

## **Kerala's move to dilute the Lok Ayukta law through an ordinance is questionable.**

The Kerala government's proposal to amend its Lok Ayukta Act through an ordinance appears questionable and hasty.

Even though the Left Democratic Front (LDF) government is citing legal opinion to justify the proposed amendments, it does give an impression that it is in an unseemly hurry to remove the finality attached to a provision that allows the anti-corruption judicial body to direct a public servant to vacate office, if an allegation is substantiated.

The criticism by the Opposition that the change may dilute the Lok Ayukta law appears valid, as Section 14 of the Lok Ayukta Act is its most stringent provision.

Both the Congress-led United Democratic Front and the BJP have appealed to the Governor not to promulgate the ordinance cleared by the Cabinet. Opposition parties have suggested that the proposal may be linked to ongoing inquiries by the Lok Ayukta against members of the Cabinet. Also, the present regime has been adversely affected by this particular provision.

In April 2021, Minister for Higher Education and Minority Welfare K.T. Jaleel had to resign after the Lok Ayukta found him guilty of nepotism. The present regime seems to have realised only after this episode the implications of the binding nature of the Lok Ayukta's 'declaration' that a public servant, against whom an allegation is substantiated, should not continue to hold office. It is strange that the Government now says the section is unconstitutional when it could have been challenged by Mr. Jaleel himself.

The Government has defended the proposed ordinance on the ground that the section amounts to removal of a Minister duly appointed by the Governor on the advice of the Chief Minister, and violates Articles 163 and 164 of the Constitution. Further, there is no provision for appeal. It proposes to amend it to the effect that the Governor, the government or authority may decide on the Lok Ayukta's finding within three months.

It also seeks to provide for an appeal. While these are valid points, there is room to question the adoption of the ordinance route.

It is also curious that the provision is now considered unconstitutional when it was an earlier LDF regime headed by E.K. Nayanar that enacted the law in 1999. The legislation was quite ahead of its time, as it envisaged removal of a public servant from office following an adverse judicial finding long before the Supreme Court paved the way for automatic disqualification of an elected representative upon conviction.

It was only in 2013 that the apex court struck down a clause in election law that saved a serving legislator from disqualification following conviction until an appeal was filed and disposed of. A regime truly disposed towards corruption-free governance should not normally be worried about a law that allows an independent judicial forum to direct a public servant to leave office.

If it has well-founded reservations about the process, it should not be chary of introducing relevant amendments in the Assembly.



## Expected Question (Prelims Exams)

**Q. What type of institution is Lokayukta?**

- (a) Constitutional
- (b) Corporation
- (c) Statutory
- (d) None of the above

## Expected Question (Mains Exams)

**Q. "The diminization of the authority of an anti-corruption institution like Lokayukta undermines the goal of good governance." Analyze the case of Kerala Government in the context of this statement. (250 Words)**

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**Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC main examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.**