

# **RMM LAW COLLEGE SAHARSA**

## **ADMINISTRATIVE LAW**

### **IIIrd Part**

### **Paper -VII**

#### **TOPIC- Lokpal and Lokayukta**

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#### **What are Lokpal and Lokayukta?**

- 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.

#### **Why do we need such institutions?**

- Maladministration is like a termite which slowly erodes the foundation of a nation and hinders administration from completing its task. Corruption is the root cause of this problem.
- Most of the anti-corruption agencies are hardly independent. Even Supreme Court has been termed CBI as a "caged parrot" and "its master's voice".
- Many of these agencies are advisory bodies without any effective powers and their advice is rarely followed.
- There is also the problem of internal transparency and accountability. Moreover, there is not any separate and effective mechanism to put checks on these agencies.

- In this context, an independent institution of Lokpal has been a landmark move in the history of Indian polity which offered a solution to the never-ending menace of corruption.

## Background

- In 1809, the institution of ombudsman was **inaugurated officially in Sweden**.
- In the 20th century, Ombudsman as an institution developed and grew most significantly after the Second World War.
- **New Zealand and Norway adopted this system in the year 1962** and it proved to be of great significance in spreading the concept of the ombudsman.
- 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 1966, Guyana became the first developing nation to adopt the concept of the ombudsman. Subsequently, it was further adopted by Mauritius, Singapore, Malaysia, and India as well.
- 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 term 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 has lapsed in the Lok Sabha many times.
- Till 2011 eight attempts were made to pass the Bill, but all met with failure.
- 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, the government formed a Group of Ministers, chaired by Pranab Mukherjee to suggest measures to tackle corruption and examine the proposal of a Lokpal Bill.
- "India Against Corruption movement" led by Anna Hazare put pressure on the United Progressive Alliance (UPA) 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 President on 1 January 2014 and came into force on 16 January 2014.

### **The Lokpal and Lokayuktas (Amendment) Bill, 2016**

- This Bill was passed by Parliament in July 2016 and amended the Lokpal and Lokayukta Act, 2013.
- **It enables the leader of the single largest opposition party in the Lok Sabha to be a member of the selection committee** in the absence of a recognized Leader of Opposition.
- It also amended section 44 of the 2013 Act that deals with the provision of furnishing of details of assets and liabilities of public servants within 30 days of joining the government service.
- The Bill replaces the time limit of 30 days, now the public servants will make a declaration of their assets and liabilities in the form and manner as prescribed by the government.
- It also gives an extension of the time given to trustees and board members to declare their assets and those of their spouses in case of these are receiving government funds of more than Rs. 1 crore or foreign funding of more than Rs. 10 lakh.