



## Jurisdiction of Lokpal

[Source: TH](#)

The **Supreme Court (SC)** has stayed a [Lokpal order](#) that classified **High Court (HC) judges** as "**public servants**" under the **Lokpal and Lokayuktas Act, 2013**, thereby bringing them under its jurisdiction.

- **Case Background:** Lokpal claimed that High Courts were created under British-era laws like the Indian High Courts Act 1861, and **Article 214 merely recognizes** them rather than establishing them, making their judges subject to its jurisdiction.
  - However, it excluded **SC judges**, as the SC was established by the **Constitution (Article 124), not an Act of Parliament**.
- **SC Ruling:** The SC ruled that all judges, whether in **HCs or the SCs**, are **appointed under the Constitution**, making them **immune from Lokpal oversight**.
  - SC judges are appointed under **Article 124**, and HC judges under **Article 217**.
- **Jurisdiction of Lokpal:** Lokpal has jurisdiction over the **Prime Minister** ((with exceptions for matters of national security, international relations, etc.), **Union Ministers, MPs**, and **Government Officials** (Group A-D).
  - It also covers **chairpersons, members, officers, or employees** of entities established by an **Act of Parliament**, those **partially/wholly funded or controlled by the Central Government**, or organizations receiving **foreign donations over Rs 10 lakh/year** under the [Foreign Contribution \(Regulation\) Act, 2010, 2010](#).

# LOKPAL

It is a statutory body functioning as "Ombudsman" to investigate corruption allegations against specific public officials and related issues.

## HISTORICAL BACKGROUND

### World

- 1809: Institution of Ombudsman first created in Sweden

### India

- 1963: Idea of ombudsman first came up in Parliament
- 1971: First Lokayukta established in Maharashtra
- 2011: Anna Hazare Movement for Lokpal
- 2013: Lokpal and Lokayuktas Bill, 2011 passed
- 2014: Lokpal and Lokayuktas Act, 2013 came into force and amended in 2016
- 2019: Justice (Retd) Pinaki Chandra Ghose as first Lokpal of India

## Statutory Provision: Lokpal And Lokayuktas Act (2013)

Seeks to establish institution of Lokpal at Centre and Lokayukta at State

### Jurisdiction

- Includes Prime Minister, Ministers, MPs and Groups A, B, C and D officers, officials of Central Govt
- Institutions financed fully or partly by Government
- Entities getting over ₹10 lakhs annually in foreign donations under FCRA

### Power

- Authority to approve public servants' prosecution instead of government or relevant authority
- Power of superintendence and direction over any investigating agency, including CBI, for cases referred to them by Lokpal
- Incorporates provisions for attachment and confiscation of property of public servants acquired by corrupt means, even while prosecution pending

### Punishment

- Enhances maximum punishment under Prevention of Corruption Act, 1988

### Appointment

- Selection of Chairperson and members through Selection Committee (PM, Speaker-LS, Leader of largest opp. party, CJI or sitting SC Judge nominated by CJI and an eminent jurist nominated by President)
- Search Committee assists Selection Committee in process of selection

### Structure

- Chairperson + maximum 8 members
  - 50% Judicial members
  - 50% from SCs, STs, OBCs, minorities and women

### Term of office

- 5 yrs or until the age of 70 yrs



Drishti IAS

Read more: [Lokpal and Lokayukta](#)

