Lokpal's order on complaint against High Court judge

Why in News?

Supreme Court recently stayed a Lokpal order that took cognizance of a corruption complaint against an unnamed High Court judge.

- **Lokpal -** The Lokpal is an independent statutory, an anti-corruption authority or body of ombudsman.
- **Aim -** It investigates and prosecutes corruption against public officials in India.
- **Established under** - The Lokpal and Lokayuktas Act of 2013.
- **Members** - Chairperson and 8 members, including 4 judicial members.
- Chairperson is usually a *former Chief Justice of India* or a *former Supreme Court Judge.*
- Lokpal has jurisdiction over central government officials, members of parliament, and former and current prime ministers.
- The Lokpal can order search and seizure operations.
- The Lokpal presents an annual report to the President, which is then laid in both Houses of Parliament.
- **The recent case before lokpal -** Two complaints against a High Court judge were filed, alleging he influenced an Additional District Judge and another High Court judge.
- The Lokpal order focused on the power to hear a case against a High Court judge, not the complaint's merits.
- The Lokayukta Act defines "public servant" as
    - Anyone who has been a chairperson, member, officer, or employee in an autonomous body established by an ***Act of Parliament or financed by the Central Government.***
- The Lokpal ruled that High Court judges do not share the same status as Supreme Court judges, as they were established under the High Courts Act, 1861, and the Government of India Act, 1935.
- The Lokpal ruled that further proceedings would involve a probe into allegations against a High Court Judge.
- Before conducting an enquiry, the Lokpal advised forwarding the complaint to the ***Chief Justice of India (CJI)*** for guidance.
- **Existing provisions -** Lokpal bench, led by former SC judge A M Khanwilkar, can hear corruption complaints against former judges under the Lokpal Act, 2013.
- Section 77 of the Indian Penal Code, 1860 prohibits charges related to a judge's official duties.
- Section 15 of the Bharatiya Nyaya Sanhita, 2023 reproduces this provision.
- **K Veeraswami vs Union of India (1991) -** President must sanction criminal cases against a judge after consulting the CJI to prevent frivolous prosecution and

unnecessary harassment.

Reference

The Indian Express | Lokpal order on an HC judge

