



## Need of Lokpal Bill in Present Democratic System: A Present Need

DR. RAJESH S. VYAS  
Principal,  
Shri N. S. Patel Law College,  
Modasa, Dist. Sabarkantha  
Gujarat (India)

### Abstract:

*India is fast becoming like Pakistan - a society where bizarre conspiracy theories are plausible, credible, and even highly probable. We no longer blame the CIA for floods or outbreaks of dengue. But there is reason to believe that the politics process is being manipulated to ensure sinister outcomes that are 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 wrongdoing of members of executive - Be they elected politicians or unelected officials.*

*Once the Supreme Court strikes down the Lokpal bill as it undoubtedly will, the stage will be set for a "popular" movement against the judiciary. Political workers will be brought into Delhi from neighboring states. There will be public "pressure" on the government to bring under its "control" the recalcitrant "anti-minority" "anti-reservation court.*

*The parliament has recently passed the new Lokpal bill but according to social activist Shri Anna Hazare there is lot of lacunas in new bill. According to him there is major conflict between Sarkari Lokpal and Jan Lokpal Bill. To maintain the transparency in whole system of government in which Administration, Judiciary including CBI and other all bodies of government should come under the Lokpal bill so there is a need to pass the present time Janlokpal Bill through the parliament which will be most reliable and acceptable by the people of India. We can predict, as night follows day, that once the Janlokpal bill is struck down, we will have an open season in term of attacks on the judiciary and the beginning of emasculation of this constitutionally independent institution.*

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**Keywords:** *Anti-corruption, Corruption, Democracy, Income tax, Lokpal, Lokpal bill, Lokayukta, RTI Act*

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### 1. Introduction

India 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 out breaks of dengue. But there is a reason to believe that the political process is being manipulated to ensure sinister out comes 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 corruptions, 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 undetermined 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 the Lokayukta uniformly across Indian States as a three-member 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.

## 2. Meaning of Lokpal

Lokpal Means the Place of Gods- The name Lokpal mythological refers to Vishnu, the sustainer, who looks after the earth.

A Lokpal is a proposed Ombudsman (Legal Representation) in India. The word has been derived from the Sanskrit words ‘Lok’ means people and ‘Pala’ Protector / Care taker. So the word Lokpal means care taker of people.

According to Jan Lokpal Act 2011 Section – 2 A “Lokpal” means and includes,

1. Benches constituted under this Act and performing functions under this Act;
2. Any officer or employee performing under this Act,
3. The Board in rest of the cases;

“Lokpal Bench” means a Bench of two or more members of the Lokpal acting together in respect of any matter in accordance with the regulations stipulated. Each bench shall have a member with legal background or from legal fraternity.

## 3. History

The word “Lokpal” was coined in 1963 by late Shri L. M. Singhvi a Member of Parliament during a debate in parliament about grievance redress mechanisms. His son Dr. Abhishek Singhvi is now the head of the parliamentary standing committee reviewing the Lokpal bill. Unfortunately his efforts are perceived as if he is after weak Lokpal bill following the wishes of political parties, not following his father on moral standards.

The first Jan Lokpal Bill was proposed by Mr. Shanti Bhusan in 1968 and passed in the fourth Loksabha in 1969 but could not get through the Rajya Sabha. Subsequently, by Lokpal bill was reintroduced in 1971, 1977, 1985, 1989,1996,1998,2001, and 2005 and in 2008. Forty two years after its first introduction, the Lokpal Bill has not been functional for the lack of legislative support and political will.

The Lokpal Bill provides for filling complaints of corruption against the prime minister, ministers, MPs along with the ombudsman. The Administrative Reforms Commission (ARC) 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 deeply affected citizens but also necessary to instill public confidence in the efficiency of the administrative machinery. Following, the Lokpal Bill was for the first time presented during the fourth Loksabha in 1968, and was passed there in 1969 in vainly.

There is a question coming up in present time that does the Lokpal Bill impinge on the country's federal structure? In Article 252 of the constitution provides that in case Parliament does not have numbers to enact a law then it can on the request of the states make law for those states as well as that request for it. Article 253 says that Parliament is empowered to enact laws on matter enforced in international treaties and UN conventions. For example, there is no legislative subject in our constitution called human rights here in India. But we happened to be a signatory to the UN Human Rights Convention; we enacted laws to establish the National Human Rights Commission. Similarly, in 2003 UN convention on fighting corruption empowers Parliament to make laws to tackle graft. It is on the basis that the Lokpal Bill has been introduced under Article 253. Why this bigotry when it is accepted in human rights and not in case of Lokpal some parties argue that it impinges federalism unnecessarily.

In recent years, the subject of corruption has received considerable attention. Work on governance has brought it into the light and it is no longer taboo. Corruption is being addressed by financial institutions, government agencies, bilateral donors, international organizations, non-governmental organizations (NGOs) and development professionals. Its causes have been measured empirically, as have its impacts on human development. Institutions and administrative procedures have been overhauled. Countries have negotiated and signed international anti-corruption conventions. The United Nations Office on Drugs and Crime (UNODC) Global Programme against Corruption has acted as a catalyst, helping countries to implement the United Nations Convention against Corruption (UNCAC). Transparency International (TI) and other civil society actors have created a large forum for discussion and advocacy around its many forms; an international coalition of NGOs has emerged, challenging corruption "from below".

Yet corruption clearly remains a challenge. Despite countless policy diagnoses, public campaigns to raise awareness, and institutional and legal reforms to improve public administration, research shows that it continues to flourish. Indeed, opinion polls suggest that the public is more pessimistic than before about the likelihood of eliminating it. Combating corruption requires strong collective efforts from different sectors in society acting in co-ordinate ways. The aim of this report is to encourage and assist individuals and institutions which Anti-corruption action has produced a mountain of words and hardly a molehill of solid results in terms of positive change, or, reform, in institutional behaviour. Failure in this regard has much to do with the complexity, dynamism and pervasiveness of the corruption. Where corruption is choking development, a few with access systematically distort political and economic decisions which might be made (systematically) with conflict of interest at play.

However while it was pending in the Rajya Sabha, the Lok Sabha was dissolved and so the bill was not passed at that time. The bill was received several times in the subsequent years, most recently in 2008. Each time, after the bill was introduced to the house, it was referred to some committee for improvements – a joint committee of parliament or departmental standing committee of the Home Ministry and before the government could take a final stand on the issue,

the house was dissolved again. Several conspicuous flaws have been cited in the recent draft of the Lokpal Bill. The basic idea of the Lokpal is borrowed from the office of ombudsman which has Administrative Reforms Committee of a Lokpal at the Centre and Lokayukta(s) in the states.

Anna Hazare fought for this bill to get passed and it did on Dec 27, 2011 around 9:30 with modification (proposed as the Jan Lokpal Bill). However, Hazare and his team and other political parties claim that the Lokpal Bill passed is weak and would not serve its intended purpose. So proposed bill by the ruling Congress Party is yet to get acceptance from the Rajyasabha. As of Dec 29, 2011, the bill has been differed to the next parliamentary session amid lots of drama and disruption by the LJP, RJD and SP parties. The media at large and the opposition parties have claimed the situation to be staged.

To understand the importance of Lokpal in Democratic system firstly we should know about the real position of corruption in our country.

#### 4. Definition of Corruption

The term “corruption” comes from the Latin word *corruptio* which means “moral decay, wicked behaviour, putridity or rottenness”.<sup>1</sup> The concept may have a physical reference, as in “[t]he destruction or spoiling of anything, especially by disintegration or by decomposition with its attendant unwholesomeness and loathsomeness; putrefaction”; or moral significance, as in “moral deterioration or decay... [the] [p]erversion or destruction of integrity in the discharge of public duties by bribery or favour...”.<sup>2</sup>

These definitions are representative of two common shortcomings: they define corruption only in terms of bribery, or in terms that are very general. As a result, corruption definitions tend either to be too restrictive or excessively broad. In fact, this is not as contradictory as it may seem. Corruption has indeed broad causes and consequences. As Michael Johnston, a Professor at Colgate University has stated: “In rapidly changing societies the limit between what is corrupt and what is not is not always clear and the term corruption may be applied broadly.”<sup>3</sup>

Corruption demands a multidisciplinary approach, and many fields of study, from political science to economics, have addressed the issue. Each has a different perception of the problem and therefore generates different policies: operational definitions tend therefore to start broad and become more specific as they try to render corruption measurable. A well-known classification distinguishes grand from petty corruption. *Grand corruption* refers to the corruption of heads of state, ministers, and top officials and usually involves large amounts of assets.<sup>4</sup>

#### 5. 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 & Order), Power, Telephone (Communication), Railways (Transport), Land & Building Administration, Judiciary, Taxation and Ration (Public distribution system).

An estimated sum of Rupees (Rs.) 26,768 crores 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 co-relating and 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. (eg., When patients are directed to specific pathological laboratories for conduct of tests).

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 redressal. In such areas Civil Society organizations can raise awareness among the populace and act as catalysts.

Causes for corruption is 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 corrupt and the lack of adequate supervision.

## **6. Perspectives on Corruption**

### **6.1 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.

### **6.2 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 cross-country data. Based on the corruption rankings 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 (Bardhan: Corruption & Development, Journal of Economic Literature, September 1997).

### **6.3 International Perspective on India**

India is amongst the most corrupt countries of the world with a score of only 3.3 out of 10 and ranks 95 amongst 178 countries in 2011. India's score has declined from 3.3 (rank 87) in 2011 to 3.1 (rank 95) in 2012. The survey of international business perceptions ranks India worse than China. World Competitiveness Year Book 2000 also ranks India amongst those countries where bribing and corruption is very high.

#### **Corruption Perception Index and Rank of India, 1995-2012**

<b>Year No.</b>	<b>Of Countries</b>	<b>CPI</b>	<b>Rank</b>
1995	41	2.78	35
1996	54	2.63	46
1997	52	2.75	45
1998	85	2.9	66
1999	99	2.9	72
2000	90	2.8	69
2001	91	2.7	71
2002	102	2.7	71
2010	178	3.3	87
2012	178	3.1	95

*Source: Corruption Perception Index, Transparency International, Berlin.*

Note: The corruption perception index is a composite index. In 2011, India with a score of 3.1 ranks 90 among 178 countries covered. Yearly variations in rank, if any do not reflect either improvement or deterioration in level of corruption.

CPI as the name indicates is a study based on perception of business people and risk analysts. It neither reveals the level and extent of corruption nor identifies sectors where corruption is prevalent. It is not based on hard data.

Hence, CPI though relevant and gives an overall view, falls short, if its data is to be utilized for identifying areas that need to be tackled, planning activities and conducting programs for the specific sectors. Hence the need for national and state level assessments of the actual experiences of the common man who is the legitimate recipient of the public services delivered by the government, and bears the brunt of all acts of misgovernance and corruption.

### **6.4 Perspective of People**

Indians think that corruption cannot be eliminated in India – at least not in their lifetime. This pessimistic and cynical perception of the people is largely an outcome of confusing corruption with all kinds of illegal actions and activities like dishonesty, cheating, duping, mind set etc. Most illegal actions, many of which are private actions are confused with corruption. The Prevention of Corruption Act 1988 and Indian Penal Code clearly distinguish between corruption

indulged by public servants for private gains and illegal actions by individuals. There are separate Acts in India for dealing with different kinds of illegal actions of private individuals. For example, if a public servant amasses wealth disproportionate to his known sources of income then he can be tried under Prevention of Corruption Act 1988. However, if a businessperson amasses wealth disproportionate to his known source of income he will be dealt under Income Tax Act for concealing his income and not under Prevention of Corruption Act.

### **7. 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. The license-permit-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 (most of them archaic), 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.

### **8. 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 any 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, the government also aids many other kinds of organizations. 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 every person who is in the actual possession of the situation of a public servant and discharging public duty which the state, public or the community at large has

a interest. Persons holding various public offices are public servants, 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 the 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 Grounds, Delhi, in order to campaign for the cause.

## **9. Remedies from Evil of Corruption**

### **9.1 Whistleblower protection in India**

Whistleblowers play a major role in the fight against corruption. India currently does not have a law to protect whistleblowers, 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.

### **9.2 Organizations**

A variety of organizations have been created in India to actively fight against corrupt government and business practices. Notable organizations include:

- 5<sup>th</sup> Pillar is most known for the creation of the zero rupee note, a valueless note designed to be given to corrupt officials when they request bribes.
- India against Corruption is a movement created by citizens from a variety of professions and statuses to work against corruption in India. It is currently headed by Anna Hazare.
- Jaago Re! One Billion Votes is an organization originally founded by Tata Tea and Janaagraha to increase youth voter registration. They have since expanded their work to include other social issues, including corruption.
- Association for Social Transparency, Rights and Action (ASTRA) is an NGO focused on grass-roots work to fight corruption in Karnataka.

One organization, the Lok Satta Movement, has transformed itself from a civil organization to a full-fledged political party, the Lok Satta Party. The party has fielded candidates in Andhra Pradesh, Tamil Nadu, and Bangalore. In 2009, it obtained its first elected post, when Jayaprakash Narayan won the election for the Kukatpally Assembly Constituency in Andhra Pradesh.

#### **9.2.1 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.



### ***9.2.2 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 70th 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\$640 billion at the end of 2008 or roughly 50% of the nation's GDP.

### ***9.2.3 Black Money in Switzerland***

According to a 2010 The Hindu article, unofficial estimates indicate that Indians had over US\$1456 billion in black money 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

### ***9.2.4 Medicine***

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

### ***9.2.5 Income Tax Department***

There have been several cases of collusion of officials of the income tax department of India for a favorable tax treatment in return for bribes.

### ***9.2.6 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

### ***9.2.7 Tendering Processes and Awarding Contracts***

Government officials having discretionary powers in awarding contracts engage in preferential treatment for selected bidders and display negligence in quality control processes. Many state-funded construction activities in India, such as road building, are dominated by construction mafias, 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.

### **9.2.8 Bureaucracy**

A 2005 study done by Transparency International (TI) in India found that more than 50% of the people had firsthand 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.

### **9.2.9 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.

### **9.3 Zoom in: Give Attention to Local Government**

Local governments deliver crucial public services (healthcare, education, infrastructure projects, etc.) that are especially vital for vulnerable and disadvantaged groups. Corruption can increase the cost of such services, lower their quality and distort their distribution. Clientelism and patronage are one of the greatest challenges at local government level. Human rights organizations and NHRIs should encourage local governments to be publicly accountable by promoting participatory budget analysis, social auditing and other innovative mechanisms. Human rights organizations can play an essential role in monitoring corruption in local governments and assisting communities and the public to identify and denounce it. When doing so, they should give special attention to disadvantaged groups, minorities and less organized groups. Women's participation may be essential to ensure that their rights are defended and that gender-sensitive policies are adopted. There are opportunities to use inventive techniques – use of radio and theatre, and adoption of participatory investigation techniques and innovative methods for gathering information.

To work effectively with excluded and marginalised groups, human rights and anti-corruption organizations will need to build relationships that overcome the understandable scepticism such groups often have of outsiders. These groups are likely to need to develop relationships over a long period, to work closely with people and organizations that are trusted in the communities concerned, and adopt approaches that allow members of the community to speak and act for them.

When local government corruption is persistent and where national government has made commitments to human rights, human rights organizations should also work closely with ministries to ensure that they support appropriate interventions at local level, both to sanction corruption and ensure that sectoral services such as health, education and water are provided equitably and to a correct standard.

### **9.4 Engage the Media**

The media naturally play an important role because it is through international or local media that people generally become aware of human rights violations and corruption. Sensitizing the media to corruption, and linking it to human rights violations, has enormous educational and advocacy potential. To combat corruption in the long-term, it will be essential to change the attitudes towards corruption of younger people. If the next generation grows up perceiving corruption to

be normal, the battle has already been lost. The media have a great capacity to influence the development of anti-corruption awareness among young people.

## 10. 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 emarculation 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 week 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 (SAD and BJP) are adopting double standards when it comes to the Lokpal Bill, They opposes the bill at the centre, but in their states, tne 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 Caption) winning a match, he is a good caption and if he loses a match he is a bad caption. 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 P.M. 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.

*The Question Arise in our mind that whether CBI should be brought under Lokpal? We don’t think that entire CBI can be brought under the Lokpal. The CBI is a huge organization whose investigative capabilities are used for so many things other than fighting corruption. At best you can put 50 or 60 CBI officers on deputation with the Lokpal. However, if the CBI is under the government and the government is the prosecutor, there is a clear conflict of interest in prosecuting government corruption. I believe the CBI should be autonomous in any case.*

*Like this another Question is stand before us Is the Lokpal can be a magic bullet against corruption? Not at all, just like water binds its own level, people will find other routes to corruption. But the Lokpal can be a deterrent and create some fear in the minds of potential offender. A senior leader of BJP’s punched holes in the Lokpal Bill, saying it was anything but a strong and effective law to deal with corruption in the country. Her objection bodies on the lines of the Central Lokpal and the selection process of the ombudsman. Senior Congress leader and IT and Communication Minister Kapil Sibel led the government’s counter charge. He lashed out at the BJP for indulging in grandstanding but not wanting the bill to be passed. “Their politics is not to allow Lokpal, but just to criticize the government. They have not given a single positive*

suggestion on it.” Left parties also opposed the bill saying it was too weak to fight corruption in the country. Corruption encountered by the common man had mostly to do with services rendered by state government. “State services, real corruption is there. Patwari does not work, people do not get ration, no place in hospital real issues which affect people are with state governments.” Making the CBI apart of the Lokpal cannot be an end in itself. The proposed scheme is more sophisticated.

### References

1. Milovanovic, (2001).
2. Oxford English Dictionary, (1978). pp. 1024-1025.
3. Johnston, (2005). p. 11.
4. See Anti-Corruption Resource Centre, *Corruption Glossary* available at: *Petty corruption*, also called “low” and “street” corruption, indicates the kinds of corruption that people experience in their encounters with public officials and when they use public services (hospitals, schools, local licensing authorities, police, tax offices, etc.). It generally involves modest sums of money.
5. [www.u4.no/document/faqs5.cfm#grandcorruption](http://www.u4.no/document/faqs5.cfm#grandcorruption).