

Q and A on Lok Pal Bill

Total length of answers to all questions together should (not ?)be above 560-580 words.
Maximum space for question no 3

Q1) Why is a strong Lok Pal Law important for India and what should it emphasize?

Corruption is endemic and all pervasive in government systems. We only have to see how anti-corruption and vigilance departments are as corrupt as those they seek to oversee and monitor. The internal systems of pay offs and mutual appeasement has rendered them all vulnerable to pressure and bribes. Indian governments have learnt to appear progressive, but systematically disrupt and destroy almost all systems they create. All countries need a government, created to nurture and protect the country, the system of governance facilitates the delivery of promises by the elected government. But every system set up to do so, has fallen a victim to processes of destruction from within. The Lokpal will be independent of the other government agencies, the executive, the legislature and the judiciary. Cutting across red tape and pressure it will hopefully render justice by tracking high level corruption and malpractice.

Q2) What are the essential components of a Lok Pal law which will strengthen democracy?
A strong Lok Pal should be independent, functionally and financially, from the Government. This will facilitate the Lok Pal in taking strong action against those found guilty, across the political spectrum. A Lok Pal must also have a focused mandate on the kind of corruption that it should tackle. It should be able to take on only those concerns and complaints that it can honestly and effectively address and redress, so that it is able to sustain the faith that the citizenry accords to it, in dealing with corruption. Most importantly, the Lok Pal must remain an institution that is transparent in its functioning, open to public monitoring and participation and accountable to the Judiciary and the people in its decision making.

Q3) Does the Draft Jan Lok Pal (version 2.2) meet the requirements of a strong workable law which will check corruption and strengthen democracy?
Unfortunately the Draft Jan Lok Pal Bill, in its current form falls short of ensuring provisions that are conducive to strengthening the participation of the people affected. It has reduced their participation to the mere duty of registering complaints. There are no processes prescribed in the Legislation, that provide an ordinary citizen to engage with those in position of authority as per the Law, monitor the decisions and actions taken by the Lok Pal, challenge use of discretionary power of the Lok Pal, compare the actual reality with the official records maintained by the office of the Lok Pal etc
As it stands the current Draft Jan Lok Pal appears to be a strong Law, characterized by unbridled powers. This poses significant questions on its workability. The Draft Bill places the Lok Pal as responsible for dealing with corruption- in the political and bureaucratic realm, mis conduct, grievance redressal and whistleblower protection. However, it does not outline clearly how the institution will be able to deliver- in terms of the size of the bureaucracy involved, over lapping of the parallel structures mandated to check corruption in public life, financial resources involved etc on the promises it makes.

Q4) Should India aim for one all inclusive, monolithic anti corruption law, or should we aim for a basket of legislative and other measures to tackle corruption, grievances etc at all various levels?

Pragmatically speaking, we should look towards a basket of measures to tackle corruption, on multiple fronts. In addition to a Lok Pal Act that can look at high levels of political corruption, engaged in connivance with bureaucrats, we need legislative and systemic intervention in other areas as well- like CVC Reforms, Whistleblower protection, judicial accountability, grievance redressal systems etc. A top down unified solution to problems of governance emanating from diverse root causes will not be productive in the long run.

Q5) How can we best ensure genuine, broad based participation of people in a law making process (in the specific context of the Lok Pal)

A pre legislative process that mandates transparency in disclosure and public consultation. Aruna Roy, activist with the MKSS and Member of the National Advisory Council played a significant role in the enactment of the RTI legislation and has been in the thick of the recent intense debate on Lok Pal Bill. Here she responds to Bharat Dogra's questions relating to the Lok Pal Bill.