



Director of Inquiry for Lokpal

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Why in News

Recently, in a RTI Reply, it has been revealed that the **Centre is yet to appoint a director of inquiry, more than two years after the Lokpal came into being.**

Key Points

- **About the Director of Inquiry:**
 - As per the Lokpal and Lokayuktas Act, 2013, there shall be a Director of Inquiry, **not below the rank of Joint Secretary** to the Central Government.
 - As per the provisions contained under **Section 20 (1) (b)** of the Lokpal and Lokayuktas Act, 2013, **complaints in respect of public servants are referred by the Lokpal to the Central Vigilance Commission (CVC)** for a preliminary inquiry.
 - The non-appointment of director of inquiry again reflects the **lack of political will** for strengthened Lokpal in India.

- **About Lokpal:**

- A Lokpal is an **anti-corruption authority or ombudsman who represents the public interest.**

India is a **signatory to the United Nations Convention against Corruption.**

- The concept of an ombudsman **was borrowed from Sweden.**
- The Lokpal, the **apex body to inquire and investigate graft complaints against public functionaries**, came into being with the appointment of its chairperson and members in **March 2019.**
- The **First 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 **Lokpal** is responsible for enquiring into corruption charges at the **national level** while the **Lokayukta** performs the same function at the **state level.**
- The Lokpal has **jurisdiction over all Members of Parliament and central government employees** in cases of corruption.
- Apart from this, Lokpal **can also inquire into anti-graft complaints regarding any member of an institution** which is wholly or partially financed by the central government or controlled by it.
- Presently, **Justice Pinaki Chandra Ghose** is the chairperson of the Lokpal.
- Lokpal is a **multi-member body** that consists of **one chairperson and a maximum of 8 members.**

- **Issues Regarding Lokpal:**

- Lokpal is **not free from political influence** as the appointing committee itself consists of members from political parties.

The **selection committee for Lokpal** is composed of the Prime Minister who is the Chairperson; Speaker of Lok Sabha, Leader of Opposition in Lok Sabha, Chief Justice of India or a Judge nominated by him/her and One eminent jurist.

- The appointment of Lokpal can be manipulated in a way as there is **no criterion to decide who is an ‘eminent jurist’** or ‘a person of integrity’.
- The biggest lacunae is the **exclusion of the judiciary from the ambit of the Lokpal.**
- The Lokpal is **not given any constitutional backing** and there is **no adequate provision for appeal against the Lokpal.**
- The complaint against corruption **cannot be registered after a period of seven years** from the date on which the offence mentioned in such a complaint is alleged to have been committed.

Way Forward

- 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.
- There is a **need for a multiplicity of decentralized institutions** with appropriate accountability mechanisms, to avoid the concentration of too much power, in any one institution or authority.
- **Greater transparency, empowering Right to Information Act, strong Whistleblower protection regime** are required along with a **morally resound leadership** that is willing to subject itself to public scrutiny.

Source: TH