

6. Lokpal Complaint Rules

Prelims Level: Polity & Governance

Mains Level: GS-II Statutory, Regulatory and Various Quasi-Judicial Bodies.

Context:

- Almost a year after the country's first Lokpal was appointed, the Ministry of Personnel, Public Grievances and Pensions has notified the Lokpal rules. The notification, under Section 59 of the Lokpal and Lokayuktas Act, lays down the rules called the Lokpal (Complaint) Rules, 2020.

Lokpal (Complaint) Rules, 2020:

- The Department of Personnel and Training has issued a notification providing the rules and prescribed format for filing complaints with the Lokpal.
- **Identity Proof:**
 - ✓ According to the complaint form, a complainant has to give a valid proof of identity, as specified therein.
 - ✓ Foreign nationals can also lodge complaints. However, only a copy of their passports will be accepted as proof of identity.
- **Mode of Complaint:**
 - ✓ The complaint can be filed electronically, by post or in person.
 - ✓ In case the complaint is filed electronically, its hard copy has to be submitted to the Lokpal within 15 days.
 - ✓ No complaints can be filed against a public servant under the Army Act, Navy Act, Air Force Act and the Coast Guard Act.
- **Language:**
 - ✓ A complaint may ordinarily be made in English, provided that the Lokpal may also entertain a complaint in any of the languages referred to in the Eighth Schedule to the Constitution.
 - ✓ The complaints, whose contents are illegible, vague or ambiguous, which are trivial or frivolous, do not contain any allegation, are not filed within the limitation period of seven years, or are pending before any other court, tribunal or authority, will have to be disposed of within 30 days.
- **Protection of Identity:**
 - ✓ The identity of the complainant or the accused official will be protected by the Lokpal till the conclusion of inquiry or investigation.

- ✓ However, the protection will not be applicable in cases where the complainant herself reveals her identity to any other office or authority while making the complaint to Lokpal.
- **Complaint filed against a sitting or former Prime Minister:**
 - ✓ The entire lokpal bench will decide if an inquiry should be initiated.
 - ✓ It adds that if such a complaint is dismissed, records of the inquiry will neither be published nor made available to anyone.
- **Complaint filed against a Union minister or a Member of Parliament:**
 - ✓ It has to be decided by a bench of not less than three members of the Lokpal.

Background:

- The Lokpal and Lokayukta Act, 2013 provided for the establishment of Lokpal for the Union and Lokayukta for States.
- These institutions are statutory bodies without any constitutional status.
- They perform the function of an "ombudsman" and inquire into allegations of corruption against certain public functionaries and for related matters.

Lokpal:

- Lokpal is an apex body to deal with cases of corruption at the national level.
- Jurisdiction: The Prime Minister, Ministers, Members of Parliament and officers and officials of the Central Government.
- The Act also incorporates provisions for attachment and confiscation of property acquired by corrupt means, even while the prosecution is pending.
- **Chairperson:** The person who is to be appointed as the chairperson of the Lokpal should be either of the following:
 - ✓ Either the former Chief Justice of India Or the former Judge of Supreme Court Or an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.
- **The following persons cannot become chairperson of Lokpal:**
 - ✓ MPs and MLAs Persons convicted of any offense involving moral turpitude
 - ✓ Members of Panchayats or Municipality,
 - ✓ A person who was removed or dismissed from the public service,

- ✓ A person who holds any office of trust / profit; if so, he would need to resign from Lokpal.
- ✓ A person who is affiliated with a political party
- **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.
 - ✓ The judicial member of the Lokpal should be either a former Judge of the Supreme Court or a former Chief Justice of a High Court.
 - ✓ The non-judicial member should be an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.
- **Term of Office:**
 - ✓ The term of office for Lokpal Chairman and Members is 5 years or till attaining age of 70 years.
 - ✓ The salary, allowances and other conditions of service of chairperson are equivalent to Chief Justice of India and members is equivalent to Judge of Supreme Court.
 - ✓ If the person is already getting the pension (for being a former judge), the equivalent pension amount will be deducted from the salary.
 - ✓ The source of salary for Lokpal and Members is Consolidated Fund of India.
 - ✓ If the chairperson dies in office or has resigned from the post, the President can authorise the senior-most Member to act as the Chairperson until the new chairperson is appointed.
 - ✓ If the chairperson is not available for certain functions due to leave, his job will be done by the senior most member.
- **Powers:**
 - ✓ The Lokpal will have the power of superintendence and direction over any investigation agency including CBI for cases referred to them by the ombudsman.
 - ✓ As per the Act, the Lokpal can summon or question any public servant if there exists a prima facie case against the person, even before an investigation agency (such as vigilance or CBI) has begun the probe.

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- ✓ Any officer of the CBI investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal.
 - ✓ An investigation must be completed within six months. However, the Lokpal or Lokayukta may allow extensions of six months at a time provided the reasons for the need of such extensions are given in writing.
 - ✓ Special courts will be instituted to conduct trials on cases referred by Lokpal.
 - **Lokpal itself is also subjected to the Law:**
 - ✓ The Act also includes the Lokpal's own members under the definition of "public servant".
 - ✓ The Chairperson, Members, officers and other employees of the Lokpal shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants.
 - ✓ It shall also apply to public servants in and outside India.
 - ✓ It clarifies that a complaint under this Act shall only relate to a period during which the public servant was holding or serving in that capacity.

