

# Lokpal: The Axis of Anna Hazare Movement

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## Abstract

The Anna Hazare movement is an important event in the history of Indian public opinion. This movement stirred the nation. The immediate context of the anti-corruption movement was a series of scams inside the government that had hit the headlines. Some of the key issues that the Anna Hazare movement highlighted were the need for strong anticorruption measures, stricter electoral reforms, political representatives with clean criminal records and political accountability. But Much of Anna Hazare's campaign was based on the demand for a strong Lokpal, which could take action against highest government officials.

**Keywords:** Public Opinion, Lokpal, Jan-Lokpal, Corruption, Anna Hazare Movement.

## Introduction

Public opinion has great importance in democracy. Being the largest democracy in the world, the importance of public opinion for India becomes much bigger. In India too, there have been many movements shaping the public opinion, and the latest and one of the most popular movements among these movements is Anna Hazare movement. The Anna Hazare movement is an important event in the history of Indian public opinion.

India as one of the world's biggest democracy is also one of the most corrupt functioning democracies. In the period of 2010-2012 India experienced an increase in the number of high level scams that altered international society and earned India a little tag of the "patronage democracies", based on its exceptionally robust identity-based form of clientelism. Corruption is a major problem concurrent India is facing. Almost all the spheres of Indian society have been affected whether it happens to be defense, medical, housing, telecom, postal, agriculture and sports. Leading bureaucrats, police officers and other high-ranking officials are involved in it. It is marring the country slowly and steadily. In the middle of such widespread corruption we witnessed an uprising in India on the issue of corruption. In 2011, it was triggered by an indefinite hunger strike in Delhi by Anna Hazare, a civil society activist from Ralegan Siddhi. This uprising was called India against corruption movement or Anna Hazare movement.

To start with, there was least unusual about the movement. The issue of corruption was barely new for India where widespread corruption has been rampant. And there had been many initial endeavors to fight it. Anna Hazare too had been a known activist, and had on many earlier occasions gone on hunger strikes for several causes without creating a commotion in the popular sphere. Yet this time, when he sat on a hunger strike advocating the passing of an anti-corruption legislation, the event turned historical. It sparked off a momentous out- bursting in urban India so the government was forced to accept many demands from civil society. It seemed that something was changing in a very intense manner. However, what was changing suppressed any facile explanation. The instant tendency was to either defy Anna Hazare or call the locomotion a second freedom struggle, or to critique it as emotional blackmail of elected representatives by unelected and unelectable activists or as a limited, middle-class movement that was short sighted in its approach. Perhaps many of these critiques or celebrations will remain unanswered. However, as one looks back with some reflection at what was developing in 2011 and successive or forthcoming events, perhaps it is more likely that the anti-corruption movement represents a critical moment of rupture in



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polities- a moment that was giving way to a new kind of nameless politics that is still uncertain and unfolding.

The most noteworthy part of this movement was the emergent role of alternative and social media, mainstream media, and increased access to information that now lay outside government control. In addition, there was already a constituency of young middle-class citizens in urban centers, who had been stirred by the RTI (Right to Information Movement) movement, and by the usage of the Act, to bring in transparency and curb corruption. For instance, just a few years ago, the 'Gooshkomaroghoosa' (punch the culture of bribery) campaign or the 'No RTI, No Vote' campaign had attracted the participation of large sections of the urban middle class, and had successfully thwarted the government's attempt to water down the RTI Act which had been passed earlier.

At the helm of the anti-corruption movement was the demand for anti-corruption legislation called the Lokpal Bill. Developed on the model of the Ombudsman of Sweden, the proposed legislation aimed to set up a national institution, or the Lokpal, to curb the corruption in India. Attempts to bring about such legislation had a long history. The first Lokpal Bill was introduced in Parliament in 1968, and passed by the Rajya Sabha, but left pending. Subsequent versions of Lokpal were re-introduced in Parliament a number of times, but not passed. In the given context, with the expose of a series of high-profile corruption cases, the issue of the Lokpal came to gather centre stage in an unprecedented manner.

#### **Corruption: The Fuel for The Anna Hazare Movement**

A series of scams was the immediate context of the anti-corruption movement. This series included the telecom licenses scam, the Commonwealth Games scam, mines scam in Karnataka and the Adarsh Housing Society scam among others. Although the nation had familiarity with corruption as part of everyday life, and had many instances in the past of large-scale corruption coming into public view but such huge diversion of public funds was something that had never been witnessed earlier. The government's silence at these large-scale scams and its failure to create institutions to check it fuelled public outrage. Clear evidence of crony capitalism was staring the public in the eye, which until now had been working with stealth.

As pointed out by Aditya Nigam,

"The very content of anti-corruption movement was widespread anger against corporate loot of public exchequer, and corruption at the highest helm please involving the state-corporate link. It would not have been possible to mobilise people in such large numbers just on the question of individual acts of corruption indulged in by babus".

Elaborated in his book *Patriots and Partisans*, Ramchandra Guha traces the deterrents that have been a major challenge in bringing a holistic

development of democratic India and one such is being corruption. Corruption in India has been a critical problem since independence. Since independence till date, the country has been torn by nearly forty eight major scandals in the various sectors including telecommunications, food, land, defense and infrastructure. But in course of last few years, we have witnessed a large number of scams like never before.

India marked a low score of 3.1 on the Corruption Perceptions Index, ranking 95<sup>th</sup> of 182 countries in the world in 2011 and ranked 94<sup>th</sup> out of 177 countries in Corruption Perception Index in 2013. The CPI ranks countries or territories based on how corrupt they are as far as their public sectors are concerned. The unofficial estimates put the amount of black money mostly stashed in the Swiss banks, run into a figure of around Rs. 70 lakh crore or US\$1.4 trillion. Some of the most recent scandals that have ignited the Anna Hazare movement include 2G spectrum scandal, the CWG scandal, Adarsh Housing Society scandal, coalgate and others.

#### **Lokpal Bill: The Axis of Anna Hazare Movement**

Some of the key issues that the Anna Hazare movement highlighted were the need for strong anticorruption measures, stricter electoral reforms, political representatives with clean criminal records and political accountability. But Much of Anna Hazare's campaign was based on the demand for a strong Lokpal, which could take action against highest government officials.

The making of lokpal dates to four decades. The term 'Lokpal' was coined by Dr. L.M Singhvi in 1963. This concept was firstly proposed by Ashok Kumar Sen in early 1960s. The Administrative Reforms Commission also recommended in 1966 the adoption of the Ombudsman type of institution in India.

The first Lokpal Bill was proposed by Adv. Shanti Bhushan in 1968 and passed in the 4<sup>th</sup> Lok Sabha in 1969 but could not cross the hurdle of Rajyasabha. In 1971 the Government introduced Lokpal Bill in Lok Sabha . The legislation lapsed with the dissolution of the fourth and the Fifth Lok Sabha. However, the Bill had excluded Prime Minister from purview of Lokpal.

The Congress Government under Mrs. Indira Gandhi proposed to set up the institution of Lokpal at the Central level but the Bill lapsed.

The proposal was revived in order to end corruption in public life of the country again, on July 28, 1977 by the Janata Party. This bill brought Prime Minister also within the purview of Lokpal. Secondly, the Lokpal was allowed to have his own administrative machinery to carry out investigations. He had not to depend upon governmental machinery to carry out his task. The Bill, however, could not be enacted.

The Rajiv Gandhi Government also took up the matter and introduced the Lokpal Bill in the Parliament in 1985. The Lokpal Bill was referred for the consideration of a Joint Select Committee. Till the dissolution of Lok Sabha in 1989, the Bill could not be passed. Hence it was again set at naught.

On December 29, 1989 Janata Dal government introduced the Lokpal Bill. The Bill proposed to establish Lokpal with a Chairman and 2 members- serving or retired judges of Supreme Court. However, the Bill could not be enacted. It was again introduced by Prime Minister AtalBihari Vajpayee on August 3, 1998- the seventh time. After the dissolution of Lok Sabha, the Lokpal Bill again could not be enacted.

The Lokpal Bill was again introduced on August 19, 2001 which also failed to be enacted and the Vajpayee Government resigned. Several states have passed Lokayukta Acts and have actually appointed Lokayuktas to keep a vigilant eye on the public officials. In the year 2011 during the winter session of the parliament Lok Sabha passed this contentious bill but it was stopped by Rajya Sabha. It was four decades after the first Bill that Lokpal and Lokayukts Act was passed in the year 2013.

The primary goal of this movement was to enact a law instituting an ombudsman body that would accept complains to investigate charges of corruption against a variety of officials and civil servants, complete the investigation and execute envisages within the period two years. In 2010, when the government drafted a version of nation law, long called for by activists that would establish a national citizen's ombudsman to investigate corruption. Anna Hazare and his associates believed that the legislation, called the lokpal, did not give the ombudsman enough powers to make it effective. Activists wanted the ombudsman to be able to investigate corruption at all levels. So the team Anna proposed an alternative bill which was called Jan Lokpal bill and they demanded to enact the Jan Lokpal bill instead of government's Lokpal bill. But the government did not pay much attention to their demand resulting in the deadlock. Thus the root cause of the contention was establishment of ombudsman in the form of Government's Lokpal or team Anna's Jan Lokpal.

#### **Main Differences between Lokpal and Jan-Lokpal**

The government proposes to set up Lokpal to check corruption at high places and salvage its image. But there are stark differences between the government's version of the Lokpal Bill and the civil society's. The government Bill, actually, seems to be toothless.

Government's Lokpal will not be powerful enough to either initiate action suomotu in any case or even receive complaints of corruption from public. The proposed Jan Lokpal will have full powers to initiate investigations suomotu in any case and also to directly entertain complaints from the public.

The government's Lokpal will be an advisory body, which will only forward its enquiry report to the competent authority for action. The proposed Jan Lokpal will have powers to initiate prosecution after completion of investigations.

The government proposes that the Lokpal will not have any police powers and it will not be able to register an FIR. The proposed Jan Lokpal will have police powers and would be able to register FIR,

proceed with criminal investigations and launch prosecution.

The government proposes that the Lokpal won't have powers to investigate any case against PM, which deals with foreign affairs, security and defense. The proposed Jan Lokpal will have no such bar on Lokpal's powers.

The government proposes that the Lokpal will not have jurisdiction over bureaucrats and government officers. But the proposed Jan Lokpal will have jurisdiction over politicians, officials and even judges. It also proposes merging the entire vigilance machinery into Lokpal.

The two bills are also different to each other when it comes to composition. In the bill formed by the Indian government there is a chairperson and the maximum number of members permissible is eight. At least 50% of the members should have served in the Indian judiciary in order to be deemed eligible. In case of the Jan Lokpal there is a chairperson as well but the number of members is 10 and 4 of them should have judicial experience. The two bills also differ in terms of selecting the members. In case of Jan Lokpal, there are two stages. In the first stage the possible candidates are selected by a search committee. The committee is supposed to have 10 members, 5 of them are supposed to have previously been the Chief Justice of India, Comptroller and Auditor General or Chief Election Commissioner and 5 others are to be chosen from the civil society. Then there would be a selection committee whose members are supposed to choose the members of Lokpal from the candidates who have been shortlisted in the first stage and this includes important positions such as the Chairperson of Lokpal. The selection committee of the Jan Lokpal will include dignitaries such as the following:

Prime Minister, Chief Election Commissioner, Leader of Opposition in Lok Sabha, Comptroller and Auditor General, A couple of Supreme Court judges, Erstwhile chairpersons of Lokpal, A couple of Chief Justices of High Courts.

In case of the government's version of Lokpal Bill the process involves lesser details. The selection is supposed to be the responsibility of a committee that is supposed to comprise the following individuals:

Prime Minister, A well-known jurist, A judge from the Supreme Court, A famous civilian, A chief justice from a High Court.

The selection committee could employ a search committee in order to select the candidates who will be considered for membership into the Lokpal if it wants to. The two bills also differ when it comes to determining the qualifications of the Lokpal members. In case of the Jan Lokpal, a judge should have at least 10 years' experience and for an advocate it goes up to 15 years. The government bill however makes it necessary for the judicial members to have served as a judge, in case of the Supreme Court, or as a chief justice of a High Court. If they are none of the above they should have a minimum of 25 years' experience in any one of the following domains:

Anti-corruption policies, Vigilance, Public administration, Finance.

In case of the Jan Lokpal Bill the minimum age needed to be a member is 45 years and if anyone has worked in a government job in the immediately preceding 2 years span, he or she will not be deemed eligible to be a member.

Yet another area of difference between the two bills in the process that is to be followed to remove the members of Lokpal. In case of the government bill the President can refer the Supreme Court if an inquiry needs to be instituted against a Lokpal member. If the said member is discovered to be corrupt or biased he or she can be removed from duty.

The President can make the reference on his or her own accord or if there is a petition that has been signed by 100 MPs. The President can also refer a petition made by a citizen against a Lokpal member if he or she is convinced that such an action needs to be taken. A member can also be removed for any of the following reasons: Insolvency, working in a paid job, mental or physical infirmity.

The Jan Lokpal tables a separate course. First a complaint needs to be made against the member in question at the Supreme Court, which will then look into the same and in case any of the above-mentioned factors or misbehavior is found to have taken place, then it will make a recommendation to the President suggesting the removal of the said member.

The Lokpal Bill is only concerned with offences that are covered by the Prevention of Corruption Act. The Jan-Lokpal covers this and also offences committed by government officials as per the Indian Penal Code, continued violation of the citizen's charter and if whistleblowers are victimized.

#### **Aim of the Study**

To aware the people about the importance of Lokpal.

#### **Conclusion**

Finally the Lokpal and Lokayukta Act, 2013 was enacted on 1st January 2014. It provides the

established body to be known as the Lokpal which will be headed by a Chairperson, who is or has been a chief justice of India; or is or has been a judge of the Supreme Court or an eminent personality who fulfills eligibility criteria as fixed. And it will comprise other members also but not more than eight in numbers. Out of those eight members 50% are to be judicial members, provided that not less than 50% of the members belong to the scheduled castes, scheduled tribes, OBCs, minorities and women.

#### **References**

1. *Chandra, Kanchan. Why Ethnic Parties Succeed: Patronage and Ethnic Head Counts in India. United Kingdom: Cambridge University Press, 2004.*
2. *Aditya Nigam, At CDSA Consultation on Anna/Anti-Corruption Phenomenon: Its implication, for Democracy, Civil Society and policy making, 13<sup>th</sup>, September, 2011*
3. *Bedi, Kiran, Choudary, Pavan. Uprising 2011. Wisdom Village Publications.2013.*
4. *Dhavan, Rajeev. Anna And The Lokpal Bill: 2010-2018. Orient Blackswan, New Delhi 2019.*
5. *Dhavan, Rajeev. The Lokpal Idea; 1963-2010 [Volume-1] Orient Blackswan, New Delhi, 2019*
6. *Guha, Ramchandra. 2012. Patriots and Partisans. New Delhi: Penguin Publishers.*
7. *Transparency International. (2013). <http://www.transparency.org/country#IND>*
8. *Rao, V Venkateshwara. (August 13, 2010) Black,Bold and Bountiful. Business Line. <http://www.thehindubusinessline.in/2010/08/13/stories/2010081350370900.htm>*
9. *Chatterjee, Shibashis, and Sreya Maitra Roychoudhury. "Institutions, Democracy and "Corruption" in India: Examining Potency and Performance." Japanese Journal of Political Science 14.03 (2013): 412*
10. *Headlines Today Bureau, New Delhi, April, 5, 2011*