



Is Lokpal Necessary for Good Governance in India?

KEYWORDS

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ABSTRACT *Almost seven decades after independence, we are failed to get the minimum needs from our government. India is now a young country and we are at the turning point. Today the citizens of India want to utilise all the potential and opportunities in every manner. That's why good governance is needed at any cost for total development. As a country like India there is no certainty about it and for this reason only a Lokpal like institution can make change the attitudes towards development. We are eagerly waiting for the positive change.*

The concept of governance came with human civilization. Governance Nowadays governance has become the central theme of discussion, deliberation and discourse at the local, national international and global level. Usually, governance refers to the task of running a government. Governance is not synonymous with government. Governance is a broader concept of government. The role of the state as a sovereign actor remains at the top of the governance. Governance basically focuses on institutions and processes which involve formal and informal who are engaged in decision making and decision implementation processes. Governance stands for establishment, operation and networking of social institutions. Concretely, it manifests itself in formal rules and regulations, decision making procedures and programmatic activities that serve to define social practices. In real life, there are many forms of community organisations or voluntary, collective self- help approaches for common purposes such as irrigation, water distribution, resolution of local disputes and community defence. In a nutshell the definition of governance is: "The capacity to get things done without the legal competence to command that they be done"⁽¹⁾.

Normally good governance has eight major features. It is participatory, accountable, transparent, responsive, effective, efficient, equitable and inclusive and follows the rule of law. It assures minimal corruption in society. **Participation** of citizens is a key characteristic of good governance. Direct or through representatives is important for democratic government. It need to be well organised for a proper government. It also requires **rule of law**. Fair legal frameworks, impartial enforcement of law requires for the protection of human rights of citizens. **Transparency** means decision taken and its enforcement will follow the rules and regulations. **Effectiveness and efficiency, accountability, conscious, equity and proper response** are also important for good governance. Actually good governance is an ideal and it is very difficult to achieve. So it's our duty to reach as close as the ideal for better governance. But nowadays corruption become cancer and governance become corrupt. For this reason we have to go long way to establish good governance in India.

Table- 1



Source: www.unescap.org/pdd ⁽²⁾

However, the Indian constitution is well thought out and wonderful piece of work. Though, it has one dozy gap that there is no effective body to check and monitor the political process. Every other group of people in India has disciplining mechanism, in addition to the umbrella cover provided by 'rule of law'. It has proved that power corrupts and absolute power corrupts absolutely. The concept of Ombudsman or Lokpal was to repair this gap. No Lokpal bill likely to be passed for the last 40 years, if our supreme body, the parliament, is left to finally decide the matter on its own. Thanks to the magic wrought by Anna Hazare being forced down the throat of political leaders to pull the wool over people of the country indefinitely.

It is widely recognised that the level of corruption has a vital bearing on the quality of governance; corruption is an element in the development matrix and has linkages with every other element including poverty, income distribution, public health, education and the like. It is surprising that such an unenlightened comment could have come from an articulate, vocal and prominent member of the cabinet. Corruption has spread over in the society in several forms. Of these, the major ones are: bribe (money offered in cash or gift as inducement to procure illegal or dishonest action in favour of the giver), nepotism (undue favour to relatives), misappropriation (using other's money for one's own use), patronage (misusing the positions) and favouritism (unduly preferring one to other).

In ancient times, the judges received bribes in Egyptian,

Babylonian and Hebrew societies. In Rome bribe was a common feature in elections to public offices. In France, judicial officers were sold during the fifteenth century. England was described a 'sink-hole' of corruption in the seventeenth centuries. In the nineteenth century corruption was so rampant in Britain that Gibbon described it as the most infallible symptom of constitutional liberty.

In India, Kautilya has referred in his Arthashastra to misapplication by government servants out of the state revenue. During Ashoka's regime, corruption dominated on a lower scale. In medieval society, scope for corruption was minimal because there were very few authorities existed for the collection of taxes. During the British rule, bribes were accepted not only by the Indian officials but by the highly placed British officials too. Clive and Warren Hastings were found corrupt to an extent that they were tried by a parliamentary committee after their return to England. The expansion of the economic activities during the first and second world wars opened new vistas of corruption in the country. War-time controls, restrictions and scarcities proved plenteous opportunities for bribery, corruption and favouritism. After independence, in spite of top political elite at the national level stayed very honest for about one and a half decades but from the third and fourth general elections the new political elite lost people's confidence of being honest. The government employees in all public concerns at all levels started accepting huge bribes even for small considerations. Today, both at the central and state levels, the number of ministers with an honest image can be counted on fingers. In the 1970s, 1980s, 1990s and the 2000s several union ministers and Chief Ministers, ministers of top level bureaucrats in almost all states have been accused of enriching themselves illegitimately and practising nepotism. The licensing system of the government, the control regulations and the expansion of the public sectors spread corruption in all walks of life. At present, India is viewed as the seventh most corrupt country in the world according to non-governmental German organisation called 'Transparency International' ⁽³⁾. This organisation ranks countries for the honesty or corruption in their transactions. In a study conducted in 1995, this organisation found New Zealand, Denmark, and Singapore as honest countries and Indonesia, China, Pakistan, Venezuela, Brazil, India, Thailand, Italy and Mexico as corrupt countries.

It is well known that a large number of politicians not only in India but almost in every country are corrupt. People never feel shocked when politicians' corruption exposed. Honest politicians are rare breed today. Corrupt politicians not only go scot-free, unharmed and unpunished but they manage to prance on the political stage as honourable leaders. Examples of ministers like Lal Bahadur Shastri and Sardar Vallabhbhai Patel are rare who had very little bank balance at the time of death ⁽⁴⁾. In this land where a thief commits theft for feeding his hungry children after remaining long period unemployed is promptly put behind the bars, those who plunder the country masquerade as honourable citizens with all the paraphernalia only because they happen to kingpins in politics or are close to the centres of power.

In the last two decades or so, several scandal and finan-

cial irregularities, including paying of massive commissions, pay-offs and kickbacks have been reported in our country. Mostly, it is the Chief Ministers, ministers, leaders holding important political positions, bureaucrats and big businessman who are reported to be involved in these scams but nothing tangible has been done in uncovering, tracing, apprehending, prosecuting and punishing the culprits on the plea of 'inadequate evidence'. We can find some notorious scandals like those of Bofors, Stock market Securities, Hawala, Sugar, Animal Husbandry, Sarada scam, Rose valley and Telecommunication and few others.

The Prevention of Corruption Act came into force in September, 1988. It consolidated the provisions of the Prevention of Corruption Act, 1947, some sections of the Indian Penal Code, the Criminal Procedure Code and the Criminal Law Act, 1952. The sole idea was to bring all relevant provisions in a single Act. A committee on Prevention of Corruption was appointed by the Government of India in 1960 under the chairmanship of K. Shanthanam ⁽⁵⁾. This committee gave report in 1962. The recommendations concerned to various aspects of corruption. It was on the basis of the recommendations of this committee that the Central Vigilance Commission was set up in 1964 for investigating into the cases of corruption against the central government and other employees. In last fifty years, more than twenty commissions have been appointed by the government of India to inquire into the charges of corruption against politicians and public companies.

In a democratic country like India, will people ever realize that they have to play a crucial role in fighting evils like corruption? In fact, much of the corruption exists because of peoples' tolerance or complete lack of public feedback against it, as well as the absence of a strong public forum to oppose it. While many intellectual, educated, well informed vocalise citizens remain worried about this monstrous problem in the country, they fail to transfer their bitterness into strong public opinion against it. A combined effort by the responsible citizens can surely make a serious impact in the corruption level. Appointing Lokpal and Lokayuktas could be proved an effective measure in containing corruption. At present, Lokayuktas in eleven states have been rendered impotent because of the numerous disabilities. Learning from the experiences, the powers of Lokpal should be expanded. The Lokpal should have independent investigative machinery for the disposal of corruption. For implementing strong Lokpal in centre the 2011 Indian anti-corruption movement was a protest against Government of India intended to seek strong legislation against graft, considered as corruption. The protest had centred on a proposal bill, called Jan Lokpal Bill. The movement had gained momentum in particular since 5 April 2011, when Anna Hazare first went on hunger strike which he called a "fast unto death" ⁽⁶⁾.

So, at present time corruption is big threat towards good governance in India. To lead a quality life with proper way we have to cease corruption. It is impossible to eradicate corruption completely from all levels but certainly roll it down within the tolerable limits. People have tolerated the corruption for long time. Now it is time to take corruption seriously by the dedicated and efficient public institutions especially by Lokpal.

REFERENCE

- 1) Mohit Bhattacharya, New Horizons of Public Administration, Jawahar publishers and distributors, New Delhi, 2011, pp.-406. | 2) www.unescap.org/pdd, what is Good Governance? Viewed on 12/03/2015. | 3) The Hindustan Times, May 5, 1996, cited in 'Social Problems in India'- Ram Ahuja, Rawat Publications, Jaipur, 2013, pp.-451. | 4) T.S.R. Subramanian, India at turning point: The road to good governance, Rupa Publication India Pvt. Ltd., New Delhi, 2014. | 5) Shanthanam Committee Report on "Prevention of Corruption" cited in 'Social Problems in India'- Ram Ahuja, Rawat Publications, Jaipur, 2013, pp.-467. | 6) Asutosh, Anna: 13 days that awakened India, HarperCollins Publishers, New Delhi, 2012.