



Issues in Goa Lokayukta

 [drishtias.com/printpdf/issues-in-go-a-lokayukta](https://www.drishtias.com/printpdf/issues-in-go-a-lokayukta)

Why in News

Recently, Justice Prafulla Kumar Misra has retired from the post of Goa **Lokayukta** and has highlighted the issues related to the state office and the proceedings.

Lokpal and Lokayukta

- The **Lokpal and Lokayukta Act, 2013** provided for the **establishment of Lokpal for the Union and Lokayukta for States**.
 - "**India Against Corruption Movement**" led by **Anna Hazare** put **pressure** on the then government at the Centre and resulted in the **passing of the Lokpal and Lokayuktas Bill, 2013**, in both the Houses of Parliament.
 - It received **assent from the President on 1st January 2014** and **came into force on 16th January 2014**.
- 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.
- The term Lokpal and Lokayukta were coined by **Dr L. M. Singhvi**.

Key Points

- **Goa Lokayukta Act:**
 - Even much before the enactment of the Lokpal and Lokayuktas Act, 2013 itself, **many states had already set up the institution of Lokayuktas.**
 - It was sent to the **Central government in 2003** and **passed in the Assembly only in October 2011**, after it was reintroduced.
 - It is **modelled upon Karnataka and Kerala's Lokayukta Acts** but with **less strict provisions.**
 - This Act is intended to **remove grievances of individual(s) against maladministration of government officials.**
 - A **complaint** under this Act can be filed **either on the basis of an allegation** or on the **basis of the grievance.**
- **Data Analysis:** During his tenure, the office of the Lokayukta received 191 cases, 133 of which were disposed of. Among the 58 **pending cases are 21 in which he sent reports to the government**, but the **state government has not acted** and **Action Taken Reports** are still awaited.

Pending Cases: His **recommendations included** initiation of disciplinary action, transfer, probe into mishandled funds, misuse of powers of ministers and bureaucrats, detailed investigation by the Anti-Corruption Bureau or a declaration that an elected functionary is unfit to hold office.
- **Highlighted Challenges:**
 - **Overburdened:** Officials stalled preliminary enquiry by avoiding registering an **FIR** and hence **many cases went to Lokayukta** because of that.

To overcome it, he referred to the **Supreme Court's Lalita Kumari versus Government of Uttar Pradesh judgment (2013)** where the court has clearly said that whenever anyone comes to the police station and makes a complaint of a **cognisable offence** the police officer is bound to register an FIR, under the **Section 154 of Criminal Procedure Code (CrPC).**
 - **Lack of Governance:** His reports were **indicative of the lack of governance**, irrespective of any party of power of the day and highlighted **bureaucratic apathy and apathy of politicians.**
 - **Less Powers:** The state act **does not have the powers of the prosecution** that the Karnataka and Kerala Acts have, **nor does it have a provision for contempt of the Lokayukta's orders.**
 - **Inadequate Staff:** Lokayukta has an investigation wing in which police officers are supposed to be deputed however, it **lacked an adequate number of qualified personnel.**

Suggestions

- **Power of Prosecution:**

- Under Section 17 of the Goa Lokayukta Act, the **power to prosecute should be given to the Lokayukta.**
- It is there in Karnataka and Kerala acts but not present in Goa Act, where it is under 'initiation of Prosecution' and says that if the Lokayukta notices that an offence has been committed, then (s)he may pass an order and the appropriate authority "shall" initiate prosecution against the public functionary.
- The **initiation of prosecution should not be left to the discretion** and the "shall" here means that the opinion of the Lokayukta is mandatory to be followed.

- **Power to Punish on Contempt:**

While making the rules, the Act **should have been included with the power to punish on contempt of the orders of Lokayukta**, which is still not available under the rules of the Act.

- **Increased Commitment:**

- The **Act requires a retired Chief Justice or a retired Supreme Court judge to be appointed as the Lokayukta.** It means, whoever comes and joins would have taken the oath twice and joining the Lokayukta office will be the third oath, **tripling the commitment.**
- (S)he must be **true to the oath and continue to be committed to discharging the duty without fear or favour, affection or ill will.**

Source: IE