

LOGGING LOKPAL

By

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The basic inception of corruption started with our opportunistic leaders who have already done greater damage to our nation. People who work on right principles are unrecognized and considered to be foolish in the modern society. Corruption in India is a result of the connection between bureaucrats, politicians and criminals. Earlier, bribes were paid for getting wrong things done, but now bribe is paid for getting right things done at right time. Further, corruption has become something respectable in India, because respectable people are involved in it. Social corruption like less weighing of products, adulteration in edible items, and bribery of various kind have incessantly prevailed in the society.

Political corruption is worst in India. The major cause of concern is that corruption is weakening the political body and damaging the supreme importance of the law governing the society. Nowadays politics is only for criminals and criminals are meant to be in politics. Elections in many parts of the country have become associated with a host of criminal activities. Threatening voters to vote for a particular candidate or physically prevent voters from going in to the polling booth—especially weaker sections of the society like tribal, dalits and rural woman occurs frequently in several parts of the country. Recently, the Government increased the salary of the M.P.'s from Rs.16,000/- to Rs.50,000/-, that is 300% increase to the existing salary. But many of them are unhappy with rise and want the Government to increase the salary to much more extent. This clearly shows how the politicians are in constant thirst for monetary benefits and not caring about the welfare of the people. Tax evasion is

one of the most popular forms of black money which in turn spoils the moral of the people.

The one thing that needs to be ensured is proper, impartial, and unbiased use of various anti-social regulations to take strong, deterrent, and timely legal action against the offenders, irrespective of their political influences or money power. Firm and strong steps are needed to curb the menace and an atmosphere has to be created where the good, patriotic, intellectuals come forward to serve the country with pride, virtue, and honesty for the welfare of the people of India.

In pursuance of recommendations of the ARC 1966¹, it was proposed to set up the institution of Lok Pal and Lok Ayukta to fight corruption in administration and public life. There is no success in passing the Lok Pal Bills even after 40 years of the ARC recommendations. There was no agreement on (a) the inclusion of the office of PM in the definition of "public servant", (b) the definition of "Criminal Misconduct", and (c) the constitutional status of the institution. Meanwhile from 1970 to 1985 as many as 10 States passed the Lok Ayukta Laws. Other States do not have Lok Ayukta. There is no uniformity in the law where it exists. Some States like Karnataka and Orissa included CM in the definition of 'public servants'. Others excluded it. None of the laws except the Lok Ayukta of Karnataka has power to prosecute the guilty. Its recommendations are not mandatory. In some States, for example in M.P., three ministers who were held guilty of 'abuse of

1. Headed by Sri *Morarji Desai*,

office' were not even sacked from the Cabinet not to speak of disqualification from holding public office (M.P. Lok Ayukta's 13th annual report 1994-95). The Lok Ayukta laws except that of Karnataka are considered toothless as corruption is not defined a criminal offence, punishable by Courts.

Following this, the Lokpal Bill was for the first time presented during the fourth Lok Sabha in 1968², and was passed there in 1969 but could not get through in Rajya Sabha, while it was pending in the Rajya Sabha, resulting the first death of the bill.

Lokpal bills were introduced in 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005, 2008 and 2011 yet they were never passed and it's still pending.

Due to insincerity, insecurity of corrupt Governments and politicians, 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.

Even today the Government (Politicians in the Parliament) wants to bring a weak Lokpal as eyes wash exercise, so that they escape the law.

An Ideal Lokpal Act should be

An institution called LOKPAL at the centre and LOKAYUKTA³ in each state will be set up.

Like Supreme Court and Election Commission, they will be completely

independent of the Governments. No minister or bureaucrat will be able to influence their investigations.

Lok pal should have the power to investigate the allegations against all Government officers irrespective of their rank, Parliament Members, Ministers including Prime Minister⁴. Same should the case with Lokayuktha in States.

Cases against corrupt people will not linger on for years anymore. Investigations in any case will have to be completed in one year. Trial should be completed in next one year so that the corrupt politician, officer or Judge is sent to jail within two years.

The loss that a corrupt person caused to the Government will be recovered at the time of conviction.

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 registering 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 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 end the guilty will go to jail within two years.

Its members will be selected by Judges, citizens and constitutional authorities and not by politicians, through a completely transparent and participatory process.

2. Mr. *Shanti Bhushan* proposed the first Lokpal Bill in Lok Sabha.

3. According to Government proposed bill, it is the discretion of the States to create Lokayuktha in States.

4. According to Government proposed bill, Prime Minister is out of this Act.

CVC, departmental vigilance and anti-corruption branch of CBI will be merged into Lokpal will have complete powers and machinery to independently investigate and prosecute any officer, Judge or politician.

It will be duty of the Lokpal to provide protection to those who are being victimised for raising their voice against corruption”⁵.

In summary, looking at the Government’s

version of the Lokpal bill, it is clear that the ruler wants to bring an Act for the name sake and wash their hands off from the issue. After 45 years of waiting, the Government simply wants to create an illusion that it has passed an anti corruption law which is like a teeth less paper tiger.

Hence it is the time to raise the voice by the common men who is the first victim of the corruption.

DEVELOPMENT OF ALTERNATIVE DISPUTE RESOLUTION (ADR) MECHANISM AND EMERGENCE OF ONLINE DISPUTE RESOLUTION METHODS IN INDIA

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Introduction

Disputes are inevitable in any civilized human society and it will pose serious threat to peace and harmony if not resolved in time. Dispute resolution process was in practice from ancient periods of Vedas through Panchayat by various bodies like Parishads, Sabhas, Pugas, Sreni, and Kula and ultimately by King’s Courts. These bodies adopted the methods of Arbitration, Mediation and Negotiation. These practices were continued even during Moghal period. During the British period, the Court System was started wherein disputes were resolved through litigation and Panchayat system was slowly fading away. However, the Britishers introduced Arbitration method for settling some of the civil matters in phased manner,

starting from Bengal Regulations 1772 and finally enacted Arbitration Act in 1940 for resolving domestic civil disputes. Another Act for Arbitration (Protocol and Convention) Act 1937 was enacted based on Geneva Protocol on Arbitration clauses 1923 and Geneva Convention on Execution of Foreign Awards 1927 for dealing with foreign arbitration.

International Commercial activities increased after World War II and particularly in the era of Globalization the cross border commercial activities increased tremendously as no country could sustain their economic growth by meeting the local demands only. Consequently, the commercial disputes also increased manifold.

As the provisions in Geneva Protocol and Conventions were not found to be adequate in dealing with execution of foreign awards, Newyork Convention held in 1958

5. According to Government proposed bill, there is a provision to punish the people who raise their voice against corruption on the allegations of false complaints.