

Jan Lokpal Bill - betrayal of a promise

The very concept of a Jan Lokpal Bill as an alternative to the official draft Lokpal Bill had its origin on 10 August 2010, when a small but significant meeting of 10 self-inspired, prominent think-tanks of the country hailing from different fields of expertise- law, administration and social activism was held at Delhi amidst the then prevailing hullabaloo around high-profile scams involving CW Games, 2-G Spectrum, Adarsh Housing Complex, black-money stashed in foreign banks and the like. The first signatory to the minutes of this historic meeting was a prominent insider of the present establishment- Justice Santosh Hegde, former Judge of Supreme Court and presently Karnataka Lokayukta. Their sole mission was to explore an alternative, foolproof, single-window anti-corruption system that can in a time-bound manner nab, enquire, prosecute and punish the corrupt public servants howsoever mighty and cunning besides delivering promptly the unjustly withheld entitlements to the deprived beneficiaries. After making an in-depth review of the current anti-corruption regime in place at Central and State level, which in their unanimous view was skewed and flawed in favour of the corrupt, the said meeting arrived at a bunch of 18 recommendations that drew the quintessential roadmap to the new order of anti-graft governance they all loved to see in place at the earliest.

While Anna Hazare was conspicuous by his absence from the first meeting, he being a avowed crusader against corruption, got soon associated with its agenda for pushing forward an alternative draft vis-à-vis the official draft Lokpal Bill 2010, which suffered from irreparable structural loopholes. It is worth recollecting that his fast-unto-death during 5-9 April 2011 at Jantar Mantar, New Delhi that culminated in the Government's acceptance of Anna's demand for a joint drafting panel, had sought to canvass mass support for this very alternative Bill, which though popular as Jan Lokpal Bill, then wore an uncomfortably elongated title, 'Anti-corruption, Grievance-Redressal and Whistle-blower Protection Bill 2010'. However, the amended edition of the Bill (version 2.1) dropped off its long title and is now simply styled Jan Lokpal Bill 2010. Obviously, being the latest avatar of Anna's Draft Lokpal Bill, the version 2.1 has been placed before the Joint Drafting Panel for their consideration on last 16th April when the latter met for the first time.

Most of the common people who stood behind Anna's Draft Lokpal Bill still naively believe that the said Bill faithfully caters to the promises dished out in the Recommendations of Meeting of 10th Aug 2010 and a brochure attached thereto '*Salient Features of Jan Lokpal Bill*' (both available on www.indiaagainstcorruption.org). But if they juxtapose the text of the Draft Bill to the said promises, they are sure to feel disillusioned, nay betrayed beyond redemption. For instance, the brochure promised as follows: "*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 reistering 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 card 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"*". As regards how shall all this be possible, the first promise the brochure held out for was that with the Jan Lokpal Bill enacted by the Parliament, "*An institution called Lokpal at the Centre and Lokayukta in each State will be set up*". Precisely speaking, the promise was made for a single Bill to give birth to both Lokpal at Centre and Lokayukta in States, not two separate Bills, one for the Centre and another for each State. This very promise had also categorically figured in course of the recommendations made

in the maiden meeting of 10 August last in such unambiguous words, “*Lokpal at the Centre and Lokayukta at state level should be made the single apex, independent and effective anti-corruption agency*”, and further, “*those states, which already have Lokayukta Acts, should amend their Lokayukta Acts*” and “*those states, which do not have Lokayukta Acts, should pass Lokayukta Acts*” on the suggested lines. Again, the said meeting had also put forward its concluding recommendation as follows: “*It would be desirable if the Government of India provides for the institution of Lokayukta and Lokpal through an amendment to the constitution*”.

Now, the question arises, does the latest Draft Jan Lokpal Bill (version 2.1) fulfill the above assurance for a single Bill meant to address to both Centre and States at one go? The answer is an emphatic no, since the opening line of the Bill reads, “*An Act to create anti-corruption and grievance-redressal systems at centre . . .*”. The limited Centre-centric domain of the Bill is made more explicit from the definition given under Section 2(5), “*Government or Central Government means Government of India*”. Besides the Bill nowhere mentions, even faintly, that on its enactment by the Parliament the States shall be obligated to put in place Lokayuktas on the lines applicable to Central Lokpal . A further and more compelling question that strikes the citizenry at large at this point of time, whether and if, the Lokpal to be instituted on the enactment of Anna’s Bill, would be competent to receive, let alone redress the complaint from a citizen who is troubled by the corruption or misfeasance in the concerned public offices in respect of say, non-issue of ration card or voter card in prescribed time-limit, poor quality roads, misappropriation of Panchayat funds, or even refusal of a police station to register an FIR? Again, the answer is a flat no, since all these issues basically concern the State Governments, over which the Lokpal envisaged under the Jan Lokpal Bill 2010 (version 2.1) would hold no jurisdiction, at all. If that be so, why make a big fuss over the so-called Jan Lokpal Bill, the ken of which has no direct touch with the burning issues of day that bother the teeming millions of countrymen across India at State level- be it scams around mining, non-payment of NREGA wages or siphoning of midday meals, or underselling of Government land to private entities, non-implementation of PESA and Forest Rights entitlements, or signing of dubious MoUs with corporate houses or myriad human rights violations against women, minorities, dalits and adivasis?

Ironically, it is one of the founding fathers of Jan Lokpal Bill Justice Santosh Hegde himself, who confessed to the media other day at Bangalore, “*The Lokpal (ombudsman) Bill will only help fight corruption at the centre and not in states where the magnitude of graft is alarming and accounts for almost 90 percent of corruption in the country encountered by the common man*”. (Times of India , Bhubaneswar Page-7, dated 16 April 2011). It won’t be out of place here to throw back the poser to Justice Hegde himself and other founding luminaries- when, by whom and under which circumstances the original mandate of Jan Lokpal Bill to set up ‘a single, apex, independent and effective anti-corruption agency’ comprising Lokpal at Centre and Lokayukta at state level was drastically scaled down to a highly truncated Bill vouching for a minuscule Lokpal at the Centre? More importantly, Mr. Anna Hazare, who is so to say the icon of the Jan Lokpal Bill owes an instant reply on this count to the whole nation, which stood in solidarity with his fast-unto-death dreaming that they got at last the panacea for a just, delivering and corruption-free India through Jan Lokpal Bill.

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