

**20– 11 – 2023**

**News: Lokpal**

- Recently, the Lokpal of India stated that it cannot consider a plea from the wife of a government official in Uttar Pradesh who died by suicide, citing jurisdictional limitations.
- The official was allegedly pressured by superiors to sign completion certificates for Central government projects under the Swadesh Darshan Scheme.

**Stand Taken by the Lokpal Of India**

**Jurisdictional Limitations of Lokpal in Uttar Pradesh Case**

- The Lokpal clarified that it lacks the authority to address a complaint against the Principal Secretary, Tourism and Culture, and Director General, Tourism, Uttar Pradesh.
- The issue, involving alleged criminal activities, falls under the purview of criminal law and procedure, prompting the Lokpal to declare it cannot entertain the plea.

## Forwarding the Complaint

- Despite its jurisdictional constraints, the Lokpal took a step forward by forwarding the complaint to the Union Tourism Secretary for further investigation.

## Lokpal and Lokayukta

- Lokpal and Lokayukta Act, 2013 provided for the establishment of Lokpal for Union and Lokayukta for States.
- First administrative commission recommended the setup of Lokpal.
- Lokpal is a multi-member body that consists of one chairperson and a maximum of 8 members.
- Chairperson must be either a Chief Justice of India, or a former Judge of Supreme Court, or an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, and finance.
- Out of 8 members, half will be judicial members and rest will be from All India Services.
- Minimum 50% of Members shall be from SC/ST/OBC/Minorities and Women.

- Judicial members of Lokpal should be either a **former Judge of SC or former Chief Justice of any High Court.**
- The non-judicial member should be an eminent person with impeccable integrity and outstanding, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, and finance.
- The members are **appointed by President** on the recommendation of a Selection Committee, headed by **Prime Minister as Chairperson**, Lok Sabha Speaker, Leader of Opposition in Lok Sabha, CJI or a SC Judge nominated by CJI, and one eminent jurist as members.
- The Chairperson or any Member can be removed from his office by order of the President on grounds of misbehaviour after the Supreme Court, on a reference being made to it by the **President on a petition signed by at least one hundred Members of Parliament has, on an inquiry, reported that the Chairperson or such Member ought to be removed on such ground.**
- The term of office for Lokpal Chairman and Members is **5 years or till the age of 70 years.**
- **Salaries, allowances, and service conditions of the Lokpal chairperson will be the same as those for the Chief Justice of India; those for other members will be the same as those for a judge of the Supreme Court.**
- The administrative expenses of the Lokpal, including all salaries, allowances and pensions of the Chairperson, Members or Secretary or other officers or

staff of the Lokpal, will be **charged upon the Consolidated Fund of India** and any fees or other money taken by the Lokpal shall form part of that Fund.

- **Jurisdiction of Lokpal includes Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central government.**
- **Lokpal will not inquire the PM if the allegation of corruption is related to international relations, external and internal security, public order, atomic energy, and space, unless a full Bench of the Lokpal, consisting of its chair and all members, considers the initiation of a probe and at least 2/3<sup>rd</sup> of the members approve it.**
- Any such inquiry shall be **held on camera** and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone.
- Also covered are chairpersons, members, officers and directors of any board, corporation, society, trust, or autonomous body either established by an Act of Parliament or wholly or partly funded by the Union or State government.
- The jurisdiction of Lokpal also **expands to any society or trust or body that receives foreign contribution above 10 lakhs.**
- **The Lokpal is vested with the power of search and seizure and powers under the Civil Procedure Code for the purpose of conducting preliminary inquiry & investigation** and power of attachment of assets and taking other steps for eradication of corruption.

- It has powers to superintendent over CBI and CVC and give directions.
- If a case is referred to CBI by Lokpal, the investigation officer cannot be transferred without the approval of Lokpal.
- A Bench of at least three members considers the investigation report and may grant sanction to the Prosecution Wing to proceed against the public servant based on the agency's chargesheet. It may also ask the competent authority to take departmental action or direct the closure of the report.
- Recently, Lokpal adopted its motto "मा गृधः कस्यस्विद्धनम्" i.e. ककसी केधन का लोभ मत कर" means "Do not be greedy for anyone's wealth".
- The motto is taken from *Ishavasya Upanishad*.

### **Nature of complaint**

- A complaint under the Lokpal Act should be in the prescribed form and must pertain to an offence under the Prevention of Corruption Act, 1988 against a public servant.
- There is no restriction on who can make such a complaint.
- When a complaint is received, the Lokpal may order a preliminary inquiry by its Inquiry Wing or any other agency, or refer it for investigation by any agency, including the CBI, if there is a prima facie case.

- Before ordering an investigation by an agency, the Lokpal shall call for an explanation from the public servant to determine whether a prima facie case exists.
- This provision, the Act says, will not interfere with any search and seizure that may be undertaken by the investigating agency.
- The Lokpal, with respect to Central government servants, shall refer the complaints to the Central Vigilance Commission (CVC).

## **Director of Inquiry**

- As per the Lokpal and Lokayuktas Act, 2013, there shall be a Director of Inquiry, not below the rank of Joint Secretary to the Central Government.
- As per the provisions contained under Section 20 (1) (b) of the Lokpal and Lokayuktas Act, 2013, complaints in respect of public servants are referred by the Lokpal to the Central Vigilance Commission (CVC) for a preliminary inquiry.

## Swadesh Darshan Scheme

- Swadesh Darshan, a **Central Sector Scheme**, was launched in 2014 -15 for **integrated development of theme-based tourist circuits** in the country.
- Under the scheme, the **Ministry of Tourism** provides **Central Financial Assistance (CFA)** to State Governments/Union Territory Administrations for infrastructure development of circuits.
- This scheme is envisioned to **synergize with other schemes like Swachh Bharat Abhiyan, Skill India, and Make in India etc.** with the idea of **positioning the tourism sector as a major engine for job creation**, driving force for economic growth, building synergy with various sectors to enable tourism to realize its potential.
- **Fifteen thematic tourist circuits have been identified** by the government for development under the Swadesh Darshan scheme namely: **North-East India Circuit, Buddhist Circuit, Himalayan Circuit, Coastal Circuit, Krishna Circuit, Desert Circuit, Tribal Circuit, Eco Circuit, Wildlife Circuit, Rural Circuit, Spiritual Circuit, Ramayana Circuit, Sufi Circuit, Tirthankar Circuit and Heritage Circuit.**
- The projects for development under this scheme **are identified in consultation with state governments and union territory administrations and are sanctioned subject to submission of detailed project reports and their**

**adherence to scheme** guidelines, availability of funds and submission of utilization certificates for funds released earlier.