aided by the governments are excluded
13. All Entities receiving donations from foreign source within the context of the Foreign Contribution Regulation Act in excess of Rs 10 Lakhs per year are brought under the jurisdiction of Lokpal

14. It contains a mandate for setting up of the institutions of Lokayukta through enactment of law by the State Legislature within a period of 365 days from the date of commencement of this Act

## Drawbacks of the Lokpal and Lokayukta Act 2013

The following are the drawbacks of the Lokpal and Lokayukta Act 2013:

1. Lokpal cannot *suo motu* proceed against any public servant
2. Emphasis on form of complaint rather than substance
3. Heavy punishment for false and frivolous complaints against public servants may deter complaints being filed to the Lokpal
4. Anonymous complaints not allowed - Can't just make a complaint on plain paper and drop it in a box with supporting documents
5. Legal assistance to public servant against whom complaint is filed
6. Limitation period of 7 years to file complaints
7. Very non-transparent procedures for dealing with complaints against the PM

## Brief Overview about Lokayuktas

Even much before the enactment of the Lokpal and Lokayukta Act (2013) itself, many states had already set up the institution of lokayuktas

It must be noted that the institution of Lokayukta was first established in Maharashtra in 1971. Although Odisha had passed an Act in this regard in 1970, it came into force only in 1983.

Till date 20 states and 2 Union Territories (Delhi, Jammu and Kashmir) have established Lokayukta. They are listed in the table below.

Establishment of Lokayuktas	
States/UTs	Year of Establishment
Odisha	1970
Maharashtra	1971

Rajasthan	1973
Bihar	1974
Uttar Pradesh	1975
Madhya Pradesh	1981
Andhra Pradesh	1983
Himachal Pradesh	1983
Karnataka	1985
Assam	1985
Gujarat	1986
Punjab	1995
Delhi	1995
Kerala	1999
Jharkhand	2001
Chattisgarh	2002
Haryana	2002
Uttarakhand	2002
Jammu and Kashmir	2002
West Bengal	2003
Tripura	2008
Goa	2011

## Salient Features of Lokayuktas

The following are the features of Lokayukta

**1. Structural Variations:** The structure of the lokayukta is not the same in all states. Some states like Rajasthan, Karnataka, Andhra Pradesh and Maharashtra have created the lokayukta and as well as upalokayukta while Himachal Pradesh, Bihar and Uttar Pradesh have created only the lokayukta. There

are states like Punjab and Orissa that have designated officials as Lokpal. This was not as per recommendations of the ARC reports

**2. Appointment:** The Lokayukta and Upalokayukta are appointed by the governor of the state. While appointing them, governor in most of the states consults:

- (a) The Chief Justice of the state high court
- (b) The leader of the Opposition in the state legislative assembly

**3. Qualification:** Judicial qualifications are prescribed for the lokayukta in the States of Uttar Pradesh, Himachal Pradesh, Andhra Pradesh, Gujarat, Orissa, Karnataka and Assam. But no specific qualifications are prescribed in the states of Bihar, Maharashtra and Rajasthan.

**4. Tenure:** In most of the states, the term of office fixed for lokayukta is of 5 years duration or 65 years of age, whichever comes first. He is not eligible for reappointment

**5. Investigations:** In most of the states, the lokayukta can initiate investigations either on the basis of a complaint received from the citizen against unfair administrative action or *suo moto*. But he does not enjoy the power to start investigations on his own initiative in the states of Uttar Pradesh, Himachal Pradesh and Assam.