

## PalArch's Journal of Archaeology of Egypt / Egyptology

### LOKPAL AND GOOD GOVERNANCE

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**Parishkar Shreshth. LOKPAL AND GOOD GOVERNANCE--Palarch's Journal Of  
Archaeology Of Egypt/Egyptology 17(7), 11030-11037. ISSN 1567-214x**

**Keywords: Lokpal Bill, Governance, Corruption.**

#### **Abstract**

We have not received an adequate benefit from the government for decades since our independence. India is now a young country that is at a transitional stage. Today citizens of India want to utilise all the resources and opportunities most productively. So, good governance is mandatory for total development. Because of the uncertainty about India's country, it is possible only a Lokpal like institution can change peoples' minds about development. We are waiting for a major positive change. Corruption in India is a major concern and is a detriment to the economy. According to research, the bulk of public corruption is financed by a government programme. Now voters in India appreciate the value of their vote. They usually call for the development of a system to reduce corruption. The Lokpal bill against corruption is a good tool, but its implementation has been held back because of a lack of enthusiasm and disappointment. The purpose of this study is to understand voters' thoughts and feelings about the Lokpal bill. This paper highlights the significant issues of Lokpal and its impact on governance.

#### **Introduction**

Governance is a Human concept. There is an important discussion about governance taking place right now. Usually, governance refers to the tasks of running the government. "Governance" is not synonymous with "government." The concept of governance is broader. The government remains at the top of the regulatory institutions. Governance means both formal and informal who are engaging in the decision making process and the executing processes. Governance combines the establishment, operation and networking of social institutions. It can be made to manifest informal rules and regulations, decision-making procedures and programmatic activities that serve to define social practices. There are many collective self-help approaches such as irrigation, water distribution, dispute-

resolution, or defence of the community in daily life. Basically, governance is one who can get things done. Good governance includes eight important attributes. It is participatory, accountable, transparent, responsive, effective, efficient, equitable and inclusive and follows the rule of law. This programme will diminish corruption in society. Public participation is a must in order to maintain good governance. The representative design of a democratic government is vital. It is important for a well-organised government. Governance requires the rule of law. To ensure the fairness of laws, legal frameworks need to be impartial. A lot of openness about decisions and their implementation follows the rule and standards. Accountability, conscious, and appropriate execution are vital for good governance. Good governance is ideal but difficult to achieve. It is our duty as citizens to achieve the best possible governance. But nowadays, corruption becomes cancer and governance become corrupt. We have to go as far as possible in establishing good governance in India.

Indian constitution is also well thought out and is a wonderful piece of work. There is a loophole in the system that doesn't have an effective and watchful power to keep an eye on the political process. Other groups can have self-discipline, plus the system of 'the rule of law' for protection. This experience certainly proves that power corrupts absolutely. The concept of Ombudsman or Lokpal is to resolve the problem of poor governance in India. Parliament will never pass any Lokpal bill if left to decide on its own. With Anna Hazare being forced down the throat of the nation's leaders, there has been a longer-term effect on social policy and political developments.

It is well-recognised that the level of corruption is an element in the development matrix and has links with every other element of development public health, education and the like. It is surprising to know that such a mediocre thing can come from an intelligent, articulate, and prominent cabinet. Corruption has affected society in several ways. Of the major types of bribery, money is the most common—any forms of nepotism (excessive favouritism for relatives) and favouritism (undue generosity). It was unduly favouring one over another.

### **Lokpal Bill and Good Governance**

The Jan Lokpal Bill seeks to enforce an independent anti-corruption body that is empowered to look into corruption cases. The people of this body would have the ability to prosecute all the officials, politicians and bureaucrats involved in any wrongdoing without getting permission from any government. This bill originally went through the hands of the prominent civil society activist Justice Santosh Hegde.

Former Supreme Court Justice (David) Hormats and current Lokayukta of Karnataka, Prashant Bhushan (Supreme Court Lawyer)

The "Lokpal" was coined in 1963 by L.M.Singhvi, a member of Parliament during a debate. Grievance redressal mechanisms. A son of Dr Abhishek Singhvi is now the Chairperson of the Rajya Sabha. The committee is studying the bill. This is to draw the attention of the Government that the Jan Lokpal Bill should be ratified since it is the need of the hour. Anna Hazare is quite. These were listed as

principal members of the Core of Civil Society and the IAC movement. He is a foreground for acting.

Lokpal campaign has set up a website [IndiaAgainstCorruption.org](http://IndiaAgainstCorruption.org) to encourage suggestions and objections from the citizens across India. Through these collaborative efforts, IAC was able to publish the last draught of Jan Lokpal Bill in August 2011. The Lokpal Bill was first introduced by Shanti Bhushan in 1968 and passed the House of the Indian Parliament in 1969. However, before the bill could be passed in the Rajya Sabha, the Lok Sabha was dissolved, and the bill lapsed. Subsequent versions were reintroduced in 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005 and in 2008, but none of them was approved. Parliament passed the Lokpal Bill in 2011, but it was turned down in the Senate. After Ministerial panels, the new Lokpal Bill will be drafted by five ministers of government and 5 NGO representatives. The Government of India has established a Joint Committee of ministers and other advisors to draught and submit a very effective Jan Lokpal Bill. The ministers in the 50:50 planning are Pranab Mukherjee (chairman), Mohan Lal, and Verappa Moily. Chidambaram, Khan, Salman Khurshid. Civil society representatives include Shanti Bhushan, Anna Hazare, Santosh Hegde, Arvind Kejriwal, Prashant Bhushan.

This Bill, which would be drafted by the Joint Committee of 50:50, will be presented in Parliament on 15th August 2011. Anna Baba continued to fast at Ramlila grounds in solidarity with Baba Ramdev and his followers. He also declared that he would proceed with his protest action if the Parliament does not pass the bill in the 15th August.

### **Main Features of Lokpal Bill**

The Lokpal is at the centre, and a Lokayukta will be set up in each state. Like the Supreme Court and Election Commission, they will be completely independent of the government, and no minister or bureaucrat will be able to directly influence their investigations. Cases against corrupt people will not linger on for years anymore. Most investigations will have to be completed within one year. A trial should be completed within next year so that corrupt politician, officer or judge will be sentenced. The corrupt officials are required to be compensated by the government when caught. Vices are sometimes forced on the common citizen by unprofessional behaviour in government offices.

Secondly, people can now approach Lokpal for ration card or passport or voter card if there is a delay or uncounted issues. Absence of registration for work is not being avoided. The Lokpal Bill will be considered by Parliament in a week's time. They can present any report of corruption to Lokpal, which includes syphoning off ration, poor quality roads been constructed, or funds being syphoned off from Panchayat. Lokpal must complete its investigation within a year, and the trial will conclude in one year's time. But will the members of the Lokpal be corrupt and incapable? That won't happen because its members will be selected by judges, citizens and constitutional authorities. Completely transparent and participatory process. What if the corrupt officer is in Lokpal? The entire functioning of Lokpal / Lokayukta will be totally reliable because of its fully transparent nature. Any complaint against the Lokpal officer shall be investigated, and the Lokpal

officer dismissed within two months. What will happen to the existing anti-corruption agencies? CBI, departmental vigilance and the anti-corruption branch will be transformed into Lokpal. Lokpal will have the full authority to prosecute any person in a political and administrative group for any wrongdoing. It will be the duty of the Lokpal to protect whistleblowers.

### **Support for the Bill**

Corruption Watch in India conducted a survey on the draught Lokpal Bill. The survey showed that 85% of participants were against the government's bill. Candidates cited the strong showing achieved by Sibal in his constituency of Rajya Sabha from Chandni Chowk. According to the poll conducted by CNN-IBN & CNBC-TV18, less than three-fourths of the respondents had heard of Lokpal. On average, 34% of the respondents have heard of the Ombudsman. However, 24% of the respondents were unsure of what it meant. The Justice for Jan Lokpal Bill Minister, Prashant Bhushan, has demanded a nation-wide referendum on the Jan Lokpal Bill to gauge the nation's mood.

Post the massive popularity of Anna Hazare's movement, and several parties have come out supporting Jan Lokpal Bill. One notable Congress MP from Maharashtra is Priya Dutt. Datta Meghe demanded that Manish Tiwari must apologize to Anna Hazare for the statements from him. Besides, this is commendable because many parliamentarians were compelled to remain confined in their houses as supporters of Anna protested outside their houses. Protests were also seen outside the residence of Sheila Dixit, Kapil Sibal, Pranab Mukherjee and others. Varun Gandhi, a BJP MP, had passed the bill as a private member's bill.

Reports state that fast by Anna Hazare was successful due to the support of millions through social media. On August 15th, 2012, on Independence Day, Anna had over 500,000 mentions in status updates and comments on top social networking sites, such as Facebook and Twitter in Singapore. Three days later, that number had increased to 10 million. On Youtube, over 40,000 people have watched Anna's video. On Facebook, there are 542 fan pages related to Anna.

Overall, over 87% of the respondents supported the Lokpal Bill. The survey data involved public support and awareness of Anna Hazare's "Jan Lokpal Bill" campaign. A huge number of people joined Times of India online anti-corruption campaign. This campaign has offered citizens a convenient platform to voice their opinions and concerns.

### **Difference Between Government Bill & Lokpal Bill**

#### **Existing System**

Politicians and high ranking officers in the government can commit corruption because the Anti-Corruption Branch and Crime Bureau (CBI) are under the government. Before starting investigation or initiating prosecution in any case, they have to give permissions from the people from whom; the accusation has been made. No unjust or corrupt officer will ever be dismissed because the Central Vigilance Commission does not have that power. Besides, this is an advisory body. The LTA has had plans to dismiss any corrupt senior officers.

Therefore nothing is done. There is no criminal action taken against corrupt judges in India because the chief justice of India has to approve it. No proper action has been taken against graft or intimidation. There is too much corruption within CBI and vigilance services. Their operation is so covert that it encourages. There is corruption within these agencies. Weak and corrupt people take the top posts in anticorruption bodies. Citizens are abused in government offices. Some of them have to pay bribes. One can only complaint to senior officers. There is no action to be taken upon complaints because the senior officers also get a cut from it. There is no legal recourse to recover the ill-gotten wealth. A corrupt person will still be able to use his ill-gotten wealth. The punishment for corruption is six months to seven years' imprisonment.

### **The system proposed by Civil Society:**

Lokpal and Lokayukta will be independent bodies. CBI and ACB will be merged to form a new agency body. With this authority, Parliament will be able to investigate and prosecute any civil servant or government official. Investigations should be completed within one year, and the trial should last for one year. The corrupt who become corrupt in two years should go to jail. Lokpal or Lokayukta will have the power to order the immediate removal of an errant government servant. CVC and all departments. Vigilance will merge into Lokpal, and State Vigilance will merge into Lokayukta. This shall enable Lokpal and Lokayukta to investigate and prosecute the existing Indian judges. Lokpal and Lokayukta must hear all grievances. All services in Lokpal and Lokayukta will be transparent. After completing its investigation, the case files shall be open to the public. All complaints against Lokpal and Lokayukta staff will be adjudicated within two months. Politicians will have no say in the selection of Members of Lokpal and Lokayukta. The decision-making procedure will be made public and open to all. Lokpal and Lokayukta will get public grievances resolved in a timely manner. There will be a deduction of penalty from the salary of wrongdoers and compensating the victim with that amount. The government will recover the cost caused by corruption from the accused. The punishment will be a minimum of 5 years in prison and a maximum of life imprisonment. The punishment for corruption is six months to seven years' imprisonment.

### **Governance and Corruption**

In democratic countries like India, people will eventually realise that they will have a critical role to play in the fight against these ills corruption?. Often there are problems because of people's tolerance of dissent or lack of feedback. In a healthy society, civil interests and public/political forums to oppose it. Many people with good education and awareness neglect to move their anger against these problems to remain silent. A combined effort of citizens to counter corruption can have a significant impact. It would be effective to appoint Lokpal and Lokayuktas in controlling corruption. At present, the Lokayukas or state police in eleven states have become incapable due to numerous disability. The powers of Lokpal should be increased. There should be an independent investigative body to deal with corruption. The 2011 Indian anti-corruption

movement was the civic protest against the central government, initiated to seek strong legislation against graft; considered as corruption in that nation. The main issue revolved around the Jan Lokpal Bill. This movement gained momentum when Anna Hazare began his "fast unto death".

Corruption is one of the manifestations of unethical behaviour in society. Anticorruption interventions made so far are not seen to be effective, and the widespread public cynicism among them. The authorities' actions are seen to be illegitimate as they have no real intentions to bring the corrupt and criminals to justice. They are used by political parties and politicians to harass opponents. Corruption is such a deep-rooted problem in the Singapore system that most people regard the act "Prevention of Corruption Act, 1988" as futile. The Commission has therefore recommended that:

There are four categories of criminal offences, first, grave denial of the constitution and the institutions, second, malversation of democratic institutions such as the legislature and the executive. Second, there is power abuse through favouring, harming or harassing other. Perversion or obstruction of justice in our country is a common practice. Finally, squandering public donations power, including ostentatious official life-styles etc. The Commission recommends section 7 of the Prevention of Corruption Act (PCA) to be modified and includes clause 46, which defines collusive bribery as an offence. In case it causes a monetary loss, the penalty will be doubled. [15]. The Commission held that prior sanction of the government is not necessary to prosecute a public official who has been caught red-handed or who is holding an asset or wealth that is disproportional to his or her known sources of income.

### **Ethical Governance and Lokpal**

Most grievances are personal and emanate from the nature of the bureaucracy. There is a direct relationship between the increasing number of public grievances and the burden of the growing bureaucracy. The institution of Lokpal is a state protector of rights and justice. The Commission indicated that the measures to be taken are:- The constitution should be amended to establish the institution of a national ombudsman, known as the Rashtriya Lokayukta. It is necessary to define the role and jurisdiction of the Ombudsman in the constitution to ensure its legitimacy. The jurisdiction of Central Vigilance Commission includes ministers of union except for prime minister. All Cabinet ministers, all persons holding public office equivalent to a Minister, and all Members of Parliament. This institute should have a serving Supreme Court judge as chairman, eminent jurist, and government Central. The Vigilance Commissioner functions as an ex-officio member of this board. The committee should select Chairman and Members of the board. In this way, the Rashtriya Lokayukta should also be entrusted to raise ethical standards in public life. It should be obligatory for every state constitution to make the institution of Lokayukta compulsory. State Vigilance Committee as an ex-officio member. A Committee should appoint the chairman and members of the board.

The Court would only handle corruption cases against Ministries and Legislative Assembly members. There should be a State Investigations Commission to deal

with fraudulent government officials. The State Vigilance Commission should control the Anti Corruption Bureau. All corruption allegations should be referred to the CID. The Lokayukta has not functioned any investigations. [30]The Government has decided to adhere to the recommendation. It is accepted that there should be a local bodies ombudsman which investigate cases of corruption or maladministration against local bodies functionaries. The respective legislative acts for Panchayats and Urban Local Bodies should be revised for this purpose.

A serious challenge today is how information can be managed in the public interest. How do we make that happen? The important thing is to begin to take four simple steps.

1. Digitalising the internal workings of government with content formats accessible to non-literate, illiterate and semi-literate Indians is commendable for the people of the nation.
2. We're making the entire digitised content all-accessible and searchable across all keyword and voice parameters.
3. Giving people the opportunity to complete government transactions – like applying for and getting a certified copy of the land receipt – on digital platforms and devices.
4. The issuance of electronic signatures will progressively reduce opportunities for bureaucratic dealings. Let people gain certificates and protected copies without ever having to seek permission from a regulator.

### **Conclusion**

At the present time, corruption is a major challenge towards good governance. To lead a healthy and happy life, we should stop corruption. Some level of corruption can still exist within legal bounds. Many people have tolerated corruption for a long time. Now it is the time to take corruption seriously by dedicated public institutions, especially by Lokpal. As far as corruption is concerned, strict measures like Jan Lokpal Bill must be adopted to prevent corruption. To prevent corruption, there should be an emphasis on tackling the causes of corruption. There would be little success in tackling corruption without addressing underlying issues such as poverty and lack of education.

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