



Governance

Jurisdiction of Lokpal

Tags:

- **GS Paper - 2**
- **Transparency & Accountability**
- **Issues Arising Out of Design & Implementation of Policies**
- **Issues Related to Women**
- **Statutory Bodies**

For Prelims: Lokpal of India, Swadesh Darshan Scheme, Buddhist circuit, Ramayana circuit, Spiritual Circuit, Department of Personnel and Training (DoPT)

For Mains: Issues and concerns related to devolution of sufficient powers to Lokpal to make it more effective.

Why in News?

Recently, the Lokpal of India stated that it cannot consider a plea from the wife of a government official in Uttar Pradesh who died by suicide, citing jurisdictional limitations.

- The official was allegedly pressured by superiors to sign completion certificates for Central government projects under the Swadesh Darshan Scheme.
- **What was the Stand Taken by the Lokpal Of India?**
- **Jurisdictional Limitations of Lokpal in Uttar Pradesh Case:**
 - The Lokpal, clarified that it lacks the authority to address a complaint against the Principal Secretary, Tourism and Culture, and Director General, Tourism, Uttar Pradesh.

- The issue, involving alleged criminal activities, falls under the **purview of criminal law and procedure**, prompting the Lokpal to declare it cannot entertain the plea.
- **Forwarding the Complaint:**
 - Despite its jurisdictional constraints, the Lokpal **took a step forward by forwarding the complaint to the Union Tourism Secretary** for further investigation.

Swadesh Darshan Scheme:

- The Swadesh Darshan Scheme was launched by the Centre in **2014-15 for the integrated development of theme-based tourist circuits**. Under the scheme, the Ministry of Tourism provides financial assistance to State governments for the development of tourism infrastructure in the country.
- The second phase of the scheme was launched **earlier in 2023**. Important circuits for promoting tourism under the scheme include:
 - **Buddhist circuit**
 - **Ramayana circuit**
 - **Spiritual Circuit etc.**

What are Lokpals?

- **About:**
 - 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**.
- **Functions:**
 - They perform the function of an **"ombudsman"** and inquire into allegations of corruption against certain public functionaries and for related matters.

What comes under the Jurisdiction of Lokpal and its Powers?

- **Related to Prime Ministers (PMs) and Ministers:**

- Jurisdiction of Lokpal includes PMs, Ministers, Members of Parliament (MPs), **Groups A, B, C and D officers and officials** of Central Government.
- Jurisdiction of the Lokpal included the **Prime Minister** except on allegations of corruption relating to international relations, security, public order, atomic energy and space.
 - The Lokpal **does not have jurisdiction over Ministers and MPs** in the matter of anything said in Parliament or a vote given there.
- **Related to Civil Servants and Bureaucrats:**
 - Its jurisdiction also includes any person who is or has been in charge (**director/ manager/ secretary**) of anybody/ society **set up by central act or any other body financed/ controlled by central government** and any other person involved in act of abetting, bribe giving or bribe-taking.
 - The Lokpal Act mandates that all public officials should furnish the assets and liabilities of themselves as well as their respective dependents.
- **Related to Central Bureau of Investigation (CBI):**
 - It has the powers to **superintendence over, and to give direction to CBI.**
 - If Lokpal has referred a case to CBI, the investigating officer in such case cannot be transferred without the approval of Lokpal.

What are the Concerns Regarding the Working of Lokpal?

- **Lack of Fulltime Chairperson:** The Lokpal has not had a **full-time chairperson since May 2022**, raising concerns about its ability to function effectively.
- **Inaction in Dealing with Corrupt Officials:** According to a parliamentary committee report tabled in Parliament in April 2023, the Lokpal **"has not prosecuted even a single person accused of graft till date."**

- According to data provided by the Lokpal office to the panel on Department of Personnel and Training (DoPT), since 2019-20, **the anti-corruption body received 8,703 complaints out of which 5,981 complaints were disposed of.**
- However, the fact that no one has been prosecuted for corruption despite the large number of complaints received has raised concerns about the Lokpal's ability to take action against corrupt officials.
- **Lack of Transparency:** Some experts have also criticized the Lokpal's **lack of transparency and accountability**, which they say undermines its credibility and effectiveness.

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.**
- Greater transparency, more right to information and empowerment of citizens and citizen groups is required along with a good leadership that is willing to subject itself to public scrutiny.
- Appointment of Lokpal in itself is not enough. Merely adding to the strength of investigative agencies will increase the size of the government but not necessarily improve governance.
 - The slogan adopted by the government of **“less government and more governance”**, should be followed in letter and spirit.
- Moreover, Lokpal and Lokayukta must be **financially, administratively and legally independent of those whom they are called upon to investigate and prosecute.**
- Lokpal and Lokayukta **appointments must be done transparently** so as to minimize the chances of the wrong sorts of people getting in.
- 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.

UPSC Civil Services Examination Previous Year's Question (PYQs)

Mains:

Q. 'A national Lokpal, however strong it may be, cannot resolve the problems of immorality in public affairs.'
Discuss.(2013)

