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EDITORIAL ANALYSIS

Lokpal at 12: Anti-Corruption Architecture and the Gap Between Law and Accountability

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MAINS RELEVANCE:

GS Paper 2


INTERVIEW ANGLE

"Has the Lokpal fulfilled its original mandate as an independent anti-corruption institution? What structural reforms would make it more effective?"

WHY IN NEWS

The Lokpal completes 12 years of legal existence on January 16, 2026, having come into force on January 16, 2014, under the Lokpal and Lokayuktas Act, 2013 — the culmination of a legislative journey that began with the Santhanam Committee recommendations in 1962 and witnessed multiple failed Bills over five decades.

A LONG WAIT, A CONSTRAINED BEGINNING

The Lokpal's history is, in part, a story of democratic reluctance. Despite the concept being recommended as early as 1966 by the First Administrative Reforms Commission, nine successive Lokpal Bills — introduced in 1968, 1971, 1977, 1985, 1989, 1996, 1998, 2001, and 2011 — either lapsed or were never passed. The 2013 Act, passed under the political pressure of the India Against Corruption movement, became law — but the first Lokpal, Justice Pinaki Chandra Ghose, was appointed only in March 2019: five years after the institution came into existence.

This delayed appointment was not procedurally accidental. The leader of the Opposition in the Lok Sabha — a required member of the Lokpal selection committee — did not exist for years after 2014, as the principal opposition party failed to secure the 10% of seats required for official recognition. The government's position that the selection process could not proceed without a full committee created a legal impasse that was eventually resolved by the Supreme Court, which allowed a nominee from the opposition parties to participate. The episode exposed how anti-corruption institutions can be neutralised not by repealing them but by engineering procedural paralysis.

WHAT THE LOKPAL CAN AND CANNOT DO

The Lokpal's jurisdictional scope is expansive in principle: it covers the Prime Minister (with restrictions), Union Ministers, Members of Parliament, and all Group A through Group D central government officials, as well as officials of Public Sector Undertakings. This is broader than the CVC, which covers only civil servants and excludes elected officials.

The restrictions on PM jurisdiction are significant: complaints against the Prime Minister relating to international relations, external and internal security, public order, and atomic energy are outside Lokpal's reach. These carve-outs were designed to prevent the anti-corruption mechanism from being weaponised for partisan purposes — a legitimate concern — but they effectively shield a substantial portion of executive decision-making from oversight.

The Lokpal's investigative powers depend heavily on the CBI, over which it has superintendence in corruption cases. However, the CBI remains under the Department of Personnel and Training — effectively the Prime Minister's Office — for all other purposes. This divided superintendence creates structural ambiguity about investigative independence, particularly when the subject of investigation has political proximity to the executive.

THE CVC-LOKPAL DISTINCTION

A source of confusion in governance discussions is the difference between the Lokpal and the Central Vigilance Commission. Both are independent statutory anti-corruption bodies, but they operate on different tracks:

CVC (established 1964 by executive resolution; granted statutory status by the CVC Act, 2003) supervises and advises on vigilance administration across central government. It covers civil servants, All India Services, PSU executives, and officials of financial sector regulators (RBI, SEBI, public sector banks). The CVC does not investigate elected officials.

Lokpal (Lokpal and Lokayuktas Act, 2013) is an adjudicatory-investigative body that covers both elected officials and civil servants. It can initiate suo motu inquiries, direct the CBI to investigate, and recommend prosecution.

The appointment process differs: CVC commissioners are appointed on the recommendation of a committee comprising the PM, Home Minister, and Leader of Opposition in Lok Sabha. The Lokpal selection committee additionally includes the Chief Justice of India (or a Supreme Court judge nominated by the CJI), the Speaker of the Lok Sabha, and an eminent jurist — a more elaborate constitutional safeguard.

THE STRUCTURAL DEFICIT: RESOURCES, AUTONOMY, AND LOKAYUKTA GAPS

After 12 years, the Lokpal faces three structural deficits that limit its effectiveness.

Resource constraint: The Lokpal began with a small bench and limited staff. For an institution covering millions of central government officials, the inquiry and investigation capacity remains inadequate. An institution that cannot process complaints within a reasonable timeframe loses deterrent value.

Autonomy in prosecution: The Lokpal can investigate and recommend prosecution, but the decision to sanction prosecution for certain categories of officials requires central government approval — a feature that preserves executive discretion at the final enforcement stage. True institutional independence requires that the prosecution sanction function vest entirely in the Lokpal.

Uneven Lokayukta landscape: The Lokpal and Lokayuktas Act mandated that states establish Lokayuktas within one year of the Act's commencement. More than a decade later, the implementation is uneven: several states have established strong Lokayuktas (Karnataka's Lokayukta has been active since 1984), while others have either not established them or established weak versions with limited jurisdiction and enforcement powers. The Centre's ability to enforce the mandate is constitutionally limited given that law and order and anti-corruption at the state level fall within state jurisdiction.

WHAT REFORM WOULD LOOK LIKE

An effective anti-corruption institutional architecture for India's next decade needs three changes.

First, the appointment process must be insulated from procedural manipulation. The current provision — which ties the selection committee to the Leader of Opposition in Lok Sabha — should be amended to specify a clear fallback mechanism (such as the leader of the largest opposition party or bloc) when no formal Leader of Opposition exists. This would prevent the institutional paralysis seen between 2014 and 2019.

Second, prosecution sanction — the permission required before a government servant can be prosecuted for acts done in the discharge of official duty under Section 197 CrPC — should be removed for Lokpal-investigated cases. The current requirement allows the executive to protect officials even after an independent investigation has found sufficient evidence. Several Law Commission reports have recommended this reform.

Third, Lokayukta standardisation requires a model law that specifies minimum standards for jurisdiction, independence of appointment, and enforcement powers — and the Centre should use financial incentives (linked to central devolution) to encourage convergence, even if it cannot mandate it.

★ FACTS CORNER — KNOWLEDGE PEDIA

LOKPAL — CORE DATA:

Legislation: Lokpal and Lokayuktas Act, 2013; came into force January 16, 2014

First recommended: Santhanam Committee (1962-64); First ARC (1966) under Morarji Desai

Failed Bills: 1968, 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2011

Composition: Chairperson + up to 8 Members; at least 50% judicial; 50% SC/ST/OBC/minorities/women

Chairperson eligibility: Former CJI or former Supreme Court judge

Tenure: 5 years or age 70, whichever is earlier

First Lokpal: Justice Pinaki Chandra Ghose (appointed March 2019)

NOT a constitutional body — statutory body under the 2013 Act

LOKPAL SELECTION COMMITTEE:

Prime Minister (Chair)

Speaker of Lok Sabha

Leader of Opposition in Lok Sabha

Chief Justice of India (or nominated SC judge)

An eminent jurist

LOKPAL JURISDICTION:

Prime Minister (with restrictions on national security/IR/atomic energy)

Union Ministers

Members of Parliament

Group A, B, C, D central government officials

PSU officials

Does NOT cover state government officials (Lokayuktas cover states)

CVC — COMPARISON:

Established: 1964 (executive resolution; Santhanam Committee)

Statutory basis: CVC Act, 2003

Composition: 1 Chief Vigilance Commissioner + up to 2 Vigilance Commissioners

Appointment: PM + Home Minister + Leader of Opposition

Tenure: 4 years or age 65

Covers: civil servants + PSU executives; NOT elected officials

Key difference from Lokpal: CVC = civil servants only; Lokpal = elected officials too

LOKAYUKTAS:

Mandated by Lokpal Act 2013 for all states within 1 year

First Lokayukta in India: Maharashtra (1971)

Strongest: Karnataka (active since 1984)

Implementation: uneven across states even after a decade

OTHER RELEVANT FACTS:

Section 197 CrPC: prosecution sanction required for acts done in discharge of official duty

Whistle Blowers Protection Act, 2014: protects those who disclose corruption to Lokpal/CVC

Prevention of Corruption Act, 1988 (amended 2018): primary substantive law governing bribery

Santhanam Committee (1962-64): established the distinction between administrative corruption and political corruption in India

Sources: Indian Express, PRS Legislative Research, PIB

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