
THE LOKPAL AND LOKAYUKTAS ACT IN INDIA: FROM LEGISLATION TO IMPLEMENTATION

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ABSTRACT

This study highlights the significance of the Lokpal and Lokayuktas Act as a significant measure taken by the Indian government to curb corruption and increase the accountability of public servants. The Act was passed in 2013 after strong public pressure, across the country protests, and the Anna Hazare movement that demanded a strong and independent anti-corruption body. The paper studies how the Lokpal (at the central level) and Lokayuktas (at the state level) are meant to work, what powers they hold, and how they help citizens fight corruption.

The paper emphasizes that despite the Act's good intentions, there are still a lot of issues. Several states have not established Lokayuktas, and even if they exist, they often do not have enough staff, funds, or independence. The Lokpal was appointed very late in 2019 at the central level, and some positions are still open today. This slows down investigations and reduces people's trust in the system. Another problem is that the Lokpal depends heavily on other investigating agencies, like the CBI, for investigations, which weakens its independence.

The study also illustrates that many citizens are still unaware of how to file complaints or use the Lokpal system. Furthermore, the lack of adequate protection for those who expose corruption i.e whistleblower deters them from coming forward. By comparing India's anti-corruption system with other countries, the paper explains how stricter laws, faster appointments, and better protection for complainants can improve transparency and accountability.

The paper concludes that while the Lokpal and Lokayuktas Act is an important milestone in history but still more reforms are needed. The system must be strengthened through timely appointments, more resources, greater independence and autonomy, strong whistleblower protection, and regular public reporting. If these advancements are made, India can build a more trustworthy and corruption-free governance system.

Keywords: Lokpal, Lokayuktas, Corruption, Ombudsman, CBI, Anti-corruption.

INTRODUCTION

In simple terms, “Lokpal” literally means “people’s protector.” The Lokpal is meant to investigate complaints of corruption and misuse of power by high-level public officials at the Union (central) government level. Likewise, Lokayuktas serve a similar function for state governments. The Act applies to public servants such as the Prime Minister, Union Ministers, Members of Parliament, judges, and high ranking bureaucrats (as defined in Section 2 of the Act). Prior to this law, India lacked a strong national ombudsman, and anti-corruption agencies had limited reach. The Lokpal Act was enacted with the aim of providing swift, independent action against corruption by powerful officials.

The Lokpal has a Chairperson (who must be or have been a Chief Justice of India or Supreme Court judge, or an eminent jurist) and up to eight members, drawn from the judiciary and civil service. It also includes an inquiry wing (to examine complaints) and a prosecution wing (to bring cases to court). The Act lays out detailed procedures: how a complaint is filed, when and how the Lokpal investigates, and what powers it has during inquiry. For example, Sections 20–27 of the Act explain how the Lokpal conducts preliminary inquiries, how it orders investigations if a *prima facie* (on first look) case exists, and how it can summon witnesses or documents with the force of law.

HISTORICAL DEVELOPMENT

The idea of a Lokpal in India dates back to the 1960s, but it took decades to become law. Multiple earlier bills were introduced (in 1968, 1977, 1985, 1989, 1996, 2001, 2005 and 2008) but none became enacted legislation¹. Each attempt failed due to political or technical issues, leaving high-level corruption largely unchecked.

The major push for a Lokpal came from civil society. In 2011, the India Against Corruption movement led by social activists like Anna Hazare, Kiran Bedi, and Arvind Kejriwal demanded a strong “Jan Lokpal” (People’s Lokpal) law. Hazare’s hunger strikes and mass protests (e.g. at Delhi’s Jantar Mantar) galvanized public opinion. For example, in April 2011 Hazare went on an indefinite fast, and the media even called “the Lokpal demand “as one of the top news

¹A Look at Anna Hazare’s Protests Throughout the Years, The Indian Express (Jan. 30, 2019), <https://indianexpress.com/article/india/anna-hazare-lokpal-bill-protest-supreme-court-5548932/>

stories of the year.² Public anger over scandals was so high, and by mid-2011 even the ruling government conceded and formed a joint committee to draft a Lokpal Bill.³

After debates and amendments, the Lokpal and Lokayuktas Bill was finally passed by Parliament in December 2013. The President gave assent on January 1, 2014, and the Act came into force on January 16, 2014.⁴ The Act's enactment was widely credited to the sustained public movement. As an example of public sentiment, a Member of Parliament (Sushma Swaraj) publicly praised Hazare in Parliament for his role, saying "if one individual should be given credit, it is the old man who has been fasting again and again, shaking our consciousness."⁵ In this way, the Lokpal Act has deep roots in India's recent history of anti-corruption activism.

NEED FOR LOKPAL AND LOKAYUKTAS- WHY IT WAS NEEDED

India has long struggled with corruption among public officials, and this demand for a Lokpal Act stemmed from a belief that existing systems were inadequate. Before the Act, India's mechanisms against corruption were fragmented. Agencies like the Central Vigilance Commission (CVC) and the Central Bureau of Investigation (CBI) could probe corruption, but they had limits on who they could investigate (for example, the CBI needed government permission to probe certain officials)⁶. There was no independent body specifically empowered to investigate elected leaders or even high bureaucrats at the centre.

Public frustration had been rising. India's rank on Transparency International's Corruption Perceptions Index in 2013 was 94th out of 176 countries, indicating a very high perception of public-sector corruption.

The country witnessed many high-level scandals (such as a huge coal allocation scam and telecom license scam) that eroded trust in government. Many ordinary citizens felt that

²A Look at Anna Hazare's Protests Throughout the Years, The Indian Express (Jan. 30, 2019), <https://indianexpress.com/article/india/anna-hazare-lokpal-bill-protest-supreme-court-5548932/>

³ Governance in India: Corruption, Council on Foreign Relations, <https://www.cfr.org/background/governance-india-corruption> (last visited Nov. 3, 2025).

⁴Justice Pinaki Chandra Ghose Takes Oath as First Lokpal of India, India Today (Mar. 23, 2019), <https://www.indiatoday.in/india/story/justice-pinaki-chandra-ghose-takes-oath-as-first-lokpal-of-india-1484556-2019-03-23/>

⁵A Look at Anna Hazare's Protests Throughout the Years, The Indian Express (Jan. 30, 2019), <https://indianexpress.com/article/india/anna-hazare-lokpal-bill-protest-supreme-court-5548932/>

⁶ Governance in India: Corruption, Council on Foreign Relations, <https://www.cfr.org/background/governance-india-corruption> (last visited Nov. 3, 2025).

corruption was an obstacle to justice and development. In this context, people believed a strong Lokpal could deter corrupt practices at the top and make government more accountable.

Social activists argued the Lokpal Act was needed to finally enforce Article 50 of the Constitution (which directs the state to separate the judiciary from the executive), and to uphold the right to life (Article 21) by ensuring honest administration. In practice, the Lokpal Act was seen as a way to prevent misappropriation of public resources by senior officials. For example, a Council on Foreign Relations report noted that the 2011 anti-corruption protests (which demanded a Lokpal) were partly a response to major scandals and a feeling that political will was lacking to address this. The activists' slogan was that unless a strong Lokpal was in place, "fast unto death" would continue, because people felt there was no other remedy for systemic corruption. In summary, India needed the Lokpal Act to fill a serious gap in its anti-corruption framework, motivated by widespread public demand and undeniable evidence of corruption at the highest levels.

SITUATIONS PREVAILING BEFORE AND AFTER THE ACT

Before the Lokpal Act (pre-2014):

India had no anti-corruption ombudsman at the national level. Attempts to create a Lokpal repeatedly stalled in Parliament. States had varying anti-corruption agencies (called Lokayuktas in some states), but enforcement was uneven. For decades, citizens had to rely on courts, vigilant groups, or media exposure to fight corruption. Survey data showed that, as of 2013, over two-thirds of countries scored worse than India, but India's rank (94th) was still worrying.⁷ Public sentiment was that corruption was "endemic" and harming development. In other words, despite being a large democracy with a written constitution, India lacked a strong, independent watchdog with power to investigate officials on its own.

After the Lokpal Act (post-2014):

The Act formally created the Lokpal (and required states to have Lokayuktas) to fill that void. After 2014, the Lokpal Act gradually took shape: first through rules for the Lokpal Search Committee, then through appointing the first Lokpal in 2019. Even so, implementation was

⁷India Ranks 94th on Global Corruption Perception Index, ECON. TIMES (Dec. 4, 2013, 9:19 AM IST), <https://economictimes.indiatimes.com/india-ranks-94th-on-global-corruption-perception-index/articleshow/26829067.cms>.

slow and incomplete. By late 2020, not all Lokayuktas were in place: in fact, a Transparency International report noted that seven years after the Act's passage, only four states (Bihar, Manipur, Odisha, Tamil Nadu) had both judicial and non-judicial Lokayukta members appointed⁸. Many states failed to amend their laws or fill vacancies, so state-level ombudsmen remained weak. Centrally, the Lokpal itself did not function until Justice P.C. Ghose took oath in March 2019 – as mentioned by the ministry of Personnel, Public Grievances & Pensions, publishes that he President of India appointed the Chairperson and eight Members (including four judicial Members) by warrant under his hand and seal on 19th March, 2019. Chairperson and Members have assumed charge of their respective positions respectively on 23rd March, 2019 and 27th March, 2019. Institution of Lokpal is thus now functional. Details of Chairperson and Members of Lokpal were given about five years after the Act was notified⁹. Even today, some Lokpal positions remain vacant.

In terms of corruption levels, any improvement has been hard to see. Transparency International's Corruption Perceptions Index in 2024 still scored India at only 38/100 (ranked 96th of 180)¹⁰, barely changed from before.

On the positive side, some high-profile cases (such as a probe into a leading politician's assets i.e when the Delhi High Court rejected the appeal of Shibu Soren (Rajya Sabha MP) seeking to quash proceedings by the Lokpal of India in a disproportionate-assets case. The Court held that the petition was premature because the Lokpal had not yet determined whether a prima facie case existed to order an investigation.) this shows that powers are now with the Lokpal¹¹, indicating the new body is being used to target alleged wrongdoing. But overall, experts note that many public servants still face no real accountability. For example, even years after the Lokpal Act, a 2020 report warned that “in actuality there is little progress in the anti-corruption landscape”.¹² In short, before the Act India had no single central anti-corruption ombudsman,

⁸ Only Four States Have Appointed Judicial, Non-Judicial Members of Lokayukta, Says Report, ECON. TIMES (Dec. 8, 2020, 11:38 AM IST), <https://economictimes.indiatimes.com/news/politics-and-nation/only-four-states-have-appointed-judicial-non-judicial-members-of-lokayukta-says-report/articleshow/79627314.cms>.

⁹ Functioning of Lokpal Office, Press Info. Bureau (July 24, 2019, 4:07 PM), <https://pib.gov.in/PressReleasePage.aspx?PRID=1580061..>

¹⁰ India, Transparency International, <https://www.transparency.org/en/countries/india> (last visited Nov. 3, 2025).

¹¹ Delhi HC Rejects RS MP Shibu Soren's Appeal Against Lokpal Proceedings, News Arena India (Feb. 21, 2024), <https://newsarenaindia.com/states/delhi-hc-rejects-rs-mp-shibu-soren-s-appeal-against-lokpal-proceedings/3995>.

¹² Only Four States Have Appointed Judicial, Non-Judicial Members of Lokayukta, Says Report, ECON. TIMES (Dec. 8, 2020, 11:38 AM IST), <https://economictimes.indiatimes.com/news/politics-and-nation/only-four-states-have-appointed-judicial-non-judicial-members-of-lokayukta-says-report/articleshow/79627314.cms>.

and after the Act the framework exists on paper but has only partially come into effect. The hoped-for big improvements have been slow to materialize.

POWERS AND FUNCTIONS OF LOKPAL UNDER LOKPAL AND LOKAYUKTAS ACT, 2013.

The Lokpal Act grants the Lokpal several important powers and duties, outlined in specific sections of the Act: •

- ❖ ***Composition and Jurisdiction (Sections 3–5):*** Section 3 establishes the Lokpal as a statutory body with a Chairperson and Members. Section 4 specifies its members (a Chairperson plus up to 8 members, including at least 50% who are judicial members, i.e. judges of the Supreme Court or High Courts). Section 5 sets the term of office for the Chairperson and members (5 years or until age 70). The Lokpal has jurisdiction over public servants at the central level. This includes the Prime Minister (with conditions), Union Ministers, Members of Parliament, and senior bureaucrats (as defined in Section 2). The Act even allows complaints against the PM, but only if passed by a two thirds majority in the Lok Sabha (to protect executive stability)¹³
- ❖ ***Complaint Handling (Section 19–21):*** Any citizen can file a written complaint to the Lokpal alleging corruption by a covered public servant. Section 20 then governs how the Lokpal processes a complaint. The Lokpal must first decide whether to proceed or to close the complaint¹⁴. If it decides to proceed, it can do two things:
- ❖ ***Order a Preliminary Inquiry*** into the complaint (by its own Inquiry Wing or a police agency) to see if a prima facie case exists.

Or directly order a formal Investigation if the complaint already appears prima facie believable.

In either case, the Lokpal can use investigating officers (including the Delhi Special Police Establishment, i.e. CBI) to gather facts. The Lokpal must also get an explanation from the public servant before ordering investigation. Once inquiry or investigation is done, a bench of at least three Lokpal members reviews the findings. Under Section

¹³Lokpal and Lokayuktas Act, No. 1 of 2014, Section 2(1)(j), 3–5.

¹⁴ Lokpal and Lokayuktas Act, No. 1 of 2014, Section 19-21.

20(3), that bench can (a) continue with full investigation, (b) ask the official's department to initiate disciplinary action, or (c) close the case if there is no evidence

- ❖ **Judicial Powers (Section 27):** During inquiries, the Lokpal's Inquiry Wing has all the powers of a civil court under the Code of Civil Procedure. In practice, this means it can summon witnesses, require production of documents, receive affidavits, requisition public records, and more. Such powers ensure the Lokpal can effectively gather evidence. The Act also states (Section 27(2)) that any inquiry is a "judicial proceeding" (so it is covered by the Indian Penal Code).¹⁵
- ❖ **Prosecution Sanction (Section 23):** One special power is that the Lokpal can sanction prosecution of public servants for corruption. Normally, prosecuting a public servant (like a police officer or bureaucrat) requires permission under Section 197 of the Criminal Procedure Code. Section 23 of the Act explicitly gives the Lokpal this power, overriding the usual need for police or government sanction. No court can take up a corruption case under the Prevention of Corruption Act against an accused public servant without Lokpal's prior approval. In effect, Lokpal acts as the decision maker on whether to prosecute once its own investigation is done.¹⁶
- ❖ **Support Staff and Wings (Section 12):** The Lokpal has an Inquiry Wing and a Prosecution Wing. Section 12 provides for a Director of Inquiry and a Director of Prosecution (and staff) to assist Lokpal. The Prosecution Wing files cases in the special Lokpal Courts on Lokpal's orders. Section 12 also obliges the central government to provide staff for prosecution if needed.¹⁷
- ❖ **Legal Assistance (Section 55):** If a public servant is accused and the Lokpal summons them, Section 55 ensures that person has legal assistance if needed. Specifically, "the Lokpal shall provide legal assistance to defend his case" before the Lokpal if the person requests it. This is unusual in corruption laws, reflecting a concern that even accused public servants should get a fair chance.¹⁸
- ❖ **Information from Agencies (Section 25):** Section 25 gives the Lokpal various powers

¹⁵Lokpal and Lokayuktas Act, No. 1 of 2014, Section 27.

¹⁶Lokpal and Lokayuktas Act, No. 1 of 2014, Section 23.

¹⁷Lokpal and Lokayuktas Act, No. 1 of 2014, Section 12.

¹⁸Lokpal and Lokayuktas Act, No. 1 of 2014, Section 55.

to demand information and documents from other agencies. For example, during an inquiry or investigation, the Lokpal or its investigators can require any public servant or person to furnish information or documents relevant to the case. Section 25 also protects Lokpal officials by ensuring no one is transferred out of an investigation without Lokpal's consent.¹⁹

❖ **Protection of Lokpal (Section 51):** The Act protects Lokpal and its staff from frivolous lawsuits. Section 51 says that no legal action can be brought against the Lokpal (or its officers/agency) for anything done in good faith under the Act. This ensures Lokpal members can act without fear of personal liability.²⁰

Hence, the Lokpal Act gives the Lokpal the functions of receiving complaints, conducting inquiries, ordering investigations, and sanctioning prosecution. All these powers are meant to operate independently of the government. The specific sections (e.g. 20, 23, 27, 51) spell out exactly what the Lokpal can do. As one description notes, the Lokpal has “highly independent authority” to oversee the highest levels of public office.

PREVENTING CORRUPTION AND RELATED PROTESTS

The Lokpal Act was designed to prevent corruption by providing a credible deterrent and enforcement mechanism at the top levels of government. By holding senior officials (including ministers and MPs) accountable, it aims to make corruption riskier for them. For example, the Lokpal can prosecute a sitting minister if a valid complaint is filed and a prima facie case is found. This authority, in theory, deters malfeasance in the political executive. The Lokpal's subpoena powers (Section 27)²¹ i. e. Section 27 of the Lokpal and Lokayuktas Act, 2013 grants the Lokpal's Inquiry Wing powers equivalent to those of a civil court, including subpoena powers mean that no powerful person can easily evade an inquiry. The very existence of an independent ombudsman also sends a strong message that corruption complaints will be taken seriously by law.

However, simply passing the law is not enough; implementation matters. That is why public pressure and protests have played a key role before and after the Act. Initially, citizens protested

¹⁹Lokpal and Lokayuktas Act, No. 1 of 2014, Section 25.

²⁰Lokpal and Lokayuktas Act, No. 1 of 2014, Section 25.

²¹Lokpal and Lokayuktas Act, No. 1 of 2014, Section 27.

for a strict Lokpal Act.

The 2011-2013 hunger strikes by Anna Hazare:²²India Against Corruption movement

2011–2012: Anna Hazare, supported by Arvind Kejriwal and other activists, led mass hunger strikes and demonstrations demanding a strong anti-corruption law. These protests were part of the India Against Corruption movement and drew nationwide attention.

2013: Hazare launched a nine-day satyagraha in December 2013, which culminated in the Lok Sabha passing the Lokpal and Lokayuktas Bill on December 18, 2013. The bill was later passed by the Rajya Sabha and received Presidential assent in January 2014.

The protests were widely credited with galvanizing public opinion and forcing legislative action, especially after years of delay and political resistance.

After the Act was passed, there have also been protests demanding that the government actually implement it. For years after 2014, the Lokpal was not appointed, so activists again protested.

Anna Hazare again Protest for Appointment of State Lokayuktas

For instance, in January 2019 Anna Hazare began a fast in his village demanding the Lokpal Act's enforcement. An Indian Express report notes that five years after the Act's assent, Hazare was once more fasting to press the government to implement the law²³. Thus, the Act not only seeks to prevent corruption, it has also been a focal point for civil society action both before and after it was passed.

In practice, the Lokpal Act has begun actual inquiries that illustrate its anti-corruption role. Soon after the Lokpal took office, it initiated cases against prominent figures accused of illicit wealth (for example, former Jharkhand CM Shibu Soren)²⁴. These cases show that even

²² A Look at Anna Hazare's Protests Throughout the Years, INDIAN EXPRESS (Jan. 21, 2019), <https://indianexpress.com/article/india/anna-hazare-lokpal-bill-protest-supreme-court-5548932/> Lokpal Empowers India to Fight Corruption: Hazare, HANS INDIA (Dec. 18, 2013), <https://www.thehansindia.com/posts/index/National/2013-12-18/Lokpal-empowers-India-to-fight-corruption-Hazare/79795>.

²³ Anna Hazare to Stage Protest for Appointment of State Lokayuktas, INDIAN EXPRESS (Jan. 7, 2019, 9:07 PM IST), <https://indianexpress.com/article/india/anna-hazare-lokpal-protest-lokayuktas-5527460/>.

²⁴ Delhi HC Rejects RS MP Shibu Soren's Appeal Against Lokpal Proceedings, NEWS ARENA INDIA (Oct. 31, 2023), <https://newsarenaindia.com/states/delhi-hc-rejects-rs-mp-shibu-soren-s-appeal-against-lokpal-proceedings/3995>.

powerful politicians can be investigated by the Lokpal. If the inquiries and prosecutions succeed, it would validate the Act's preventive purpose.

Thus, the Lokpal Act is both a legal tool and a symbol. Its preventive effect depends on its use: the more vigorously it investigates, the more it will deter future corruption. The widespread protests surrounding its creation and implementation also highlight the public's desire for an effective anti-corruption mechanism. In short, the Act aims to prevent corruption through legal powers, and has inspired public action (hunger strikes, rallies) because people see it as essential for accountability.

CHANGES OBSERVED AFTER IMPLEMENTATION

Since the Lokpal Act came into force, a few changes have become noticeable:

- **Establishment of the Lokpal:** The first Lokpal (Justice P.C. Ghose) and other members finally took office in 2019, filling a long-standing vacancy.²⁵ This meant for the first time there was an empowered body to handle corruption cases at the centre. Related, a cadre of investigation and prosecution officers was created under Lokpal. These steps themselves were significant changes from the years when the Act existed only on paper.
- **Anti-Corruption Inquiries:** The Lokpal has started probing specific cases. For example, news reports indicate it took up inquiries related to alleged corruption by sitting MPs. Also, it monitors internal complaints: the Lokpal Act even empowers the Lokpal to suspend its own staff if they attempt to tamper with evidence. Although most such powers are yet to be tested fully, the mechanism is in place to handle its own proceedings firmly.
- **State Lokayuktas:** By 2020, only a few states had fully complied with the Act's mandate. However, some states have strengthened their Lokayuktas independently of the Act (e.g. Karnataka's Lokayukta law is often cited as a strong model). The Act's passage at least prompted a nationwide discussion, even if many states lag. It remains to be seen if more states will bolster their ombudsmen because of the Act.

²⁵Press Information Bureau, Govt. of India (Mar. 2019), <https://pib.gov.in/PressReleasePage.aspx?PRID=1568324>

- **Judicial Oversight:** Courts have begun interpreting the Act. The Supreme Court has already weighed in: in 2017 it insisted the Act should be implemented without waiting for amendments.²⁶ High Courts (such as Delhi High Court) have also started ruling on Lokpal processes, e.g. about whether it can inquire against judges (some orders have been challenged) This judicial attention was not present before the Act.
- **Public Awareness:** The Lokpal Act has increased awareness of corruption issues. The fact that citizens can now petition the Lokpal makes anti-corruption action more concrete. Civil society groups continue to monitor Lokpal vacancies and performance. Media coverage of Lokpal-related news (appointments, vacancies, cases) is now common. In short, the Act has become part of the national conversation about graft more than any previous legislation.
- Despite these, many hoped-for changes (like a dramatic drop in corruption or major convictions) are still pending. Organizations note that the overall anti-corruption landscape has not improved dramatically. Still, the Act has institutionalized anti-corruption efforts in a way that did not exist before. If anything, one change is that corruption is now explicitly acknowledged as a systemic problem requiring a formal solution – the Lokpal Act – rather than being swept under the rug.

IMPLEMENTATION GAPS

❖ *Delayed Operationalization :*

The Lokpal was appointed only in 2019—five years after the Act was passed in 2014. This delay undermined public trust and momentum.

❖ *Vacancies and Lack of Transparency*

As of 2023, several posts in the Lokpal remain vacant, including judicial and non-judicial members. The selection process lacks transparency.

²⁶*he Lokpal and Lokayukta Act, 2013 Is an Eminently Workable Piece of Legislation & Fit to be Implemented*, SCC Times (Apr. 27, 2017), <https://www.scconline.com/blog/post/2017/04/27/the-lokpal-and-lokayukta-act-2013-is-an-eminently-workable-piece-of-legislation-fit-to-be-implemented/>.

❖ *Low Case Disposal and Public Engagement*

Despite receiving over 8,000 complaints by 2022,²⁷ very few resulted in full investigations or prosecutions, raising concerns about effectiveness.

❖ *State Non-Compliance*

Most states have not enacted or updated Lokayukta laws in line with the central Act. This leaves a major gap in sub-national anti-corruption enforcement.

LANDMARK CASES AND KEY DEVELOPMENTS

1. Just Society vs Union of India²⁸(2017)

Issue: The petition challenged the constitutional validity of Sections 3(2)(a), 4(1)(d), 4(1)(e), and 4(2) of the Lokpal and Lokayuktas Act, 2013. These provisions relate to the composition and selection process of the Lokpal, including the role of the Search Committee and the appointment of an “eminent jurist.”

Petitioner’s Argument: The selection mechanism lacked transparency and failed to give primacy to the Chief Justice of India’s opinion, allegedly violating constitutional principles like equality and separation of powers.

Supreme Court’s Holding:

- The Court upheld the constitutionality of the Lokpal Act’s selection provisions.
- It ruled that the absence of primacy for the Chief Justice in the selection process did not make the Act unconstitutional.
- According to the Court, technical objections could not prevent the Act from being implemented because it was feasible.

²⁷*Impact of Lokpal and Lokayukta Act on Administrative Accountability*, LEGAL SERVICE INDIA, <https://www.legalserviceindia.com/legal/article-18648-impact-of-lokpal-and-lokayukta-act-on-administrative-accountability.html>.

²⁸*Just Society v. Union of India*, (2017) 7 SCC 802.

2. *Common Cause v. Union of India* (2017)²⁹

Issue: The petitioners demanded the Lokpal and Lokayuktas Act, 2013, which had been passed but not put into effect because the government intended to amend it, to be enforced.

Supreme Court's Holding:

- The Court called the Act a “salutary enactment” and “eminently workable” in its current present form.
- It rejected the government’s argument that implementation should wait for modifications.
- The verdict compelled the government to continue with establishing the Lokpal, ending years of delays.

3. *Shibu Soren v. Lokpal of India & Anr*³⁰

Issue: Former Jharkhand Chief Minister and current Rajya Sabha MP Shibu Soren questioned the Lokpal's decision to entertain a corruption case against him. He requested quashing of the proceedings which was launched against him under the Lokpal and Lokayuktas Act, 2013.

Petitioner's Contentions:

- Since the complaint is related to property that was purportedly obtained more than seven years ago, it was barred by statute's limitation period.
- The Lokpal lacked jurisdiction to entertain the complaint.
- The complaint was politically motivated and lacked prima facie merit.

Respondents' Arguments

- The Lokpal contended that the complaint involved continuous concealment and

²⁹*Common Cause (A Regd. Society) v. Union of India*, (2017) INSC 379, SCC Online SC (Apr. 27, 2017).

³⁰*Shibu Soren v. Lokpal of India & Anr.*, W.P. (C) 13213/2022, 2024 DHC 454 (Del. HC Jan. 22, 2024).

excessive assets, which extended the limitation period.

- The allegations were substantial and warranted preliminary inquiry under Section 20 of the Lokpal Act.
- The charge was submitted by BJP MP Nishikant Dubey and includes specific allegations of unlawful wealth acquisition.

Court's Decision

- ❖ The writ petition was dismissed by the Delhi High Court, allowing the Lokpal to continue its investigation
- ❖ It held that:
 - The complaint was not time-barred i.e. 7 years of limitation, as it involved continuing wrongs.
 - The Lokpal had its statutory jurisdiction over sitting MPs under Section 14(1)(a) of the Act.
 - The petitioner's objections were premature, as the Lokpal had not yet decided whether to refer the matter for investigation.

Jurisdiction over Judges - Ongoing Legal Debate³¹

The Bombay High Court ordered the Lokpal of India to investigate into complaints against current High Court judges in late 2021. According to the Lokpal and Lokayuktas Act, 2013, the High Court treated the Lokpal as the proper body to launch an investigation into the complaint, which included accusations of corruption and wrongdoing.

The Supreme Court of India swiftly delayed the Bombay High Court's order, expressing severe concern. The bench reportedly called the Lokpal's intention to investigate sitting judges "very disturbing", noting that such action could breach the constitutional framework ensuring judicial

³¹Supreme Court Stays Bombay HC Order on Lokpal Inquiry Against Judges, Live Law (Dec. 2021)

independence.

Constitutional and Legal Debate (2021)

- ❖ Article 124 and 217 of the Constitution provides for the appointment and removal of Supreme Court and High Court judges, respectively.
- ❖ Judges can only be removed through impeachment by Parliament, not by executive or statutory bodies like the Lokpal.
- ❖ The *Lokpal and Lokayuktas Act, 2013* does not explicitly include sitting judges within its definition of “public servant” under Section 2(1)(j).
- ❖ This raises a jurisdictional conflict that Can a statutory body like the Lokpal investigate sitting judges without violating the doctrine of separation of powers.

Recent Development (February 2025)³²

- ❖ On January 27, 2025, the Lokpal of India, chaired by Justice A.M. Khanwilkar, issued an order asserting that sitting High Court judges fall within its jurisdiction under Section 14(1)(f) of the *Lokpal and Lokayuktas Act, 2013*.
- ❖ In response, the Supreme Court constituted a special bench comprising Justice B.R. Gavai, Justice Suryakant, and Justice Abhay S. Oka, which has taken Suo motu cognizance of the matter.
- ❖ The Court is now reviewing whether the Lokpal’s interpretation violates the constitutional framework governing judicial independence under Articles 124 and 217.
- ❖ This marks a critical constitutional moment, as the Supreme Court is poised to clarify whether judges of constitutional courts can be investigated by a statutory ombudsman.
- ❖ The outcome will specifically determine the limits of Lokpal’s jurisdiction and its compatibility with the doctrine of separation of powers.

³²*Supreme Court Takes Suo Motu Case Over Lokpal Decision That It Entertain Complaint Against High Court Judge*, Live Law (Feb. 19, 2025), <https://hindi.livelaw.in/supreme-court/supreme-court-takes-suo-motu-case-over-lokpal-decision-that-it-entertain-complaint-against-high-court-judge-284447>.

Other relevant developments include:

- ❖ **Amendment Bill:** Parliament tabled a Lokpal Amendment Bill in 2014, proposing alterations (such as including the Leader of the Opposition in the appointment committee). However, In *Common Cause* (2017), the Supreme Court pointed out that the Act's delay was not justified by accumulating dust in Parliament. Ultimately, these amendments have not become law, so the original 2013 provisions still govern the Lokpal.
- ❖ **Lokayukta Reforms:** Some states (like Karnataka and Kerala) are often cited as having “model” Lokayukta laws. These older laws (pre-2013) were in effect when the new Act came, and some states have amended them to align with the Lokpal Act. For example, in 2019 Karnataka and Kerala updated their Lokayukta laws to give them more power (in line with Lokpal standards). However, many states have not updated or have even weakened their Lokayuktas, which may invite future litigation or calls for reform.
- ❖ **PILs and Activism:** Before the Act's passage, public interest litigations (PILs) demanded its enactment or speedy implementation. The Supreme Court has repeatedly reminded governments to follow through. In August 2021, for example, a PIL by retired judge Justice H.S. Bedi led the Court to fast-track the search committee process³³. Such interventions show the judiciary's role as a watchdog to ensure the Lokpal Act does not remain on paper only.

AMBIGUITY OF THE ACT

Despite its strength, the Lokpal Act has notable limitations:

- ***Time Limit: Section 53 imposes a statute of limitations:*** Lokpal cannot inquire into a complaint if it is filed more than seven years after the alleged offense. This means very old cases of corruption (beyond 7 years) are out of Lokpal's reach. this time limit can let some corruption go unpunished if there are delays in filing.³⁴

³³Prachi Bhardwaj, *The Lokpal and Lokayukta Act, 2013 Is an Eminently Workable Piece of Legislation & Fit to be Implemented*, SCC Times (Apr. 27, 2017), <https://www.scconline.com/blog/post/2017/04/27/the-lokpal-and-lokayukta-act-2013-is-an-eminently-workable-piece-of-legislation-fit-to-be-implemented/>.

³⁴Lokpal and Lokayuktas Act, No. 1 of 2014, Section 53.

- **Exclusions for Lokpal's Own Personnel (Section 37):** The Lokpal cannot investigate itself. Section 37 explicitly states the Lokpal “shall not inquire into any complaint made against the Chairperson or any Member” of the Lokpal. In other words, if a Lokpal member or the Chairperson is accused of corruption, a separate mechanism (under sub-section (2) of Section 37) is provided. But in general, this clause protects the Lokpal's leadership from facing internal complaints, limiting transparency.³⁵
- **Limited Coverage of Prime Minister:** Although the Lokpal technically covers the Prime Minister (Section 2), in practice the Act restricts investigation of the PM while in office. Lokpal can only probe PM's actions with parliamentary approval, and often only after leaving office. This means sitting Prime Ministers enjoy greater immunity than other officials, limiting Lokpal's immediate reach. (A similar provision indirectly limits governors and others under national high offices.)³⁶
- **Implementation Gaps:** By design the Act requires states to appoint Lokayuktas. However, many states have not complied fully. As noted, most states did not establish Lokayuktas consistent with the new law.³⁷ This implies that at the state level the anti-corruption regulations remains inconsistent, reducing the Act's overall efficacy.
- **Dependency on Executive:** Even though Lokpal is meant to be independent, government action is still necessary for some of its functions. For example, to form Lokpal or Lokayuktas, the Act mandates constituting a Search Committee and Selection Committee (Sections 4–5) which include members such as government officials (such the Prime Minister and Speaker) If these committees do not set up or nominate members in time (as happened for years), the Lokpal cannot form. In a same vein, Lokpal depends on law enforcement organizations (CBI) to conduct real investigations. In reality this means that, Lokpal must work with the same government system it is designed to oversee, which might diminish its power.
- **Limited Enforcement:** The Lokpal can investigate and provide sanction, but it cannot

³⁵Lokpal and Lokayuktas Act, No. 1 of 2014, Section 37.

³⁶Lokpal and Lokayuktas Act, No. 1 of 2014, Section 2.

³⁷Only Four States Have Appointed Judicial, Non-Judicial Members of Lokayukta, Says Report, ECON. TIMES (Dec. 8, 2020, 11:38 AM IST), <https://economictimes.indiatimes.com/news/politics-and-nation/only-four-states-have-appointed-judicial-non-judicial-members-of-lokayukta-says-report/articleshow/79627314.cms>.

itself punish beyond prosecution. Actual trials can only take place in special courts even after the prosecution has given its approval. Success depends on the judiciary moving the case. Also, Section 51 immunity means people may hesitate to bring complaints against Lokpal staff for mistakes, which might reduce accountability of the Lokpal itself.³⁸

In essence, the Lokpal Act created a strong framework, but with checks and boundaries. These limits reflect a compromise between giving Lokpal power and protecting the constitutional balance. However, the limitations especially delays in setting up the body and exclusions for certain offices -have made the Act less effective than its designers hoped.

RECOMMENDATIONS

- ***FILL THE VACANT POSTS QUICKLY:*** Many Lokpal and Lokayukta positions are empty for long periods. When important seats are empty, work slows down and corruption cases are not handled properly. So, the government should always appoint new members on time, without long delays. This will help the Lokpal system work smoothly.
- ***MAKE THE SELECTION PROCESS TRANSPARENT:*** People often do not trust how Lokpal members are chosen. To build trust, the government should share clear information about: who is being selected, why they are being selected, and how the process works. This makes everything more transparent and people feel confident that the system is fair.
- ***STRENGTHEN LOKAYUKTAS IN ALL STATES:*** Several states don't have a Lokayukta yet, and in certain states the Lokayukta is very weak. This hinders corruption cases from being handled at the local level. Every state should: create a Lokayukta, also give it proper staff, and give it considerable legal power.
- ***MAKE INVESTIGATIONS FASTER:*** At current rates, corruption cases can take years causing delay. People are deterred from complaining. Lokpal should conclude investigations within a specified and acceptable time. People will discover that

³⁸Lokpal and Lokayuktas Act, No. 1 of 2014, Section 51.

corruption will not be accepted if swift action is taken.

- ***GIVE LOKPAL MORE INDEPENDENCE:*** Corruption cases currently take years to resolve. People are deterred from complaining as a result. Lokpal should conclude investigations within a specified and acceptable time. People will see that corruption will not be accepted if swift action is taken.
- ***IMPROVE PUBLIC AWARENESS:*** A lot of individuals are not aware of what Lokpal performs or how to file a complaint. The government should educate the public on how to report corruption, use the internet, television, and newspapers, and conduct awareness campaigns.
- ***PROTECT WHISTLEBLOWERS STRONGLY:*** Individuals who expose corruption frequently face harassment, intimidation, or injury. There should be strict rules to safeguard so they feel safe.
- ***CLEAR RULES FOR INVESTIGATING JUDGES:*** There is confusion over whether Lokpal can take action against judges. The government or the Supreme Court should define clear regulations. Every official will be held accountable and delays will be avoided with clear procedures.

CONCLUSION

The Lokpal and Lokayukta Act, 2013 is a significant step toward increasing government accountability and lowering corruption in India. Strong public demonstrations and actions launched by Anna Hazare, which demonstrated the public's desire for open and truthful government, led to the creation of the law. The Act provides the Lokpal the power to investigate and take action against high government officials, including ministers and Members of Parliament, marking an enormous shift in India's fight against corruption.

However, its implementation has experienced several problems. Five years after the bill was approved, the Lokpal was set up, and numerous positions are still open today. The quantity of cases handled is minimal, and many states have not adequately set up or maintained their Lokayuktas. These problems highlight the discrepancy between the promises that is made by the law and its actual implementation. In decisions like *Common Cause v. Union of India* and *Just Society v. Union of India*, the Supreme Court significantly contributed to the Act's eventual

implementation. However, there are also disputes regarding the Lokpal's authority to look into judges, which raises concerns about how to strike a balance between judicial independence and accountability.

Although the Lokpal has started functioning and has taken up certain corruption cases, including those involving sitting MPs, its overall impact is still limited. The government's dedication, openness in its operations, and engaged public involvement are essential to the Act's actual effectiveness. In conclusion, the Lokpal represents the people's hopes for transparent governance in addition to being a legal entity. Its effectiveness will depend on how truly it is executed and supported by both the government and society.

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External Links:

The Lokpal and Lokayuktas Act,2013

Official portal of the Lok Sabha.

Official portal of the Rajya Sabha.

Official website of India Against Corruption.

Official website of NCPRI.

Second Administrative Reforms Commission