

# Lokpal and Lokayukta as Anti-Corruption Institutions in India: A Study of Their Role and Effectiveness

DINESH G BA.LL.B(hons.)

THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY

PERUNGUDI, CHENNAI 600 113.

## Abstract

Administrative discretion is indispensable to modern governance, enabling public authorities to apply laws flexibly and respond to the varied needs of society. However, unchecked discretion may lead to arbitrariness, abuse of power and maladministration. Effective accountability and transparency mechanisms are therefore essential, with the Lokpal and Lokayukta occupying an important place in India's administrative framework.

This study examines the role of the Lokpal and Lokayukta in controlling administrative discretion and safeguarding citizens' rights. It traces the evolution of the Ombudsman institution in India, from early recommendations for a grievance-redressal authority to the enactment of the Lokpal and Lokayuktas Act, 2013. It analyses the legal framework, jurisdiction and functions of the Lokpal at the Union level and the Lokayukta at the State level, particularly in addressing corruption, maladministration, abuse of authority and improper exercise of administrative power.

The study further examines the powers, limitations and procedures of these institutions in receiving complaints, conducting preliminary inquiries and investigations, and initiating further action against public officials. It also considers their relationship with other administrative and investigative agencies and the institutional and procedural challenges affecting their functioning. Particular attention is given to whether they promote accountability, ensure the lawful and fair exercise of administrative discretion, and provide citizens with an accessible mechanism for reporting corruption and maladministration. The study concludes by examining the gap between the statutory framework and its practical implementation, including delays, institutional dependence and enforcement limitations, and assesses their role in strengthening transparency, accountability and integrity in public administration.

**Keywords:** *Lokpal, Lokayukta, Corruption, Anti-Corruption Institutions, Accountability, Maladministration, Citizens' Rights, Abuse of Power*

## INTRODUCTION

Good governance is the hallmark of a democratic system and is characterised by efficiency, transparency, accountability and freedom from corruption. Corruption undermines the integrity of government and erodes public trust, and it therefore demands sustained institutional responses. Among the most significant of these in India is the Ombudsman institution, known as the Lokpal at the Union level and the Lokayukta at the State level. The term "Lokpal" literally means "protector of the people". The Lokpal is empowered to inquire into complaints of corruption and misuse of power against high-ranking public officials at the Union level, while the Lokayukta performs a corresponding function within the States.

The responsibility for transparent and accountable governance rests with elected representatives, who are guided and supported by the bureaucracy. In a developing economy, socio-economic development involves the mobilisation and management of vast resources, and this in turn requires the empowerment of the political and executive branches and of the bureaucracy. However, the greater the concentration of power, the greater the likelihood of its misuse. This makes a clean, transparent and answerable administration essential. India's struggle for independence was itself, in an important sense, a struggle for good governance.

Corruption is not confined to the acceptance of bribes. It is understood in a much wider sense to cover conduct that is morally unsound, improper or blameworthy, including the selfish exercise of power and influence attached to public

office. In its present form, corruption pervades governmental activity and diverts public funds into private hands. As a result, a few grow steadily wealthier while those for whom such funds are intended remain below the poverty line.

The Lokpal is regarded as India's apex anti-corruption body. Its work advances the goals of socio-economic justice and equitable distribution of wealth, which are enshrined in the Directive Principles of State Policy under Articles 38 and 39 of the Constitution of India. It is a statutory body, established by Parliament through the Lokpal and Lokayuktas Act, 2013 (Act No. 1 of 2014). This paper is based on secondary research. It examines how effective the Lokpal and Lokayukta institutions in India have been in addressing maladministration, and arbitrary administrative action that infringes citizens' rights. It also carries out an institutional performance assessment, drawing on complaint statistics, to evaluate how far these bodies deliver accountability in practice.

## OBJECTIVES OF THE STUDY

- ❖ To examine the role of Lokpal and Lokayukta in controlling administrative discretion.
- ❖ To analyse their powers, jurisdiction and functions in dealing with corruption and maladministration.
- ❖ To examine how these institutions safeguard citizens' rights against misuse of administrative authority.
- ❖ To identify the limitations and practical challenges affecting their effective functioning.

## METHODOLOGY

This study is based on secondary sources. The research uses journal articles, research papers, books, case laws, and reliable electronic sources (e-sources). The collected information is analysed to examine the role, powers, limitations and effectiveness of the Lokpal and Lokayukta in controlling administrative discretion and safeguarding citizens' rights.

## LOKPAL AND LOKAYUKTA

The Lokpal and the Lokayukta, two separate but complementary institutions, represent India's dedication to public accountability, open government, and ethical leadership. These pillars of society are formidable tools in the fight against corruption, protection of individual rights, and promotion of public trust. The words "Lokpal" and "Lokayukta" have profound meaning in India, symbolising not just the will to combat corruption but also the hope for a more fair and equitable society. Accusations of wrongdoing by government employees are to be investigated by the Lokpal, a national-level agency, and the Lokayukta, its counterpart at the state level. In their roles as protectors of the public's confidence, these organisations conduct their investigations without interference from higher-ups or the established order. By investigating and prosecuting corrupt government officials, Lokpal and Lokayukta have restored residents' faith in the legitimacy of their government. While the Lokpal is responsible for eliminating corruption and administrative malfeasance on a national scale, the Lokayukta is responsible for doing so on a state level. These organisations operate in tandem to provide a whole system of checks and balances, making sure that accountability and openness are embedded in every facet of government. The establishment of these institutions marks a major step toward a more transparent government by providing a formal and objective forum for citizens to air their grievances and seek redress<sup>1</sup>.

## 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 legislation<sup>2</sup>.

<sup>1</sup> Manjeet Pal & Kulwant Singh, *The Need and Importance of the Institution of Ombudsman in India*, 14 *Int'l J. for Res. Publ'n & Seminar*, no. 4, at 118 (2023).

<sup>2</sup> *A 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/>

The Ombudsman model on which the Lokpal and Lokayukta are based began in Sweden, which created the office of Justice Ombudsman in 1809 to supervise government administration<sup>3</sup>. The institution has since spread across legal systems and levels of development. Its defining feature is that it acts as an impartial and independent body, representing neither the complainant nor the agency complained against<sup>4</sup>.

India's earliest anti-corruption framework was penal. Sections 161 to 171 of the Indian Penal Code, 1860, forbade public servants from accepting any gratification beyond their lawful remuneration for official acts.<sup>5</sup> The source argues that the later insertion of Section 165-A in 1952, which made abetment of such offences punishable, weakened this framework, because it allowed corrupt officials to threaten complainants with counter-charges.<sup>6</sup> Rising corruption in public administration in the early 1960s then strengthened the case for an Ombudsman. In 1966 the Administrative Reforms Commission recommended a two-tier system, with a Lokpal at the Centre and Lokayuktas in the States.<sup>7</sup> Efforts to create a central Lokpal repeatedly failed, while States legislated on their own. By 2013 about twenty States had enacted Lokayukta laws, but the statutes were not uniform.

The move towards a central statute gathered pace after 2010. The government's 2010 draft provided for complaints against the Prime Minister, ministers and Members of Parliament, but civil society groups rejected it as a toothless body with only recommendatory powers.<sup>7</sup> In April 2011, Anna Hazare began an indefinite hunger strike demanding a stronger Lokpal. It ended four days later, after the government accepted his demands and agreed to set up a joint committee of government and civil society representatives to draft the law.<sup>8</sup> That committee had five ministers and five civil society members, and it began work on 16 April 2011.

Through its meetings in 2011, the two sides agreed that the Lokpal should be independent, appointed through a transparent process, and able to initiate investigation and prosecution. They stayed divided on the coverage of the Prime Minister and the higher judiciary, on parliamentary conduct (which the government treated as protected by Article 105(2) of the Constitution), and on the creation of a parallel investigating structure. The committee ended in June 2011 without consensus, and Hazare announced a further fast from 16 August.<sup>9</sup>

The Lokpal and Lokayukta Bill, 2011 was passed by the Lok Sabha on 27 December 2011, but it stalled in the Rajya Sabha and was referred to a Select Committee in May 2012. The amended Bill was passed by the Rajya Sabha on 17 December 2013 and by the Lok Sabha the next day. It received Presidential assent on 1 January 2014 and came into force on 16 January 2014.<sup>10</sup>

### AMENDMENT OF LOKPAL AND LOKAYUKTHA ACT, 2013

The Lokpal and Lokayuktas (Amendment) Bill, 2016 was introduced in the Lok Sabha on 26 July 2016 by Dr. Jitendra Singh, Minister of State in the Ministry of Personnel, Public Grievances and Pensions, to amend the Lokpal and Lokayuktas Act, 2013.<sup>11</sup> The Bill is to be deemed in force from 16 January 2014, the date on which the principal Act commenced.<sup>12</sup> It follows the earlier Lokpal and Lokayuktas and Other Related Laws (Amendment) Bill, 2014, which sought to harmonise the asset-disclosure requirements of section 44 with existing laws and rules. That Bill was referred to the Department-Related Parliamentary Standing Committee, which submitted its report on 7 December 2015.<sup>13</sup> The 2016 Bill makes two substantive changes. First, clause 2 substitutes section 44 in its entirety with a single provision requiring every public servant to declare assets and liabilities "in such form and manner as may be prescribed."<sup>14</sup> The

<sup>3</sup> Kamal Jeet Singh, Sudhir Dutta & Anurag, *The Lokpal and Lokayukta Act, 2013: A Critical Study*, 4 *Indian Streams Rsch. J.*, no. 8, Sept. 2014, at 2.

<sup>4</sup> *Id.* at 2–3.

<sup>5</sup> *Indian Penal Code*, No. 45 of 1860, §§ 161–171 (India); Singh *et al.*, *supra* note 1, at 5.

<sup>6</sup> Singh *et al.*, *supra* note 1, at 5.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 2, 6.

<sup>9</sup> *Id.* at 3.x

<sup>10</sup> *Id.* at 3; *The Lokpal and Lokayuktas Act, 2013*, No. 1 of 2014, India Co

<sup>11</sup> *The Lokpal and Lokayuktas (Amendment) Bill, 2016*, Bill No. 185 of 2016, *Statement of Objects and Reasons 1 (India)* [hereinafter 2016 Bill]; *The Lokpal and Lokayuktas Act, 2013*, No. 1 of 2014, INDIA CODE (2014).

<sup>12</sup> 2016 Bill, *supra* note 1, cl. 1(2).

<sup>13</sup> *Id.*, *Statement of Objects and Reasons* ¶ 2.

<sup>14</sup> *Id.* cl. 2 (substituting *The Lokpal and Lokayuktas Act, 2013*, No. 1 of 2014, § 44).

original section 44 was more detailed. It required disclosure within thirty days of taking office, covered the assets and liabilities of the public servant's spouse and dependent children, mandated an annual return by 31 July (as on 31 March), and directed that these statements be published on the website of the concerned Ministry or Department by 31 August.<sup>15</sup> The substituted section carries none of these details, which are left to rules. Second, clause 3 amends section 59(2)(k), the rule-making provision. The original clause covered only the "form of annual return" under section 44(5). The new clause covers the "form and manner of declaration of assets and liabilities by public servants under section 44" and adds a proviso allowing rules to be made retrospectively from the date the Act came into force.<sup>16</sup> The Statement of Objects and Reasons attributes the change to concerns expressed by different categories of public servants and to a recommendation of the Standing Committee.<sup>17</sup> The Memorandum Regarding Delegated Legislation describes the matters to be prescribed as procedural and administrative, and the delegation as "of a normal character."<sup>18</sup> The amendment therefore moves the operational detail of asset disclosure from the statute to executive rule-making. This affects the transparency and accountability framework that the Act builds around public servants.

## JURISDICTION OF LOKPAL AND LOKAYUKTHA

Chapter VI of the Lokpal and Lokayuktas Act, 2013 (sections 14 to 19) sets out the Lokpal's jurisdiction and how its benches work. Under section 14, the Lokpal inquires into any matter involved in, arising from, or connected with an allegation of corruption made in a complaint against any person who is or has been Prime Minister.<sup>19</sup> This power has limits. The Lokpal cannot inquire into allegations that relate to international relations, external and internal security, public order, atomic energy and space.<sup>20</sup> An inquiry against the Prime Minister must be initiated by the full bench and approved by at least two-thirds of its members, and it must be held in camera.<sup>21</sup> Section 15 provides that any matter under the Prevention of Corruption Act, 1988 already pending before a court, a parliamentary committee or any other authority continues there and is not affected by the Act.<sup>22</sup> The Lokpal's jurisdiction is exercised through benches, which the Chairperson constitutes with two or more Members.<sup>23</sup> The benches ordinarily sit at New Delhi and at other places the Lokpal specifies by regulations. Under section 18, the Chairperson may, on an application by the complainant or the public servant and after hearing them, transfer a case pending before one bench to another bench.

## POWERS AND FUNCTIONS OF THE LOKPAL UNDER THE LOKPAL AND LOKAYUKTAS ACT, 2013

**Complaint Handling and Inquiry.** Any citizen may lodge a written complaint alleging corruption against a covered public servant.<sup>24</sup> On receipt, the Lokpal must determine whether to proceed with or dismiss the complaint; if it proceeds, it may either direct a Preliminary Inquiry to ascertain whether a prima facie case exists, or, where the complaint already appears credible on its face, order a formal Investigation directly. Investigating officers, including those of the Delhi Special Police Establishment (the CBI), may be deployed for this purpose, and the public servant concerned must be afforded an opportunity to explain before an investigation is ordered.<sup>25</sup> Findings are thereafter reviewed by a bench of not fewer than three Members, which may direct a full investigation, refer the matter for departmental disciplinary action, or close the case for want of evidence.<sup>26</sup>

**Quasi-Judicial Powers.** During inquiry, the Lokpal's Inquiry Wing is vested with the powers of a civil court under the Code of Civil Procedure, enabling it to summon witnesses, compel production of documents, receive affidavits, and

<sup>15</sup> *The Lokpal and Lokayuktas Act, 2013, No. 1 of 2014, § 44(2)–(4), (6), INDIA CODE (2014).*

<sup>16</sup> 2016 Bill, *supra* note 1, cl. 3 (substituting *The Lokpal and Lokayuktas Act, 2013, No. 1 of 2014, § 59(2)(k)*); see also *The Lokpal and Lokayuktas Act, 2013, No. 1 of 2014, § 59(2)(k), INDIA CODE (2014) (original text).*

<sup>17</sup> 2016 Bill, *supra* note 1, Statement of Objects and Reasons ¶ 3.

<sup>18</sup> *Id.*, Memorandum Regarding Delegated Legislation ¶¶ 1–2.

<sup>19</sup> *The Lokpal and Lokayuktas Act, 2013, No. 1 of 2014, § 14(1)(a), INDIA CODE (2014) [hereinafter Lokpal Act].*

<sup>20</sup> *Id.* § 14(1)(a)(i).

<sup>21</sup> *Id.* § 14(1)(a)(ii) & second proviso.

<sup>22</sup> *Id.* § 15.

<sup>23</sup> *Id.* § 16(1)(a)–(b).

<sup>24</sup> Lokpal and Lokayuktas Act, No. 1 of 2014, § 20 (India).

<sup>25</sup> *Id.* §§ 20, 27.

<sup>26</sup> *Id.* § 20(3).

requisition public records.<sup>27</sup> Proceedings before it are deemed "judicial proceedings" for the purposes of the Indian Penal Code, reinforcing the seriousness with which non-cooperation or obstruction is treated.<sup>28</sup>

**Sanction for Prosecution.** A distinctive feature of the Act is the Lokpal's authority under Section 23 to sanction the prosecution of public servants for corruption, displacing the ordinary requirement of prior government sanction under Section 197 of the Code of Criminal Procedure.<sup>29</sup> No court may take cognisance of an offence under the Prevention of Corruption Act against an accused public servant without such prior approval, effectively making the Lokpal the gatekeeper of prosecution decisions arising from its own investigations.<sup>30</sup>

**Institutional Support.** The Act mandates the creation of an Inquiry Wing and a Prosecution Wing, headed respectively by a Director of Inquiry and a Director of Prosecution, with the Prosecution Wing responsible for instituting proceedings before the special Lokpal Courts. The Central Government is correspondingly obliged to provide adequate staff to the Prosecution Wing on request.

**Legal Assistance to the Accused.** Notably, Section 55 requires the Lokpal to arrange legal assistance for a public servant summoned before it, where such assistance is requested — an unusual protective feature that seeks to balance the Act's investigative rigour with fairness to the accused.

**Access to Information.** Section 25 empowers the Lokpal to require any public servant or other person to furnish information or documents relevant to an inquiry or investigation, and further insulates ongoing investigations by barring the transfer of an investigating officer without the Lokpal's consent.<sup>31</sup>

**Statutory Protection.** Finally, Section 51 shields the Lokpal and its officers from legal proceedings in respect of acts done, or purporting to be done, in good faith under the Act, allowing Members to discharge their functions without fear of personal liability.

## PROCEDURE IN RESPECT TO PRELIMINARY ENQUIRY:

The Lokpal shall, if it has decided to proceed with the preliminary inquiry, by a general or special order refer complaints received by it in respect of public servants belonging to Groups A, B, C and D to the Central Vigilance Commission (CVC). The CVC, after making preliminary inquiry in respect of public servants belonging to Groups A and B, shall submit its report to the Lokpal. The Lokpal shall call for the explanation of the public servant. Every inquiry shall be completed within a period of ninety days. The Lokpal may require any public servant or any other person to furnish information. After the conclusion of the investigation, if the findings of the Lokpal disclose the commission of an offence, further proceedings may be taken in accordance with the Act.<sup>32</sup>

## SPECIAL COURTS

Chapter IX of the Act deals with Special Court. The Central Government shall constitute special courts, as recommended by Lokpal. The special court constituted shall ensure completion of each trial within the period one year. If the trial cannot be completed within a period of one-year special court shall record reasons and complete the trial within further period of not more than three months.

## EFFECTIVENESS IN PRACTICE

The effectiveness of the Lokpal can be assessed by examining the actual progression of corruption complaints from their receipt to registration, preliminary inquiry, investigation and prosecution. The available data indicates a significant difference between the number of complaints received and the number of cases that ultimately progress to investigation and prosecution. According to the March 2026 study, since its inception the Lokpal received approximately **17,523**

---

<sup>27</sup> *Id.* § 27(1).

<sup>28</sup> *Id.* § 27(2).

<sup>29</sup> *Id.* § 23; *Code of Criminal Procedure, 1973*, § 197 (India).

<sup>30</sup> *Lokpal and Lokayuktas Act, No. 1 of 2014*, § 23 (India).

<sup>31</sup> *Id.* § 25.

<sup>32</sup> Kamal Jeet Singh, Sudhir Dutta & Anurag, [*THE LOKPAL AND LOKAYUKTA ACT, 2013: A CRITICAL STUDY*], *Indian Streams Research Journal* [7] (2014).

**complaints**, out of which **7,040 were registered**. However, investigation was ordered in only **40 cases**, while prosecution was sanctioned in only **7 cases** during the period examined. The study further records that during the financial year 2025–26, the Lokpal received **424 complaints**, of which **318 were registered**, **62 preliminary inquiries** were undertaken and **7 investigations** were ordered, with no prosecution sanction reported for that period.<sup>33</sup> These figures demonstrate the substantial gap between the number of complaints entering the Lokpal system and the number progressing to the investigation and prosecution stages. The limited conversion of complaints into investigations and prosecutions raises questions regarding the practical effectiveness of the Lokpal as an anti-corruption institution. The issue is particularly significant because the Lokpal Act provides a statutory mechanism for preliminary inquiry, investigation and prosecution of corruption allegations, but the institutional performance reflected in the available data suggests that statutory powers alone do not necessarily result in effective enforcement.

## DELAYED APPOINTMENTS

The Lokpal has frequently been characterised as a "toothless tiger" — a description that captures the persistent weakness in its operationalisation. Although the Lokpal and Lokayuktas Act was enacted in 2013, the first Lokpal was not appointed until 2019, a six-year lag that significantly undermined the institution's credibility from the outset. Compliance with the corresponding requirement to appoint Lokayuktas at the state level has been similarly inconsistent, and the Act does not expressly address the establishment of a Lokayukta for Union Territories, several of which continue to function without one. The judiciary has, on occasion, had to intervene directly to compel compliance. In 2016, after the Uttar Pradesh government failed to act on the Supreme Court's direction to expeditiously appoint a Lokayukta, the Court invoked its extraordinary constitutional powers and itself named Justice Sanjay Mishra to the post. Two years later, in 2018, the Supreme Court called upon the chief secretaries of twelve states to explain the continued absence of Lokayukta appointments, a step that ultimately resulted in appointments being made across all states.<sup>34</sup>

## IMPLEMENTATION GAPS

### ❖ *Vacancies and Lack of Transparency*

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

### ❖ *Low Case Disposal and Public Engagement*

Despite receiving over 8,000 complaints by 2022,<sup>35</sup> 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.

## CASE LAWS

### ❖ *Just Society v. Union of India*

In *Just Society v. Union of India*,<sup>13</sup> the Supreme Court considered a constitutional challenge to Sections 3(2)(a), 4(1)(d), 4(1)(e), and 4(2) of the Lokpal and Lokayuktas Act, 2013, provisions governing the composition and selection of the Lokpal, including the role of the Search Committee and the appointment of an "eminent jurist" Member. The petitioner contended that the selection mechanism was insufficiently transparent and that its failure to accord primacy to the opinion of the Chief Justice of India violated constitutional principles of equality and separation of powers. The Court

<sup>33</sup> Sumeet Kaur, *The Lokpal and Lokayuktas Act: Strengthening Democracy or Symbolic Reform?*, 11 Int'l J. Res. & Innovation Applied Sci., no. 3, at 86 (2026)

<sup>34</sup> Sumeet Kaur, *The Lokpal and Lokayuktas Act: Strengthening Democracy or Symbolic Reform?*, XI Int'l J. Rsch. & Innovation Applied Sci. (IJRIAS), Issue III, at 86 (Mar. 26, 2026)

<sup>35</sup> 27Impact 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-administrativeaccountability.html>.

rejected this challenge and upheld the constitutionality of the selection provisions, holding that the absence of primacy for the Chief Justice did not, by itself, render the Act unconstitutional. It further observed that technical objections of this kind could not be permitted to obstruct implementation of the Act, given that the statutory scheme remained workable in practice.<sup>36</sup>

#### ❖ **Common Cause v. Union of India**

In *Common Cause v. Union of India*, the petitioners sought a direction compelling enforcement of the Lokpal and Lokayuktas Act, 2013, which, although duly enacted, had not been brought into effect because the government intended to introduce amendments to it. The Supreme Court described the Act as a "salutary enactment" that was "eminently workable" in its existing form, and declined to accept the government's position that implementation ought to await further modification. The judgment accordingly compelled the government to proceed with the establishment of the Lokpal, bringing to an end years of implementational delay.<sup>37</sup>

#### ❖ **Shibu Soren v. Lokpal of India & Anr.**

In *Shibu Soren v. Lokpal of India & Anr.*,<sup>15</sup> former Jharkhand Chief Minister and sitting Rajya Sabha MP Shibu Soren challenged the Lokpal's decision to entertain a corruption complaint against him, seeking to quash the proceedings initiated under the Lokpal and Lokayuktas Act, 2013. The petitioner contended that the complaint, concerning property allegedly acquired more than seven years earlier, was barred by the Act's limitation period, that the Lokpal lacked jurisdiction to entertain it, and that the complaint — filed by BJP MP Nishikant Dubey and alleging unlawful wealth acquisition — was politically motivated and without prima facie merit. The Lokpal, in response, argued that the complaint disclosed continuing concealment and disproportionate assets, which extended the limitation period, that the allegations were substantial enough to warrant a preliminary inquiry under Section 20 of the Act, and that its jurisdiction over sitting Members of Parliament was well founded. The Delhi High Court dismissed the writ petition, permitting the Lokpal's investigation to proceed. It held that the complaint was not time-barred, since it involved continuing wrongs; that the Lokpal possessed statutory jurisdiction over sitting MPs under Section 14(1)(a) of the Act; and that the petitioner's objections were, in any event, premature, as the Lokpal had not yet determined whether to refer the matter for investigation.<sup>38</sup>

## SUGGESTIONS

The preceding analysis of the statutory framework, institutional performance and case law indicates that the Lokpal and Lokayukta, while conceptually sound as anti-corruption institutions, remain constrained in practice by delays in appointment, vacancies, inconsistent state-level implementation and a limited conversion of complaints into investigations and prosecutions. The following measures are suggested to strengthen these institutions and to enable them to address corruption more effectively while safeguarding citizens' rights.

#### ❖ **Time-Bound and Transparent Appointments**

A statutory timeline should be prescribed for the appointment of the Chairperson and Members of the Lokpal, and of the Lokayukta in every State and Union Territory, so that the institution does not remain vacant or non-functional for extended periods as occurred between 2013 and 2019. The Search Committee's proceedings, shortlisting criteria and reasons for selection should be published, so that appointments command public confidence rather than being perceived as executive-controlled.

<sup>36</sup> *Just Society v. Union of India*, (2017) 7 SCC 802.

<sup>37</sup> *Common Cause (A Regd. Society) v. Union of India*, (2017) INSC 379, SCC Online SC (Apr. 27, 2017).

<sup>38</sup> *Shibu Soren v. Lokpal of India & Anr.*, W.P. (C) 13213/2022, 2024 DHC 454 (Del. HC Jan. 22, 2024).

### ❖ *Filling of Vacancies and Adequate Staffing*

Judicial and non-judicial Member posts, along with the Inquiry Wing and Prosecution Wing, should be maintained at full strength on a continuing basis. Chronic understaffing directly limits the number of complaints that can be examined and slows the progression from registration to preliminary inquiry, investigation and prosecution.

### ❖ *Strengthening the Investigation-to-Prosecution Pipeline*

The wide gap between complaints received, cases registered and investigations or prosecutions actually ordered suggests that procedural bottlenecks, rather than an absence of statutory power, are limiting outcomes. Dedicated and adequately resourced investigating and prosecuting staff, clear internal timelines for each stage of inquiry, and periodic public reporting of complaint-to-prosecution conversion rates would improve both efficiency and accountability.

### ❖ *Integration with Whistleblower Protection*

Citizens and public servants who furnish information of corruption are more likely to come forward where their identity and safety are protected. Closer integration between the Lokpal and Lokayuktas Act and the Whistle Blowers Protection Act, 2014 would encourage complaints and strengthen the flow of credible information into the system.

### ❖ *Public Awareness and Accessibility*

Many citizens remain unaware of the existence, jurisdiction and complaint procedure of the Lokpal and Lokayukta. Outreach in regional languages, simplified complaint formats and accessible helpdesks, particularly in rural areas, would make the institutions more approachable to the citizens whose rights they are intended to protect.

## CONCLUSION

The Lokpal and Lokayukta have been established as important statutory institutions for promoting accountability, transparency and integrity in public administration. This study shows that administrative discretion is necessary for effective governance, but its uncontrolled or arbitrary exercise may result in corruption, maladministration, abuse of authority and infringement of citizens' rights. The Lokpal at the Union level and Lokayukta at the State level provide an institutional mechanism through which complaints against public authorities can be examined and appropriate action can be initiated. Their powers relating to complaints, preliminary inquiry, investigation, information gathering and prosecution demonstrate their potential to act as an important check on the misuse of administrative power.

However, the effectiveness of these institutions depends not merely upon the existence of statutory powers but upon their proper and timely implementation. The study identifies significant gaps between the statutory framework and its practical operation, including delays in appointments, vacancies, limitations in institutional capacity, inconsistent implementation at the State level, and the limited progression of complaints from registration to investigation and prosecution.

Therefore, strengthening these institutions requires timely and transparent appointments, adequate staffing, efficient investigation and prosecution mechanisms, greater public awareness and improved accessibility for citizens.

In conclusion, the Lokpal and Lokayukta can play a significant role in ensuring that administrative discretion is exercised within the limits of lawfulness, fairness and accountability. They cannot, by themselves, eliminate corruption or every instance of administrative abuse. Their effectiveness ultimately depends upon institutional independence, adequate resources, timely action and effective implementation of their statutory powers. A stronger and more accessible Lokpal and Lokayukta framework can therefore contribute to protecting citizens from the misuse of public authority and strengthening public confidence in democratic administration.

## REFERENCE

- Pal, Manjeet & Kulwant Singh, The Need and Importance of the Institution of Ombudsman in India, 14 Int'l J. for Res. Publ'n & Seminar, no. 4, at 117 (2023).
- The Lokpal And Lokayuktas Act, 2013
- THE LOKPAL AND LOKAYUKTAS (AMENDMENT) BILL, 2016 (Bill No. 185 of 2016)

- Sumeet Kaur, *The Lokpal and Lokayuktas Act: Strengthening Democracy or Symbolic Reform?*, 11(3) Int'l J. Rsch. & Innovation in Applied Sci. 86 (2026)
- Kamal Jeet Singh, Sudhir Dutta & Anurag, *The Lokpal and Lokayukta Act, 2013: A Critical Study*, Indian Streams Research Journal (2014).
- Dash, Dr. Shreemanshu Kumar & Risha Burman, *The Lokpal and Lokayuktas Act in India: From Legislation to Implementation*, 7 Indian Journal of Law and Legal Research 1428 (2025).
- Dhawan, Yash & Vidhi Marwaha, *Position of Ombudsman in India*, 3 International Journal of Law Management & Humanities 641 (2020).
- [www.indiankanoon.org](http://www.indiankanoon.org)
- [www.indiacode.nic.in](http://www.indiacode.nic.in)