



The principle and procedure in Lokpal

Posted at: 03/04/2019

It is disappointing that the appointment of the Lokpal was shrouded in secrecy

- The Supreme Court's ultimatum to the Centre to appoint a Lokpal within a given time frame, and the subsequent appointment of the first Lokpal in the country, is to be welcomed.

A brief history

- From 1963, India has been nurturing the ambition to appoint a Lokpal, a phrase coined by L.M. Singhvi. Copied from Sweden's Ombudsman and its adaptation in the U.K. in 1967, the idea was to expose 'maladministration'.
- Despite affirmations to its need, no one really wanted a Lokpal in India, preferring instead the mild Vigilance Commission from 1964 to 2003.
- In one sense, the National Human Rights Commission and the various national commissions dealing with Scheduled Castes, Scheduled Tribes, women, children and even safai karmacharis are all special Lokpals within their areas.
- But nobody fears them because they are promotional and deal with individual grievances.
- No one wanted a strong Lokpal because it would demand accountability from politicians and bureaucrats.
- After the Emergency, a new model of Lokpal emerged, a model for 'regime revenge'.
- The 'maladministration' model gave way to an anti-corruption model with a sweep clause of five years.
- The 2011 Anna Hazare movement, which fought to get the Lokpal Bill passed, faltered in many ways.
- Directed by the Supreme Court, the Lokpal appointment process began in 2018, which was too late to scrutinise the Modi government

before the 2019 general election.

- The government constituted a eight-member Search Committee in September 2018, headed by former Supreme Court Justice Ranjana Prakash Desai, to recommend names for the posts of Lokpal chairperson and members.
- The names recommended were scrutinised by a Selection Committee, comprising Prime Minister Narendra Modi; the Chief Justice of India's nominee, Justice S.A. Bobde; Speaker of the Lok Sabha Sumitra Mahajan; and eminent jurist Mukul Rohatgi.

Neither transparent nor fair

- Unfortunately this entire procedure was not transparent and fair.
- Section 4(3) of the Lokpal and Lokayuktas Act of 2013 states that the Selection Committee "may also consider any person other than the persons recommended by the Search Committee" which makes the procedure futile.
- The Search Committee Rules, 2014 stated that the Selection Committee would select one of the five names recommended for the post of Chairperson of the Lokpal and eight of 24 names recommended for the post of members of the Lokpal.
- The Selection Committee was to lay down the criteria for appointment and decide by majority in cases of difference of opinion.
- The public is entitled to know the list proposed by the Search Committee as it is entitled to know who all were considered and why.
- That the appointment of the Lokpal is shrouded in secrecy is an affront to the very concept of the Lokpal.

Background of members

- Justice Pinaki Ghose is not known for any path-breaking judgments, so it is curious why he was chosen over other retired judges, especially as he was already a member of the NHRC.
- The question is, should IAS and IPS officers be appointed, especially since they have to deal with fellow officers.
- The field was wide open from non-government sectors as well.
- Mr. Hazare was right in being overjoyed that a Lokpal has been appointed at last.
- And Aruna Roy and others were right in insisting on a wider jurisdiction on maladministration and delivery of services.

- This Lokpal will always be known as a secretly appointed one.

The Hindu



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