

GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
(DEPARTMENT OF PERSONNEL AND TRAINING)

**RAJYA SABHA**  
**STARRED QUESTION NO. 45**  
(TO BE ANSWERED ON 13.12.2018)

**STATUS OF APPOINTMENT OF LOKPAL**

**\*45. SHRI MOHD. ALI KHAN:**

Will the **PRIME MINISTER** be pleased to state:

- (a) whether Government has taken any steps to appoint Lokpal in the country;
- (b) if so, the present status in this regard; and
- (c) whether Government proposes to change the existing criteria for appointment of Lokpal?

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE  
(DR. JITENDRA SINGH)**

(a) to (c): A statement is laid on the Table of the House.

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**STATEMENT REFERRED TO IN REPLY TO THE RAJYA SABHA STARRED QUESTION NO: 45 BY SHRI MOHD. ALI KHAN FOR 13.12.2018 REGARDING "STATUS OF APPOINTMENT OF LOKPAL"**

(a) to (c): After coming into force of the Lokpal and Lokayuktas Act, 2013. Looking into infirmities in the law and to remove certain difficulties in the operationalisation of the Act including issues emanating from the provisions of section 4 of the Act, relating to appointment of Chairperson and Members of Lokpal, etc. in the absence of a Leader of Opposition recognized as such in the Lok Sabha, the Government introduced the Lokpal and Lokayuktas and other related law (Amendment) Bill, 2014 in Lok Sabha on 18.12.2014.

The Bill has been reported upon by the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice. The 77<sup>th</sup> Report of the Committee inter alia recommended for redefining the institutional architecture of anti-corruption bodies of the country.

The recommendations are presently under consideration of the Government and Inter Ministerial Committee is seized of the matter. Six meetings of Inter Ministerial Committee have been held so far. Subsequently, in view of the Apex Court's decision in the matter of Common Cause- a registered society, wherein, Hon'ble apex court has concluded its judgement " --- *the Act as it stands today is an eminently workable piece of legislation and there is no justification to keep the enforcement of the Act under suspension till the amendments, as proposed, are carried out.*".

The process of selection of Chairperson and Members of the Lokpal has been initiated to operationalise the institution of Lokpal. A specific budgetary provision of Rs. 4.29 crore has also been made during the current year – 2018-2019 for this purpose.

The Selection Committee was reconstituted as per the statutory provisions of the Lokpal and Lokayuktas Act, 2013. Upon the recommendations of the Selection committee, Hon'ble President has nominated Shri Mukul Rohatgi, former Attorney General of India as "Eminent Jurist" as Member of the Selection Committee to fill the vacancy caused due to passing away of Shri P.P. Rao.

Six meetings of the Selection Committee under section 4(1) of the Lokpal and Lokayuktas Act, 2013 have been held under the chairmanship of Hon'ble Prime Minister as part of the due process of appointment of Chairperson and Members of the Lokpal in terms of the relevant provisions of the Lokpal and Lokayuktas Act, 2013, i.e. as per the provisions of section 3 of the said Act.

In its sixth Meeting held on 19<sup>th</sup> September, 2018, a Search Committee comprising of eight (8) Members has been constituted. Smt. Justice Ranjana Prakash Desai has been nominated as the Chairperson by the Selection Committee.

The Search Committee has the responsibility of preparing panel(s) of names to be considered for being appointed as Chairperson and Members of the Lokpal, by the Selection Committee. The Search Committee, in terms of the provisions of sub-rule (3) of rule 3 of the Search Committee(Constitution, Terms and Conditions of Appointment of Members and the Manner of Selection of Panel of Names for Appointment of Chairperson and Members of Lokpal) Rules, 2014, may, for the purpose of shortlisting of persons, adopt such short-listing norms as it may be considered appropriate.

In terms of provisions of section 3 of the Lokpal and Lokayuktas Act, 2013, the Lokpal shall consist of a Chairperson who is or has been a Chief Justice of India or is or has been a Judge of the Supreme Court or an eminent person. The said provision also mandates that the Lokpal shall consist of not more than 8(eight) Members out of whom 50% shall be Judicial Members. A person shall be eligible for being appointed as a Judicial Member if he is or has been a Judge of the Supreme Court or is or has been a Chief Justice of a High Court. The Member, other than a Judicial Member is to be a person of impeccable integrity and outstanding ability, having a special knowledge and expertise of not less than 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management. Further that not less than fifty per cent of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and Women.

This provision of the law which lays down the eligibility criteria for appointment of Chairperson and Members of the Lokpal is not proposed to be amended under the Lokpal and Lokayuktas and other related Law (Amendment) Bill, 2014.

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