

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.

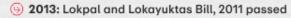
HISTORICAL BACKGROUND

World -

 1809: Institution of Ombudsman first created in Sweden

India

- (9) 1963: Idea of ombudsman first came up in Parliament
- 9 1971: First Lokayukta established in Maharashtra
- 9 2011: Anna Hazare Movement for Lokpal



- 2014: Lokpal and Lokayuktas Act, 2013 came into force and amended in 2016
- 9 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 -

- (S) Chairperson + maximum 8 members
 - 6 50% Judicial members
 - (50% from SCs, STs, OBCs, minorities and women

Term of office ----

9 5 yrs or until the age of 70 yrs



Read more: Lokpal and Lokayukta

