



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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LOKPAL IN INDIA: PROMISE VS PERFORMANCE

ABSTRACT

The Lokpal and Lokayuktas Act of 2013 was passed as a result of the biggest anti-corruption campaign seen in independent India and it committed to setting up a strong, independent ombudsman who would be able to look into and take legal action against the highest public officials. This article assesses the institution in light of that commitment. Based on the text of the Act, data made available by the Lokpal, answers given by Parliament, court rulings and other secondary comments, the paper looks at the statutory structure of the institution, the delay in its actual establishment in 2019, its record regarding the receipt and handling of complaints, and its more recent interactions with both the Supreme Court and the Delhi High Court. The paper concludes that while the Lokpal has met the promise regarding its institutional existence it has not yet fulfilled the promise concerning deterrence. There has been a sharp decline in the number of complaints, preliminary inquiries and decisions to prosecute are still rare, and the organisation continues to rely on the Central Bureau of Investigation (CBI) and the executive for investigations, staff and funding. The gap between what was promised and what has actually happened is due to four factors: the compromises reached during the legislative process, the executive's influence over appointments and resources, the limited capacity for investigation, and the ongoing uncertainty regarding the scope of the Lokpal's own powers. The paper ends with a series of reform suggestions aimed at enhancing independence, capacity, transparency and legal clarity.

Keywords: Lokpal, ombudsman, corruption, accountability; Lokayukt, prosecution sanction, India.

LOKPAL IN INDIA: PROMISE VS PERFORMANCE

BALPREET KAUR BHATTI

“Corruption whenever present has to be nipped in the bud.”

~Justice Pinaki Chandra Ghose

1. INTRODUCTION

No public institution established in independent India has attracted as great a collective expectation as the Lokpal. The Parliament reached the decision to pass the Lokpal and Lokayuktas Act in December 2013 after more than forty years of failed attempts to introduce such a law and following on from a historic, nationwide mass mobilization in 2011. This campaign turned what had been an abstract idea of an anti-corruption ombudsman into a strong symbol of democratic accountability. The public had been promised a powerful and independent body one that would remain comfortably outside the political hierarchy, examine complaints against ministers, parliamentarians and senior bureaucrats, initiate impartial inquiries and ensure that prosecutions were carried out even if the executive otherwise ignored them. Early supporters regarded it as a firm public watchdog with real structural power.

More than seven years after its first official bench took the oath of office in March 2019, this article asks a basic question: has the Lokpal fulfilled that original promise? It is important to answer this question since the ombudsman's authority depends almost completely on institutional credibility. A statutory body which receives only a small number of complaints, turns only a few of them into thorough inquiries, and gives the green light to virtually no prosecutions does not just perform below expectations; it sets up a serious moral hazard. It sends the message to public servants that the threat of oversight is negligible while at the same time leading ordinary people to believe that it is pointless to seek accountability. Although the Lokpal does exist in terms of administrative inputs, namely, a governing statute, an appointed chairperson, a bench consisting of both judicial and non-judicial members, and an operational secretariat its record when measured by meaningful substantive outputs, such as completed investigations, prosecution sanctions granted, and convictions secured, is extremely meagre.

The paper maintains that the Lokpal's poor performance is not mainly due to individual administrative failures. On the contrary, it reveals a continuing gap between the ambitious

legislative mandate and the institutional circumstances needed to realise that mandate. The following four main areas of difficulty illustrate this structural mismatch:

- The legislative compromise was the result of intense political negotiation. Important concessions, especially those relating to the jurisdictional limitations placed on the Prime Minister, the dependence on the Central Bureau of Investigation (CBI), and the weakened asset-disclosure policy greatly limit the body's real influence.
- The executive branch has a great deal of influence over the process of making appointments, thereby delaying the establishment of institutional structures and holding the power to control budgetary and administrative resources.
- The absence of independent investigative and prosecutorial units has caused the Lokpal to be forced upon relying on the same state institutions that it was intended to supervise.
- There is considerable uncertainty concerning the exact extent of the Lokpal's powers of sanctioning and supervision, as shows the continued litigation in the Supreme Court and the Delhi High Court.

This paper examines the four dimensions and looks at how formal legal design can fail in the absence of strong institutional safeguards, providing wider insights for democratic governance and anti-corruption reform in modern India.¹

2. HISTORICAL BACKGROUND: A LONG ROAD TO THE LOKPAL

2.1 The Ombudsman Idea and Its Arrival in India

The idea of an ombudsman originated in Sweden, where the office was established in 1809 to provide citizens with an independent mechanism for complaining against administrative wrongdoing. The model gradually spread to other countries, including New Zealand, Denmark and the United Kingdom. Its main purpose was to ensure that public authorities remained accountable and that citizens had a remedy against maladministration without having to depend entirely on ordinary courts.

In India, the idea of an ombudsman began to receive attention during the 1960s. The term “*Lokpal*” was popularised in Indian parliamentary discussions and through the writings of

¹ ‘Lokpal’s Promise vs Performance: Why India’s Anti-Corruption Ombudsman Is Faltering’ (*Ajmal IAS Academy*, 27 October 2025) <<https://ajmaliasacademy.in/lokpals-promise-vs-performance-why-indias-anti-corruption-ombudsman-is-faltering/>> accessed 28 September 2026

jurist *L. M. Singhvi*. A significant step came with the *Administrative Reforms Commission (ARC)*, which examined the problem of citizens' grievances in its 1966 report. The Commission recommended a two-level system of accountability: a *Lokpal at the Union level* and *Lokayuktas at the State level*. The purpose was to create independent authorities that could investigate complaints of corruption and maladministration involving public officials.

The recommendation was implemented only partially. *Maharashtra became the first state to establish a Lokayukta in 1971*, followed by several other states. However, there was no uniform model. The powers, appointment procedures, jurisdiction and degree of independence of Lokayuktas differed considerably from one state to another. At the Union level, several Lokpal Bills were introduced in Parliament from 1968 onwards. However, these attempts repeatedly failed because of the dissolution of Parliament, political disagreements or the Bills being left pending. As a result, for several decades, the Lokpal remained more of a proposed institution than an actual one.

2.2 Institutional Reform Through Other Mechanisms

While the proposal for a Lokpal remained pending, India continued to strengthen its anti-corruption framework through other institutions and judicial interventions. One important institution was the *Central Vigilance Commission (CVC)*, which was established by the Central Government in 1964. Initially, it functioned as an executive body and was later given statutory status under the *Central Vigilance Commission Act, 2003*.

The judiciary also played an important role in addressing concerns regarding the independence of anti-corruption agencies. In *Vineet Narain v. Union of India (1998) 1 SCC 226*, the Supreme Court examined the handling of the hawala investigations and raised concerns regarding political interference in investigative agencies. The Court issued directions concerning the functioning of the CBI and the CVC and emphasised the need for greater institutional independence. The judgment became an important development in the effort to make anti-corruption investigations more effective and less vulnerable to executive influence.

The need for a Lokpal was again emphasised by the *Second Administrative Reforms Commission* in its 2007 report on ethics in governance. The repeated recommendations of expert bodies and judicial interventions reflected a continuing concern: existing mechanisms were not always sufficiently independent to investigate allegations involving powerful public

officials. This strengthened the argument for creating an independent institution at the national level.²

2.3 The 2011 Movement and the Lokpal and Lokayuktas Act, 2013

The most significant development in the history of the Lokpal came in 2011, when the *India Against Corruption (IAC) movement*, led publicly by social activist *Anna Hazare*, gained widespread public attention. The movement emerged against the background of several major corruption scandals and growing public dissatisfaction with the existing system of accountability.

One of its central demands was the establishment of a strong “*Jan Lokpal*”. Supporters wanted the proposed institution to have wide jurisdiction over public officials, including the Prime Minister, senior bureaucrats and other authorities. They also demanded an institution with sufficient investigative and prosecutorial powers to ensure that complaints did not remain pending without meaningful action.

The movement created substantial public and political pressure for legislative action. A Lokpal Bill was passed by the *Lok Sabha in December 2011*, but it did not secure passage in the Rajya Sabha at that stage. The Bill was subsequently examined and revised by a Select Committee. After several years of debate and political discussion, Parliament finally passed the *Lokpal and Lokayuktas Act, 2013* in December 2013. The President gave assent on *1 January 2014*, and the Act came into force later that month.

The enactment of the law was an important milestone, but it did not immediately result in the establishment of a functioning Lokpal. Despite the legislation, the Union government did not appoint a Lokpal for approximately five years. One major issue concerned the composition of the selection committee. The Act provided for the *Leader of the Opposition in the Lok Sabha* to be part of the committee. However, following the 2014 general election, no opposition party was formally recognised as holding the position of Leader of the Opposition under the relevant parliamentary rules.

² Sharma D and Pandey D (*Lokpal: Anti Corruption Agency to be built on existing practical experience by Deepankar Sharma, Dhananjay Pandey :: SSRN, 8 March 2014*) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2405444> accessed 28 September 2026

The *Lokpal and Lokayuktas and Other Related Laws (Amendment) Act, 2016* attempted to address this difficulty by permitting the leader of the single largest opposition party to participate in the selection process in the absence of a formally recognised Leader of the Opposition. Even after this amendment, the appointment process remained delayed.

The issue eventually came before the *Supreme Court*, which heard public interest litigation concerning the failure to establish the institution. Judicial pressure contributed to movement in the appointment process. Finally, *Justice Pinaki Chandra Ghose was appointed as the first Chairperson of the Lokpal and took oath on 23 March 2019*. Eight other members took oath on 27 March 2019.

Thus, the history of the Lokpal in India demonstrates a long gap between *the demand for institutional accountability and its actual implementation*. The idea had existed in India since the 1960s, but political disagreements, legislative delays and questions surrounding the independence of the institution repeatedly postponed its creation. The 2013 Act finally provided a statutory framework, while the appointments in 2019 marked the beginning of the Lokpal as a functioning national institution. Its evolution therefore reflects India's broader and continuing effort to create effective mechanisms for preventing corruption, addressing maladministration and ensuring accountability in public administration.³

3. THE PROMISE: STATUTORY DESIGN OF THE LOKPAL

3.1 Jurisdiction

The jurisdiction of the Lokpal, set out in Section 14 of the Act, is deliberately broad. It covers the Prime Minister, Union ministers, Members of Parliament, and public servants belonging to Groups A, B, C and D. It also extends to chairpersons, members and officers of bodies established under an Act of Parliament or wholly or partly financed by the Central Government. Further, societies, trusts and associations that receive substantial government funding or foreign contributions above the prescribed threshold also fall within its scope. On paper, therefore, the Lokpal has a considerably wider reach than any earlier anti-corruption body at the Union level.

³ Desk STN, 'The Lokpal: From Legislative Dream to Institutional Reality' (*Supreme Today AI*, 31 July 2025) <<https://supremetoday.ai/the-lokpal-from-legislative-dream-to-institutional-reality-2025073111905c5af8d>> accessed 28 September 2026

The position of the Prime Minister is, however, the most debated aspect of this jurisdiction. Although the Prime Minister comes within the Lokpal's authority, complaints concerning international relations, external and internal security, public order, atomic energy and space are specifically excluded. Any inquiry involving the Prime Minister must be considered by the full bench of the Lokpal, approved by at least two-thirds of its members, and conducted in camera (*The Lokpal and Lokayuktas Act, 2013, section 14*). Supporters argue that these safeguards are necessary because the office involves highly sensitive national functions. Critics, on the other hand, contend that such restrictions may make meaningful accountability of the head of government difficult in practice.

3.2 Composition and appointment

The Lokpal consists of a Chairperson and up to *eight members*. At least half of its members must be judicial members, while at least half must be drawn from the Scheduled Castes, Scheduled Tribes, Other Backward Classes, minorities and women. The Chairperson and members are appointed by the *President on the recommendation of a selection committee* comprising the Prime Minister, the Speaker of the Lok Sabha, the Leader of the Opposition, the Chief Justice of India or a nominated judge, and an eminent jurist nominated by the President. The Chairperson is entitled to emoluments equivalent to those of the Chief Justice of India. Removal is possible only by the President following a reference to, and a finding by, the Supreme Court. Together, these provisions are intended to provide security of tenure and strengthen the institutional independence of the Lokpal from ordinary political pressure.

At the same time, the appointment mechanism raises an important structural concern. The selection committee includes members from the political executive and legislature, where the ruling coalition may hold a majority, alongside representation from the opposition and judiciary. This gives the government significant influence over the appointment process, and the extent to which this affects the Lokpal's independence has remained an important point of criticism.

3.3 Powers and process

The Act envisages a process that operates in several stages. When a complaint is received, the Lokpal may dismiss it, order a preliminary inquiry through its *Inquiry Wing*, or refer it to the CBI or another agency where appropriate. After considering the preliminary inquiry report and

the response of the public servant concerned, the Lokpal may direct a full investigation by the CBI or another agency, or decide to close the matter. Once the investigation report is received, it may grant sanction for filing a *chargesheet before a Special Court*, direct departmental proceedings, or order closure of the case. Prosecution is to be handled by a Prosecution Wing headed by a Director of Prosecution.

The Act also gives the Lokpal an important supervisory role over the CBI in cases referred by it. Investigating officers dealing with such matters cannot be transferred without the Lokpal's approval. In addition, the Lokpal can order search and seizure, provisionally attach assets suspected to be the proceeds of corruption, and confiscate such proceeds. It may also recommend the suspension or transfer of a public servant where this is considered necessary to prevent interference with the inquiry. The Act further provides safeguards for complainants, penalties for false and frivolous complaints *under Section 46*, and a seven-year limitation period for complaints. Under Section 48, the Lokpal must submit an annual report to the President, which is then laid before both Houses of Parliament. *Section 63* also required every state to establish a Lokayukta within one year of the Act coming into force.

3.4 What the design promised

Taken together, these provisions represent a fairly ambitious institutional promise. The Lokpal was designed to have broad jurisdiction, security of tenure, access to an established investigative agency, its own prosecutorial mechanism, powers to trace and attach illicit assets, and an obligation to report its work to Parliament. If these features operated effectively, they could create a relatively independent route from the filing of a complaint to prosecution and conviction, without depending entirely on the willingness of the government in power. The remainder of this paper therefore considers how far this statutory promise has actually translated into practice.⁴

4. THE PERFORMANCE: WHAT THE RECORD SHOWS

4.1 Delayed constitution and unfinished machinery

The first sign of the Lokpal's performance is the time it took to become fully operational. The Act came into force in *January 2014*, but the first Lokpal was sworn in only in *March 2019*.

⁴ (*Jurisdiction and functions of Lokpal*) <<https://lokpal.gov.in/about/jurisdiction-and-functions>> accessed 28 September 2026

Even after that, the internal machinery remained incomplete. In *March 2022*, an RTI reply from the Lokpal disclosed that the posts of Director of Inquiry and Director of Prosecution, who were expected to head the Inquiry Wing and Prosecution Wing respectively, had not been filled. The reply also revealed that the Lokpal had not approved, recommended or proposed the prosecution of any public servant. Thus, an institution that was given a statutory Prosecution Wing had, almost three years after beginning its work, still not appointed the officer responsible for leading it.

Continuity in leadership has also been inconsistent. The first Chairperson's tenure ended in 2022, after which the institution functioned under an acting Chairperson until *Justice A. M. Khanwilkar*, a former Supreme Court judge, assumed office in 2024. Such gaps can affect the institution's ability to operate with consistency and authority. More importantly, they point to a structural weakness: where appointments depend on a process involving the executive and can take considerable time, prolonged vacancies can leave an institution like the Lokpal without stable leadership.

4.2 Complaint volumes

The available figures on complaints reveal an interesting pattern, summarised in Table 1. During its first year of operation, the Lokpal received *1,427 complaints*, although a substantial number were outside its jurisdiction. Of these *1,427 complaints* received in 2019–20, 613 concerned state government officials, while *1,152* were reported to be beyond the Lokpal's jurisdiction. These figures suggest that the initial public response was shaped partly by expectations about what the Lokpal could do. Many citizens appeared to treat it as a general forum for corruption-related grievances, even where the matter did not fall within its statutory mandate.⁵

Table 1: Complaints received by the Lokpal, selected periods (as reported)

Period	Complaints reported	Source

⁵ 'Evaluating the Effectiveness of the Lokpal Act • Polsci Institute' (*Political Science Institute*, 20 May 2026) <<https://polsci.institute/public-policy-administration-india/evaluating-effectiveness-lokpal-act/>> accessed 28 September 2026

2019–20	1,427 (613 concerning state officials)	Tribune (2021)
2020–21	110	Tribune (2021)
2022–23	2,469	The Wire (2025a)
April–September 2025	233	The Wire (2025a)
2025–26	424 received; 318 registered	RSIS International (2026)
Cumulative since inception (to March 2026)	17,523 received; 7,040 registered	RSIS International (2026)

The decline after the first year is particularly sharp. Complaints fell to *110 in 2020–21*, representing a fall of more than *92 per cent* from the previous year, although the COVID-19 pandemic provides some explanation for that particular decline. More strikingly, the numbers later *rose to 2,469 in 2022–23* before falling again to only *233 between April and September 2025*, with *fewer than 700 complaints* reportedly received during the last three years taken together. Figures compiled in a *March 2026* scholarly note record *424 complaints received in 2025–26*, of which *318 were registered*. The same source puts the cumulative number since inception at *17,523 complaints received*, of which *7,040 were registered*. The totals reported by different sources vary because they cover different periods and may use different definitions of “complaint”. Even so, the overall pattern is clear: public engagement with the institution has remained considerably below the level suggested by the initial response.

There are several possible explanations for this decline. It could indicate a reduction in corruption, although there is little evidence to support that conclusion. It could also mean that citizens have become more familiar with the Lokpal’s jurisdiction and are therefore less likely to submit complaints that fall outside it. Another possibility is that people have become less confident that filing a complaint will ultimately lead to meaningful action. The evidence on what happens after complaints are filed makes this last possibility difficult to ignore.

4.3 From complaint to prosecution

The available figures indicate substantial attrition as complaints move through the Lokpal's process. According to data available on the Lokpal's website and reported in *late 2025*, the institution had ordered preliminary inquiries in only *289 cases* and granted prosecution sanction in just seven. Compared with the *7,040 complaints* registered by *March 2026*, this means that a preliminary inquiry was ordered in roughly four per cent of registered complaints, while prosecution sanction was granted in only a very small proportion of them. The same scholarly note records that no prosecution sanction was granted during 2025. Since these figures come from different reporting periods and snapshots, they should be treated as indicative rather than as perfectly comparable statistics. Nevertheless, the overall scale of the figures remains significant.

The institution should not, however, be judged solely by the number of complaints that result in prosecution. Ombudsmen commonly receive complaints that are vague, politically motivated, outside their jurisdiction, or unsupported by sufficient evidence. A low conversion rate may therefore sometimes indicate proper scrutiny rather than institutional inaction. The Act itself provides penalties for false and frivolous complaints. A properly functioning ombudsman would reasonably be expected to reject a substantial number of complaints at the preliminary stage. The more important question is what happens to the complaints that appear serious and are supported by credible material. On this point, the available evidence is less encouraging. Seven prosecution sanctions over more than *seven years of operation*, within a jurisdiction covering *every union minister, every Member of Parliament and central government employees*, represents a limited institutional output.

4.4 Institutional capacity and resource use

The Lokpal has also faced criticism regarding the manner in which its resources have been used. In *late 2025*, reports that the institution had issued a tender to *procure seven BMW cars*, reportedly costing around seventy lakh rupees each, attracted criticism from activists. They argued that such expenditure appeared difficult to reconcile with the institution's need to build public confidence and demonstrate effective functioning. In purely financial terms, the purchase is relatively minor. Its significance is instead reputational. An institution that has recorded limited investigative and prosecutorial outcomes is more open to criticism when its expenditure appears disconnected from those outcomes.

A more fundamental capacity concern relates to the *Lokpal's dependence* on the CBI. Although the Act envisages separate *Inquiry and Prosecution Wings*, the Lokpal has, in practice, depended on the CBI for preliminary inquiries and full investigations in serious matters. The CBI remains under the administrative control of the executive, and questions concerning its independence have existed for several decades. The Lokpal's supervisory authority over the CBI in cases referred by it, including safeguards against the transfer of investigating officers, was intended to limit this dependence. However, such supervision cannot completely replace the advantages of having an independent investigative cadre directly accountable to the Lokpal.

4.5 Transparency and reporting

The Act requires the Lokpal to prepare an annual report for submission to the President, after which it is to be laid before Parliament. In *February 2021*, the *Rajya Sabha* was informed that no such report had yet been laid before either House, *nearly two years* after the institution began functioning. Information available on the Lokpal's website provides some insight into its work, but it does not fully make up for the absence of regular statutory reports. The available data are less detailed than what a comprehensive annual report could provide, are not always categorised consistently, and do not allow a reader to follow the progress of an individual complaint from filing to final outcome. An institution created to demand accountability from public authorities must itself maintain a high standard of transparency. When reporting to Parliament is delayed or irregular, the Lokpal's ability to credibly demand transparency from others is correspondingly weakened.⁶

5. COURTS AND THE CONTESTED BOUNDARIES OF LOKPAL POWER

The Lokpal's performance cannot be assessed only by looking at the number of complaints it receives or the investigations it completes. Its relationship with the courts is equally important because several important questions about the scope of its authority have been tested through litigation. In the *past two years*, *three episodes* have been particularly significant. They concern the *Lokpal's attempt to exercise jurisdiction over High Court judges*, its dismissal of *complaints against the former SEBI Chairperson Madhabi Puri Buch*, and its *prosecution-*

⁶ KUMAR P, '(PDF) Making of the Lokpal Act: Policy Stasis of More than Four Decades Broken by an Window of Opportunity' (research gate) <https://www.researchgate.net/publication/322077163_MAKING_OF_THE_LOKPAL_ACT_POLICY_STASIS_OF_MORE_THAN_FOUR_DECADES_BROKEN_BY_AN_WINDOW_OF_OPPORTUNITY> accessed 28 September 2026

related proceedings against Member of Parliament Mahua Moitra. Together, these matters illustrate both the breadth of the statutory powers given to the Lokpal and the constitutional and procedural limits within which those powers must operate.

5.1 Jurisdiction over High Court judges

On 27 January 2025, a bench of the Lokpal headed by *Justice A. M. Khanwilkar* held that judges of High Courts established under an Act of Parliament could fall within *section 14(1)(f) of the Lokpal and Lokayuktas Act*. This provision covers persons associated with bodies established by legislation made by Parliament. The order arose from complaints against a sitting High Court judge, who was alleged to have influenced another judge in favour of a private party.

The decision immediately raised a larger constitutional question: *whether the Lokpal, a statutory anti-corruption institution, could exercise jurisdiction over judges of constitutional courts*. The Supreme Court took *suo motu cognizance* of the matter and, on 20 February 2025, stayed the Lokpal's order. A bench comprising *Justices B. R. Gavai, Surya Kant and A. S. Oka* described the Lokpal's reasoning as "disturbing". During the proceedings, the Solicitor General also argued that High Court judges were never intended to fall within the Lokpal Act because they are constitutional authorities rather than ordinary statutory functionaries.

The Supreme Court subsequently appointed an *amicus curiae* to assist it in considering whether the Lokpal Act permits the examination of allegations against judges of constitutional courts. At the time of writing, no final determination has been identified for the purposes of this paper, and the current position should therefore be checked against the latest orders of the Supreme Court. The episode is significant for *two reasons*.

- First, it highlights an unresolved question about the interaction between the Lokpal Act and the constitutional position of the higher judiciary. The broad language used in the statutory definition of persons falling within the Lokpal's jurisdiction does not necessarily resolve the separate question of whether constitutional office-holders can be subjected to that mechanism.
- Secondly, the episode demonstrates how quickly the boundaries of the Lokpal's authority can become the subject of constitutional scrutiny. The Lokpal attempted to interpret its jurisdiction broadly, but its order was stayed within weeks by the Supreme

Court. The matter therefore illustrates the tension between the Lokpal's statutory mandate and the constitutional framework within which that mandate must operate.⁷

5.2 The Madhabi Puri Buch complaints

A different question arose in relation to complaints against *Madhabi Puri Buch, the former Chairperson of the Securities and Exchange Board of India*. In May 2025, the Lokpal dismissed three complaints filed against her. The complaints, submitted in 2024 by different complainants, including a *Member of Parliament*, relied substantially on allegations that had been made public by the *short-seller Hindenburg Research*.

After examining the material before it, the Lokpal concluded that the complaints were based “*more on presumptions and assumptions*” than on material capable of independent verification. It also characterised the proceedings as vexatious and indicated that the complainants could face consequences under *section 46 of the Lokpal Act*, which deals with false and frivolous complaints.

The significance of this episode lies less in the allegations themselves than in the way the Lokpal dealt with them. The institution exercised its screening function rather than automatically proceeding to a detailed investigation. This is an important part of any effective complaints mechanism because an ombudsman cannot reasonably be expected to investigate every allegation placed before it, particularly where the supporting material is inadequate.

At the same time, the use of *section 46* raises a broader concern. Penalising complaints that are demonstrably false or frivolous can protect the institution from abuse and prevent its investigative resources from being consumed by weak allegations. However, the possibility of penalties may also make some complainants reluctant to approach the Lokpal where the available evidence is incomplete but the underlying concern is genuine. This is particularly relevant because ordinary complainants may not have access to the documents, investigative material or institutional resources required to establish allegations at the outset. The balance between filtering out abuse and preserving access to the complaint mechanism is therefore an important part of the Lokpal's functioning.

⁷ Agrawal A, Sisodiya R and Daryani S, ‘The Lokpal at a Crossroads between Statutory Promise and Institutional Reality’ (*IJLLR Journal*, 3 September 2026) <<https://www.ijllr.com/post/the-lokpal-at-a-crossroads-between-statutory-promise-and-institutional-reality>> accessed 28 September 2026

5.3 The Mahua Moitra Sanction Dispute

The most significant recent prosecution-related controversy concerns *Mahua Moitra*, a *Member of Parliament* accused of accepting cash and gifts in exchange for asking questions in the Lok Sabha. In *March 2024*, the Lokpal directed the CBI to investigate the allegations, following which the *CBI submitted its report in 2025*. On *12 November 2025*, the Lokpal granted the CBI sanction to file a chargesheet. The order referred to *section 20(7)(a) read with section 23(1)* and indicated that another formal sanction under *section 20(8)* would subsequently be required before a court could take cognisance.

The issue soon became one of statutory interpretation. In *December 2025*, the *Delhi High Court* set aside the Lokpal's sanction. It held that *section 20* did not envisage two separate sanctions and that the relevant sanction was required to be issued as a composite decision.

The Lokpal challenged that decision before the Supreme Court. On *13 March 2026*, a bench led by the *Chief Justice of India* issued notice, stayed the High Court's direction requiring the Lokpal to reconsider the sanction, and indicated that the High Court's interpretation of *section 20* could require further examination. The matter remains pending.

This dispute is important beyond the individual case. First, it represents one of the relatively few instances in which the Lokpal has taken steps towards a chargesheet against a sitting legislator. Secondly, it has brought attention to an ambiguity in the statutory provisions governing prosecution sanction. The interpretation ultimately adopted by the Supreme Court may therefore have consequences for future Lokpal proceedings as well. Finally, the case illustrates a practical difficulty facing the institution. Even where the Lokpal decides to move forward with a prosecution, litigation over the correct procedure can delay the process for a considerable period. The statutory objective of accountability therefore depends not only on the Lokpal's willingness to act, but also on the clarity of the law governing its actions and the time required for courts to resolve challenges to them.⁸

6. EXPLAINING THE GAP BETWEEN PROMISE AND PERFORMANCE

6.1 Design Compromises

⁸ Agrawal A, Sisodiya R and Daryani S, 'The Lokpal at a Crossroads between Statutory Promise and Institutional Reality' (*IJLLR Journal*, 3 September 2026) <<https://www.ijllr.com/post/the-lokpal-at-a-crossroads-between-statutory-promise-and-institutional-reality>> accessed 28 September 2026

Some of the limitations faced by the Lokpal were present in the statutory design from the beginning. The restrictions placed on inquiries involving the *Prime Minister*, the apparent exclusion of the higher judiciary, and the dependence on existing investigative agencies were all part of the compromises that shaped the final legislation. These provisions helped make the institution politically and constitutionally workable, but they also narrowed the extent to which it could exercise independent authority. The amendments made in 2016 further relaxed the asset-disclosure requirements under section 44 and were criticised for reducing the level of transparency contemplated by the original framework. The result is an institution that appears powerful when its statutory jurisdiction is read on paper, but whose practical ability to exercise that power is considerably more limited.

6.2 Executive Control of Appointments and Resources

Institutional independence depends not only on the powers given by law, but also on who controls appointments, finances and administrative support. The composition of the selection committee gives the executive a significant role in determining who occupies the Lokpal's leadership. The *five-year gap* between the commencement of the Act and the constitution of the institution, followed by periods of interim leadership, demonstrates how delays in the appointment process can affect the functioning of the body. The Lokpal's budget, staffing arrangements and rules of procedure also depend to a significant extent on the Union government. In addition, the institution *does not have a fully independent cadre of investigators*. None of these features makes the Lokpal formally subordinate to the government. Together, however, they create a degree of institutional dependence that can make strong action against serving ministers and senior public officials more difficult.⁹

6.3 Thin Investigative Capacity

An *anti-corruption institution* can exercise its powers effectively only when it has the capacity to investigate the allegations brought before it. Where an institution does not have its own sufficiently independent investigative machinery, it must rely on other agencies to establish the facts. This is particularly important in the case of the Lokpal because many of its significant investigations depend on the CBI. Its ability to pursue important cases is therefore linked, at

⁹ Choudhary B, 'Lokpal at 12: Anti-Corruption Architecture and the Gap between Law and Accountability' (*Ujjyari*, 16 January 2026) <<https://ujjyari.com/editorials/2026/01/lokpal-anti-corruption-institutional-reform/>> accessed 28 September 2026

least in part, to the independence, resources and priorities of another agency. The fact that the *Inquiry and Prosecution Wings* remained incomplete for years after the Lokpal was constituted further weakened its ability to operate independently. In practical terms, this leaves the Lokpal functioning largely as a body that reviews, supervises and authorises work carried out by other agencies rather than as a fully self-contained investigative institution.

6.4 Legal Uncertainty and Defensive Institutional Behaviour

The litigation discussed above also points to uncertainty within the statutory framework itself. Important questions remain contested, including who qualifies as a public servant under *section 14*, how the different stages of prosecution sanction under the Act are supposed to operate, and how far the Lokpal can go in *reconsidering or reviewing its own decisions*. Such uncertainty can have practical consequences. When important decisions are likely to be challenged before the courts, an institution may naturally become more cautious in exercising its powers. The fact that the *Lokpal's attempt to assert jurisdiction over High Court judges* was stayed within weeks is an example of how quickly an expansive interpretation of its authority can become subject to judicial scrutiny. The relatively small number of prosecution sanctions may therefore reflect not only institutional weakness, but also a degree of caution arising from uncertainty about the legal limits of its powers.

6.5 A Conceptual Point: The Limits of the Single-Institution Solution

There is also a broader reason why the gap between the Lokpal's promise and its performance should not be viewed only as an institutional failure. The *anti-corruption movement of 2011* often placed considerable faith in the idea that a single, sufficiently powerful institution could provide an effective answer to systemic corruption. In reality, corruption is connected to several different parts of the public system, including public procurement, licensing, political finance, policing and the functioning of the courts. The Lokpal can address only some of these areas, and generally does so after a complaint has been made and the necessary investigation has taken place. It cannot, by itself, alter every institutional incentive that may encourage corrupt conduct. Expecting the Lokpal alone to transform these wider conditions therefore placed a burden on the institution that no single anti-corruption agency could realistically carry.¹⁰

¹⁰ Kaur S (*International Journal of Research and Innovation in Applied Science (IJRIAS)*, 26 March 2026) <https://rsisinternational.org/journals/ijrias/uploads/vol11-iss3-pg86-94-202603_pdf.pdf> accessed 28 September 2026

7. COMPARATIVE AND DOMESTIC REFLECTIONS

A comparison with other anti-corruption bodies shows that independence on paper is not enough. Agencies such as *Hong Kong's ICAC* have their own investigators, stable funding, clear powers and strong public support. The Lokpal has some formal safeguards, but its dependence on external agencies, particularly the CBI, limits its practical independence. The experience of *State Lokayuktas* also shows that effectiveness depends on adequate powers, staff and political support. The *Karnataka Lokayukta's 2011* illegal mining investigation is a notable example, but its success was also linked to the circumstances and leadership at the time. The Lokpal works alongside bodies such as the *CVC, CBI and ED*, creating overlapping responsibilities and coordination problems. Clearer boundaries between these institutions are therefore necessary.¹¹

8. CONCLUSION AND RECOMMENDATIONS

The Lokpal should develop its own independent investigation and prosecution wings and *reduce excessive dependence on the CBI*. Appointments should be transparent and vacancies filled within fixed time limits. Financial and administrative autonomy should also be strengthened. The institution should publish consistent annual data on complaints, inquiries, investigations and outcomes. Parliament should clarify unresolved issues concerning sanctions, jurisdiction and asset disclosure. At the same time, *complainants and whistleblowers* should receive stronger protection. State Lokayuktas should also be strengthened so that corruption complaints are addressed effectively at both *Union and State levels*. The Lokpal has established an important institutional framework, but its impact has so far been limited by delays, inadequate capacity and legal uncertainty. Its future effectiveness will depend not merely on the existence of the law, but on independent staffing, adequate resources, clear legal powers and sustained public and institutional support.¹²

¹¹ Team DE, 'Lokpal & Lokayukta: Powers & Effectiveness: UPSC Mains Law-Paper-i 2020' (*Dalvoy*, 1 January 2026) <<https://www.dalvoy.com/en/upsc/mains/previous-years/2020/law-paper-i/lokpal-lokayukta-powers-effectiveness>> accessed 28 September 2026

¹² Team DE, 'Lokpal & Lokayukta: Powers & Effectiveness: UPSC Mains Law-Paper-i 2020' (*Dalvoy*, 1 January 2026) <<https://www.dalvoy.com/en/upsc/mains/previous-years/2020/law-paper-i/lokpal-lokayukta-powers-effectiveness>> accessed 28 September 2026

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