

CORRUPTION IN INDIA AND FIGHT AGAINST CORRUPTION: LOKPAL BILL

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All of us are aware of the fact that the country, which we love so much has been in the clutches and the diabolical jaws of the virus, called corruption. Corruption in India is the main cause of its every failure. Every developmental project and the defense requirements are being over shadowed by the corrupt officials. Even the magistrates who are believed to be the axis of the law are corrupted to such an extent that millions of cases are pending for the last few years. Political corruption is the use of powers by government officials for illegitimate private gain. An illegal act by an officeholder constitutes political corruption only if the act is directly related to their official duties, is done under color of law or involves trading in influence. Forms of corruption vary, but

include bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement. Corruption may facilitate criminal enterprise such as drug trafficking, money laundering, and human trafficking. This research paper illustrate about corruption and necessity of lokpal bill against corruption

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“Merely shouting from the house tops that everybody is corrupt creates an atmosphere of corruption. People feel they are in a

climate of corruption and they get corrupted themselves.’

Jawaharlal Nehru

Corruption is defined as dishonest or fraudulent conduct by those in power, typically involving bribery or in other words the process by which a word or expression is changed from its original state to one regarded as erroneous or debased. The basic inception of corruption started with our opportunistic leaders who have already done greater damage to our nation. People who work on right principles are unrecognized and considered to be foolish in the modern society. Until recently, corruption has been endemic throughout Indian society. However, a wave of high-profile corruption cases led in 2011 to widespread protests against corruption.

The main causes of corruption in India: The main causes of corruption in India are endless. There are many examples of corruption. There is a big list of corruption in every field of life and every citizen of India is facing these types of situation every day. Some of them are-

- 1- Weak and ineffective Local governments.
- 2- Fixed and purchased vote bank with manipulated Voters lists.
- 3-Our fundamental rules in governance, Police, Co-operative and

other welfare Societies etc are still based on 1860 Act as amended but not implemented.

4- Our private schools/colleges obtain signatures for higher UGC scale salary but pay nearly 50% of the amount. Thus Corrupt teachers/Professors/ management etc are running the schools/ colleges.

5- Rusted and fragile steel frame of outdated colonial model of IAS Bureaucracy.

6- 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.

7-The salary given to employee is not sufficient and so they are forced to earn more by bribery

8- The punishments imposed on the criminals are inadequate.

Major Scandals: Cash for Vote Scandal in parliament, Scorpene deal scam, Navy War Room spy scandal, The Satyam scam, Taj corridor scandal, Hawala scandal, Bihar fodder scam, Commonwealth Games scam and many more scams in which leaders and government officials are directly involved. There are many such scandals which we read in daily newspapers. Such scandals have rocked Asia's third largest economy in the past decade. Although the people of India are aware of these scandals but are helpless because there is no effective law against these leaders and officials who are corrupt. The leaders are dominating and escape from the punishment due to some loopholes in law. Ever since the 2010 protests by the 'India Against Corruption' activists, and more forcefully since Hazare's recent fast, the issue of corruption has led Indians to re-evaluate what the state really means to them. What is its role? How far are its agents accountable, and to what extent does it protect civic and democratic rights?

History of Fight Against Corruption: lokpal was coined by Dr L.M. Singhvi in 1963. The concept of a constitutional ombudsman was first proposed in parliament by Law Minister Ashok Kumar Sen in the early 1960s. The first Jan Lokpal Bill was proposed by Shanti Bhushan in 1968 and passed

in the 4th Lok Sabha in 1969, but did not pass through the Rajya Sabha. Subsequently, 'lokal bills' were introduced in 1971, 1977, 1985, again by Ashok Kumar Sen, while serving as Law Minister in the Rajiv Gandhi cabinet, and again in 1989, 1996, 1998, 2001, 2005 and in 2008, yet they were never passed. In this context, it is useful to understand the current laws and authorities to curb corruption, and to examine the effectiveness of the current systems. The Jan Lokpal Bill, also referred to as the Citizen's Ombudsman Bill, is an anti-corruption bill drafted and drawn up by civil society activists in India seeking the appointment of a Jan Lokpal, an independent body to investigate corruption cases. This bill also proposes improvements to the Lokpal and Lokayukta Bill 2011, which was to be passed by Lok Sabha in December 2011. Anna Hazare, anti-corruption crusader, went on a fast-unto-death in April, demanding that this Bill, drafted by the civil society, be adopted. Four days into his fast, the government agreed to set up a joint committee with an equal number of members from the government and civil society side to draft the Lokpal Bill together. The two sides met several times but could not agree on fundamental elements like including the PM under the purview of the Lokpal. Eventually, both sides drafted their own version of the Bill. Fifty two years after its first introduction, the Lokpal Bill is finally enacted in India on 18 December 2013. The government introduced the Lok Pal and Lokayuktas Bill, 2011 and the Constitution (116th Amendment) Bill, 2011 on December 22, 2011. The Lok Pal Bill, 2011, introduced in the Lok Sabha on August 4, 2011, was withdrawn by the government.

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 filling 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 loss caused to the government shall be recovered from the offender at the time of conviction. If any work of a citizen is not completed within the prescribed time limit in any government office, Lokpal shall impose financial penalty on the guilty officer and the same shall be remitted to the complainant as compensation. 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.

Advantages of Lokpal Bill: The major advantage lies in the nature of the legislation proposed. The clauses are aimed at tackling a major socio-political problem I.e. corruption. Unlike the traditional system, the Lokpal Bill proposes to give decision making power to highly qualified individuals who are neither bureaucrats nor politicians. This bill has been in the pipeline for

almost five decades, which is a clear indication that people across generations had faith in this legislation. It is expected that the corruption cases will witness a speedy conclusion and the decision will be swifter. The turnaround time for justice to be meted out will be less. Moreover, people will not get lost in the size of Indian judiciary system and they can count on a single entity to report crime and get their grievances redressed.

Flaws in Lokpal Bill: First and foremost criticism of government's Lokpal Bill is the clause which prevents Lokpal from receiving complaints of corruption from common people. It has to be at the Parliament's mercy to get access to those complaints. Proposed Lokpal Bill treats the institution only as an advisory body. After Lokpal makes an enquiry in any case, it has to forward the report to the 'competent authority' which will have the final powers to decide whether to take action or not. That makes Lokpal completely ineffective. Lokpal is deprived of police powers and therefore it cannot register an FIR. In such a situation, enquiries conducted by Lokpal will be considered as "preliminary enquiries". There's no mention on the procedure following the acceptance of Lokpal's report. Who is going to file the charge-sheet in the court and initiate prosecution? Moreover, who is going to appoint the prosecution lawyer? There's no clarity on the role of CBI once Lokpal Bill becomes a law. The question still remains whether CBI and Lokpal will investigate the same case or will CBI be restricted to investigating politicians only? Government's Lokpal bill talks about punishment (amounting to imprisonment) for 'frivolous' complaints. However, if the complaint is found to be true, the Ombudsman will not have the power to send the corrupt public servants to jail! .Lokpal Bill proposes jurisdiction only on MPs, Ministers and PM and not on officers. It is understood that any corruption is perpetrated collaboratively by the officers and politicians. According to government's Lokpal Bill CVC will look into the role of bureaucrats while Lokpal will look into the role of politicians. This will surely create a controversy. Lokpal will have no power to probe any case against PM that deals with foreign affairs, security and defence. This is another way of saying that corruption in defence deals will be out of Lokpal's jurisdiction and hence no scrutiny is possible

Conclusion: 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. Our former Prime minister, shri Rajeev Gandhi once said that out of hundred rupees only rupees fifteen reached to beneficiary. 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.

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