

NUDGED INTO ACTION: ON THE LOKPAL ACT

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It should have never come to this on the Lokpal. That it requires a Supreme Court order to nudge the government to make any progress towards establishing the anti-graft institution is a poor commentary on its functioning. The court has asked the eight-member Search Committee under the Lokpal Act to recommend a panel of names before the end of February. This shortlist has to be sent to the Selection Committee, headed by the Prime Minister. It has taken five years since the Lokpal Act, 2013, received the President's assent on January 1, 2014, for a Search Committee to even begin its work. It was formed only on September 27, 2018, after Common Cause, an NGO, filed a contempt petition against the government over the delay in constituting the authority despite a Supreme Court verdict in April 2017. It is true that setting up the Search Committee requires some groundwork, as its composition should be drawn from diverse fields such as anti-corruption policy, public administration, law, banking and insurance; also, half its membership should consist of women, backward class, minority and SC/ST candidates. However, it is the government's duty to expedite this process and not cite it as a reason for delay. Even after it was formed, the Search Committee has been handicapped because of lack of office space, manpower, infrastructure and a secretariat. The court has now asked the government to provide the required infrastructure. In the past too, the court has admonished the Centre for the delay in creating the institution. In its April 2017 verdict, the court brushed aside the reason that the government was awaiting the passage of an amendment based on a parliamentary committee report and said there was no legal bar on the Selection Committee moving ahead with its work even if there was a vacancy in it.

There is a good deal of politics behind the delay. The Selection Committee, which includes the Lok Sabha Speaker, the Leader of the Opposition, the Chief Justice of India and an eminent jurist, has met in the past without Mallikarjun Kharge, who heads the Congress in the Lok Sabha. He has been skipping meetings, as he is aggrieved that the government has not made him a full member, and has roped him in as a 'special invitee'. The government sticks to its view that he has not been recognised as the Leader of the Opposition by the Speaker. This minor issue has been resolved in respect of appointments to other posts such as CBI Director and Central Vigilance Commissioner by a simple amendment to treat the leader of the largest Opposition party as the Leader of the Opposition for this purpose. This amendment has not been brought about despite a parliamentary committee report endorsing the idea in December 2015. Nothing except the lack of political will to establish the Lokpal can explain years of delay.

The Meghalaya government must urgently ensure that all illegal mines are shut down

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