

Lokpal vs. Judiciary

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Lokpal vs. Judiciary: Supreme Court Calls Order 'Very Disturbing'

Context : Corruption has been a persistent challenge in India, affecting governance and public trust. To address this, the **Lokpal and Lokayuktas Act, 2013**, was enacted to establish an independent anti-corruption mechanism at the **central and state levels**. The law created the **Lokpal** at the central level and mandated the formation of **Lokayuktas** in states to investigate complaints against public officials.

Recently, the **Lokpal issued an order** declaring **High Court judges as 'public servants'** under its jurisdiction. This decision was challenged in the **Supreme Court**, which **stayed the Lokpal order**, calling it "**very disturbing**" and raising concerns about **judicial independence**. The case has now become a **significant legal debate** regarding the jurisdiction of the Lokpal over the judiciary.

About the Lokpal and Lokayuktas Act, 2013

The **Lokpal and Lokayuktas Act, 2013**, was enacted to combat **corruption at high levels of government** by setting up **independent investigative bodies**.

Key Features of the Act

- **Establishment of Lokpal:**
 - A **multi-member body** with a **Chairperson** and up to **eight members** (judicial and non-judicial).
- **Jurisdiction:**
 - Covers **Prime Minister (with certain exceptions)**, **Ministers**, **MPs**, and **Group A & B officers**.
- **State-Level Lokayuktas:**
 - Each state is required to establish a **Lokayukta** to handle corruption cases against state officials.
- **Investigative Powers:**
 - Lokpal can **order inquiries**, **recommend prosecution**, and **direct disciplinary action** against corrupt officials.
- **Whistleblower Protection:**
 - Provides safeguards for **whistleblowers** to report corruption without fear of retaliation.

Significance of the Act

- **Strengthens Anti-Corruption Framework:**
 - Establishes an **independent watchdog** to investigate **high-level corruption cases**.
 - **Ensures Public Accountability:**
 - Brings **top government officials**, including the **Prime Minister and MPs**, under scrutiny.
 - **Empowers Investigations:**
 - Lokpal has the power to **conduct independent inquiries** and recommend **prosecution without government approval**.
 - **Improves State-Level Vigilance:**
 - Requires every state to **set up a Lokayukta**, enhancing state-level anti-corruption measures.
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Challenges and Criticisms

- **Delay in Lokayukta Implementation:**
 - Several states have **not yet appointed Lokayuktas**, weakening the state-level anti-corruption system.
 - **Limited Investigative Autonomy:**
 - The **CBI, which assists in investigations**, remains under **government control**, raising concerns about independence.
 - **Lack of Public Awareness:**
 - Many citizens are **unaware of Lokpal's role** and how to file complaints, reducing its effectiveness.
 - **Political Influence in Appointments:**
 - Critics argue that **Lokpal appointments are influenced by the ruling government**, affecting impartiality.
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Supreme Court Stays Lokpal's Order on High Court Judges

Background of the Case

- On **January 27, 2025**, the Lokpal declared that **High Court judges are 'public servants'** under the **Lokpal Act, 2013**, and are subject to investigation.
- The **Supreme Court** took **suo motu cognizance** of the case and **stayed the order**, calling it **"very disturbing"**.
- A **Special Bench of Justices B.R. Gavai, Surya Kant, and A.S. Oka** reviewed the case.
- **Senior advocates Kapil Sibal and B.H. Marlapalle** argued against the Lokpal's interpretation.
- **Solicitor General Tushar Mehta**, representing the government, also **opposed the Lokpal's jurisdiction over judges**.
- The **Supreme Court** scheduled the next hearing for **March 18, 2025**, and decided to **keep the identity of the concerned judge confidential**.

Implications of the Supreme Court's Stay

- **Maintains Judicial Independence:**
 - Reinforces that **judges cannot be treated as public servants** under the Lokpal Act.
 - **Clarifies Jurisdiction:**
 - Highlights the difference between **High Court and Supreme Court judges**, as Lokpal had previously ruled that it **does not have jurisdiction over Supreme Court judges**.
 - **Sets Legal Precedent:**
 - The case could **establish an important precedent** for future debates on **judicial accountability** under anti-corruption laws.
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Conclusion

The **Supreme Court's intervention** in staying the Lokpal order highlights the **need to maintain a clear distinction** between **judicial accountability and anti-corruption investigations**. While the **Lokpal and Lokayuktas Act, 2013**, is a crucial step in **ensuring transparency**, its interpretation and implementation must align with **constitutional principles**. The case is likely to have **far-reaching implications** on the **independence of the judiciary** and the **scope of the Lokpal's jurisdiction** in the future.

