



**ORIGINAL RESEARCH PAPER**

**Political Science**

**LOKPAL BILL IN PRESENT INDIAN POLITICAL SYSTEM**

**KEY WORDS:** Corruption, Act, Remedies, public

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**ABSTRACT**

Corruption is rampant in India's democratic system for many reasons. Lokpal, Lokayukta and Prevention of Corruption Acts have been enacted to eliminate it. However, its quantity has not decreased. Solutions need to be found and enforcement measures taken. In this regard an attempt has been made through this article.

**INTRODUCTION**

Indian is rather becoming like any other country where a society enveloped with bizarre conspiracy theories which are plausible, credible and even highly profitable. We now no longer blame the CIA for floods or outbreak of dengue. But there is a reason to believe that the political process is being manipulated to ensure sinister outcomes that is not apparent on the surface. The Lokpal Bill is supposed to create an institution independent of the executive branch precisely in order to investigate and act against corruption, malfeasance and wrong doing of members of the executive, be they elected politician or unelected officials. The hidden purpose of the present Lokpal bill is to undermine the hidden independence of the judiciary, which in recent times, has been one of the objections on the executive branch in the media.

The theory based on the concept of Lokpal is "The king can do no wrong". No democracy can survive for a long time without the rule of law. In a democratic society, all citizens are equal under the watchful eyes of the law. The judicial dictum, "Whatever you be so high, the law is above you", is supposed to rule and determine the administrative, political, social and judicial (embracing the entire criminal justice system including judiciary, investigation and prosecution) culture of the society. Unfortunately, in India the golden rule of equality continues to be a distant dream in all the systems, viz., administrative, social, political and especially the criminal justice system. In these decades all work for and cater to the requirements of the elite. All laws that come on their way are brushed aside. That in turn, shapes and determines the mindset of the administrator, the investigator, the prosecutor, the judge, the politician in power, and others. Such a mindset is an essential requirement for sustenance of any colonial regime, but it persists in India despite six decades of freedom.

The Lokayukta is an anti-corruption legislative organization in the Indian federal system. This institution is based on the Ombudsman in Scandinavian countries in the beginning. An amendment to the Constitution has been proposed to implement a body, headed by a retired Supreme Court Judge or High Court Chief Justice and comprise of the state vigilance commissioner and a jurist or an eminent administrator as members. Corruption in India

Over five thousand citizens of India were interviewed in the house to house survey carried out to assess the citizens' perceptions on corruption, prevalent in ten sectors: Education, Health, Police (Law and Order), Power, Telephone (Communication), Media, Railways (Transport), Land and Building Administration, Public Work Department, Judiciary, Taxation and Ration (Public Distribution system).

An estimated sum of Rupees (Rs.) 26,768 Cores are extracted from citizens who interacted with these ten sectors. Lower strata with lower earnings are hit harder due to corruption. As

per perception of the people, Police is the most corrupted sector. However, the impact of corruption is on a much larger scale in the Health and Education Sectors involving far greater number of population.

Corruption in Health and Education deprives people of basic facilities and affects human development. These facilities correlating attributing Human Development. Cross country data of 178 countries show that there is a high rank correlation (0.788) as well as coefficient of correlation (0.766) between Human Development Index (HDI) and corruption perception Index (CPI). Countries with low scores in CPI have low HDI. Many avenues of corruption cannot be dealt with under the Prevention of Corruption Act, 1988. In many cases the citizen is not even aware what is corruption and what is not. (e.g., when patients are directed to specific pathological laboratories for conduct of test).

Citizens are resentful of the existence of corruption and are willing to talk about it openly. Formation of interest groups of citizens interacting with various departments can channelize the resentments of the citizens constructively.

Pressure groups so formed can take up matters with concerned authorities and seek redress. In such areas Civil Society organizations can raise awareness among the populace and act as catalysts.

Causes for corruption certainly containing not 'low salary' of those indulging in corruption but to ensure the future of themselves and their progenies. These things cannot rule out in the light of dowry, good education, trade and moreover there is no limit for having money or properties. It is the lack of effective deterrence in the form of immediate punishment to the corruption and the lack of adequate supervision.

**Perspectives on Corruption Global Scenario**

The Transparency International (TI) Corruption Perception Index (CPI), 2011 ranks 178 countries in terms of the degree to which corruption is perceived to exist among public officials and politicians. It is a composite index derived from 15 different polls and surveys from 9 independent institutions carried out among business people and country analysts. CPI defines corruption as the abuse of public office for private gains. The index provides an annual snapshot of the views of business people and analysts like bribing of public officials, kickbacks in public procurement or embezzlement of public funds. Of the 178 countries surveyed, more than 100 countries - including many of the world's most poverty stricken - score less than five out of a clean score of ten. Corruption is perceived to be rampant in Indonesia, Kenya, Angola, Madagascar, Paraguay, Nigeria, and Bangladesh. Countries with a score of less than two. Countries with a score of higher than 9, with very low levels of perceived corruption, are predominantly rich countries, namely, Canada, Finland, Denmark, New Zealand, Iceland, Singapore, and Sweden.

**Consequences of Corruption**

Corruption is found to be one of the most damaging consequences of poor governance characterized by lack of both transparency and accountability. Corruption lowers investment and corruption is found to be one of the most damaging consequences of poor hinders economic growth and human development by limiting access to basic social services as well as increasing the cost of their delivery. It also increases poverty, subverts the financial system, and undermines the legitimacy of the state. Thus, corruption is anti-poor, antidevelopment, anti-growth, anti-investment, and inequitable. The cost of corruption to a nation is very high.

Adverse effects of corruption on growth have been statistically corroborated from across-country data. Based on corruption takings data assembled from the business and international communities in seventy countries finds a significant negative association between the corruption index and the rates of investment and economic growth. A one standard deviation improvement in the corruption index is estimated to be associated with an increase in the investment rate by about 3 percent of the Gross Domestic Product.

**Typology of Corruption**

Corruption is defined as the use of public office for private gains. Scales of corruption can be Grand, Middling or Petty and payment of bribes can be due to collusion between the bribe taker and the bribe giver, due to coercion or even anticipatory. Existence of corruption implies that there are corrupt people with corrupt practices in the corruptive system. therefore, all have to be fought simultaneously to eliminate the vice of corruption. The present system provides for taking on the corrupt persons through a legal mechanism, which has not been found to be very effective. Many corrupt practices fall outside the purview of existing laws and need to be tackled by people themselves. The responsibility for dealing with corrupt people, corrupt practices and corrupt systems devolves equally on individuals, civil society institutions, legislature, executive, and the judiciary.

India is one of the most regulated economies of the world with powers concentrated in a few hands. It is a poor country with scarce resources where demand is always more than supply. The receivers of the public services are largely poor, ignorant, and illiterate. There is also absence of transparency and accountability of the public servants. There is no system of rewards and punishments for the public servants. There is no system of rewards and punishments for the public servants. The license- remit-quota-inspector regime is pervasive in India since independence and continues even after liberalization and globalization of 1991. In addition, there are 3000 central statutes and 10 times as many state statutes plus subsidiary and administrative laws, with several exemption clauses and discretionary powers sans accountability. All these conditions are fertile breeding grounds of corruption. At present, 19.5 million people hold public office with central and state governments; quasi-central and quasi-state institutions at rural and urban local bodies spread over 200,000 establishments and offices all over India. Prevention of Corruption Act 1988

To deal with corruption amongst public servants India enacted Prevention of Corruption Act 1988 replacing Prevention of Corruption Act 1947. PCA 1988 incorporates provisions of chapter IX of the Indian Penal Code to deal with public servants and those who abet them by way of criminal misconduct and provides to enable attachment of their ill-gotten wealth obtained through corrupt means. This act also widens the scope of definition of public servants. Public servant means any person in the service, drawing payment of the government, or remunerated by the government by fee or commission for the performance of nay public duty. Public duty means a duty in the discharge towards the state, the public, or the community at large with an interest. the 'State'

includes a corporation established by or under a central, provincial or state act or an authority or a body owned or controlled or aided by the government or a government company defined in section 617 of the company's act 1956. In India in addition to a large number of health and educational institutions. Hence, the employees of such bodies are also covered by this act. Normally corruption is defined as using public office for private gains. In PCA 1988 public servant and public duty have very wide definitions covering of a public servant and discharging public duty persons holding various public offices are public servant s, whether appointed by the government or not.

Social welfare worker Anna Hazare has led to a movement to compel the Indian Government to notify the Committee for implementation of the Lokayukta against corruption as an independent body and also giving enough powers to the lokayukta to also receive corruption complaints against politicians, bureaucrats and even sitting judges. Anna Hazare is currently pursuing an agenda to pass a bill called Jan Lokpal bill, and he has gathered the support of many citizens residing in metropolitan cities of India. He was on an indefinite fast at the Ramlila Ground, Delhi, in order to campaign for the cause.

**Remedies from Evil of Corruption**

**1. whistle blower protection in India:** Whistle blowers play a major role in the fight against corruption. India currently does not have a law to protect whistle blowers, which was highlighted by the assassination of Satyendra Dubey. Indian courts are regularly ordering probe in cases of murders or so-called suicide of several whistle blowers. One of the latest cases of such murder is of V Sasindran.

Company Secretary of Palakkad based Malabar Cement Limited, a Government company in Kerala and his two minor children, Kerala High Court ordered CBI probe on 18 February 2011. Initially, CBI showed its unwillingness for probing into such cases citing over-burden as a reason.

**2. Armed Forces:** The Indian Armed Forces have witnessed corruption involving senior armed forces officers from the Indian Army, Indian Navy and Indian Air Force. A number of scandals in the 2000-2010 periods damaged the military's reputation; such scandals included skimming of armed forces money, re-selling of government property, and faking combat missions.

**3. Right to Information Act:** The Right to Information Act (2005) and equivalent acts in the states that require government officials to furnish information requested by citizens or face punitive action, computerization of services and various central and state government acts that established vigilance commissions have considerably reduced corruption or at least have opened up avenues to redress grievances. The 2006 report by Transparency International puts India at the 70<sup>th</sup> place and states that significant improvements were made by India in reducing corruption. Black money refers to money removed from the official economy (via corruption, bribery, tax evasion, etc) and stored outside of the country. A November 2010 report from the Washington-based Global Financial Integrity estimates that India lost at least US\$ 462 billion in illicit financial flows, another word for black money, from 1948 through 2008. the report also estimated the size of India's underground economy at approximately US\$460 billion at the end of 2008 or roughly 50% of the nation's GDP.

**4. Black Money in Switzerland:** According to a 2010 The Hindu Article, unofficial estimates indicate that Indians had over US\$1456 billion in black money and stored in Swiss banks (approximately USD 1.4 Trillion). While some news reports claimed that data provided by the Swiss Banking Association Report (2006) showed India has more black money than the rest of the world combined, a more recent

report quoted the SBA's Head of International Communications as saying that no such official statistics exist. Another report said that Indian-owned Swiss bank account assets are worth 13 times the country's national debt. The current investigation is undertaken by the Income Tax Department.

**5. Medicine:** In Government Hospitals, corruption is associated with non availability of medicines, getting admission, consultations with doctors and availing diagnostic services.

**6. Income Tax Department:** There have been several cases of collusion of officials of the income tax department of India for a favourable tax treatment in return for bribes.

**7. Preferential Award of Public Resources Illegal Mining in India:** As detailed earlier, land in areas with short supply is relatively common with government entities awarding public land to private concerns at negligible rates. Other examples include the award of mining leases to private companies without a levy of taxes that is proportionate to the market value of the ore.

**8. Tendering Processes and Awarding Contracts:** Government officials having discretionary powers in awarding display negligence in quality control processes. Many state funded construction activities in India, which are groupings of corrupt public works officials, materials, suppliers, politicians and construction contractors. Shoddy construction and material substitution (e.g mixing sand in cement while submitting expenses for cement) result in roads and highways being dangerous, and sometimes simply washed away when India's heavy monsoon season arrives.

**9. Bureaucracy:** A 2005 study done by Transparency International (TI) in India found that more than 50% of the people had first-hand experience of paying bribe or peddling influence to get a job done in a public office. Taxes and bribes are common between state borders; Transparency International estimates that truckers pay annually us\$5 billion in bribes. A 2009 survey of the leading economies of Asia, revealed Indian bureaucracy to be not just least efficient out of Singapore, Hong Kong, Thailand, South Korea, Japan, Malaysia, Taiwan, Vietnam, China, Philippines and Indonesia, further it was also found that working with India's civil servants was a "slow and painful" process.

**10. Land and Property:** Officials often steal state property. In cities and villages throughout India, consisting of municipal and other government officials, elected politicians, judicial officers, real estate developers and law enforcement officials, acquire, develop and sell land in illegal ways.

## CONCLUSION

We are predict, as night follows day, that once the Lokpal bill is down, as it probably will be, we will have an open season in terms of attacks on the judiciary and beginning of the emasculation of this constitutionally badly drafted Lokpal bill is now clear. The purpose is not to create an "Independent-Judiciary". Independent institution like the Supreme Court, the Election Commission, the Comptroller and Auditor General, non-political armed forces the reserve bank of India have saved India from becoming the home of real or imagined "Conspiracies". But don't be surprised if this situation is now primed for change. The historical precedents and our amnesia don't suggest an optimistic prognosis. The Lokayukta here is weak as it does not powers to take suo moto cognizance of corruption or other powers. BJP support weak Lokayukta here and opposes a strong Lokpal Bill at the centre. The parties are adopting double standards when it comes to the Lokpal Bill, They opposes the bill at the centre, but in their states, the Lokayukta is appointed by the chief minister. The Lokpal Bill will not have even investigating powers. You will

complain to Lokpal but it cannot investigate why Lokpal is the government setting up? It means the government is cheating people. Our government is willingness to revisit a Lokpal Bill provision that makes it mandatory for state governments to create an anti-graft ombudsman on the central government model. Our government will in no case accept the 187 amendments, proposed by opposition MPs, because that would make the Lokpal legislation "an unrecognizable bill." IT is like Dhoni (Indian Cricket Captain) winning a match, he is a good captain and if he loses a match he is a bad captain. Government rejected demands for bringing CBI under the purview of the anti-graft ombudsman, warning that no entity should be created inconsistent with the country's constitutional frame work. Intervening in the debate on Lokpal and Lokayukta bill, Our PM dismissed opposition to the provision on setting up of Lokayukta in states, saying federalism cannot be an impediment in the war against corruption as essential services in the states are the "bane" of corrupt practices.

## REFERENCES

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