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CORRUPTION FREE INDIA AND THE LOKPAL BILL IS IT NECESSARY FORIT: A CRITICAL ANALYSIS

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Abstract

Corruption is an issue that adversely affects India's economy of central, state and local government agencies. Not only has it held the economy back from reaching new heights, but rampant corruption has stunted the country's development. All individuals person tuned in to the fact that the country, that we have a bent to like most has been inside the clutches and thus the diabolical jaws of the virus, called corruption. Corruption in Republic of India is that the most reason for its every failure. Every organic process project and thus the defense wants person being over shaded by the corrupt officers. Even the magistrates UN agency person believed to be the axis of the law person corrupted to such AN extent that voluminous cases person unfinished for the previous number of years. Political corruption color of law commerce in influence. kinds of corruption vary, but embody graft, extortion, cronyism, nepotism, patronage, graft, and misapplication. Corruption might facilitate criminal enterprise narcotraffic, concealment, and human trafficking. This analysis paper illustrate concerning corruption and necessity of lokpal bill against corruption is that the employment of powers by brass for illegitimate private gain. A criminal act by AN officeholder constitutes political corruption as long because the act is directly involving their official duties, is finished to a lower place or involves appreciate. "Merely shouting from the house tops that everybody is corrupt creates an atmosphere of corruption. People feel they are in a climate of corruption and they get corrupted themselves.

Keywords: Lokpal, Lokpal Bill, Citizen's Grievances, Corruption

INTRODUCTION

The first Lokpal Bill was passed in the 4th Lok Sabha in 1969 but could not get through in Rajya Sabha, subsequently, Lokpal bills were introduced in 1971, 1977, 1985, 1989, 1996, 1998, 2001, and 2005 and in 2008, yet they were never passed. The Lokpal Bill was visualized as the watchdog institution or ministerial probity. Broadly, the provisions of different bills empowered the Lokpal to investigate corruption cases against political persons at the

central level. The Main objective of the bill is to provide speedy, cheaper form of justice to people. In the proposed system Lokpal will have complete powers to dismiss a corrupt official. LokPal will have powers to probe or prosecute any judge, even CJI, without any permission while in present scenario CJI permission is required even to register FIR against any judge. In addition, in the proposed system, politicians will not have any say in selections of chairperson and members of Lokpal. Loss caused to

government will be recovered from accused. The punishment if found guilty will be 5 years to maximum life term in the proposed system. Right now the punishment is 6 months to maximum 7 years.

JAWAHARLLAL NEHRU

Those in power, usually involving felony, outline corruption as dishonest or dishonest conduct or in alternative words, the method by that a word or expression is modified from its original state to at least one considered inaccurate or debased. The fundamental beginning of corruption started with our expedient leaders WHO have already done bigger injury to our nation. Those that work on right principles square measure unrecognized and regarded to be foolish within the fashionable society. Till recently, corruption has been endemic throughout Indian society. However, a wave of high-profile corruption cases junction rectifier in 2011 to widespread protests against corruption.

THE MAIN CAUSES OF CORRUPTION IN INDIA

The main causes of corruption in India are endless. There are many examples of corruption. There is a big list of corruption in every field of life and every citizen of India is facing these types of situation every day. Some of them are-

- I. The causes of **corruption in India** include excessive regulations, complicated tax and licensing systems, numerous government departments with opaque bureaucracy and discretionary powers, monopoly of government controlled institutions on certain

goods and services delivery, and the lack of transparent laws and processes.

- II. Weak and ineffective native governments.
- III. Mounted and purchased vote bank with manipulated Voters lists.
- IV. Our elementary rules in governance, Police, Co-operative and other welfare Societies etc area person still supported 1860 Act as amended however not enforced.
- V. Our non-public schools/colleges get signatures for higher UGC scale wage however pay nearly five hundredth of the number. Therefore, Corrupt teachers/Professors/ management etc area person running the schools/ schools.
- VI. Rusted and fragile steel frame of out-of-date colonial model of IAS paperwork.
- VII. If an individual needs a government job he must pay lakhs of rupees to the upper officers regardless of satisfying all the eligibility criteria. In each workplace one has either to relinquish cash to the worker involved or prepare for a few sources to induce work done.
- VIII. The wage given to worker isn't ample so they're forced to earn a lot of by felony.
- IX. The punishments obligatory on the criminal's area person inadequate.

MAJOR SCANDALS: -

Cash for Vote Scandal in parliament, Scorpene deal scam, Navy War Room spy scandal, The Satyam scam, Taj corridor scandal, Hawala scandal, Bihar fodder scam, Commonwealth Games scam and many more scams in which leaders and government

officials are directly involved. There are many such scandals which we read in daily newspapers. Such

Index trends in major states by respective anti-corruption effort					Index trends in major states by respective anti-corruption effort				
State	1990–95	1996–00	2001–05	2006–10	State	1990–95	1996–00	2001–05	2006–10
					<u>Maharashtra</u>	0.45	0.29	0.27	0.26
<u>Bihar</u>	0.41	0.30	0.43	0.88	<u>Uttar Pradesh</u>	0.11	0.11	0.16	0.21
<u>Gujarat</u>	0.48	0.57	0.64	0.69	<u>Odisha</u>	0.22	0.16	0.15	0.19
<u>Andhra Pradesh</u>	0.53	0.73	0.55	0.61	<u>Assam</u>	0.21	0.02	0.14	0.17
<u>Punjab</u>	0.32	0.46	0.46	0.60	<u>West Bengal</u>	0.11	0.08	0.03	0.01
<u>Jammu & Kashmir</u>	0.13	0.32	0.17	0.40					
<u>Haryana</u>	0.33	0.60	0.31	0.37					
<u>Himachal Pradesh</u>	0.26	0.14	0.23	0.35					
<u>Tamil Nadu</u>	0.19	0.20	0.24	0.29					
<u>Madhya Pradesh</u>	0.23	0.22	0.31	0.29					
<u>Karnataka</u>	0.24	0.19	0.20	0.29					
<u>Rajasthan</u>	0.27	0.23	0.26	0.27					
<u>Kerala</u>	0.16	0.20	0.22	0.27					

scandals have rocked Asia’s third largest economy in the past decade. Although the people of India are aware of these scandals but are helpless because there is no effective law against these leaders and officials who are corrupt. The leaders are dominating and escape from the punishment due to some loopholes in law. Ever since the 2010 protests by the ‘India against Corruption’ activists, and more forcefully since Hazare’s recent fast, the issue of corruption has led Indians to re-evaluate what the state really means to them. What is its role? How far are its agents accountable, and to what extent does it protect civic and democratic rights?

LOK SABHA RAJYA SABHA

Subsequently, 'lokpal bills' were introduced in 1971, 1977, 1985, again by Ashok Kumar Sen, while serving as Law Minister in the Lok Sabha History of Fight Against Corruption: lokpal was coined by Dr

L.M. Singhvi in 1963. The concept of a constitutional ombudsman was first proposed in parliament by Law Minister Ashok Kumar Sen in the early 1960s. The first Jan Lokpal Bill was proposed by Shanti Bhushan in 1968 and passed in the 4th in 1969, but did not pass through the Rajiv Gandhi cabinet, and again in 1989, 1996, 1998, 2001, 2005 and in 2008, yet they were never passed. In this context, it is useful to understand the current laws and authorities to curb corruption, and to examine the effectiveness of the current systems. The Jan Lokpal Bill, also referred to as the Citizen's Ombudsman Bill, is an anti-corruption bill drafted and drawn up by civil society activists in India seeking the appointment of a Jan Lokpal, an independent body to investigate corruption cases. This bill also proposes improvements to the Lokpal and Lokayukta Bill 2011, which was to be passed by in December 2011. Anna Hazare, anti-corruption crusader, went on a fast-unto-death in April, demanding that this Bill, drafted by the civil society, be adopted. Four days into his fast, the government agreed to set up a joint committee with an equal number of members from the government and civil society side to draft the Lokpal Bill together. The two sides met several times but could not agree on fundamental elements like including the PM under the purview of the Lokpal. Eventually, both sides drafted their own version of the Bill. Fifty two years after its first introduction, the Lokpal Bill is finally enacted in India on 18 December 2013. The government introduced the Lok Pal and Lokayuktas Bill, 2011 and the Constitution (116th Amendment) Bill, 2011 on December 22, 2011. The Lok Pal Bill, 2011, introduced in the Lok

Sabha on August 4, 2011, was withdrawn by the government.

FEATURES OF LOKPAL BILL

An institution called Lokpal at the centre and Lokayukta in each state will be set up. The Lokpal shall work independently like the Judiciary and no minister or bureaucrat will be able to influence his or her investigations. The corruption cases shall not linger for years and the investigations shall be completed within one year and the corrupt officer or judge shall be sent to jail within two years. The loss caused to the government shall be recovered from the offender at the time of conviction. If any work of a citizen is not completed within the prescribed time limit in any government office, Lokpal shall impose financial penalty on the guilty officer and the same shall be remitted to the complainant as compensation. The people can approach the Lokpal if his or her ration card or passport or voter card is not being made by the concerned officials within the prescribed time limit. People can also approach the Lokpal in case the roads are made of poor quality or siphoning of funds in any Panchayat takes place. Lokpal will have to complete its investigations within a period of one year, the trial will be over in next one year and the guilty shall go to jail within two years. Any complaint against any officer of the Lokpal shall be investigated and the officer dismissed within two months. The CVC, departmental vigilance and anti corruption branch of CBI shall be merged into Lokpal. The Lokpal shall have complete powers and machinery to independently investigate and prosecute any officer, judge or politician.

LATEST UPDATES ON LOKPAL BILL IN INDIA

The Lok Sabha passed the Lokpal Bill today after the anti-corruption measure was passed in the Rajya Sabha on Tuesday 17, 2013.

- 1) The lower house had allotted four hours to debate the Bill, which provides for a powerful national ombudsman to investigate wrongdoing in government.
- 2) The bill was passed in less than an hour and voted on amid slogan-shouting by Andhra Pradesh MPs opposed to the creation of Telangana.
- 3) Anna Hazare and his supporters celebrated the passing of the Bill that they had campaigned for since the past few years.
- 4) Senior BJP leader Sushma Swaraj, the Leader of Opposition in the Lok Sabha, appeared to target the ruling Congress as she criticized attempts to take credit for pushing the Lokpal Bill.
- 5) It is our responsibility to complete our unfinished fight against corruption," said Congress leader Rahul Gandhi, whose party has credited him with leading the Lokpal push ahead of the national election due by May.
- 6) Mr Gandhi had called for an extension of the current session to pass six more Bills to check corruption. The House has, however, been adjourned for the session.
- 7) The government's floor managers on Tuesday had persuaded the Samajwadi Party of Mulayam Singh Yadav to tone down their stance and allowed the party's Ram Gopal

Yadav to voice his objection before staging a strategic walkout ahead of the debate.

- 8) The Congress party's redoubled push for the Lokpal Bill is being seen in the context of its humiliating defeat in the Delhi elections. Arvind Kejriwal's Aam
- 9) Aadmi Party or AAP made a stunning debut with its promise to fight corruption, decimating the Congress after three terms.
- 10) In December, 2011, the Bill was cleared by the Lok Sabha but was stalled in the

DUTIES OF LOKPAL

It is the duty of lokpal to judge the cases and make jurisdiction against corruption cases. It is the duty of Lokpal to judge whether a case is legal or whether fake complaint has been made and to potentially impose fines on a fake complaint or even a short span jail time, if the case is not proved to be legally true.

ADVANTAGES OF LOKPAL BILL IN INDIA

1. Major advantage of this bill is all about solving the No.1 problem of India is corruption.
2. Who will be the decision makers this time, non politician, non- bureaucrats, not a police officer.
3. This bill is proposed to the government again and again in last 50years so this holds the believe of generations and we all think this can be change the system.
4. The decision will be faster than what we have right now, the proposed decision will be 1 year and punishment executed in 2years.
5. People will not have to go to through the quelling system to complain the crime.

FLAWS IN LOKPAL BILL

First and foremost criticism of government's Lokpal Bill is that the clause that prevents Lokpal from receiving complaints of corruption from people. It's to be at the Parliament's mercy to urge access to those complaints. Planned Lokpal Bill treats the establishment solely as associate degree informative body. When Lokpal makes a hunt in any case, it's to forward the report back to the 'competent authority' which can have the ultimate powers to make your mind up whether or not to require action or not. That produces Lokpal utterly ineffective. Lokpal is empty police powers and thus it cannot register associate degree FIR. In such a scenario, enquiries conducted by Lokpal are going to be thought-about as "preliminary enquiries". There's no mention on the procedure following the acceptance of Lokpal's report. World Health Organization goes to file the charge-sheet within the court and initiate prosecution? Furthermore, World Health Organization goes to appoint the prosecution lawyer? There's no clarity on the role of CBI once Lokpal Bill becomes a law. The question still remains whether or not CBI and Lokpal can investigate constant case or can CBI be restricted to investigation politicians only? Government's Lokpal bill talks concerning penalty (amounting to imprisonment) for 'frivolous' complaints. However, if the grievance is found to be true, the investigator won't have the ability to send the corrupt public servants to jail! Lokpal Bill proposes jurisdiction solely on MPs, Ministers and PM and not on officers. It's understood that any corruption is perpetrated collaboratively by the officers and politicians. Consistent with government's Lokpal Bill CVC can cross-check the

role of bureaucrats whereas Lokpal can cross-check the role of politicians. This can sure enough produce an issue. Lokpal can haven't any power to probe any case against PM that deals with foreign affairs, security and defence. This is often in our own way of claiming that corruption in defence deals are going to be out of Lokpal's jurisdiction and therefore no scrutiny is feasible.

CONCLUSION

Corruption in India could also be a result of the association between bureaucrats, politicians and criminals. Corruption in India is so common in existence that every subject is accustomed to it. To this corruption is to avoid therefore called socialism. Indian society itself have to be compelled to keep in mind relating to corruption and will fight against it. Law against corruption is not exclusively the remedy for it. We tend to should say good bye to colonial model of I.A.S. forms Vote bank based politics and indulgent expenditure throughout election is to boot one in each of the reasons for corruption. There should not be subsidies or compensation to any special solid, class, or any state and every subject have to be compelled to be treated as equal. Welfare schemes for below income are also victims of corruption. Our former Prime minister, Shri Rajeev Gandhi once said that out of hundred rupees exclusively rupees fifteen reached to beneficiary. Although Lokpal bill could also be a durable weapon to manage corruption but implementation of law among the favour of people and motive of state behind it is important. Corruption is not exclusively a tangle which will be attacked in isolation. It is not enough for codification to travel trying the corrupt

and penalize them. Anticorruption bills can exclusively provide a background for social reforms.

REFERENCES

- 1) UNDP (United Nations Development Programme). National HDRs and the Use of Governance Indicators for Pro-Poor and Gender-Sensitive Policy Reform. New Delhi, India: UNDP, 2005.
- 2) Merilee Grindle S. Going Local: Decentralization, Democratization, and the Promise of Good Governance, Westview Press, New York, 2011, 22-36.
- 3) Steve Murdock H. Demographics: A Guide to Methods and Data Sources for Media, Business, and Government (Westview Press, New York, 2011, 34-46.
- 4) Michael Mandelbaum. Democracy's Good Name: The Rise and Risks of the World's Most Popular Form of Government (Cambridge Polity Press, London, 2010, 58-72.
- 5) Kaufmann Daniel, Aart Kraay, Mastrazzi. Governance Matters, World Bank Policy Research Working Paper No. 2196, 1996b.
- 6) Government of India, Prevention of Corruption Act, 1988, Section 7.
- 7) USAID. Anti Corruption Strategy, 2005. http://www.usaid.gov/our_work/democracy_and_governance.
- 8) Council of Europe. Twenty Guiding Principles for Fighting against Corruption, Committee of Ministers Resolution 97 (24). [www.coe.int/t/dgi/Greco/document/resolution_97\(24\)](http://www.coe.int/t/dgi/Greco/document/resolution_97(24)).
- 9) Sapru RK. Administrative Theories and Management Thought, (New Delhi: PHI Learning, 2009, 433.
- 10) Maheshwari SR. Administrative Reforms in India, (New Delhi: MacMillan, 2002; 112:179-80.
- 11) Maheshwari SR. Administrative Reforms Commission, Agra: Lakshmi Narian Agarwal, 1972, 331-332
- 12) Kanahaiyalal Sharma. Reconstitution of the Constitution of India, (New Delhi: Deep & Deep, 2002, 499.
- 13) Singh MK, Jan Lokpal Bill. An Introduction (The Beginning of A New Era) (Himalayan Publishers, Delhi, 2011; 20:3.
- 14) Arif Rahman. Good Governance, Democracy and Economic Development (Mittal Publishers, 2010, 44-62.
- 15) Doig A, Riley S. Corruption and Anti-Corruption Strategies: Issues and case studies from Developing Countries, in Integrity Improvement Initiatives in Developing Countries (New York; United Nations Development Programme), 1998.
- 16) UNDP. (United Nations Development Programme. Human Development Report International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World. New York, USA: UNDP, 2005.
- 17) Leftwich A. "Governance Democracy and Development", Third World Quarterly 1993; 14:3 and also see. Babatunde Olusola Opeibi., Good Governance and Civic Engagement in an Emerging Democracy (McGrath, New York, 2011, 56-66.

- 18) Francine Frankel, Zoya Hasan, Rajeev Bhargava, Balveer Arora. (eds.), (Transforming India: Social and Political Dynamics of Democracy, Oxford University Press, New Delhi, 2000, 44-58.
- 19) Surat Singh. Local Democracy and Good Governance Five Decades of Panchayati Raj (Sterling Publishers, New Delhi, 2010, 25-32.
- 20) United Nations. Economic and Social Council, Interdependence Between democracy and human rights, E/CN.4/2005/58.
- 21) Vijay Kumar G. Jan Lokpal Bill. Indian Anti-Corruption Movement (Mittal Publishers, Delhi, 2011, 16-22.
- 22) Rao PV Jr. Lokpal: Facts & Arguments (Sterling Publishers, Delhi, 2011; 18:12. Pardeep Singh Attri Jan Lokpal Bill: A Dalit's Viewpoint.
- 23) Nirvikar Singh (19 December 2010). "The trillion-dollar question". The Financial Express. Archived from the original on 29 November 2012.
- 24) Transparency International – the global coalition against corruption, Transparency.org, archived from the original on 27 October 2010, retrieved 7 October 2011
- 25) India Corruption Study 2005: To Improve Governance: Volume I – Key Highlights New Delhi" (PDF). Transparency International India. 30 June 2005. pp. 1–3. Archived from the original (PDF) on 11 August 2013.
- 26) "India Corruption Study – 2008" (PDF). Transparency International. 2008. Archived (PDF) from the original on 19 June 2012.
- 27) "Corruption Perception Index 2017". Archived from the original on 21 February 2018.
- 28) "India to give free medicine to millions". The Financial Times. 5 July 2012.
- 29) "Indian rural welfare – Digging holes". The Economist. 5 November 2011. Archived from the original on 9 June 2012.
- 30) "Cops turn robbers on India's roads". Asia Online. 27 August 2009.
- 31) "White Paper on Black Money" (PDF). Ministry of Finance, Government of India. 2012. Archived from the original (PDF) on 29 July 2012.