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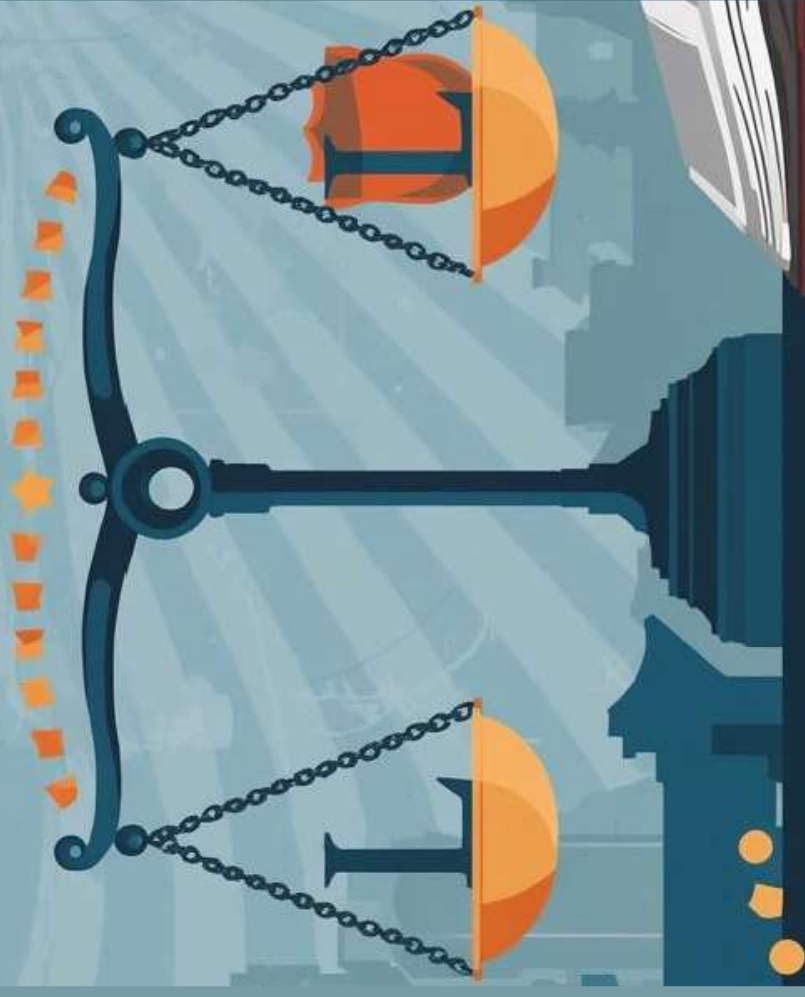
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# NATIONAL CONFERENCE ON LOKAYUKTA AS A CONSTITUTIONAL GUARDIAN AGAINST CORRUPTION: PROSPECTS AND CHALLENGES (AN IQAC INITIATIVE)



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## A DEMOCRATIC NECESSITY: RETHINKING THE LOKAYUKTA SYSTEM FOR A CORRUPTION-FREE INDIA

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### **Abstract:**

Despite the establishment of multiple anti-corruption institutions, corruption in India remains deeply entrenched. This persistence highlights that the problem is not merely institutional design, but also the fear and vulnerability citizens experience. People are reluctant to report wrongdoing, fearing the very offices they depend on. This hesitation is compounded by weak enforcement, political influence, and the absence of strong whistleblower protection.

Good governance requires a robust Lokayukta system, yet most are rendered ineffective by severe structural limitations. Political interference in appointments often compromises independence from the start. Many Lokayuktas lack financial autonomy, forcing them to depend on the state government for their own budgets.

This weakness is codified in uneven legislation. Jurisdiction is often ambiguous, with many acts exempting the Chief Minister from investigation. Furthermore, most Lokayuktas are limited to purely advisory powers, allowing the government to ignore their recommendations. These flaws impede their role as guardians and diminish public trust.

This paper argues for comprehensive reform, emphasising uniform legal standards that include all public servants. Key solutions include independent investigation and prosecution wings, guaranteed financial autonomy, and binding authority in disciplinary matters. To empower citizens without risking their safety, digital systems for anonymous reporting and robust whistleblower protection are essential. Reforming the Lokayukta is a democratic necessity to ensure the promise of accountability becomes a lived reality.

**Keywords:** Lokpal, Lokayukta, Corruption, Administration reformation,

### **Introduction: Corruption, Governance and India's Rankings**

Corruption is not just a moral failure; it is a structural drag on growth, public trust and democratic legitimacy. Globally, India is still seen as a country struggling with public-sector corruption. In the Corruption Perceptions Index (CPI) 2024, India ranks 96 out of 180 countries, with

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a score of 38/100, a decline from the previous year.<sup>248</sup> This places India in the “problematic” band of countries where corruption is perceived as a serious obstacle to fair administration and investment.<sup>249</sup>

Similarly, the World Bank’s Worldwide Governance Indicators (WGI) show India performing only around the middle of the global distribution on indicators like Control of Corruption and Government Effectiveness, underscoring persistent governance deficits.<sup>250</sup> Second Administrative Reforms Commission (2<sup>nd</sup> ARC) explicitly noted that reducing corruption and improving governance can significantly raise GDP growth by improving contract enforcement, reducing bureaucratic delays and increasing investor confidence.<sup>251</sup>

In this context, institutions like Lokpal and Lokayuktas were conceived as independent ombudsman-type bodies to check corruption in high public offices. But, the real-world functioning of state Lokayuktas are often disappointing. This article critically examines the functioning nature of Lokayuktas, with a comparative focus on Karnataka, Maharashtra and Tamil Nadu, drawing on academic critiques and recent case material.

### **From Ombudsman to Lokayukta: A Brief History of Administrative Reform**

The ombudsman concept originated in Sweden in 1809 as a parliamentary officer empowered to investigate maladministration in the executive.<sup>252</sup> Over time, variations of the ombudsman model spread to countries like New Zealand, the UK, and later to several Commonwealth states as part of wider administrative reforms aimed at making bureaucracies more accountable and citizen-centric. The idea of an ombudsman eventually caught on in places like New Zealand and the UK. Later, quite a few other Commonwealth countries also started using their own versions of this model. They usually did this as part of bigger changes meant to make sure the government bureaucracy was more accountable and focused on serving the public better.<sup>253</sup>

In India, the idea of a constitutional ombudsman was raised in Parliament in the early 1960s by Law Minister Ashok Kumar Sen, and the terms Lokpal (Centre) and Lokayukta (State) were coined by Dr.L.M.Singhvi.<sup>254</sup> The First Administrative Reforms Commission (ARC-1) in 1966 formally

<sup>248</sup>Transparency International, *Corruption Perceptions Index 2024 – India* (CPI score 38; rank 96/180). ([Transparency.org](https://www.transparency.org))

<sup>249</sup>Testbook, “What is India’s rank in Transparency International’s Corruption Perceptions Index 2024?” (explainer on India’s CPI rank 96/180). ([Testbook](https://testbook.com))

<sup>250</sup>World Bank, *Worldwide Governance Indicators – “Control of Corruption” and related governance indicators for India*. ([World Bank](https://data.worldbank.org))

<sup>251</sup>Second Administrative Reforms Commission, *Ethics in Governance*, Govt. of India (emphasising that reduced corruption and better governance raise GDP growth). ([DARPG](https://darpg.gov.in))

<sup>252</sup>Vajiram& Ravi, “Lokpal and Lokayukta – UPSC Notes” (origin of ombudsman in Sweden, 1809). ([Vajiram& Ravi](https://www.vajiramandravi.com))

<sup>253</sup>RTU Assam, “Lokpal” class notes (spread of ombudsman to other jurisdictions, later adopted in India). ([Rabindranath Tagore University](https://www.rabindranathtagoreuniversity.ac.in))

<sup>254</sup>Drishti IAS, “Lokpal and Lokayukta – Ombudsman in India” (Ashok Kumar Sen; L.M. Singhvi; coining of terms). ([Drishti IAS](https://www.drishtiias.com))

recommended the creation of two independent authorities Lokpal at the Union level and Lokayuktas in the states on the Scandinavian model, to investigate complaints against public functionaries including ministers and MPs.<sup>255</sup>

The Second Administrative Reforms Commission (ARC-2), particularly in its report *Ethics in Governance*, reiterated the need for strong, independent anti-corruption bodies with adequate autonomy and resources, and even suggested constitutional backing for such institutions.<sup>256</sup> After decades of delay and several lapsed bills, the Lokpal and Lokayuktas Act, 2013 was enacted, making it mandatory for each state to establish a Lokayukta within a period of one year.<sup>257</sup>

### **Lokayukta : Mandate and Promise**

With reference to the Lokpal and Lokayuktas Act, 2013, Lokayukta is meant to function as an independent, quasi-judicial ombudsman at the state level, empowered to investigate allegations of corruption, abuse of office, and maladministration against Chief Minister and Ministers, MLAs, senior bureaucrats and other public servants, employees of state-funded bodies and PSUs; Supported by an investigation wing (often police-based) and a prosecution wing to take cases to court under the Prevention of Corruption Act, 1988 (POCA).

Lokayuktas have independent investigation wings, adequate staff and clear legal powers, they can be quite effective in exposing high-level corruption.<sup>258</sup> However, in many states, Lokayuktas are “toothless watchdogs”, lacking staff, funds, investigative autonomy and binding powers.<sup>259</sup> The contrast between Karnataka, Maharashtra and Tamil Nadu provides a good lens to see how the same concept can produce very different outcomes depending on design and political will.

### **Karnataka Lokayukta: From Model Institution to Mixed Record**

In Karnataka, the Lokayukta has often been held up as a benchmark for state-level anti-corruption institutions. The Karnataka Lokayukta Act, 1984 endowed it with powerful investigatory and prosecutorial authority, including a dedicated Lokayukta Police functioning independently of the regular state police hierarchy.<sup>260</sup> The institution achieved national acclaim when it exposed the massive Bellary iron-ore mining scam (2006–2010), implicating ministers, mining barons and high-ranking bureaucrats in a “mafia-like network” that caused losses to the State exchequer running into

<sup>255</sup>GKToday / Testbook, explainer on ARC-1 recommendations for Lokpal and Lokayukta (1966–70). ([Testbook](#))

<sup>256</sup>Drishti IAS, “Ethics in Governance – 2nd ARC Summary” (recommendations on Lokpal/Lokayukta, constitutional backing, autonomy). ([Drishti IAS](#))

<sup>257</sup>Lokpal of India, *Frequently Asked Questions* (timeline from ARC to Lokpal and Lokayuktas Act, 2013). ([lokp.al.gov.in](#))

<sup>258</sup>“Lokpal and Lokayukta: A Critical Examination,” in *Combating Corruption in India*, Cambridge University Press (comparative critique of design and effectiveness). ([IJARSCT](#))

<sup>259</sup>Media India, “A low-key Lokpal remains a toothless anti-corruption watchdog” (comment on many Lokayuktas lacking prosecution/suo motu powers). ([Media India Group](#))

<sup>260</sup>IJNRD, “The Role of Lokayukta in Karnataka: A Guardian of Public Interest” (Karnataka Lokayukta Act, 1984; Lokayukta Police powers). ([IJNRD](#))

thousands of crores.<sup>261</sup> The mining racket was found to have manipulated royalty payments, exploited forest land, violated environmental norms, and systematically evaded regulatory oversight — a conspiracy spanning companies, regulators, contractors and politicians.<sup>262</sup>

Nevertheless, Karnataka's narrative is not solely commendable. A serious crisis emerged when the son of the then Lokayukta was accused of extortion allegedly demanding bribes to suppress corruption cases, creating fears about misuse of the Lokayukta machinery itself.<sup>263</sup> Public outrage and media scrutiny forced the Lokayukta's resignation. Instead of strengthening oversight, the state created a separate Anti-Corruption Bureau (ACB) under the regular police, thus shifting investigative authority away from the independent Lokayukta Police. Many critics viewed this move as a deliberate dilution of institutional power warning that the Lokayukta had “lost its teeth.”<sup>264</sup>

Under the restructured system, the Lokayukta's suo motu powers shrank, and for serious corruption cases it became increasingly dependent on the ACB a body under executive control, prone to political interference. Conviction and asset-recovery rates declined compared to the period when Lokayukta Police had autonomy.<sup>265</sup> The Karnataka experience underscores that even the strongest Lokayukta remains vulnerable to political retaliation and structural erosion when institutional safeguards are weak and the executive lacks commitment.

### **Maharashtra Lokayukta: The “Weakest” Ombudsman**

In Maharashtra, observers routinely characterize the Lokayukta as among the weakest in the country.<sup>266</sup> The statutory design prioritized grievance redressal pension disputes, service complaints and departmental grievances rather than robust corruption investigations.<sup>267</sup> The absence of an independent investigative wing meant that all cases had to be referred to regular police or other agencies, who often lacked the will to act against powerful politicians or senior officers.

Recognizing this structural weakness, the state introduced a 2022–23 amendment bill aiming to broaden the Lokayukta's mandate, convert it into a five-member body and expand its complaint-handling scope to cover ministers and high-ranking officers.<sup>268</sup> Nonetheless, critics argue that without

<sup>261</sup>IJARST, “A Critical Study of Working and Functioning of Lokayukta” (Karnataka mining scam; CM resignation; broader critique). ([IJARST](#)), Deccan Herald, “Illegal mining: Karnataka Cabinet defers Lokayukta SIT extension” (ongoing SIT, criticism over incomplete action and recovery). ([Deccan Herald](#))

<sup>262</sup>“Mafia-like mining network in Bellary,” Press Trust of India report summarizing Lokayukta findings, July 2011.

<sup>263</sup>Media reports of 2015-16 alleging extortion by Lokayukta's relative.

<sup>264</sup>ThePrint, “How Lokayuktas lost their teeth: seats empty in some states, powers diluted in others” (Karnataka and other states' experience). ([ThePrint](#))

<sup>265</sup>India Today, “How Karnataka's corruption watchdog got its teeth back” (creation of separate ACB, dilution and partial restoration of Lokayukta powers). ([India Today](#))

<sup>266</sup>Scribd note on Lokayukta (quoting Maharashtra Lokayukta as weakest due to lack of powers, staff, funds and independent agency). ([Scribd](#))

<sup>267</sup>DNA, ““Weak Lok Ayukta Act aids graft”” (commentary on Maharashtra Lokayukta's weak design). ([DNA India](#))

<sup>268</sup>Times of India, “Lokayukta no toothless tiger anymore: Maharashtra moves bill to widen scope” (five-member body, expanded remit). ([The Times of India](#))

a dedicated investigation agency comparable to Karnataka's Lokayukta Police and without binding powers, the reformed body may remain a "paper tiger."<sup>269</sup>

### **Tamil Nadu Lokayukta: A "Scarecrow" Institution**

Tamil Nadu perhaps provides the starkest illustration of institutional dilution. In 2018, under pressure following Supreme Court directives, the state legislature hastily passed the Tamil Nadu Lokayukta Act, 2018, often described by legal experts and opposition political leaders as a "toothless" legislation, more symbolic than substantive.<sup>270</sup> Among the key criticisms: the Act offered limited jurisdiction, excluded critical offences such as bid-rigging and tender corruption, lacked clear suo motu powers, did not establish an independent investigation/prosecution wing, and allowed easy political interference in appointments and removals.<sup>271</sup> Some opposition leaders mockingly called the body a mere "scarecrow" (attakathi) rather than a robust anti-corruption watchdog.<sup>272</sup>

Despite these institutional limitations, civil society groups, media and courts raised persistent concerns that the Tamil Nadu Lokayukta was more a compliance exercise than a genuine commitment to accountability.<sup>273</sup> The paltry number of corruption investigations, low public trust, and near absence of convictions underscored the gulf between legal formality and functional reality.

Across these three states and many more, academic critiques converge on a set of systemic weaknesses: wide variation in state laws, recommendatory rather than binding powers, lack of investigation/prosecution wings, resource constraints, delays, and dependence on executive-controlled agencies.<sup>274</sup> In effect, many Lokayuktas have become toothless watchdogs capable of filing reports, but rarely able to secure prosecution or asset-recovery.

### **Whistle-Blower Protection**

A critical dimension that seldom receives due attention in these debates is whistle-blower protection. Institutions like Lokayukta and Lokpal rely heavily on citizen complaints or disclosures by insiders. Yet India's protection for whistle-blowers (even under the Whistle Blowers Protection Act, 2014) remains weak at the state level. Many states have not notified adequate rules; there is no uniform protection framework; and victims of retaliation from transfers to threats or violence continue

<sup>269</sup>India Today Insight, "With new powers, can Maharashtra's Lokayukta shed its paper-tiger image?" (complaint types; lack of investigation agency). ([India Today](#))

<sup>270</sup>India Today, "Activists slam Tamil Nadu government for passing a 'toothless' Lokayukta Bill" (background on SC pressure and TN's response). ([India Today](#)),

<sup>271</sup>Indian Express, "Tamil Nadu Lokayukta Bill unfair, diluted, say jurists" (jurists' critique; "unfair" and "diluted" characterisation). ([The Indian Express](#))

<sup>272</sup>The Statesman, "A scarecrow in TN" (description of TN Lokayukta as "toothless wonder"). ([The Statesman](#))

<sup>273</sup>Times of India, "Plea in HC challenges Tamil Nadu's 'powerless' Lokayukta Act" (PIL alleging lack of power to probe CM). ([The Times of India](#))

<sup>274</sup>Scholarly critiques published in legal journals post-2013 studying variation and performance across states.

to report harassment.<sup>275</sup> In such a climate, many potential informers refrain from coming forward, making Lokayuktas dependent on the rare few with courage and connections. The absence of robust protective mechanisms anonymity guarantees, witness protection, job-security, legal immunities undermine the preventive power of anti-corruption institutions.

The lack of whistle-blower trust also discourages public-spirited citizens from using Lokayukta as a tool to challenge corruption. Even when large-scale scams are exposed as in Bellary the ultimate impact on deterrence, systemic change and governance norms remains limited without follow-through prosecutions and asset confiscations.

The economic cost of this failure is enormous. As ARC-2 elaborated, unchecked corruption distorts public procurement, raises project costs, leads to poor service delivery, discourages domestic and foreign investment, and erodes public trust all of which slow economic growth and social development. The environmental and social devastation caused by Bellary-type mining scams illegal deforestation, loss of livelihoods, environmental degradation further underscores the heavy price paid by citizens when oversight is weak or compromised.

### **Conclusion**

Drawing lessons from these mixed experiences, the case for comprehensive reform is compelling. First, India needs uniform minimum standards for Lokayukta legislation across states: mandatory jurisdiction over ministers and senior officers, clear suo motu powers, independent investigation and prosecution wings, fixed timelines for action, transparency and periodic reporting to legislature. Riding on the legacy of ARC-2, some argue that the institution should be granted constitutional status, with independent funding and protection from executive interference.<sup>276</sup>

Second, a robust whistle-blower and witness protection framework valid across all states is essential. Anonymous digital complaint portals, legal safeguards, relocation or protection rights for informers and witnesses, and strict penalties for retaliation must be part of any serious anti-corruption architecture.

Third, Lokayuktas must be meaningfully empowered not just in name or structure but with personnel, resources, training, investigative autonomy and bureaucratic insulation from political interference. States should avoid creating parallel agencies (like regular ACBs under police) that undercut Lokayukta's independence; where they already exist, powers should be re-consolidated.

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<sup>275</sup>Surveys of whistle-blower complaints and retaliation cases filed by NGOs and civil-society organizations between 2019–2024.

<sup>276</sup>Proposal papers and parliamentary debates (2018–2022) exploring constitutional status for Lokayukta and uniform cadre services.

Finally, institutional reforms must be accompanied by public awareness campaigns sensitizing citizens to their rights, simplifying complaint procedures, ensuring transparency in case-tracking, and offering periodic public reports on investigations, prosecutions and outcomes.

In conclusion, Lokayuktas remain among the most promising institutional instruments for combating corruption at the state level. But as the experiences of Karnataka, Maharashtra, and Tamil Nadu show their effectiveness depends heavily on structural design, political will, protection for whistle-blowers, and genuine independence. Without these, Lokayuktas risk remaining little more than ornamental features of anti-corruption rhetoric. For India to move beyond poor rankings and weak governance, reforming Lokayuktas is not a luxury it is a democratic and developmental necessity.