



सूचना के जन अधिकार का राष्ट्रीय अभियान

NATIONAL CAMPAIGN FOR PEOPLE'S RIGHT TO INFORMATION

C 17A MUNIRKA, NEW DELHI 110 067

Tel: +91 (0)11 26178048, Fax: +91 (0)11 26168759, www.righttoinformation.info

NCPRI Presents an Alternative Approach: Collective and Concurrent Lokpal Basket of Anti-corruption and Grievance Redress Measures. (Draft Concept notes for widespread consultation)

The National Campaign for Peoples' Right to Information (NCPRI) presented a critique of the government draft of the Lokpal bill (as released on June 21) and presented an alternate approach in the form of a basket of collective and concurrent Lokpal anti-corruption and grievance redress measures at the Nehru Memorial Museum and Library (NMML) on the 6th of July 2011. On the 5th of July, the NCPRI held a consultation to discuss the alternate approach with various people. The consultations jointly organized by NCPRI, NMML and Inclusive Media for Change were attended by several eminent people including Justice A. P. Shah, Admiral Tahiliani, Wajahat Habibullah, Samar Singh, Vinod Mehta, Ram Bahadur Rai, TCA Srinivasa Raghavan, Neelabh Mishra, Bharat Dogra, Sukumar Muralidharan, PV Rajagopal, Medha Patkar, Kalpana Kannabiran, Yogendra Yadav, Madhu Kishwar, Ravi Chopra, Amitabh Behar, Prashant Bhushan, CV Madhukar, Dipa Sinha, Kiran Shaheen, Yamini Aiyar, Saikat Datta, Prashanto Sen, Subhash Chandra Aggarwal, Harsh Mander, Shekhar Singh, Aruna Roy, Anjali Bhardwaj, and Vipul Mudgul.

The NCPRI critique and approach built on the public consultation organized by it on the 16th of April 2011. In the consultation, there was unanimity that all public servants must be held accountable; however, it was felt that no single institution should be made responsible for this mammoth task. A decentralised agency needs to be created to address and redress the spate of grievances of the common citizen. Vesting such all-encompassing power and responsibility in one institution would overload the institution making it difficult for it to carry out any of its tasks. Therefore, a consensus emerged that an approach of providing for a basket of collective and concurrent Lokpal anti corruption and grievance redress measures should be explored.

In the consultations on the 5th and 6th of July, the NCPRI presented detailed draft concept notes on enactment/ strengthening of five collective and concurrent anti-corruption and grievance redress measures, namely:

1. *Rashtriya Bhrashtachar Nivaran Lokpal* (National Anti-corruption Lokpal): An institution to tackle corruption of all elected representatives, including the Prime Minister (with some safeguards), Ministers and Members of Parliament and senior bureaucrats (Group 'A' officers) and all other co-accused including those in the private and social sector. The Lokpal will be financially and administratively independent from the government and will have both investigative and prosecution powers.

2. *Kendriya Satarkta Lokpal* (Central Vigilance Commission): Amending the Central Vigilance Commission Act to remove the single directive and empower the CVC to investigate corruption and take appropriate action against mid-level bureaucracy.

3. *Nyayapalika Lokpal* (Judicial Standards and Accountability Lokpal): To strengthen the existing *Judicial Accountability and Standards Bill*, that is currently before the Parliament, to ensure that the judiciary is also made effectively and appropriately accountable, without compromising its independence from the executive or the integrity of its functions.

4. *Shikayat Nivaran Lokpal* (Public Grievances Lokpal): To set up an effective time-bound system for grievance redress for common citizens to make the government answerable in terms of its functions, duties, commitments and obligations towards citizens. The grievance redress structure would have decentralized institutional mechanisms going right down to each ward/block level, and would ensure a bottom-up, people centric approach so that complaints and grievances can be dealt with speedily and in a decentralized, participatory and transparent manner. It will integrate public vigilance processes like vigilance committees and social audits, and provide for facilitation for the filing of all grievances/complaints through the setting up of block information and facilitation centres in every Block (rural) and ward (urban) in the country. The grievance redress mechanism will be a three-tier structure consisting of grievance redress officers at the local level within the department, **independent** district level grievance redressal authorities (with power to penalize and provide compensation) and appellate central/State level grievance redressal commission. It will include and rationalize existing structures.

5. *Lokrakshak Kanoon* (Whistleblower Protection Lokpal): To strengthen the existing *Public interest Disclosure and Protection to Persons Making the Disclosure Bill*, that is currently before the Parliament, to ensure appropriate protection of whistleblowers.

These institutions, where relevant, will also be established at the state level. In addition there will be a common selection process to staff these institutions.

The NCPRI feels that all **these measures need to be brought in simultaneously** to effectively tackle corruption at all levels and provide a mechanism to redress grievances of citizens.

The NCPRI hopes that this alternative approach will contribute positively to the anti-corruption public discourse at a time when the government has come out with the draft Lokpal Bill. The campaign is committed to substantive public debate on the draft framework and provisions of each of these issues as part of its campaign for a transparent and participative pre-legislative process.

Signed:

Nikhil Dey, Venkatesh Nayak and Ramakrishnan Raju

Co-conveners, NCPRI

Dated: July 7, 2011