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THE JANLOKPAL BILL BRING AN IMPACT ON AN INDIAN ECONOMY –AN OVERVIEW

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ABSTRACT

The word Lokpal has been derived from the Sanskrit words "Lok" meaning People and "pala" meaning caretaker. Therefore, the word Lokpal means "caretaker of people". The basic idea of the Lok Pal is borrowed from the office of ombudsman, which has played an effective role in checking corruption and wrong-doing in Scandinavian and other nations. In early 1960s, mounting corruption in public administration set the winds blowing in favour of an Ombudsman in India too. The Administrative Reforms Commission (ARC) set up in 1966 recommended the constitution of a two-tier machinery - of a Lokpal at the Centre, and Lokayukta(s) in the states. The Lokpal Bill provides for filing complaints of corruption against the prime minister, other ministers, and MPs 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 adversely affected citizens but also necessary to instill public confidence in the efficiency of the administrative machinery. Following this, the Lokpal Bill was for the first time presented during the fourth Lok Sabha in 1968, and was passed there in 1969. 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 revived in 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005, and 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 a departmental standing committee of the Home Ministry and before the government could take a final stand on the issue, the house was dissolved. Several flaws have been cited in the recent draft of the Lokpal Bill. Meanwhile the activists of India Against Corruption (IAC) have prepared a draft for the bill called Jan Lokpal Bill.

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Prologue:

Mr. Shanti Bhushan proposed the first Lokpal Bill in 1968 and got it passed in 4th Loksabha but failed in Rajya Sabha in the year 1969. Thereafter, Lokpal Bill was introduced in 1971, 1977, 1985, 1989, 1996, 1998, 2001, and 2005 and in 2008 but was never passed and is still pending in Parliament.

Under the Lokpal Bill there is a provision for filing complaints with the Ombudsman against the Prime minister, other ministers and Member of Parliament. This was for removing the sense of injustice from the minds of citizens and to install public confidence in the efficiency of the administrative machinery by completing the investigations regarding corruption within a year.

Whenever the Lokpal bill was introduced to the House, it was referred to a joint committee of Parliament or a departmental standing committee of the Home ministry for further improvements and every time before the Government could take a final stand on the bill, the house was dissolved.

Anna Hazare, a social activist alongwith his team fought for this bill to get passed and did it on December 27, 2011. However, his team and other political parties claimed that the bill is weak and would not serve its intended purpose. Therefore, the proposed bill by the ruling Congress Party is yet to get acceptance from the Rajya Sabha. On December 29, 2011, the Parliament of India saw a lot of drama and disruption by various political parties like LJP, RJD and SP.

The Jan Lokpal Bill:

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 Lok Sabha in December 2011.

The Jan Lokpal Bill aims to effectively deter corruption, compensate citizen grievances, and protect whistle-blowers. The prefix Jan (translation: citizens) signifies that these improvements include inputs provided by "ordinary citizens" through an activist-driven, non-governmental public consultation.

The word Lokpal was coined in 1963 by late Mr. L.M. Singhvi, a Member of Parliament during a debate.

In order to draw the attention of the government, a focused campaign "India Against Corruption" (IAC) was started in 2011. Anna Hazare is the head of civil society and the IAC movement. Being a foreground for Jan Lokpal campaign. Through these collaborative efforts till August 2011, IAC was able to upload the 23rd version of the Jan Lokpal Bill draft. As of January 2014, the Delhi State Government led by CM Arvind Kejriwal is preparing to adopt the Jan Lokpal Bill

Current anti-corruption laws and organizations:

Main article: Corruption in India and Anti-Corruption Laws in India


While India currently has a number of laws intended to stem corruption, supporters of the Jan Lokpal Bill have argued that the current laws are inadequate in light of the large number and size of scandals in India.

Central Vigilance Commission (CVC):

Main article: Central Vigilance Commission

CVC has a staff strength of between 200 and 250 employees. If one went by international standards, India needs 28,500 anti-corruption staff in CVC to check corruption of 57 lakh employees.

There has been considerable delay in many cases for grant of sanction for prosecution against

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corrupt government officials. The permission to prosecute such officials acts as a deterrent in the drive to eradicate corruption and bring transparency in the system.

Central Bureau of Investigation:

Independent of the government and free from ministerial influence in its investigations.

Inspiration:


The bill was inspired by the Hong Kong Independent Commission Against Corruption (ICAC). In the 1970s, the level of corruption in Hong Kong was seen so high that the government created the commission with direct powers to investigate and deal with corruption. In the first instance, the ICAC sacked 119 out of 180 police officers

Features of Jan Lokpal Bill:

- 1) To establish a central government anti-corruption institution called Lokpal, supported by Lokayukta at the state level.
- 2) As is the case with the Supreme Court of India and Cabinet Secretariat, the Lokpal will be supervised by the Cabinet Secretary and the Election Commission. As a result, it will be completely independent of the government and free from ministerial influence in its investigations.
- 3) Members will be appointed by judges, Indian Administrative Service officers with a clean record, private citizens and constitutional authorities through a transparent and participatory process.
- 4) A selection committee will invite short-listed candidates for interviews, the video recordings of which will thereafter be made public.
- 5) Every month on its website, the Lokayukta will publish a list of cases dealt with, brief details of each, their

outcome and any action taken or proposed. It will also publish lists of all cases received by the Lokayukta during the previous month, cases dealt with and those which are pending.

- 6) Inquiry has to be completed within 60 days and investigation to be completed within six months. Lokpal shall order an investigation only after hearing the public servant.
 - 7) Losses to the government by a corrupt individual will be recovered at the time of conviction.
 - 8) Government office-work required by a citizen that is not completed within a prescribed time period will result in Lokpal imposing financial penalties on those responsible, which will then be given as compensation to the complainant.
 - 9) Complaints against any officer of Lokpal will be investigated and completed within one month and, if found to be substantive, will result in the officer being dismissed within two months.
 - 10) The existing anti-corruption agencies [CVC], departmental vigilance and the anti-corruption branch of the [CBI] will be merged into Lokpal which will have complete power authority to independently investigate and prosecute any officer, judge or politician.
 - 11) Whistle-blowers who alert the agency to potential corruption cases will also be provided with protection.
- Janlokpal bill drafted by the civil society comprising Arvind Kejriwal, Prashant Bhusan, Santi Bhusan, Santos Hegde, Kiran Bedi, Manish Sishodaya made a huge impact on the Indian youth and the

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general public towards curbing corruption in India.

- The team is headed by Anna Hazare who is determined to get ride of corruption from the Indian soil. He wants India to be a corruption free country, at the same time he also wants to give a new corruption free bharat to the coming generations of India in which they can live a happy life.
- This is the main reason for which he is insisting Janlokalpal bill to be enacted and setup a lokpal committee which can work

on its own. The present anti-corruption agencies are functioning under the government .

- So, the ministers of the government find it very easy to make huge scam and corruption by influencing their political power. Now, Anna Hazare and his followers seeking for a lokpal which will be an independent body in investigating corruption charges over the ministers, bureaucrats or any other who are indulging in corruption.

Difference between government's and activists' drafts:Highlights

Difference between Jan Lokpal Bill and Draft Bill 2010


Jan Lokpal Bill (Citizen's Ombudsman Bill)	Draft Lokpal Bill (2010)
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Lokpal will have powers to initiate suo motu action or receive complaints of corruption from the general public.	Lokpal will have no power to initiate suo motu action or receive complaints of corruption from the general public. It can only probe complaints forwarded by the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha.
Lokpal wil have the power to initiate prosecution of anyone found guilty.	Lokpal will only be an Advisory Body with a role limited to forwarding reports to a "Competent Authority".
Lokpal will have police powers as well as the ability to register FIRs.	Lokpal will have no police powers and no ability to register an FIR or proceed with criminal investigations.
Lokpal and the anti corruption wing of the CBI will be one independent body.	The CBI and Lokpal will be unconnected.
Punishments will be a minimum of 1 year and a maximum of up to life imprisonment.	Punishment for corruption will be a minimum of 6 months and a maximum of up to 7 years.

Details


The following table details differences between the Government and activist backed versions. Comparison SlideShow uploaded by India Against Corruption.

Issue	The Jan Lokpal Bill	Government's Lokpal Bill
Prime Minister	PM can be investigated with permission of	PM can be investigated by Lokpal

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Judiciary	<p>seven member Lokpal bench.</p> <p>Can be investigated, though high level members may be investigated only with permission of a seven member Lokpal bench.</p>	<p>after she/he vacates office.</p> <p>Judiciary is exempt and will be covered by a separate "judicial accountability bill".</p>
Conduct of MPs	<p>Can be investigated with permission of seven member Lokpal bench.</p>	<p>Can be investigated, but their conduct within Parliament, such as voting, cannot be investigated.</p>
Lower bureaucracy	<p>All public servants would be included.</p>	<p>Only senior officers (Group A) will be covered.</p>
Anti-Corruption wing of the Central Bureau of Investigation (CBI)	<p>The Anti-Corruption wing of the CBI will be merged into the Lokpal.</p>	<p>The Anti-Corruption wing of the CBI cannot be merged into the Lokpal.</p>
Removal of Lokpal members and Chair	<p>Any person can bring a complaint to the Supreme Court, who can then recommend removal of any member to the President.</p>	<p>Any "aggrieved party" can raise a complaint to the President, who will refer the matter to the CJI.</p>
Removal of Lokpal staff and officers	<p>Complaints against Lokpal staff will be handled by independent boards set-up in each state, composed of retired bureaucrats, judges, and civil society members.</p>	<p>Lokpal will conduct inquiries into its own behaviour.</p>
Lokayukta	<p>Lokayukta and other local/state anti-corruption agency would remain in place.</p>	<p>All state anti-corruption agencies would be closed and responsibilities taken over by centralised Lokpal.</p>
Whistleblower protection	<p>Whistleblowers are protected by Lokpal.</p>	<p>No protection granted to whistleblowers by Lokpal.</p>
Punishment for corruption	<p>Lokpal can either directly impose penalties, or refer the matter to the courts. Penalties can include removal from office, imprisonment, and recovery of assets from those who benefited from the corruption.</p>	<p>Lokpal can only refer matters to the courts, not take any direct punitive actions. Penalties remain equivalent to those in current laws.</p>
Investigatory powers	<p>Lokpal can obtain wiretaps (to make a connection to a telegraph or telephone wire in order to obtain information secretly), issue rogatory letters, and recruit investigating officers. Cannot issue contempt orders.</p>	<p>Lokpal can issue contempt orders, and has the ability to punish those in contempt. No authority to obtain wiretaps, issue rogatory letters, or recruit investigating officers.</p>
False, frivolous and	<p>Lokpal can issue fines for frivolous</p>	<p>Court system will handle matters of</p>

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vexatious complaints complaints (including frivolous complaints frivolous complaints. Courts can against Lokpal itself), with a maximum give 2–5 years imprisonment and penalty of Rs 100,000. fines of Rs 25,000 to 200,000.

NGOs NGOs not within the scope due to their role NGOs are within the scope and can in exposing corruption. be investigated.

Governments approach about Whistleblower protection & Citizen-charter:

In a bid to narrow differences on the anti-graft legislation and provide itself some political cover against the threat of a public protest, the Government introduced Citizen's Charter and Grievance Redressal Bill 2011 or Citizen-charter bill in Dec 20, 2011 along with the already introduced Whistleblower Protection Law or Public Interest Disclosure (Protection of Information) Bill – 2010 back in August 2011. Responding to this move, Team Anna issued a statement that: “The government proposes to remove CBI, judiciary, citizen charter, whistle blower protection, Group C and Group D employees from the Lokpal jurisdiction. Wouldn't that reduce Lokpal to an empty tin box with no powers and functions?”. This issue remains open between Team Anna & Government.

Campaign for the Jan Lokpal Bill:

Lokpal activist – Anna Hazare:

Indian anti-corruption movement:

The first version of the Lokpal Bill drafted by the Government of India headed by United Progressive Alliance in 2010 was considered ineffective by anti-corruption activists from the civil society. These activists, under the banner of IAC, came together to draft a citizen's version of the Lokpal Bill later called the Jan Lokpal. Public awareness drives and protest marches were carried out to campaign for the bill. However, public support for the Jan Lokpal Bill draft started gathering steam after Anna Hazare,


a Gandhian announced that he would hold an indefinite fast from 5 April 2011 for the passing of the Lokpal/ Jan Lokpal bill. The government has however accepted it.

To dissuade Hazare from going on an indefinite hunger strike, the Office of the Prime Minister directed the personnel and law ministries to see how the views of social activists can be included in the bill. On 5 April, the National Advisory Council rejected the Lokpal bill drafted by the government. Union Human Resource Development Minister Kapil Sibal then met social activists Swami Agnivesh and Arvind Kejriwal on 7 April to find ways to bridge differences over the bill. However, no consensus could be reached on 7 April owing to several differences of opinion between the social activists and the Government.

Fast & agitation – Phase 1:

On 7 April 2011 Anna Hazare called for a Jailemands. Anna Harare also claimed that his group had received six crore (60 million) text messages of support and that he had further backing from a large number of Internet activists. The outpouring of support was largely free of political overtones; political parties were specifically discouraged from participating in the movement. The fast ended on 9 April, after 98 hours, when the Government accepted most demands due to public pressure.

Anna Hazare set a deadline, 15 August, for the passing of the bill in the Parliament, failing which he would start a hunger strike from 16 August. The fast also led to the Government of

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India agreeing to set up a Joint Drafting Committee, which would complete its work by

30 June 2011.

Drafting committee

The drafting committee was officially formed on 8 April 2011. It consisted of the following ten members, including five from the government and five drawn from the civil society. The former Minister of the Law and Justice is part of the drafting committee.

Member	Qualifications and status
P. Chidambaram	Finance Minister
Shanti Bhushan	Former Minister of Law and Justice, Co-Chairman
Sushilkumar Shinde	Minister of Home Affairs
Veerappa Moily	Minister of Corporate Affairs
Kapil Sibal	Minister for Human Resource Development
Salman Khursid	Minister of Law
Anna Hazare	Social Activist
Prashant Bhushan	Lawyer
N. Santosh Hegde	Former Lokayukta (Karnataka) and Supreme Court Justice
Arvind Kejriwal	Chief Minister (New Delhi), RTI Activist.

The Government's handling of the formation of the draft committee, involving the civil society in preparation of the draft Lokpal bill, was criticized by various political parties including Bharatiya Janata Party, Biju Janata Dal, Telugu Desam Party, All India Anna Dravida Munnetra Kazhagam, Communist Party of India (Marxist), Rashtriya Janata Dal, Janata Dal (U) and Samajwadi Party.

The committee failed to agree on the terms of a compromise bill and the government introduced its own version of the bill in the Parliament in August 2011.


Fast & agitation – Phase 2

Hindi Sign at Ramlila Grounds: "We eat to live, they live to eat, we do not even receive clean drinking water, yet they drink our blood"

According to Anna and his team, the Government's version of the Lokpal bill was weak and would facilitate the corrupt to go free

apart from several other differences. To protest against this, Anna Hazare announced an "Indefinite Fast" (not to be confused with "Fast until death"). Anna and his team asked for permission from Delhi Police for their fast and agitation at Jantar Mantar or JP Park. Delhi Police gave its permission with certain conditions. These conditions were considered by team Anna as restrictive and against the fundamental constitutional rights and they decided to defy the conditions. Delhi Police imposed Sec 144 CrPC.

On 16 August, Anna Hazare was taken into preventive custody by Delhi Police. Senior officers of Delhi Police reached Anna Hazare's flat early in the morning and informed him that he could not leave his home. However, Hazare turned down the request following which he was detained. Anna in his recorded address to the nation before his arrest asked his supporters not

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to stop the agitation and urged the protesters to remain peaceful. Other members of IAC - Arvind Kejriwal, Kiran Bedi, Kumar Vishwas and Manish Sisodia - were also taken into preventive custody. Kiran Bedi described the situation as resembling a kind of Emergency (referring to the State of Emergency imposed in 1975 by the Indira Gandhi Govt.).

The arrest resulted in a huge public outcry and under pressure; the government released him in the evening of 16 August. However, Anna Hazare refused to come out of jail, starting his indefinite fast from Jail itself. Manish Sisodia explained his situation as, "Anna said that he left home to go to JP Park to conduct his fast and that is exactly where he would go from here (Tihar Jail). He has refused to be released till he is given a written, unconditional permission". Unwilling to use forces owing to the sensitive nature of the case, the jail authorities had no option but to let Anna spend the night inside Tihar.

Later on 17 August, Delhi Police permitted Anna Hazare and team to use the Ramlila Maidan for the proposed fast and agitation, withdrawing most of the contentious provisions they had imposed earlier. The indefinite fast and agitation began in Ramlila Maidan, New Delhi, and went on for around 288 hours (12 days from 16 August-2011 to 28 August-2011). Some of the Lokpal drafting committee members became dissatisfied with Hazare's tactics as the hunger strike went on for the 11th day: Santosh Hegde, a member of Hazare team who headed the Karnataka Lokayukta, strongly criticised Hazare for his insistence of "having his way", concluding "I feel I am not in Team Anna any more by the way things are going. These (telling Parliament what to do) are not democratic

things." Swami Agnivesh, another central figure in the Hazare group also distanced himself.

Notable supporters and opposition


Union Human Resource and Development Minister – Kapil Sibal, a critic of the citizens' version of the Bill

In addition to the activists responsible for creating and organising support for the bill, a wide variety of other notable individuals have also stated that they support this bill. Spiritual leaders Sri Sri Ravi Shankar and Yog Guru Ramdev expressed support. Notable politicians who indicated support for the bill include Ajit Singh and Manpreet Singh Badal as well as the principal opposition party, Bharatiya Janta Party. In addition, numerous Bollywood actors, directors, and musicians publicly approved of the bill.

Notable opposition to the activists' version of the Bill was expressed by HRD minister Kapil Sibal and other Congress leaders; Chief Minister of West Bengal Mamta Banerjee; Punjab Chief Minister and Akali Dal leader Prakash Singh Badal; Shiv Sena leader Bal Thackeray, and former Chief Justice of the Supreme Court Jagdish Sharan Verma.

Although Bharatiya Janata Party (BJP) showed their support earlier, there were reports that BJP shared Congress's concern "over letting the civil society gain the upper hand over Parliament in lawmaking". The All-India Confederation of SC/ST Organisations, representing the Dalits and backward castes, also expressed opposition to the bill proposed by Anna Hazare as well as to the government's version of the bill. The confederation opposed Hazare's proposed bill saying that it will be above the constitution and that proposers of the bill have support from elements who oppose reservation.

Logjam of Lokpal and Lokayukta Bill 2011

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On 27 December 2011, Lok Sabha Parliament winter session passed controversial Lokpal Bill under title of Lokpal and Lokayukta Bill 2011, but without constitutional status. Before passing this bill it was introduced in Lok Sabha with key amendments moved. The 10 hour house debate, number of opposition parties claimed introduced bill is weak and wanted it withdrawn. Key amendments that were discussed but defeated were following:

- Including corporates, media and NGOs receiving donations
- Bringing CBI under the purview of Lokpal

Amendments that the house agreed upon were:

- Keeping the defence forces and coast guard personnel out of the purview of the anti-graft ombudsman
- Increasing the exemption time of former MPs from five to seven years[3]

Team Anna rejected the proposed bill describing it as "anti-people and dangerous" even before the Lok Sabha gave its assent. The key notes Team Anna made about rejection were:

- Government will have all the control over Lokpal as it will have powers to appoint and remove members at its will.
- Only 10 per cent political leaders are covered by this Bill
- Bill was also covering temples, mosques and churches
- Bill was offering favor to corruption accused by offering them free lawyer service.
- Bill was also unclear about handling corruption within Lokpal office.
- Only five per cent of employees are in its ambit, as Class C & D officers were not included.


Team Anna was also disappointed over following inherent exclusions within tabled government bill.

- Central Bureau of Investigation (CBI) should be merged with the Lokpal, and the anti-corruption bureaus and the Vigilance Departments of the State governments with the Lokayuktas.
- The Lokpal and the Lokayuktas should have their own investigative wings with exclusive jurisdiction over cases filed under the Prevention of Corruption Act.
- The Lokpal should have administrative and financial control over the CBI, and the appointment of the CBI Director should be independent of any political control.
- The jurisdiction of the Lokpal and the Lokayukta should cover Class C and D officers directly.

This bill was then presented in Rajya Sabha where it hit log jam again.

Why government stand against the Janlokalpal bill:

The people of India is in support of Anna Hazare and they are insisting the government to enact the janlokalpal bill. On the contrary, the government is deaf and dumb over the janlokalpal bill issue. The ministers in the government frightened of this janlokalpal bill. They felt that the bill could enable them to bring behind the bars over their past corruption charges. So, in the all party meetings held, they decided not to support the janlokalpal bill as it may curb their corruption activity. The government's attitude is very much supportive for the corruption people. This attitude of government brings a drift in between the people and the government. The main differences of Janlokalpal bill and the government is

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Prime Minister should be included in the janlokalpal or not:

Anna Hazare and his supporters stubborn over the issue of inclusion of Prime Minister under the lokpal but the government is strictly against the inclusion of Prime Minister over the investigation of corruption charges by lokpal.

Lower bureaucracy should be included in the lokpal or not:

Anna Hazare and the people of India are supporting the view of bringing the lower bureaucracy under the investigation of lokpal but the Government is against the inclusion of lower bureaucracy. Anna says the lower bureaucracy is the main headache for the poor people who are mainly depend on the lower bureaucracy. So, the corruption in the lower bureaucracy should also be curbed by bringing them under the lokpal.

What is citizen charter? should it be included in the lokpal or not :

Anna and the people of India support for the inclusion of citizen charter in the lokpal bill but government is not interested to include the citizen charter under the lokpal. Anna and his team members says, no work is undertaken without bribes in all offices. Even to get a ship ticket we have to bribe to the counter clerk. So, the system should be changed and the corrupt official should be punished and the corrupted money should also be recovered.

These are some of the differences which started a clash in between the government and Anna hazare. Anna is fasting since 16th August,2011 to pass the janlokalpal bill in the parliament but the government create many issues and making

delay in presenting the janlokalpal bill in the parliament.


How the Janlokalpal bill will bring an impact on the Indian economy:

It is a common question asked by everyone that will the Janlokalpal bill bring an impact on the Indian economy?. No doubt, the bill will definitely bring a positive impact on the indian economy. India is a country of vast economy. From the India's budget on every year around 40% of the total amount goes under corruption. So, by curbing the corruption the amount will definitely shared in the development activities of India which will improve the indian economy. Let us see how the bill will help in improving the indian economy. I must lay few example of such impact on the indian economy.

Bond paper selling may increase by improving the indian economy

Every day bond papers worth many crores are selling in the court which are used for making sale deeds or affidavit. In the land selling process, at present the seller have to fetch bond paper worth 8% of the total value of which the land is selling. To lower the bond value, the seller shows an under value in the bond but in actual he may sell the land to many lacs or crores.

For example. A sells his land to B for 1000000/- (ten lacs) the bond value should be 80000/- but to reduce the cost of bond, the seller and buyer agreed to mention the amount of the land to only 200000/- (two lacs) for which it is sufficient to purchase the bond worth only 16000/- making a loss of around 64000/- to the government this is in one case. If you go through all cases, the government may lose lacs of crores every year. By the introduction of the Janlokalpal bill the corruption on this issue may come to minimum

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level. Thus the bill will help in improving the indian economy.

Corruption in Contract given in the public works in India:

In India, lacs of crores of rupees spending over the private contractions in the constructions of highway road, city road or village roads. From the total amount of the contract, a share was used to give to the concerned engineer, clerk, cashier and many more which directly affect the quality of the road. This is the main reason for which a new road becomes dent and void within a duration of six months this is a great loss for the indian economy. So, curbing corruption, the quality will certainly improved as a result the indian economy will also be raised to some extent.

Criticisms of the Jan Lokpal Bill:

Naïve approach:

The bill has been criticised as being naïve in its approach to combating corruption. According to Pratap Bhanu Mehta, President of the Center for Policy Research Delhi,[68] the bill "is premised on an institutional imagination that is at best naïve; at worst subversive of representative democracy". The very concept of a Lokpal concept has received criticism from Human Resource Development minister Kapil Sibal in that it will lack accountability, be oppressive and undemocratic.

Extra-constitutional:

Kejriwal rejects the claim of Lokpal being extra-constitutional with the explanation that the body will only investigate corruption offences and submit a charge sheet which would then tried and prosecuted through trial courts and higher courts, and that other bodies with equivalent powers in other matters exist. The proposed bill also lists clear provisions for the Supreme Court to abolish the Lokpal.

Despite these clarifications, critics feel that the exact judicial powers of Lokpal are rather unclear in comparison with its investigative powers. The bill requires "...members of Lokpal and the officers in investigation wing of Lokpal shall be deemed to be police officers". Although some supporters have denied any judicial powers of Lokpal, the government and some critics have recognised Lokpal to have quasi-judicial powers.


The bill also states that "Lokpal shall have, and exercise the same jurisdiction powers and authority in respect of contempt of itself as a High court has and may exercise, and, for this purpose, the provisions of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) shall have the effect subject to the modification that the references therein to the High Court shall be construed as including a reference to the Lokpal."

Review of proceedings and decisions by Lokpal is prevented in the bill by the statement "...no proceedings or decision of the Lokpal shall be liable to be challenged, reviewed, quashed or called in question in any court of ordinary Civil Jurisdiction."

As a result, how the trials will be conducted is unclear in the bill, although the bill outlines requiring judges for special courts, presumably to conduct trial that should be completed within one year. The critics hence express concern that, without judicial review, Lokpal could potentially become an extra-constitutional body with investigative and judicial powers whose decisions cannot be reviewed in regular courts.

Scope:

The matter of whether the Indian Prime Minister and higher judiciary should or should not be prosecutable by the Lokpal remains as one of the major issues of dispute. Anna's own nominee for

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co-chairing the joint panel Justice Verma, the former Chief Justice of the Supreme Court, has expressed his constitutional objections for including the Prime Minister and higher judiciary under Lokpal. According to him, "this would foul with the basic structure of the constitution".

Criticism from Aruna Roy, Arundhati Roy and NCPRI:

Critic – Aruna Roy

Ramon Magsaysay Award winner Aruna Roy who has said "Vesting jurisdiction over the length and breadth of the government machinery in one institution will concentrate too much power in the institution, while the volume of work will make it difficult to carry out its tasks". She and her colleagues at the National Campaign for People's Right to Information (NCPRI) have proposed an alternative mechanism consisting of five institutions.

Noted author and social activist Arundhati Roy was highly critical of Lokpal, stating "you could say that the Maoists and the Jan Lokpal Bill have one thing in common – they both seek the overthrow of the Indian State", and "While his means may be Gandhian, Anna Hazare's demands are certainly not. Contrary to Gandhiji's ideas about the decentralisation of power, the Jan Lokpal Bill is a draconian, anti-corruption law, in which a panel of carefully chosen people will administer a giant bureaucracy..."

Criticism from the Director of CBI:

The CBI in a presentation before the Standing Committee of the Parliament, has strongly argued against the vivisection of the CBI and merger of its anticorruption wing with the Lokpal, noting that this would seriously cripple the core functioning of the CBI and reduce it to irrelevance. An organization built over last 60

years comprising competent professionals should not be subsumed under Lokpal.

CBI officers concede that in some sensitive political cases there is of course interference from the government, but in respect of an overwhelming majority of cases CBI functions, unfettered and uninfluenced by extraneous considerations. For this reason there is an ever increasing demand for CBI investigation from all-over the country in respect of important cases.

However, in a contradictory TOI article in August 2011, it has been revealed that one its own report says that the CBI is still finding itself waiting for a go-ahead from central agencies so that it can initiate criminal proceedings against high-ranking officials.

Support for the bill:


Surveys:

IAC conducted a survey on the draft Lokpal Bill presented by the Indian Government in Parliament. It showed that 85% of the participants were opposed to the government's bill. The team especially cited the results from the Chandni Chowk constituency, the constituency of Telecom Minister Kapil Sibal, who is a vehement voice for the government's version of the bill.

According to a nationwide survey conducted by CNN-IBN & CNBC-TV18 and published in early August, only a shade over a third of respondents have heard of Lokpal. 34% of all respondents said they have heard of the ombudsman and only 24% knew what it actually meant

Prashant Bhushan, one of Anna Hazare's associates and a drafter of the Jan Lokpal Bill, has demanded a nation-wide referendum on the Jan Lokpal Bill to gauge the mood of the nation.

Legislator support:

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Post the massive support to Anna Hazare's movement, several MPs across party lines have come out in support to the Jan Lokpal Bill. Most notable are Congress MPs from Maharashtra, Priya Dutt and Datta Meghe. Datta Meghe also demanded that his party spokesperson Manish Tiwari should apologise to Anna Hazare for his uncharitable comments.

This support started coming as over 150 MPs and Ministers from different states were forced to remain confined to their houses as Anna supporters protested outside their houses. Protests were also seen outside the residence of Sheila Dixit Ex-CM of Delhi, Kapil Sibal, Pranab Mukherjee amongst others.

BJP MP Varun Gandhi is introducing Jan Lokpal Bill as a private member's bill in the parliament.

Social media

As per reports, Anna Hazare's fast was successful in mobilising the support of thousands in the virtual world of social media. On Independence Day, Anna had over 500,000 mentions through status updates and comments across top social networking sites, including Facebook and Twitter in the country. Two days later, the number had shot up to 9 million. On YouTube, over 40,000 people watched the video shot by Kiran Bedi inside Tihar Jail in which Anna has addressed his supporters. Facebook has 542 fan pages by Anna's name. A portal www.iacbranding.org has also been launched by the IAC activists to provide design logistics for movement's publicity as banner, poster, handbill to be used by the IAC Activists all over India and abroad.

Online surveys:

- According to the survey conducted by STAR News and Nielsen, 87% of the 8900 respondents of the survey supported the Jan

Lokpal Bill. The survey – conducted in 28 cities across the country, including all four metros – mainly dealt with three important points: public's knowledge about the Lokpal Bill; awareness about Anna's campaign; and the perceived problems with the Jan Lokpal Bill.

- Over a million people joined the Times of India online anti-graft campaign, in one of the biggest ever voting exercises in the virtual world. The news analysis points that citizens want to make their voices heard and have found the platform offered by the campaign a viable one to do so.

Parliamentary actions on the proposed legislation:

On 27 August 2011, a special and all exclusive session of Parliament was conducted and a resolution was unanimously passed after deliberations in both the houses of Indian Parliament by sense of the house.

The resolution, in principle, agreed on the following subjects and forwarded the Bill to a related standing committee for structure and finalise a report:

- A citizen charter on the bill
- An appropriate mechanism to subject lower bureaucracy to Lokpal
- The establishment of Lokayuktas (ombudsmen at state level) in states


Hazare welcomed this development, terming it as a battle "half won" while ending the protest.

Rejection and Protest

42 members were against the bill while 27 MLAs, supported it. Thus the resolution failed and Arvind Kejriwal resigned from his post of Chief Minister.

Conclusions :

As my knowledge, with the implementation of the lokpal the corruption will drastically reduced to some extent which will directly help in raising


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the indian economy. The poor will get their share whatever is sanctioned by the central or state government. A peace and favorable climate will spread in India in which poor, rich can survive according to their income and wishes. If the political parties have the will to end the corruption then there is nothing hurdle in passing the janlokpall bill to ensure the setup of lokpal in the centre and lokayukta in the states to control corruption activities


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