

# An Article On Lok Pal And How To Get Rid Of Corruption

by Shri Joginder Singh, IPS, Former Director, CBI

The government has agreed, after many offs and on to bring the Lok Pal Legislation before the Parliament. There is a hype created, giving the impression that with the creation of Lok Pal, corruption will end in the country instantly. It will be worthwhile to re examine this issue, whether only the legislation for Lok Pal would achieve the desired results. Whenever any new Institution is created, it is seen that many new problems arise.

## What Is The Future Of The CVC?

The standing Committee of the Parliament or Government has nowhere indicated or examined the issue, whether after the creation of the Lok Pal, what will happen to the Central Vigilance Commission, which is only an advisory body, a heaven for retired bureaucrats. After the creation of Lok Pal, there is no reason or justification for its existence.

## Do Not Tie Lok Pal In Bundles

Lok Pal by itself, if it is to continue with the existing laws, infrastructure and without judiciary being strengthened will meet the same fate, as the earlier top heavy vigilance bodies have met. Infact, the way, it is going to be burdened to decide, first, to determine, whether any case exists, will mean a lot of time and energy would be spent on fruitless exercise.

Corruption is not a part of anybody's duty. This is a sly trick to make the Lok Pal ineffective, in dealing with nearly 41 Lakh Central Government employees. At present no investigation agency needs any permission to start a case of corruption, against any corrupt Government official, upto a certain level.

## Get Rid Of Inspector Raj, To Rid The Country of Corruption

The issue whether the Prime Minister should be brought under the purview of the Lok Pal is not as relevant, as quick action. In any case, the Present Prime Minister has no objected to his being under the Jurisdiction of the Lok Pal. In any case, Majority of the population do not deal with the Prime Minister, but a plethora of Inspectors, whether they of the Police or Revenue or Panchayat or Municipal, Weight and Measure, Shop or custom or excise or income tax, pollution or sanitation, to quote a few, who make the life of the common man a hell. Till the last count, about 65 Inspectors of various Departments are visiting any industrial or other establishments, ostensibly to ensure legal compliance, but actually to take their cut.

**How corrupt we are perceived to be by the world, is as under , as per the Transparency international world corruption index (1=least corrupt) is as under; Infact every year, there is increase in corruption with hardly any effective measures in place**

2011 rank	Country / Territory	CPI 2011 Score	CPI 2010 Score	CPI 2009 Score	CPI 2008 Score
95	India	3.1	3.3	3.4	5

Corruption takes a huge toll on India's economy. Global Financial Integrity [reports](#) that US \$19 billion in illicit money leaves the country each year. [2010 Global Corruption Barometer](#) shows that corruption is also a daily burden for India's citizens: 54 per cent of households paid a bribe in a 12 month period to receive basic services. Petty bribery hits the Indian poor hardest, an injustice heightened by the fact that they are often asked for bribes to access services that should be free.

Only 25 per cent, people think, that their government's efforts to fight corruption have been effective. The question for Indian leaders is how to move from commitments made to a real reduction of corruption in the lives of Indian citizens.

If the Government shows will the rolling back of corruption is not an impossible task. After passing the Lok pal Bill the following steps are a must to control corruption.

## Bring Changes In Prevention of Corruption Act

The Prevention of Corruption Act treats both the bribe giver and the recipient as equally guilty. It is a truth that nobody bribes any person voluntarily. People pay bribe to get their work done or it is extracted from them, with a knife on their neck. Examples, of all departments, are too numerous to be quoted. If both the giver and receiver are guilty, then how do you get evidence to convict anybody? In any case, under the law, corruption can be indulged in by a Public Servant or a Government official. The name of the giver should be deleted as a guilty party.

## Legalise Sting Operations

If Government Agencies can Conduct Sting Operations, to catch the corrupt, then it is overdue to legalise it and empower every citizen to do so, if he or she so wishes. Having failed to put its own house in order in controlling the corruption, no Government wants to extend the ambit of Prevention of Corruption Act to Private Sector. It will mean a free for all Government servants to extend the area of collection from Private Sector. Let the Government first control corruption in its ranks, before targeting the private sector.

## Confiscate The Properties Of the Corrupt

Though some States have not only passed legislation, but also confiscated the properties of the corrupt public servant, Government of India, has been keeping a studied silence on this, whereas it should have taken the lead. This is despite the recommendations of the Law Commission made in 1996. How can Lok Pal Legislation be effective, unless it has the power to confiscate the ill gotten gains of the corrupt, crooked and dishonest? A law for confiscation of ill gotten gains, need to be put on the statute book immediately. Also it is over due to put the onus on the accused, to prove that whatever assets he possesses is within the means he has already reported to the Government.

## Give A Constitutional Status to CBI

The country has managed with constitutional status to Election Commission. To prevent the Misuse of CBI or even allegations, Give it a Constitutional Status, with its own budget. Now for everything it has to run to the Government whether it is for hiring an advocate, or recruiting or taking staff on Deputation or sending investigators abroad

## Strengthen Judiciary

Unless the Government takes interest and increases the number of judges, people who have already lost faith in criminal justice system, will become its greatest victims. As on 30-November-2011, there were 9928 CBI cases pending trial in the beginning of the year 2011.

Over 2200 cases with the CBI are pending trial for over 10 to 25 years as the agency suffers from shortage of 1176 officers at various levels, as per the information given in the Rajya Sabha

Against the sanctioned strength of 6565, the actual strength of the CBI is 5389.

Supreme Court Justice, Honourable Sh. Bhandari said as on March 31, 2011 that over 2.74 crore cases are pending in the subordinate courts and over 42.92 lakh cases are pending in the high courts and till October 31, 2011 as many as 56,383 cases are pending in the Supreme Court.

As of April 1, 2011, there were 288 vacancies across all high courts which have a collective backlog of 41.8 lakh cases. As many as 3.2 crore cases are pending in all courts, including trial and Supreme Court, in the country. There is hardly any vacancy in the apex court with functions with 29 out of the sanctioned 31 judges. Three years ago, the then Chief Justice of [India](#) said that India needs 77,000 judges to clear its judicial backlog and called for increasing the population-judge ratio from the existing 10.5 to 10 lakh people to 50 per 10 lakh. It is for the Government to cut the Gordian Knot so that there is a smooth way for the Lok Pal, by taking the above steps, as otherwise, it will be stymied before its birth. The Government must bear in mind, what Albert Einstein once said -

"Weakness of attitude becomes weakness of character... Any intelligent fool can make things bigger, more complex, and more violent. It takes a touch of genius -- and a lot of courage -- to move in the opposite direction."