



KAMARAJ IAS ACADEMY
Only IAS Academy by Grandson of "Perunthalsivam Kamarajar"

Lokpal and Lokayukta

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Context:

On **January 16, 2025**, the **Lokpal** of India celebrated its **first Foundation Day**, marking the establishment of the Lokpal institution, which was created after the enactment of the **Lokpal and Lokayuktas Act, 2013**.

The Lokpal was set up to **address corruption in public offices**, with the **Lokpal at the Union level** and **Lokayuktas at the state level**.

Key Information on the Lokpal and Lokayukta:

- The **concept of the ombudsman** originated in Sweden in the 19th century and was later introduced in India through the 2013 Act.
- The **Lokpal** deals with complaints related to corruption involving public officials at the Union level, while the **Lokayukta** functions at the state level.

Key Provisions:

- **Composition and Members:** The Lokpal is headed by a **Chairperson** (either the Chief Justice of India, a Supreme Court judge, or an eminent person). It includes up to 8 members, half of whom must be judicial and the other half representing SC/ST/OBC/minorities/women.
- **Selection Committee:** The Lokpal's members are appointed by the **President** of India on recommendation of a committee that includes the **Prime Minister (Chairman), Lok Sabha Speaker, Opposition Leader, Chief Justice of India or Supreme Court Judge**, and an eminent jurist.
- **Tenure:** Members of the Lokpal serve for **5 years or until they turn 70 years old**.
- **Jurisdiction:** The Lokpal has jurisdiction over the **Prime Minister, Ministers, MPs**, and central government officials. It investigates corruption complaints, including those referred by the **Central Vigilance Commission (CVC) or whistleblowers**.
- **A complaint** under the Lokpal Act should be in the prescribed form and **must pertain to an offence under the Prevention of Corruption Act, 1988**, against a public servant
- There is **no restriction on who can make such a complaint**.
- **Prosecution Wing:** The Lokpal can establish its own **prosecution wing** to take legal action.
- **Case Timelines:** The Lokpal has a **90-day** timeline for conducting a preliminary inquiry and **6 months for investigations** (extendable).
- **Powers of Lokpal:**

It has powers to **superintendence over and to give direction to the CBI**.

If it has referred a case to the CBI, the **investigating officer in such a case cannot be transferred without the approval of Lokpal**.

Powers to authorize CBI for search and seizure operations connected to such cases.

The **Inquiry Wing of the Lokpal** has been vested with the **powers of a civil court**.

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Lokpal has **powers of confiscation of assets, proceeds, receipts, and benefits** arisen or **procured by means of corruption** in special circumstances.

Lokpal has the power to **recommend the transfer or suspension of public servants** connected with the allegation of corruption.

Lokpal has the power to **give directions to prevent the destruction of records** during the preliminary inquiry.

In terms of Section 48 of the said Act, the Lokpal is **required to present annually to the President a report** on the work done by it, **which is** caused to be **laid in both the Houses of the Parliament**

Challenges: The Lokpal faces several **challenges**, including a **seven-year limit** for accepting complaints (with complaints older than seven years not being entertained), **delays in appointments**, and a high **rejection rate** of complaints (nearly 90% over the past five years) due to improper formats.