



Dilution of Lokayukta Powers in Kerala

For Prelims: Lokayukta, Lokpal and Lokayukta Act, 2013.

For Mains: Lokpal and Lokayukta Act, 2013, Second Administrative Reforms Commission, Issues Associated with the functioning of Lokpal and the way forward, Anti-Corruption Measures.

Why in News?

Recently, the Kerala government has proposed to amend the **Kerala Lokayukta Act, 1999** with an ordinance, a move that has drawn criticism from the opposition.

- The proposed ordinance **envisages to limit the powers of the anti-corruption watchdog.**

What are the Proposed Changes?

- The Kerala cabinet has recommended to the [Governor](#) that he promulgates the [ordinance](#).
- The proposal sought to give the government powers to **“either accept or reject the verdict of the Lokayukta, after giving an opportunity of being heard”**.
- By this ordinance, the quasi-judicial institution will turn into a toothless advisory body, whose orders will no longer be binding on the government.

What is the Concept of Lokpal and Lokayuktas?

- 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.
- The **Lokpal and Lokayuktas Act, 2013 provides for establishing a Lokpal** headed by a Chairperson, who is or has been a Chief Justice of India, or is or has been a judge of the Supreme Court, or an eminent person who fulfills eligibility criteria as specified.
 - Of its **other members**, not exceeding eight, 50% are to be judicial members, provided that not less than 50% belong to the SCs, STs, OBCs, minorities, or are women.
 - The **Lokpal was appointed in March 2019** and it started functioning since March 2020 when its rules were framed. The Lokpal is **at present headed by former Supreme Court Justice Pinaki Chandra Ghose.**
 - The **Lokpal has jurisdiction** to inquire into allegations of corruption against anyone who is or has been Prime Minister, or a Minister in the Union government, or a Member of Parliament, as well as officials of the Union government under Groups A, B, C and D.
 - Also covered are chairpersons, members, officers and directors of any board, corporation, society, trust or autonomous body either established by an Act of Parliament or wholly or partly funded by the Centre.
 - It also covers any society or trust or body that receives foreign contributions above Rs. 10 lakh.

What is the Historical Background of Ombudsman in India?

- In 1809, the institution of ombudsman was inaugurated officially in Sweden.
- In the 20th century, the Ombudsman as an institution developed and grew most significantly after the [Second World War](#) (1939-45).
- In 1967, on the recommendations of the **Whyatt Report of 1961**, Great Britain adopted the institution of the ombudsman and became the first large nation in the democratic world to have such a system.
- **In India**, the concept of constitutional ombudsman **was first proposed by the then law minister Ashok Kumar Sen** in parliament **in the early 1960s**.
- The terms Lokpal and Lokayukta **were coined by Dr. L. M. Singhvi**.
- In 1966, the **First Administrative Reforms Commission** recommended the setting up of two independent authorities- at the central and state level, to look into complaints against public functionaries, including MPs.
- In 1968, **Lokpal bill was passed in Lok Sabha** but lapsed with the dissolution of Lok Sabha and since then it lapsed in the Lok Sabha many times.
- In 2002, the Commission to Review the Working of the Constitution headed by **M.N. Venkatachaliah** recommended the appointment of the Lokpal and Lokayuktas; also recommended that the PM be kept out of the ambit of the authority.
- In 2005, the **Second Administrative Reforms Commission** chaired by **Veerappa Moily** recommended that the office of Lokpal should be established without delay.
- In 2011, social movement "India Against Corruption movement" led by Anna Hazare put pressure on the government at the Centre and resulted in the passing of the Lokpal and Lokayuktas Bill, 2013.

How does Lokayukta Work in the States?

- **Section 63** of the Lokpal and Lokayuktas Act, 2013 states: "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".
- It will be created **to deal with complaints relating to corruption against certain public functionaries**, within a period of one year from the date of commencement of this Act.
 - However, the law is a mere framework, leaving it to the states to decide the specifics.
 - Given that states have autonomy to frame their own laws, the **Lokayukta's powers vary from state to state** on various aspects, such as tenure, and need of sanction to prosecute officials.
- When the 2013 Act was passed, Lokayuktas were already functioning in some states - including in Madhya Pradesh and Karnataka where they were very active.
 - Following the Act and the intervention of the Supreme Court, most states have now set up a Lokayukta.

Way Forward

- Battle against corruption, in order to be effective today, can be achieved only through a comprehensive reform of our political, legal, administrative and judicial systems and not through one-off or piece-meal measures.
- The establishment of an effective Lokpal institution is one such measure.
- Thus, Lokayuktas should be set up in the states **"on the lines of the Lokpal"** with "all state government employees, local bodies and the state corporations under their purview".

[Source: IE](#)

