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Government's Stand on Lokpal Appointment is Unsatisfactory: SC

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The Supreme Court has stated that the government's stand on not being able to complete the appointment of a Lokpal has been unsatisfactory. The court has been constantly urging the government for the past several months to complete the Lokpal appointment.

Background

- The court was responding to a contempt petition against the government for not appointing a Lokpal despite an April 2017 judgment by the court.
- The Lokpal and Lokayukta Act of 2013 had not been implemented all these years because of the absence of the Leader of Opposition (LoP) in the current Lok Sabha.
- The 2013 legislation includes the LoP as a member of the selection committee for appointment of Lokpal which comprises of the Prime Minister, the Chief Justice of India and the Speaker, along with an eminent jurist appointed by them among their ranks.
- In April, 2017, the Supreme Court clarified that the Lokpal appointment process need not be stalled merely due to the absence of the Leader of Opposition.
- The judgment dismissed the government's reasoning that the Lokpal appointment process should wait till the 2013 Act was amended to replace the LoP with the single largest Opposition party leader in the selection committee.

Lokpal and Lokayukta

- The Administrative Reforms Commission (ARC) of India (1966– 1970) recommended the setting up of two special authorities designated as 'Lokpal' and 'Lokayukta' for the redressal of citizens' grievances. The concept of an ombudsman was borrowed from Sweden.
- A Lokpal is an anti-corruption authority or ombudsman who represents the public interest.

- The Lokpal has jurisdiction over all Members of Parliament and central government employees in cases of corruption.
- The Lokpal is responsible for enquiring into corruption charges at the national level while the Lokayukta performs the same function at the state level.

Leader of Opposition (LoP)

- According to the rules, the LoP post is given only to a party which has at least 10% of strength of the House. Considering the strength of 542, a party must have at least 55 members to get the LoP post.
- Since the Congress, despite being the single largest opposition party in the House, falls short of the required numbers, the government had denied it the LoP post.

Key Points from the Lokpal and Lokayuktas Act, 2013

- To provide for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.
- It extends to the whole of India; It shall apply to public servants in and outside India.
- The Lokpal shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:—
 - any person who is or has been a Prime Minister (except for certain exceptions with respect to matters related to security, international relations etc.).
 - any person who is or has been a Minister of the Union or an MP.
 - Group A to D officers as defined in Prevention of Corruption Act, 1988.
- It shall be the duty of the Lokpal to present annually to the President a report to be laid before each House of Parliament.
- Every State shall establish a body to be known as the Lokayukta for the State, if not so established, constituted or appointed, by a law made by the State Legislature.