

CONSTITUTIONAL AND LEGAL FRAMEWORK OF LOKAYUKTA IN INDIA<sup>1</sup>

**ABSTRACT**

In today's current world scenario, the Government and Business Organisations are constantly seeking solutions for combating the continuous challenges of corruption. The Lokayukta which reflects the cornerstone institution in India's anti-corruption Ombudsman entity to look into the claims of corruption against public officials and accountability framework, reflecting the constitutional ethos of transparency, integrity, and good governance. The Preamble, the Directive Principles of State Policy, and the constitutional vision of a welfare and accountable state all lend legitimacy to the idea of Lokayukta, even though it is not mentioned in the Indian Constitution. The first Administrative Reforms Commission (1966), which proposed the establishment of AUTONOMOUS ombudsman bodies—the Lokpal at the federal level and Lokayuktas at the state level—to look into grievances against public officials. Over time, several states enacted their own Lokayukta legislations, culminating in a single statutory framework through the Lokpal and Lokayuktas Act, 2013.

This paper critically examines the constitutional and legal dimensions of the Lokayukta in India, focusing on its jurisdiction, powers, autonomy, constitutional provisions and limitations. It draws attention in state legislations, the scope of investigations into corruption cases, and the role of judicial precedents in shaping the Lokayukta's power. Despite being an essential tool for ensuring the administrative accountability and transparency, the organisation continues to face persistent obstacles—ranging from political meddling and lack of uniformity in laws to inadequate resources and less enforcement capacity.

The study delves into strengthening the Lokayukta requires harmonisation of state laws, greater institutional independence, and effective coordination with other vigilance bodies. Empowering the Lokayukta is important to realise the constitutional promise of probity in public life, restore citizens' trust in governance, and reinforce India's democratic fabric through ethical administration.

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## I. Introduction

India's quest for good governance has been characterised by a variety of institutional reforms meant to combat corruption and to enhance administrative accountability. Corruption is one of the most pervasive impediments to the realization of constitutional governance in India. It distorts the allocation of resources, undermines administrative efficiency, and erodes citizens' trust in public institutions. The Constitutional framers envisioned a public administration based on the rule of law, accountability, and integrity. However, the quick post-independence growth of the administrative states, coupled with discretion in decision-making, has created more opportunities for abuse of power which breeds corruption.

Early in the Post-Independence Era, there was a call for an impartial body to inquire into the claims of corruption against public employees. The *First Administrative Reforms Commission (1966)* suggested creating a two-tier structure—*Lokpal* at the Federal and *Lokayukta* in the States—to strengthen administrative accountability. These institutions were intended to serve as **Autonomous Ombudsman**, free from political influence, empowered to inquire into the allegations of corruption and poor administration. The enactment of the *Lokpal and Lokayuktas Act, 2013* represents a milestone in India's fight against corruption practices. The Act requires the office of the Lokpal at the national level and mandated States to establish Lokayuktas. This statutory framework draws strength from the principles of **accountability, transparency, and good governance** that undergird the Indian constitutional order serves as a foundation.

## II. Constitutional and Legal Framework

While the offices of Lokpal and Lokayukta are statutory created systems, their constitutional legitimacy is derived from the *Directive Principles of State Policy (DPSPs)*, which envisage a social order founded on justice and equality. The principle of administrative accountability flows from the fundamental rights from the *Article 14 of the Indian Constitution*, which guarantees equality before law, and *Article 21*, which ensures protection of life and personal liberty through fair and just procedures.

The Indian Constitution does not expressly provide for an ombudsman, while the *Preamble* and *Part IV of the Indian Constitution* together establish a moral framework demanding probity in public life. *Article 39(b)* of the Directive Principles of State Policy directs the State to ensure equitable distribution of resources, while *Article 41* of the Indian Constitution mandates the provision of public assistance, thereby requiring a administration free corruption for their effective realization.

The *Lokpal and Lokayuktas Act, 2013* gives as statutory effect to these ideals. Section 3 establishes the Lokpal as a multi-member body with a Chairperson and up to eight Members, half of whom must be Judges. The Lokpal is empowered to investigate into claims of corruption against the Prime Minister, Ministers, Members of Parliament, and officials of the Union government and *Section 63* of the *Lokpal and Lokayuktas Act, 2013* gives the provisions regarding the establishment of Lokayukta. Additionally, the Act also requires each State to establish a Lokayukta within one year of its commencement.

### **III. Evolution of the Ombudsman Concept in India**

The term *ombudsman* was first used in Sweden in the early 19th century, signifying an impartial body appointed by Parliament to monitor the functioning of the executive branch operations. India's adoption of this model was motivated by similar concerns—executive overreach and lack of accountability in administrative decision-making. In the Indian context, the idea of the ombudsman was formally introduced through the *Administrative Reforms Commission Report*<sup>2</sup>, which suggested the establishment of an independent authority to look into grievances and corruption among public employees.<sup>5</sup> In spite of several attempts, successive bills introduced between 1968 and 2011 failed to materialize, primarily due to political disagreements and oppositions and lack of consensus on the scope of the Lokpal's jurisdiction. The turning point came in the year 2011 in which Anna Hazare-led movement envisaged a strong anti-corruption institution, which sparked public support and political will. The Parliament finally passed the *Lokpal and Lokayuktas Act, 2013*, bringing a long awaited reform to fruition.

### **IV. Lokpal and Lokayukta as Instruments of Accountability**

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<sup>2</sup> Administrative Reforms Commission Report 1966

The Lokpal at the federal level and Lokayukta at the State level occupy a significant position within India's administrative law framework, plays as instruments of *institutional accountability*. Unlike departmental inquiries or vigilance commissions, these bodies enjoy a degree of individuality from executive control and serves as investigating transparency and administrative accountability by inquiring the corruption allegations and practices in the public administration. Investigating the complaints of corruption or poor administration, abuse of office, or maladministration is one of their duties. They have recommend prosecution to conduct preliminary inquiries, order investigations through designated agencies, and carry out prosecution or disciplinary action. The Prime Minister is under the Lokpal authority, though there are some exceptions like foreign policy and national security .At the State level, the Lokayukta has comparable authority to that of ministers and civil servants. If public authority is unanswerable, these institutions operationalize the *constitutional principle that public office is a public trust*<sup>3</sup>. As observed in the case by the Supreme Court in *Common Cause v. Union of India*<sup>4</sup>, transparency and accountability are integral to governance under the Constitution.<sup>5</sup>

### V. Transparency and Good Governance

Transparency and accountability are two corner stones of **good governance**. In India, these principles are upheld through legislation such as the *Right to Information Act*<sup>6</sup> which enables citizens to examine the governmental decision-making. The Lokpal and Lokayukta enhances this framework by investigating corruption and poor administration that violate the principles of fairness and transparency. Good governance, as recognized by the Supreme Court, is a constitutional duty of the State under the rule of law. It is well explained in the case In *State of U.P. v. Johri Mal*<sup>7</sup>, the Supreme Court examined whether a District Government Counsel could claim a right to remain in office once his term had ended. The defendant questioned the State Government's refusal to renew his appointment, arguing that the decision was arbitrarily and driven by political motives. The Court firmly held that a Government Counsel has no automatic or statutory right to be reappointed; instead the State has discretion to continue the position.

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<sup>3</sup> *The Lokpal and Lokayuktas Act*, No. 1 of 2014, India Code (2013).

<sup>4</sup> *Common Cause v. Union of India* (1996) 6 SCC 530

<sup>5</sup> *State of U.P. v. Johri Mal* (2004) 4 SCC 714

<sup>6</sup> Right to Information Act 2005

<sup>7</sup> *Supra* 5 at 7

However, The Court emphasised that this discretion cannot be used arbitrarily. At the same time, the Court stressed that this discretion cannot be exercised whimsically—the State must act fairly, transparently, and without arbitrariness, in line with Article 14 of Indian Constitution. Highlighting the larger principles of good governance, the Court reminded the State that it must act as a model litigant and refrain from using such appointments for political favor or patronage. The Lokpal and Lokayuktas Act furthered this obligation by establishing an independent mechanism of administrative review, thereby fostering trust in public institutions. The judges also made it clear that courts can only intervene when there is evidence of mala fides, procedural unfairness, or clear arbitrariness, and they cannot question the wisdom of the government or force a renewal. The transparency ensured by these bodies also enhances the *participatory dimension* of democracy. Citizens are not merely subjects of governance but active stakeholders in ensuring integrity in public life.

### **VI. Case Laws on Anti-Corruption and Administrative Accountability**

The Indian Judiciary has consistently underscored the need for accountability in governance.

- The Supreme Court stressed in *Vineet Narain v. Union of India*<sup>8</sup> that effective enforcement of anti-corruption laws depends on the independence of investigating agencies. The Central Vigilance Commission (CVC) was established as a statutory body as a result of the Court's orders in this case.
- In *Prakash Singh v. Union of India*<sup>9</sup>, the Court upheld the constitutional principle of independent oversight in administration by requiring police reforms to protect law enforcement from political meddling.
- In a similar vein, the Supreme Court emphasized in *Manohar Lal Sharma v. Principal Secretary*<sup>10</sup> that corruption in governance violates Article 14 because it introduces arbitrariness in public administration. The legitimacy of organizations like the Lokpal

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<sup>8</sup> Vineet Narain v. Union of India (1998) 1 SCC 226

<sup>9</sup> Prakash Singh v. Union of India is (2006) 8 SCC 1

<sup>10</sup> Manohar Lal Sharma v. Principal Secretary W.P.(C) No. 463/2012

and Lokayukta, which represent the essence of judicially approved accountability mechanisms, is strengthened by these precedents taken together.

- ***E.P. Royappa v. State of Tamil Nadu***<sup>11</sup> The Supreme Court reinterpreted equality under Article 14 in this landmark case. The Court ruled that any arbitrary or unreasonable action by the government automatically violates Article 14, rather than limiting equality to simple classifications. According to the judges, equality and arbitrariness cannot coexist. This ruling, which made it abundantly evident that the government must always act fairly and rationally, became a pillar for the concepts of openness and good governance.
- ***Maneka Gandhi v. Union of India***<sup>12</sup> This case established high standards for governmental justice and expanded the scope of fundamental rights. The Court ruled that any State action must be reasonable, fair, and just rather than capricious or oppressive. It unified Articles 14, 19, and 21 into a cohesive framework, guaranteeing that citizen-affecting government processes must be open and rational. The notion that natural justice principles must guide administrative decisions was reinforced by this ruling.
- ***Shrilekha Vidyarthi v. State of U.P.***<sup>13</sup> The Supreme Court decided in this case that the government cannot act arbitrarily by treating contractual issues as its private domain. It was decided that the mass dismissal of Government Counsel without cause was arbitrary. The Court explained that since Article 14 governs all State actions, the government must act fairly and openly even when entering into contracts. The Johri Mal reasoning about the fairness of public appointments is directly supported by this case.

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<sup>11</sup> E.P. Royappa v. State of Tamil Nadu AIR 1974 SC 555

<sup>12</sup> *Maneka Gandhi v. Union of India* (1978) 1 SCC 248

<sup>13</sup> *Shrilekha Vidyarthi v. State of U.P.* (1991) 1 SCC 212

- ***Centre for Public Interest Litigation v. Union of India***<sup>14</sup> The 2G spectrum case demonstrated how widespread corruption can result from opaque resource allocation. The Supreme Court noted that the State must manage natural resources in an open, equitable, and responsible manner because they belong to the people. Due to its discriminatory and opaque nature, the allocation process was declared unconstitutional. When talking about the necessity of transparent governance, this ruling is frequently mentioned.
- ***Common Cause v. Union of India***<sup>15</sup> the Court emphasized that the State must act as a model litigant—that is, fairly, honestly, and impartially—and criticized the arbitrary distribution of gas stations. The ruling reaffirmed that decisions made by the government to allocate public benefits must be open and founded on merit rather than political or personal ties. It emphasized that public authority is a trust that needs to be used sensibly.
- ***Ramana Dayaram Shetty v. International Airport Authority***<sup>16</sup> This ruling made it abundantly evident that contracts and public benefits cannot be awarded arbitrarily by government agencies. The Supreme Court ruled that the State must act in a fair, open, and equitable manner even during tender processes. Article 14 is violated by any departure from predetermined standards without good cause. When arguing for accountability and transparency in government contracting, this case is often cited.
- ***State of Punjab v. Brijeshwar Singh Chahal***<sup>17</sup> the Supreme Court harshly denounced political meddling in the selection of public servants. According to the Court, these appointments ought to be made on the basis of fairness and competence rather than political allegiance. It cautioned that the justice delivery system is weakened by

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<sup>14</sup> Centre for Public Interest Litigation v. Union of India (2G Case), (2012) 3 SCC 1

<sup>15</sup> Common Cause v. Union of India (1996) 6 SCC 530

<sup>16</sup> Ramana Dayaram Shetty v. International Airport Authority (1979) 3 SCC 489

<sup>17</sup> State of Punjab v. Brijeshwar Singh Chahal (2016) 6 SCC 1

arbitrary decisions in this area. This decision upholds Johri Mal's values and emphasizes the necessity of honesty and openness in public appointments.

- ***Secretary, State of Karnataka v. Uma Devi***<sup>18</sup> The Court ruled that irregular or backdoor appointments cannot be used to manipulate public employment. Instead, in order to guarantee equal opportunity, positions must be filled through open and fair competition. The ruling emphasized that political or personal favoritism has no place in public service and that openness and merit-based hiring are crucial elements of good governance.
- ***Kailash Chand Sharma v. State of Rajasthan***<sup>19</sup> case the appointments were made arbitrarily due to political pressure or unrelated considerations like place of residence. According to the Supreme Court, such rulings go against Article 14's equality mandate. The decision upheld the need for state action to always be fair, impartial, and devoid of prejudice. It reinforces the notion that public administration should be based on logic and fairness rather than personal preferences.
- **VII. Challenges in Implementation**

The effectiveness of the Lokpal and Lokayukta has been hampered by a number of structural and operational issues, despite their statutory status.

**(A) Appointment Delay:**

Only in 2019, six years after the Act went into effect, was the first Lokpal appointed. The spirit of the Act has been undermined by a number of states that have either failed to establish Lokayuktas or appointed them in a cursory manner.

**B) Limited Jurisdiction and Powers:**

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<sup>18</sup> Secretary, State of Karnataka v. Uma Devi (2006) 4 SCC 1

<sup>19</sup> Kailash Chand Sharma v. State of Rajasthan is (2002) 6 SCC 562

The executive has the final say over how to implement the Lokpal's recommendations, which are primarily advisory. Its ability to hold the highest offices responsible is further limited by its limited jurisdiction over the Prime Minister.

**(C) Resource Constraints:**

Inadequate staffing, reliance on government funding, and a lack of investigative infrastructure make it difficult to operate effectively.

**(D) Political Inference:**

Despite being an independent body, the selection committee's inclusion of political figures raises questions regarding its objectivity.

**(E) Overlap with Other Agencies:**

Jurisdictional confusion and bureaucratic overlap result from the coexistence of several anti-corruption agencies, including the CVC, CBI, and State Vigilance Departments. The institutional structure and operational independence of the Lokpal and Lokayuktas must be re-examined in light of these difficulties.

**VIII. Federalism and the Role of States**

The operation of state-level Lokayuktas is equally important to the anti-corruption framework's success. Decentralized accountability systems are necessary for the federal structure that the Constitution envisions. Nonetheless, there are significant differences in the composition and efficiency of State Lokayuktas. One of the most proactive organizations is the Karnataka Lokayukta, which was founded in 1984 and has looked into a number of well-known corruption cases. On the other hand, a number of states, including Telangana and Tamil Nadu, have encountered appointment delays or political meddling. In *A. Lakshmiopathy v. State of Karnataka*<sup>20</sup>, the Supreme Court acknowledged the constitutional requirement of guaranteeing the Lokayukta's independence and functional autonomy. The Court stressed that these bodies cannot effectively carry out their mandate in the absence of sufficient independence.

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<sup>20</sup> A. Lakshmiopathy v. State of Karnataka AIR 1992 SC 514

Therefore, even though the *Lokpal and Lokayuktas Act, 2013* establishes a consistent framework, each State's commitment to maintaining openness and sound governance is necessary for its successful implementation.

### **IX. Comparative Insights within the Indian Framework**

The Lokpal and Lokayukta coexist with a number of ombudsman-like organizations in India, adding to the country's multi-layered administrative oversight system. The CVC is in charge of vigilance administration, the Human Rights Commissions deal with power abuses, and the *Comptroller and Auditor General (CAG)* guarantees financial accountability. The Lokpal's distinctiveness is its emphasis on high-level public official corruption, which bridges the gap between bureaucratic oversight and political accountability. However, coordination with other watchdog bodies and a clear demarcation of jurisdiction are required to avoid overlap. A single national strategy that unifies all anti-corruption organizations under a single policy framework was suggested by the Second Administrative Reforms. A single national strategy that unifies all anti-corruption organizations under a single policy framework was suggested by the *Second Administrative Reforms Commission*<sup>21</sup>. By putting these suggestions into practice, India's accountability framework would be more synergistic than redundant.

### **X. The Lokpal, Lokayukta and the Principle of Public Trust**

The *doctrine of public trust*, though originally a principle of environmental jurisprudence, has been recognized by Indian courts as a guiding principle in governance.<sup>18</sup> Public officials have a fiduciary duty to use their authority in the public interest, and the State holds its powers in trust for the people. By giving citizens a way to contest betrayals of confidence by public authorities, the Lokpal and Lokayukta institutionalize this idea. The way they operate upholds the democratic ideal that the government exists for the people, not for political or personal benefit. The Supreme Court reaffirmed in *Centre for Public Interest Litigation v. Union of India*<sup>22</sup> that corruption is incompatible with the public trust doctrine and constitutional morality.

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<sup>21</sup> Second Administrative Reforms Commission 2007

<sup>22</sup> *Supra* 8 at 22.

Therefore, the Lokpal and Lokayukta act as defenders of the constitutional conscience by reinstating probity in governance.

### **XI. Strengthening the Institutional Framework**

A few changes are necessary to turn the Lokpal and Lokayukta into powerful anti-corruption tools:

- 1. Ensuring Independence:* Prominent members of the judiciary and civil society should be included in the selection process to reduce political influence.
- 2. Binding Authority:* Subject to restricted judicial review, the Lokpal's recommendations ought to have legal force.
- 3. Sufficient Resources:* To ensure financial independence, separate budgetary allocations should be made.
- 4. Public Awareness:* Public awareness campaigns can motivate people to make good use of these institutions.
- 5. Integration with Digital Governance:* Using technology to track cases, file complaints, and provide transparency reports can update operations.

By putting these measures into practice, the Lokpal and Lokayukta would be able to serve as true democratic watchdogs.

### **XII. Conclusion**

An important step toward institutionalizing accountability within India's administrative framework was the creation of the Lokpal and Lokayuktas Act, 2013. However, because of their limited authority, insufficient funding, and delayed implementation, their potential is still underutilized. Accountability and transparency are essential components of good governance in a constitutional democracy. As independent ombudsmen, the Lokpal and Lokayukta represent these principles. They play a crucial role in administrative law, guaranteeing that governance upholds the rule of law and citizen expectations. India must fortify these institutions both legally and morally in order to realize the revolutionary vision outlined in the Constitution. Restoring public confidence, reducing corruption, and promoting constitutional morality and ethical governance are all possible with a strong, independent, and transparent Lokpal–Lokayukta framework.

NOTE: PLAGIARISM REPORT<sup>23</sup>

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<sup>23</sup> PLAGIARISM REPORT