

Kerala's proposal to limit Lokayukta's powers

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In news—Recently, the state government of Kerala has proposed to amend the Kerala Lokayukta Act with an ordinance.

What is the proposal?

- The amendment proposes to give the government powers to “either accept or reject the verdict of the Lokayukta, after giving an opportunity of being heard”.
- Currently, under Section 14 of the Act, a public servant is required to vacate office if directed by the Lokayukta.

About the Central Lokpal and Lokayuktas Act, 2013-

- **The Central Lokpal and Lokayuktas Act, 2013 was notified on January 1, 2014.**
- The law was a result of demands of several decades for stronger anti-corruption laws.
- The first Administrative Reforms Commission (ARC) recommended the enacting of the Office of a Lokpal and Lokayuktas.
- **The term “Lokpal” was coined by Dr. L.M.Singhvi in 1963.**
- The concept of a constitutional ombudsman was first proposed in parliament by Law Minister Ashoke Kumar Sen in the early 1960s.
- The Commission to Review the Working of the Constitution (headed by Shri 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.
- **The Act provides for establishing a Lokpal headed by a Chairperson**, who is or has been a Chief

Justice of India, or is or has been a judge of the Supreme Court, or an eminent person who fulfils eligibility criteria as specified.

- **Of its other members, not exceeding eight, 50% are to be judicial members**, provided that not less than 50% belong to the SCs, STs, OBCs, minorities, or are women.
- **The Lokpal and Lokayukta are to deal with complaints against public servants**, a definition that includes the Lokpal chairperson and members.
- The Lokpal has jurisdiction to inquire into allegations of corruption against anyone who is or has been Prime Minister, or a Minister in the Union government, or a Member of Parliament, as well as officials of the Union Government under Groups A, B, C and D.
- The Lokpal was appointed in March 2019 and it started functioning in March 2020 when its rules were framed.
- **The Lokpal is at present headed by former Supreme Court Justice Pinaki Chandra Ghose.**
 - Lokayuktas are the state equivalents of the central Lokpal.
 - **Section 63 of the Lokpal and Lokayuktas Act, 2013 states:** "Every state shall establish a body to be known as the Lokayukta for the State, if not so established, constituted or appointed, by a law made by the State Legislature, to deal with complaints relating to corruption against certain public functionaries, within a period of one year from the date of commencement of this Act."
 - Originally, the central legislation was envisaged to make a Lokayukta in each state mandatory.
 - However, regional parties and other national parties argued that this would be against the

spirit of federalism.

- **The law then created a mere framework, leaving it to the states to decide the specifics.**

Which states have Lokayuktas?

- When the 2013 Act was passed, Lokayuktas were already functioning in some states – including in Madhya Pradesh and Karnataka.
- Following the Act and the intervention of the Supreme Court, most states have now set up a Lokayukta.
- In 2018, the Supreme Court had expressed concern that Jammu & Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Tamil Nadu, Telangana, Tripura, West Bengal and Arunachal Pradesh had not appointed any Lokayukta.
- **However, given that states have autonomy to frame their own laws, the Lokayukta's powers vary from state to state on various aspects**, such as tenure, and need of sanction to prosecute officials.