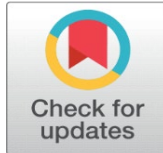


# LOKPAL AND JAN LOKPAL IN INDIA AND ITS ROLE IN FIGHT AGAINST CORRUPTION- A STUDY

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## ABSTRACT

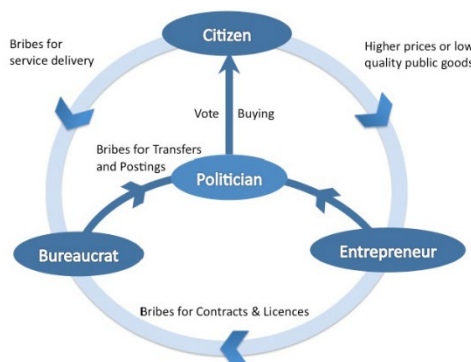
There was a time when Gandhiji would say “My religion is based on truth and non-violence. Truth is my God and non-violence is a means of realising him.” Such were the principles of our political leaders at one time. Today what is more astonishing is that India has been ranked 94 on the Corruption Perception Index among 177 countries. While India is at the threshold of becoming superpower, the progress of the country is getting eaten up by the corrupt people of the country. Corruption is closely associated with bribery which means to give or to take profit for some illegal work. Corruption has progressively involved in every sphere of Indian society. Corruption is a cancer that is not restricted to any particular political party. It infects the whole society.

**Keywords:** Bureaucrats, Politicians, E-Governance, Jan Lokpal, Lokpal and Lokayuktas, Ombudsman, Public Procurement

## 1. INTRODUCTION

Corruption in India is a result of the connection between bureaucrats, politicians and criminals. Earlier, bribes were paid for getting wrong things done, but now bribe is paid for getting right things done at right time. Further, corruption has become something respectable in India, because respectable people are involved in it. Social corruption like less weighing of products, adulteration in edible items, and bribery of various kind have incessantly prevailed in the society.

### THE WHEEL OF CORRUPTION



In today's scenario, if a person wants a government job he has to pay lakhs of rupees to the higher officials irrespective of satisfying all the eligibility criteria. In every office one has either to give money to the employee concerned or arrange for some sources to get work done. There is adulteration and duplicate weighing of products in food and civil supplies department by unscrupulous workers who cheat the consumers by playing with the health and lives of the people. In the assessment of property tax the officers charge money even if the house is built properly according to the Government rules and regulations.

Political corruption is worst in India. The major cause of concern is that corruption is weakening the political body and damaging the supreme importance of the law governing the society. Nowadays politics is only for criminals and criminals are meant to be in politics. Elections in many parts of the country have become associated with a host of criminal activities. Threatening voters to vote for a particular candidate or physically prevent voters from going in to the polling booth – especially weaker sections of the society like tribals, dalits and rural woman occurs frequently in several parts of the country.

Although Lokpal bill is a strong weapon to control corruption but implementation of law in the favour of people and motive of government behind it is important. Corruption is not only a problem that can be attacked in isolation. It is not sufficient for criminal law to search the corrupt and punish them. Anticorruption bills can only provide a background for social reforms. In particular, calls to pass the Jan Lokpal Bill to establish a citizen's ombudsman have long been heard from prominent activists and civil society organisations. The government has wavered on this issue for many years and campaigning groups are still demanding laws that really work to deter corruption in public office.

### **A new beginning in the fight against corruption**

A new era of change began in 2011 with some small actions initiated by several Gandhian volunteers and social activists around India. Among them was a notable campaigner against corruption, Mr. Anna Hazare — a non-political person committed to Gandhism.

In a manner reminiscent of Gandhi, Anna Hazare went on indefinite hunger strike to put pressure on the government to enact a bill which would effectively deter corruption, redress citizens' grievances, and protect whistleblowers. Under his leadership, an impressive people's uprising began, peaking on 16–27 August 2011. These campaigning efforts ended after 12 days when the government agreed in principle to make the proposed amendments to the Bill.

The Lok Sabha (Lower house) and Rajya Sabha (Upper house) passed a resolution conveying the 'sense of the House' on the proposed amendments to the Lokpal Bill, agreeing in principle that:

- The Prime Minister and the judiciary should be brought under the jurisdiction of the proposed Ombudsman,
- All government employees should be covered by the proposed Ombudsman, and
- A citizens' charter for all public works should be considered, i.e. a set of guiding principles for public services establishing standards of openness, efficiency, and consultation.

### **Lokpal and Jan Lokpal in India and its Role in Fight against Corruption**

A short discussion is made hereunder regarding the Lokpal, Jan Lokpal, its history, features, and other important matters in order to understand its relevance and importance in its fight against corruption:

#### **History of Lokpal Bill:**

The origin of the Lokpal (Anti-Corruption Ombudsman) dates back to 1963 when Nehru was the Prime minister. But it was in 1966 that a Lokpal was proposed at the center and Lokayuktas in states. In 1968, a Lokpal Bill was presented for the first time in the fourth Lok Sabha. The house passed it in 1969, but while it was pending, LS was dissolved and the Bill lapsed. The subsequent versions were re-introduced in 1971, 1977, 1985, 1989, 1996, 1998, 2001, but never passed. The latest Lokpal Bill, introduced in the Lok Sabha on August 4, 2001, is the ninth version of the legislation before parliament.

The impetus for the current demand for a Lokpal Bill came from a series of recent high profile scandals such as the 2G scam, Adarsh society scam, and the CWG scam, while the government merely watched the events unfold helplessly. Anna Hazare's recent "fast" and its extensive media coverage converted it into a mass movement. The Bill aims to give power to ordinary citizens to sue corrupt officials at all levels. The idea of an ombudsman first came up in parliament during a discussion on budget allocation for the law Ministry in 1963. The first administrative reforms committee in 1966

recommended the setting of two independent authorities at the central and state level to look into complaints against public functionaries-Lokpal and Lokayukta.

### **What is Jan Lokpal Bill?**

Jan Lokpal Bill is a draft anti-corruption bill drawn up by prominent civil society activists seeking the appointment of Jan Lokpal which would be an independent body that would investigate corruption cases. This body would have the power to prosecute the government officials, politicians, and bureaucrats involved in any wrongdoing without any government permission. This bill was initially drafted by prominent civil society activists Justice Santosh Hegde (Former Supreme Court Judge and Lokayukta of Karnataka), Prashant Bhushan (Supreme Court Lawyer), Arvind Kejriwal (RTI activist).

### **Aims of Jan Lokpal Bill:**

The Jan Lokpal Bill aims to effectively deter corruption, compensate citizen grievances, and protect whistle-blowers. The prefix jan (citizens) signifies that these improvements include inputs provided by "ordinary citizens" through an activist-driven, non-governmental public consultation. The lokpal bill provides for filing complaints of corruption against the prime minister, other ministers and M.P.s with the ombudsman. The Administrative Reforms commission (A R C) while recommending the constitution of lokpal was convinced that such an institution was justified not only for removing the sense of injustice from the minds of adversely affected citizens but also necessary to instill public confidence in the efficiency of the administration.

### **Features of Lokpal Bill:**

An institution called Lokpal at the centre and Lokayukta in each state will be set up. The Lokpal shall work independently like the Judiciary and no minister or bureaucrat will be able to influence their investigations.

- The corruption cases shall not linger for years and the investigations shall be completed within one year and the corrupt officer or judge shall be sent to jail within two years.
- The people can approach the Lokpal if his or her ration card or passport or voter card is not being made by the concerned officials within the prescribed time limit.
- People can also approach the Lokpal in case the roads are made of poor quality or siphoning of funds in any Panchayat takes place.
- Lokpal will have to complete its investigations within a period of one year, the trial will be over in next one year and the guilty shall go to jail within two years.
- Any complaint against any officer of the Lokpal shall be investigated and the officer dismissed within two months.
- The CVC, departmental vigilance and anti corruption branch of CBI shall be merged into Lokpal.
- The Lokpal shall have complete powers and machinery to independently investigate and prosecute any officer, judge or politician.

### **Duties of Lokpal:**

It is the duty of lokpal to judge the cases and make jurisdiction against corruption cases. It is the duty of Lokpal to judge whether a case is legal or whether fake complaint has been made and to potentially impose fines on a fake complaint or even a short span jail time, if the case is not proved to be legally true

### **Problems and Challenges of Indian Anti-Corruption Laws and Agencies in Preventing and Controlling Corruption:**

After the liberalization of the Indian economy in the early 1990s, the private sector has expanded greatly. The problem of corruption in the private sector is increasing with the expansion of the private sector. Today it has assumed proportions. It has become the single biggest menace to Indian Society. There is a huge gap between the anti-corruption policies and practice in India. The biggest substantial gap is identified in the area of whistleblower protection. The law enforcement in matters of corruption in India is significantly weakened and there is a huge lack of political will to effectively address corruption challenges in the Country.

- ❖ Prosecution under PCA requires prior approval of higher authorities which severely limits its usefulness, particularly where there is collusive activity within the government branches. India being a signatory to many international conventions including the United Nations Convention Against Corruption (UNCAC) is duty bound

to bring its legislative framework closer to the international norms and also to provide teeth and freedom to the implementing agencies but at present, our national legislation and efforts are far from being satisfactory.

- ❖ The Anti-Corruption investigation agencies are like "toothless tigers" and their powers are very limited. They basically act as a puppet in the hands of ruling party unless they are forced and compelled by the judiciary to take strong actions in matters relating to corruption. They are only 'barking-dogs' but they are supposed to be 'blood-hound'. CVC needs prior sanctions to prosecute, CBI cannot probe or frame charges on its.
- ❖ The pending Anti-Corruption Legislations shows the very mindset of the political rulers towards fighting corruption. Our fight against corruption is in 'Pending Status'. Despite the emerging trends, however, the institutional anti-corruption framework generally suffers from a lack of coordination and overlapping and conflicting mandates between institutions addressing corruption.
- ❖ Accountability and transparency are two great antidotes to corruption. If the Legal system is quick fair and uncomplicated, it makes the task of fighting corruption easier. The free and strong press is the third facilitating factor. Therefore, laws fixing accountability and encouraging transparency combined with the efficient judiciary and free press provide the ideal atmosphere to tackle the menace of corruption.

### **Measures towards control / eradication of corruption in India**

There are some specific measures to control increasing corruption.

- ❖ The Right to Information Act (RTI) gives one all the required information about the Government, such as what the Government is doing with our tax payments. Under this act, one has the right to ask the Government on any problem which one faces. There is a Public Information Officer (PIO) appointed in every Government department, who is responsible for collecting information wanted by the citizens and providing them with the relevant information on payment of a nominal fee to the PIO. If the PIO refuses to accept the application or if the applicant does not receive the required information on time then the applicant can make a complaint to the respective information commission, which has the power to impose a penalty up to Rs.25, 000 on the errant PIO.
- ❖ Another potent check on corruption is Central Vigilance Commission (CVC). It was setup by the Government to advise and guide Central Government agencies in the areas of vigilance. If there are any cases of corruption or any complaints thereof, then that can be reported to the CVC. CVC also shoulders the responsibility of creating more awareness among people regarding the consequences of giving and taking of bribes and corruption.
- ❖ Establishment of special courts for speedy justice can be a huge positive aspect. Much time should not elapse between the registration of a case and the delivery of judgment.
- ❖ Strong and stringent laws need to be enacted which gives no room for the guilty to escape.
- ❖ In many cases, the employees opt for corrupt means out of compulsion and not by choice. Some people are of the opinion that the wages paid are insufficient to feed their families. If they are paid better, they would not be forced to accept bribe.

The one thing that needs to be ensured is proper, impartial, and unbiased use of various anti-social regulations to take strong, deterrent, and timely legal action against the offenders, irrespective of their political influences or money power. Firm and strong steps are needed to curb the menace and an atmosphere has to be created where the good, patriotic, intellectuals come forward to serve the country with pride, virtue, and honesty for the welfare of the people of India.

### **The measures suggested by the Santhanam Committee for efficient working of the department were:**

- 1) Independence to vigilance officers to investigate complaints of corruption and malpractices.
- (2) Assurance to vigilance officers of promotion for efficient work.
- (3) Protection to vigilance officers against sending them back to their parent cadre for investigating the cases of highly placed officials.
- (4) Giving representation to Central Civil Services and technical services in the Central Vigilance Commission. (This recommendation was implemented by reconstituting the Vigilance Commission in the last few months of 1998).
- (5) Intensive training to non-gazetted inspectorial staff of the Vigilance Department in departmental rules and procedures since about 80 per cent of the vigilance cases are enquired at the lower level.
- (6) Cutting down the number of stages by the government to check delay in processing cases.

It was on the basis of the recommendations of this Committee that the Central Vigilance Commission was set up in 1964 for looking into cases of corruption against the central government and other employees.

**The central government has set up the following four departments as anti-corruption measures:**

- a) Establishing the Lokpal institutions to deal with political corruption with powers of initiating action against central ministers and MPs
- b) The Lokpal should have its own independent investigating and prosecuting agency without having to depend on the CBI.
- c) The Lokpal should have legal powers to prosecute an accused minister in specially designated courts after a prima facie case is established against him by the Lokpal's own inquiry.
- d) The charged minister must compulsorily resign after the filing of the charge-sheet in the court.
- e) 5) The Chief Vigilance Commissioner should be re-designated as the Central Lokayukta.
- f) The Central Lokayukta should be appropriately linked to the Lokpal through common officers and staff and investigating and prosecuting agencies.

**CONCLUSION:**

Swami Vivekananda once quoted "take up one idea. Make that one idea your life-think of it, the dream of it, and live on the idea." Fight against corruption is an idea whose time has come. The need of the hour is to nurture it, mainstream it and take it to the logical end. "Corruption is worse than prostitution. The latter might endanger the morals of an individual the former invariably endangers the morals of the entire country."<sup>3</sup> Corruption is found to be one of the most damaging consequences of poor governance and poverty, classified by a lack of efficiency, transparency, and accountability.

Corruption in India is a result of the connection between bureaucrats, politicians and criminals. Corruption in India is so common in everyday life that every citizen is accustomed to it. The solution to this corruption is to avoid so called socialism. Indian society itself should be aware about corruption and should fight against it. Law against corruption is not only the remedy for it. We should say good bye to colonial model of I.A.S. Bureaucracy Vote bank based politics and extravagant expenditure during election is also one of the reasons for corruption. There should not be subsidies or compensation to any special cast, class, or any state and every citizen should be treated as equal. Welfare schemes for below poverty line are also victims of corruption.

**CONFLICT OF INTEREST**

None

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None

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