

1. Six years on, Lokpal is a Non-Starter

Context:

- The massive public campaign in 2011 demanding an independent anti-corruption ombudsman resulted in the passage of the Lokpal law. More than six years after the Lokpal law received the President's assent, the institution of the Lokpal is yet to play any significant role in tackling corruption in the country.

Some special features of the Lokpal Act of 2013:

- The Act allows setting up of anti-corruption ombudsman called Lokpal at the Centre and Lokayukta at the State-level.
- **Composition:** The Lokpal will consist of a chairperson and a maximum of eight members. Out of the maximum eight members, half will be judicial members. Minimum fifty per cent of the Members will be from SC / ST / OBC / Minorities and women.
- **Term of Office:** The term of office for Lokpal Chairman and Members is 5 years or till attaining age of 70 years.
- **Salary and Service Conditions:** The salary, allowances and other conditions of service of chairperson are equivalent to Chief Justice of India and members are equivalent to Judge of Supreme Court. The source of salary for Lokpal and Members is Consolidated Fund of India.
- **Jurisdictions:** The Lokpal will cover all categories of public servants, including the Prime Minister. But the armed forces do not come under the ambit of Lokpal. Jurisdiction of the Lokpal included the Prime Minister except on allegations of corruption relating to international relations, security, the public order, atomic energy and space.
- The Act also includes the Lokpal's own members under the definition of "public servant". It shall apply to public servants in and outside India.

Issues regarding the Functioning of the Lokpal Act:

- **Delay in Appointments:** For more than five years, the chairperson and members of the Lokpal were not appointed due to not having Leader of Opposition (LoP) who is one of the members of search committee.
- The chairperson and members of the Lokpal were appointed only in March 2019 after a contempt petition was filed in the Supreme Court.

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- Besides appointment the government has not made rules prescribing the form for filing complaints to the Lokpal. The Central government has also failed to formulate rules regarding asset disclosure by public servants.
 - In order to ensure independent and credible action on allegations of corruption, the Lokpal was empowered under the law to set up its own inquiry wing headed by a Director of Inquiry and its own prosecution wing headed by a Director of Prosecution.
 - However, the inquiry and prosecution wings of the anti-corruption ombudsman are yet to be set up.
 - Further, regulations which the Lokpal was obligated to make under the law are yet to be made

Way Forward:

- Without the requisite rules, regulations and machinery in place, it is not surprising that the Lokpal has failed to meet expectations.
- In order to tackle the problem of corruption, the **Institution of the Ombudsman should be strengthened** both in terms of functional autonomy and availability of manpower.
- Moreover, Lokpal and Lokayukta must be financially, administratively and legally independent of those whom they are called upon to investigate and prosecute.
- Lokpal and Lokayukta appointments must be done transparently so as to minimize the chances of the wrong sorts of people getting in.