



HINGERING LOKPAL

KEYWORDS

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A long time killed and Lokpal Bill was enacted in Indian Parliament. This is the most prolonged bill in the history of Indian legislation. 45 years period came up and the bill brought up on Dec. 17, 2013. On Jan 1, 2014 Pranab Mukharji, President of India signed up it. It was declared that it is effective from Jan 16, 2014.¹ Now after appointing Lokpal and its 8 members, the machinery was expected to be established. As per section 3 (1) of Lokpal and Lokayukta Act, 2013 there will be a Lokpal Committee to look after the grievance against government officers and personnel.² Under section 4 (1) the Selection Committee was came in effect on the same day. It was consisted with Dr. Manmohan Singh, the then PM, India, Meera Kumar, the then Speaker of Loksabha, Sushama Swaraj, the then Opposition Leader, Justice H. L. Dattu, and eminent jurist P.P. Rao. On Feb. 20, 2014 under the same section for the selection of Lokpal and 8 members committee the Selection Committee constituted a search Panel. Justice K.T. Thomas chaired the panel. Fali Nariman, an eminent jurist, S. Y. Kureshi, ex-CEC, Principal Minakshi Gopinath, Lady Shriiram College, Delhi, Kaki Madhav, ex-CS, Andhra Pradesh, Mrinal Miri, an eminent educationist, H. K. Dua, Member, RS were the members.

According to Rule 10 of Search Panel Rules, 2014 central government will provide a list to the search panel and the search panel is bound with the list.³ out of the provided list panel will finalize the members and chairperson for Lokpal. Again Selection Committee has a veto power on this provided list. it directly makes the search panel a toy in the hands of Selection Committee and Department of Personnel Grievances and Training, Central Government. Off course, within a few days of its establishment Justice K. T. Thomas refused to chair and Fali Nariman turned down post with saying that the Search Panel does not have autonomy to work. "The Search Panel needs to have some value. The Committee searches out and recommends names, but these names can be vetoed by the selection committee. if this proviso continues, the search panel continues to be a mute spectator", says Justice K. T. Thomas.⁴

The matter came before Supreme Court. CJ of India R. M. Lodha and his bench released it by giving autonomy to search panel and also criticizes for a delay of appointment of Lokpal. The panel was given a freedom to short list the names by amending section 10. Still selection committee has a veto power on this list.

Due to all these complications appointment of Lokpal was prolonged.

Meanwhile Sushama Swaraj objected on the choice of P. P. Rao as the fifth member of Selection Committee saying

that he was a congress loyalist.⁵ At the other hand many petitions and PILs were lodged regarding some provisions e.g., declaration by a public servant for his property. This provision was challenged at a large.

There was a change in government also. After LS election congress lost ruling and BJP came into the force. Now the selection committee has been changed. Narendra Modi, PM, Sumitra Mahajan, Speaker, Rahul Gandhi, Opposition Leader, Justice H. L. Dattu are the members. The fifth seat is vacant as it was declared that the working of committee is blocked up to the changes are made in the act.

There was a huge argument and dispute on Lokpal's selection as well as declaration of a property of public servants. at last the act which was already prolonged was again kept for amendment on Dec. 18, 2014 in LS and was referred to the Joint Committee on Dec. 22, 2014. The committee is chaired by E M Sudersana Natcippan, congress M; with 30 another members. The committee was asked to submit its report on March 25, 2015. In between on March 3, 2015 it was declared by the Department of Personnel Grievances and Training that the constitution of a search panel by the selection committee could be proceed only after the amendment act will be passed.⁶ It is clear now that the previous panel is dismissed and new will be constituted again. The process of appointing Lokpal was stopped due to all these obstacles.

The joint committee had sought extension which ended on July 30, 2015 to complete the task. Again the extension is given for a month and on August 31 it was expected to submit its report which is not yet.

Unfortunately again India remained without a citizen-friendly machinery for a common man that can fight against corruption.

The concept Lokpal is derived from a Swedish word Ombudsman. L. M. Singhvi, the then MP in 1963 coined the word LOKPAL. In 1968, the bill was kept for the first time and again and it was kept in the Indian Parliament. Approximately 70 to 75 million rupees are expended on enactment of Lokpal bill. India stood ninth in the CPI in 2014. The number of corruption in India is constantly increasing.

One can say that LP bill is one of the unfortunate bills in Indian parliament it had stretched for a long period to be enacted and gone behind enacted yet. A common man is waiting still for friendly-user machinery.

REFERENCE

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