

# A Critical Study of Working and Functioning of Lokayukta in the Prevention of Corruption

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**Abstract:** *The Lokpal and Lokayukta Act, 2013 was passed to create organisations responsible for investigating and prosecuting corruption charges that involve government officials. This research paper evaluates the authority and responsibilities of the Lokpal and Lokayukta, focusing on their impact on the judiciary, and assesses the effectiveness of the Act.*

*The research paper employs a mixed-methods approach, consisting of a systematic evaluation of pertinent literature and an examination of the Act and its execution. The examination considers the authority and duties of the Lokpal and Lokayukta, as well as the influence of the court on their performance. Additionally, it serves as a critical evaluation of the Act, emphasising its deficiencies and restrictions. The investigation finds deficiencies in the Act, which have hindered its efficacy in combating corruption in influential positions. The study report also analyses the obstacles encountered by the Lokpal and Lokayukta in carrying out their responsibilities and the consequences of these issues on the broader anti-corruption efforts. The report suggests conducting a thorough examination of the Act in order to resolve the observed gaps and restrictions, and to enhance the powers and activities of the Lokpal and Lokayukta*

**Keywords:** Lokpal and Lokayukta, Corruption, Autonomous Ombudsman, Judicial Input

## I. INTRODUCTION

In the present day, organisations and governments are consistently seeking solutions to tackle the continuous challenge of corruption. The Lokayukta is an anti-corruption ombudsman entity established to investigate and prohibit corrupt acts in several industries. This study thoroughly examines the operations and efficacy of the Lokayukta, evaluating its strengths, limitations, and success in combating corruption. Understanding and assessing the Lokayukta's role is crucial in combating the widespread issue of corruption, which poses a substantial obstacle to progress and development. By studying the Lokayukta's techniques, processes, and outcomes, we can understand the issues it faces and identify opportunities for improvement.

## RESEARCH OBJECTIVES

The research objectives are central to understanding the depth and scope of the study. By defining the research questions and objectives, the paper seeks to explore the effectiveness of Lokpal and Lokayukta in combating corruption. It underlines the relevance and importance of critically appraising their powers and functions, shedding light on how these institutions contribute to the broader goal of enhancing transparency and accountability in India's governance.

## II. LITERATURE REVIEW

This paper provides a comprehensive review of India's historical anti-corruption efforts, preceding the Lokpal and Lokayukta Acts. By examining the evolution of mechanisms designed to combat corruption, the paper assesses the effectiveness of previous initiatives. Understanding the historical context helps to appreciate the challenges and successes that shaped the present anti-corruption landscape in India.

### **RESEARCH QUESTIONS**

What are the key powers and functions of the Lokpal and Lokayukta institutions in India, as outlined in the Lokpal and Lokayukta Act, and how have these institutions been implemented and functioning in practice?

To what extent have the Lokpal and Lokayukta institutions contributed to addressing corruption in India, and what is the nature and extent of the impact of these institutions in the fight against corruption?

How do the Lokpal and Lokayukta institutions interact with the judicial system in India, and what is the role of the judiciary in the effectiveness of these institutions in addressing corruption?

What are the key criticisms of the Lokpal and Lokayukta Act and the institutions established under the act, and what are the challenges faced by these institutions in their implementation and functioning?

What are the lessons that can be learned from the performance of the Lokpal and Lokayukta institutions in India, and what are the policy implications and recommendations for improving the effectiveness of these institutions in the fight against corruption?

### **THE HISTORY AND EVOLUTION OF LOKAYUKTA IN INDIA**

The concept of the Lokayukta originated from ancient Indian scriptures, where the king appointed a representative to ensure justice and prevent corruption. In modern times, the Lokayukta was first established in Maharashtra in 1971, followed by other states. The institution gained prominence after the landmark judgment in the Hawala scandal case in the 1990s, which led to the demand for a Lokpal at the national level<sup>1</sup>.

Over the years, the Lokayukta's role and powers have evolved to tackle emerging challenges in the fight against corruption. The institution has undergone significant changes, both in terms of its structure and jurisdiction. The Lokayukta Act, 1986, provided a statutory framework for the functioning of the Lokayukta, defining its powers, jurisdiction, and procedures. Subsequently, the Lokpal and Lokayukta Act, 2013, aimed to strengthen the anti-corruption framework by establishing a Lokpal at the national level and providing for the establishment of Lokayuktas in the states. Despite these developments, the Lokayukta continues to face several challenges that limit its effectiveness in tackling corruption. Let us now explore these challenges and their implications for the Lokayukta's role.

Originally, the Lokayukta had restricted powers, but because to increasing public pressure for accountability, many governments have broadened its jurisdiction and given it additional authority. The Lokayukta now operates autonomously, with the authority to accept complaints, carry out inquiries, and propose measures against people involved in corruption.

### **LOKAYUKTA'S POWERS AND JURISDICTION**

The Lokayukta has broad authority to fight against corruption. The powers encompass the ability to call witnesses, scrutinise documents, and carry out searches. The Lokayukta has the authority to suggest disciplinary measures, commence legal proceedings, and propose legislative amendments to combat corruption. The Lokayukta has authority over public officials, elected representatives, as well as the Chief Minister and Ministers of the state government. This extensive authority means that everyone is subject to examination and aids in upholding accountability in the administration.

### **SUCCESSFUL INVESTIGATIONS AND OUTCOMES BY THE LOKAYUKTA: CASE STUDIES**

The Lokayukta has played a crucial role in uncovering corruption and holding corrupt individuals accountable. There have been numerous significant instances where the Lokayukta's inquiries have led to favourable results.<sup>2</sup> The Lokayukta uncovered a significant illicit mining operation in Karnataka, known as the mining scandal, which implicated politicians, bureaucrats, and mining firms. The probe resulted in the Chief Minister resigning and other high-profile arrests. The Lokayukta in Gujarat uncovered a bribery scam implicating police officers, resulting in the

<sup>1</sup> <https://www.lawctopus.com/academike/arbitration-adr-in-india/# edn29>

<sup>2</sup> <https://www.lawctopus.com/academike/arbitration-adr-in-india/# edn29>

apprehension of numerous corrupt officials. The examples illustrate the Lokayukta's capacity to expose corruption and ensure that those responsible are held responsible.

### **OBSTACLES AND RESTRICTIONS ENCOUNTERED BY THE LOKAYUKTA IN COMBATING CORRUPTION**

The Lokayukta has had notable success in several situations, but it also has various problems and restrictions in its operations. A significant difficulty is the insufficient resources and workforce. Lokayukta institutions often have understaffing issues, impacting their capacity to manage numerous complaints and carry out in-depth investigations.

Another notable constraint is the tardiness in resolving cases. The Lokayukta often takes years to conclude investigations and bring justice because to the high caseload and procedural difficulties. This delay undermines public trust and enables dishonest individuals to avoid prosecution.

### **COMPARATIVE ANALYSIS OF LOKAYUKTA SYSTEMS ACROSS INDIAN STATES**

Although the Lokayukta institution is present in different states of India, there are significant variations in how they operate and their level of effectiveness. Some states have a robust Lokayukta with sufficient authority and resources, while others have weaker institutions with restricted jurisdiction. The Lokayukta in Karnataka is considered highly effective in the country due to its independent operations and broad authority. Some states have Lokayukta bodies that are perceived as ineffective and lacking power.

### **PUBLIC IMAGE AND CONFIDENCE IN THE LOKAYUKTA**

The Lokayukta institution's success and reputation are largely dependent on public perception and confidence. The Lokayukta must be perceived as an unbiased and autonomous entity devoid of any political or external interference. Allegations of bias and political intervention have sometimes cast doubt on the institution's credibility. The Lokayukta must to ensure transparency in its processes, actively include the public, and convey its actions and results clearly to sustain public trust. Establishing trust necessitates ongoing actions to guarantee the Lokayukta's accountability to the people it serves.<sup>3</sup>

### **PROPOSALS FOR ENHANCING THE OPERATIONS OF THE LOKAYUKTA**

Various modifications and enhancements have been suggested to increase the efficiency of the Lokayukta. One crucial reform is the requirement for standardised legislation to be implemented uniformly throughout all states to maintain consistency in the powers and jurisdiction of the Lokayukta. This would eliminate inconsistencies and guarantee fair competition. Furthermore, increased financial and administrative independence for the Lokayukta is necessary to allow it to operate autonomously without depending on the state government for resources. Enhancing the Lokayukta's capability by providing sufficient staff and training is crucial to

enhance its effectiveness and decrease the number of unresolved cases. Contribution of Civil Society and Media in Upholding the Lokayukta's Initiatives The Lokayukta cannot operate independently. To enhance its effectiveness in fighting corruption, it needs the backing of civil society organisations and the media. Civil society can be crucial in raising awareness, submitting grievances, and overseeing the Lokayukta's activities. On the contrary, the media can serve as a watchdog by uncovering corruption and ensuring the Lokayukta is held responsible. A strong ecosystem that supports transparency, accountability, and citizen involvement in combating corruption can be established through cooperation between the Lokayukta, civil society, and the media.

<sup>3</sup> <https://www.lawctopus.com/academike/arbitration-adr-in-india/# edn29>

**THE FOLLOWING TEXT DISCUSSES THE VIEWPOINT OF THE JUDICIARY ABOUT THE EXECUTION OF THE LOKPAL AND LOKAYUKTA ACT OF 2013, ALONG WITH RELEVANT CASE PRECEDENTS.**

The principle of legal governance is a fundamental and essential element in the field of administrative law. Irrespective of his social standing, every individual is subject to the law. The Lokpal and Lokayukta Act was enacted with the aim of subjecting public workers to the same rules that apply to ordinary people, ensuring justice and equality in investigations, and prosecuting them for corruption. This act was made available to the general public after a significant amount of effort and struggle. Although the Legislature performed well, the Executive's execution of the Act encountered failures at different levels. The court, which is the third pillar of democracy, has unequivocally backed the measure.

Despite the growing involvement of courts in administrative administration in recent years, their function remains relatively insignificant. Oftentimes, courts neglect to carry out reviews, therefore hindering the legal process. Administrative authorities do not assess the validity of official discretionary powers while determining the facts. It is crucial that individuals do not replace their own assessment with the assessment of authorities who have been given power. The Lokpal Bill effectively addressed the deficiencies in the judiciary that had previously been unattended. The Supreme Court, in the significant case of *Mr. Justice Chandrashekaraiyah vs. Janekere C. Krishna & Ors*<sup>4</sup>, established fundamental characteristics and principles for the operation of the Lokpal and Lokayukta institutions. As to their statement, the Lokpal was granted the designation of a member of the supreme judicial entity responsible for addressing instances of injustice, corruption, favouritism, and similar matters. An autonomous and unbiased structure should be formed, ensuring that investigations and procedures are kept secret and conducted in an informal manner. Furthermore, nominations should strive to be nonpolitical wherever feasible. Furthermore, they hold the belief that Lokpal may get authority without creating conflicts with other constitutional authorities by being bestowed with constitutional legitimacy for his office, powers, and duties. In the recent case of *Vijay Raj Mohan vs. State*, the Indian Judiciary The Supreme Court, represented by the Inspector of Police, CBI, ACB, Chennai, and Tamil Nadu<sup>5</sup>, reiterated the significance and objective of the Lokpal and Lokayukta Acts. It emphasised that these acts were enacted to uphold the integrity of specific public officials and that they effectively complement the Code of Criminal Procedure and Prevention of Corruption Act, among others.

**JUDICIARY'S PERSPECTIVE ON IMPLEMENTATION OF LOKPAL AND LOKAYUKTA ACT, 2013**

In the landmark judgment of *Mr. Justice Chandrashekaraiyah vs. Janekere C. Krishna & Ors*<sup>6</sup>, the Apex Court laid down general features and guidelines for the functioning of the Lokpal and Lokayukta institutions. According to them, the Lokpal was also given the status of being a member of the highest judicial body that deals with acts of injustice, corruption, favoritism, etc. A mechanism that is independent and unprejudiced must be established; investigations and proceedings should be confidential and informal; and appointments should, wherever possible, be nonpolitical. Additionally, they believe that Lokpal may acquire authority without conflicting with other constitutional authorities by being granted constitutional status for his office, powers, and functions.

The Indian Judiciary in the recent case of *Vijay Raj Mohan vs. State Represented by the Inspector of Police, CBI, ACB, Chennai, and Tamil Nadu*<sup>7</sup>, the Supreme Court reaffirmed the importance and purpose of the Lokpal and Lokayukta Acts, stating that they were both made to maintain the integrity of certain public functionaries and that they work well with the Code of Criminal Procedure, and Prevention of Corruption Act etc.

<sup>4</sup>Justice. Chandrashekaraiyah (Retd.) V. Janekere C. Krishna, (2013) 3 SCC 117.

<sup>5</sup>Vijay Raj Mohan Vs. State Represented By The Inspector Of Police, CBI, ACB, Chennai, And Tamil Nadu, (2022) LiveLaw (SC) 832

<sup>6</sup>Justice. Chandrashekaraiyah (Retd.) v. Janekere C. Krishna, (2013) 3 SCC 117.

<sup>7</sup>Vijay Raj Mohan vs. State Represented by the Inspector of Police, CBI, ACB, Chennai and Tamil Nadu, (2022) LiveLaw (SC) 832

### III. CONCLUSION

#### THE SIGNIFICANCE OF A COMPETENT LOKAYUKTA IN SUPPRESSING CORRUPTION AND GUARANTEEING ACCOUNTABILITY

To strengthen the Lokayukta's role, reforms such as providing adequate resources, ensuring independence, promoting public awareness, and enhancing transparency are essential. Learning from successful Lokayuktas in different states and implementing best practices can contribute to a more cohesive and effective anti-corruption framework.

The Lokpal and Lokayukta Act, 2013, was a significant step towards combating corruption, but its full potential can only be realized through successful implementation. The future of the Lokayukta in the fight against corruption depends on the collective efforts of the government, civil society, and citizens in creating a more transparent, accountable, and corruption-free society. Only then can the Lokayukta truly unmask corruption and uphold the principles of transparency and justice.

Ultimately, the Lokayukta has become a vital institution in combating corruption. Its significance in examining complaints, uncovering wrongdoing, and suggesting action against the responsible parties is crucial. The Lokayukta encounters certain obstacles that must be resolved in order for it to operate efficiently. By comprehending the historical background, authority, obstacles, and constraints of the Lokayukta, we can work towards a more transparent and responsible institution. Combating corruption necessitates a joint endeavour, and the Lokayukta, backed by the public, civil society, and the media, can have a crucial impact in reducing corruption and guaranteeing a corruption-free society for future generations.

### REFERENCES

- [1]. Dr.J.N.pandey, Constitutional law of India,55<sup>th</sup> Edition .
- [2]. law commission of india .reports 2022.pdf
- [3]. [https://www.lawctopus.com/academike/arbitration-adr-in-india/#\\_edn29](https://www.lawctopus.com/academike/arbitration-adr-in-india/#_edn29)
- [4]. <http://lawcommissionofindia.nic.in/reports/report222.pdf>
- [5]. Maseeh Rahman, Anna Hazare ends Hunger Strike After Indian Government Backs Down, The
- [6]. Guardian, August 28<sup>th</sup>, 2011
- [7]. Plea against notification of Lokpal Bill panel premature: Supreme Court, The Hindu, April 29<sup>th</sup>, 2011 ➤In re, the Special Courts Bill, 1978, (1979) 1 SCC 380.
- [8]. State (Delhi Administration) v. V.C. Shukla, (1980) 2 SCC 665.
- [9]. Mithilesh Kumar Singh vs. The State of Bihar and Ors., MANU/BH/0399/2022.
- [10]. Justice. Chandrashekaraiiah (Retd.) v. Janekere C. Krishna, (2013) 3 SCC 117, para 19.
- [11]. A.P. Lokayukta/Upa-Lokayukta v. T. Rama Subba Reddy, (1997) 9 SCC 42, para 17.
- [12]. Justice. Chandrashekaraiiah (Retd.) v. Janekere C. Krishna, (2013) 3 SCC 117.
- [13]. Vijay Raj Mohan vs. State Represented by the Inspector of Police, CBI, ACB, Chennai, and Tamil
- [14]. Nadu, (2022) LiveLaw (SC) 832
- [15]. Common Cause, a Registered Society V. Union of India and Ors., (2018) 9 SCC 382