

Lokpal bill



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KONERU LAKSHMAIAH UNIVERSITY SEMINAR PRESENTATION TOPIC: LOKPAL
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[2ND YEAR] Lokpal Bill is not a new word for Indian people. It is frequently used against corruption.

Anna Hazare creates a new history for the demand of Jan Lokpal Bill in the year of 2011. There is a discussion about a struggling history of Jan Lokpal Bill and important of Lokpal Bill in India in the context of corruption. What is Jan Lokpal Bill? Jan Lokpal Bill is a proposed anti-corruption law drawn up by prominent civil society activists to deter corruption effectively. Word of Jan Lokpal Bill derives from Lokpal which means ombudsman (Legal Representative) in India. Lokpal word has been derived from the Sanskrit words " loka" (people) and " pala" (protector/caretaker).

So Lokpal is meant as the 'protector of people'. Jan Lokpal Bill is referred as citizens' ombudsman bill also in India. Ombudsman would create the law called the Lokpal Bill. It would be an independent body similar to the Election Commission of India. The Lokpal will have a three-member body with a chairperson. The chairperson will be a chief justice or Supreme Court judge. Other two members will be high courts judges or chief justices. Importance of Jan Lokpal Bill: It is being expected that Lokpal bill will reduce corruption in India.

The Jan Lokpal bill provides powers to of filing complaints of corruption against the prime minister, other ministers and members of parliament with the ombudsman. The Lokpal Bill gives us a right, except for a public servant, to file a complaint and the Lokpal has to complete the inquiry within six

months. History of Lokpal Bill: There is a struggle for Lokpal Bill of last 42 years. First time, the bill was presented during the fourth Lok Sabha in 1968. It was passed there in 1969. Lokpal Bill was revived in 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005 and 2008.

In 2010, Lokpal Bill, awaits an okay from a select committee. According to former chief justice of Delhi high court and rights activist Rajinder Sachar, Lokpal Bill is " shamefully toothless and meant to give a false reassurance to the people that the government is serious in its fight against corruption". But former chief justice of India M N Venkatachelliah said that the PM must be out of its purview. Statement of M N Venkatachelliah was supported by Rahul Gandhi also. Role of Anna Hazare in Jan Lokpal Bill: Who is Anna Hazare?

Kisan Bapat Baburao Hazare or Anna Hazare, is a social activist and a social worker. He used to work as a driver in the Indian Army and has been greatly influenced by Swami Vivekanada, Ghandiji and Acharya Vinobha Bhave. He is especially recognized for his contribution to the development of Ralegan Siddhi, a village in Ahmednagar district, Maharashtra. After voluntary retirement from the army, Hazare came to Ralegan Siddhi village in 1975. Initially, he led a movement to eradicate alcoholism from the village.

Next, he motivated the residents of the village into shramdan (voluntary labour) to build canals, small-scale check-dams and percolation tanks in the nearby hills for watershed development; efforts that solved the problem of scarcity of water in the village that also made irrigation possible. He helped farmers of more than 70 villages in drought-prone region in the state of Maharashtra since 1975. He also motivated the residents of the village to

build a secondary school in the village through voluntary labour. Lokpal Bill movement

In 2011, Anna Hazare led a movement for passing a stronger anti-corruption Lokpal (ombudsman) bill in the Indian Parliament. As a part of this movement, N. Santosh Hegde, a former justice of the Supreme Court of India and Lokayukta of Karnataka, Prashant Bhushan, a senior lawyer in the Supreme Court along with the members of the India Against Corruption movement drafted an alternate bill, named as the Jan Lokpal Bill (People's Ombudsman Bill) with more stringent provisions and wider power to the Lokpal (Ombudsman).

Hazare has started a fast up to death from 5 April 2011 at Jantar Mantar in Delhi, to press for the demand to form a joint committee of the representatives of the Government and the civil society to draft a new bill with more stronger penal actions and more independence to the Lokpal and Lokayuktas (Ombudsmen in the states), after his demand was rejected by the Prime Minister of India Manmohan Singh. The movement attracted attention very quickly through various media.

It has been reported that thousands of people joined to support Hazare's effort. Almost 150 people are reported to join Hazare in his fast. He said that he would not allow any politician to sit with him in this movement. Many social activists including Medha Patkar, Arvind Kejriwal and former IPS officer Kiran Bedi have lent their support to Hazare's hunger strike and anti-corruption campaign. This movement has also been joined by many people providing their support in Internet social media such as twitter and facebook.

In addition to spiritual leaders Swami Ramdev, Swami Agnivesh and former Indian cricketer Kapil Dev, many Bollywood celebrities like Shekhar Kapur, Siddharth Narayan, Anupam Kher, Madhur Bhandarkar, Pritish Nandy, Priyanka Chopra, Prakash Raj, Aamir Khan, Chetan Bhagat showed their public support through twitter. As an outcome of this movement, on 6 April, 2011 Sharad Pawar resigned from the group of ministers formed for reviewing the draft Lokpal bill 2010.

Anna Hazare started his "Fast until Death" at Jantar Mantar, New Delhi, stating "I will fast until Jan Lokpal Bill is passed" The movement gathered quite a significant amount of support from India's youth visible through the local support and on social networking sites like Facebook and Twitter.

Differences between Government's Lokpal and Jan Lokpal Bill: Lokpal Bill: -> Government will not have any power: -> To initiate action suo motu in any case -> To receive complaints of corruption from public -> To register an FIR -> Police powers > To investigate any case against PM in foreign affairs, security and defence -> To jurisdiction over bureaucrats and government officers Jan Lokpal Bill 2011: -> The Jan Lokpal Bill will have power: -> To initiate investigations suo motu in any case -> To complaints from the public -> To initiate prosecution after completion of investigations -> Police powers -> To register FIR, proceed with criminal investigations and launch prosecution -> To jurisdiction over politicians, officials and even judges -> To merge the entire vigilance machinery into Lokpal

Recent Updates about Jan Lokpal Bill: Once again, Anna Hazare has announced to fast unto death at Jantar Mantar from August 16 if the government doesn't pass the Jan Lokpal Bill. It will be the second battle of

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independence for him. He suggests his followers to opt the path of non-violence. About Jan Lokpal Bill: The Jan Lokpal Bill 2011 is a draft anti-corruption bill. The bill is drafted by Justice Santosh Hegde (former Supreme Court Judge and present Lokayukta of Karnataka), Prashant Bhushan (Supreme Court Lawyer) and Arvind Kejriwal (RTI activist).

The draft Bill predicts a system where a corrupt person would go to jail within two years if he found guilty. It seeks power to prosecute politicians and bureaucrats without government permission. Features of Jan Lokpal Bill:

1. An institution called LOKPAL at the centre and LOKAYUKTA in each state will be set up
2. Like Supreme Court and Election Commission, they will be completely independent of the governments. No minister or bureaucrat will be able to influence their investigations.
- 3.

Cases against corrupt people will not linger on for years anymore:

Investigations in any case will have to be completed in one year. Trial should be completed in next one year so that the corrupt politician, officer or judge is sent to jail within two years.

4. The loss that a corrupt person caused to the government will be recovered at the time of conviction.
5. How will it help a common citizen: If any work of any citizen is not done in prescribed time in any government office, Lokpal will impose financial penalty on guilty officers, which will be given as compensation to the complainant. . So, you could approach Lokpal if your ration card or passport or voter card is not being made or if police is not registering your case or any other work is not being done in prescribed time. Lokpal will have to get it done in a month's time. You could also report any case of corruption to Lokpal like ration being siphoned off, poor quality roads been constructed or panchayat funds being

siphoned off. Lokpal will have to complete its investigations in a year, trial will be over in next one year and the guilty will go to jail within two years. 7.

But won't the government appoint corrupt and weak people as Lokpal members? That won't be possible because its members will be selected by judges, citizens and constitutional authorities and not by politicians, through a completely transparent and participatory process. 8. What if some officer in Lokpal becomes corrupt? The entire functioning of Lokpal/ Lokayukta will be completely transparent. Any complaint against any officer of Lokpal shall be investigated and the officer dismissed within two months. 9. What will happen to existing anti-corruption agencies?

CVC, departmental vigilance and anti-corruption branch of CBI will be merged into Lokpal. Lokpal will have complete powers and machinery to independently investigate and prosecute any officer, judge or politician. 10. It will be the duty of the Lokpal to provide protection to those who are being victimized for raising their voice against corruption. To summarise, we can say, it will give more power to RTI act, corruption will be tackled and dealt with quickly, whistle blowers will (most likely) also get some protection for raising their voice against corruption.

What is the need of Lokpal Bill in our society? Do you think Lokpal Bill is really needed in our society to make an ideal state? Government has already CVC, departmental vigilance and anti-corruption branch of CBI to stop corruption. What would be moral line of Lokpal Bill? Why a person will not be corrupt where money is everything? How an anti-corrupt society or state will fulfill the basic needs of people? Can a capitalist state be anti-corrupt which

motive is nothing but profit? How a profit oriented society can serve basic need of people?

How the difference between rich and poor will be filled? Government has already exposed the power of ' STATE' demolishing strike of Ram Dev Baba at Ramlila Maidan, New Delhi. We have seen the monopoly of Indian government in union budget 2011 also. In this context, people should think about the future of Lokpal Bill. Jan Lokpal Bill will improve existing anti-corruption systems. Existing System| System Proposed by civil society| No politician or senior officer ever goes to jail despite huge evidence because Anti Corruption Branch (ACB) and CBI directly come under the government.

Before starting investigation or initiating prosecution in any case, they have to take permission from the same bosses, against whom the case has to be investigated. | Lokpal at centre and Lokayukta at state level will be independent bodies. ACB and CBI will be merged into these bodies. They will have power to initiate investigations and prosecution against any officer or politician without needing anyone's permission. Investigation should be completed within 1 year and trial to get over in next 1 year. Within two years, the corrupt should go to jail. No corrupt officer is dismissed from the job because Central Vigilance Commission, which is supposed to dismiss corrupt officers, is only an advisory body. Whenever it advises government to dismiss any senior corrupt officer, its advice is never implemented. | Lokpal and Lokayukta will have complete powers to order dismissal of a corrupt officer. CVC and all departmental vigilance will be merged into Lokpal and state vigilance will be merged into Lokayukta. | No action is taken against corrupt judges because permission is required from the Chief Justice

of India to even register an FIR against corrupt judges. Lokpal & Lokayukta shall have powers to investigate and prosecute any judge without needing anyone's permission. | Nowhere to go - People expose corruption but no action is taken on their complaints. | Lokpal & Lokayukta will have to enquire into and hear every complaint. | There is so much corruption within CBI and vigilance departments. Their functioning is so secret that it encourages corruption within these agencies. | All investigations in Lokpal & Lokayukta shall be transparent. After completion of investigation, all case records shall be open to public.

Complaint against any staff of Lokpal & Lokayukta shall be enquired and punishment announced within two months. | Weak and corrupt people are appointed as heads of anti-corruption agencies. | Politicians will have absolutely no say in selections of Chairperson and members of Lokpal & Lokayukta. Selections will take place through a transparent and public participatory process. | Citizens face harassment in government offices. Sometimes they are forced to pay bribes. One can only complaint to senior officers. No action is taken on complaints because senior officers also get their cut. Lokpal & Lokayukta will get public grievances resolved in time bound manner, impose a penalty of Rs 250 per day of delay to be deducted from the salary of guilty officer and award that amount as compensation to the aggrieved citizen. | Nothing in law to recover ill gotten wealth. A corrupt person can come out of jail and enjoy that money. | Loss caused to the government due to corruption will be recovered from all accused. | Small punishment for corruption- Punishment for corruption is minimum 6 months

and maximum 7 years. | Enhanced punishment - The punishment would be minimum 5 years and maximum of life imprisonment. |