सूचना के जन अधिकार का राष्ट्रीय अभियान

NATIONAL CAMPAIGN FOR PEOPLE'S RIGHT TO INFORMATION

PRESS NOTE

20th August 2011

The National Campaign for Peoples' Right to Information (NCPRI) has written to the Chairperson of the Standing Committee, Dr. Abhishek Manu Singhvi and the Prime Minister, enclosing our alternative approach and detailed formulations for fighting corruption and redressing grievances of citizens. The NCPRI has also asked that wider consultations be held in order to emerge with an effective set of legal measures. We believe that citizens' participation in the making of laws is extremely important, and therefore this process should be opened up to all citizens and citizens' groups who wish to contribute to it.

The National Campaign for Peoples' Right to Information is a platform of individuals and organizations committed to making the government and society both transparent and accountable. The need for strong anti-corruption and grievance redress institutions has been under active discussion in the NCPRI since 2010.

We feel that this an extremely crucial timein the country when the provisions of the Lokpal bill need to be widely discussed and evolved. The bill iscurrently with the Standing Committee. The NCPRI has written to the committee today, highlighting the need for the standing committee to invite suggestions and comments from all interested groups across the country, including the NCPRI. We have also written to the government and leaders of all political parties demanding that wideconsultations be held in all parts of the country on the various provisions of the Lokpal bill.

The NCPRI has prepared a critique of the government draft of the Lokpal bill (as introduced in the LokSabha) and has evolved an alternate approach in the form of a basket of collective and concurrent Lokpal anti-corruption and grievance redress measures. The NCPRI approach builds onseveral public consultations organized by it since April 2011. In the consultations, there was unanimity that all public servants must be held accountable and an effective mechanism for grievance redress must be evolved. However, it was felt that **no single institution should be made responsible** for this mammoth task. Vesting 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 a basket of collective and concurrent Lokpal anti-corruption and grievance redress measures should be evolved.

The National Campaign for Peoples' Right to Information
278, SFS Apartments, DDA Flats
Hauz Khas, New Delhi- 110016
Email: ncpri.india@gmail.com
Website: www.righttoinformation.info

In our view, the following **five collective and concurrent anti-corruption and grievance redress measures**, will be required to effectively tackle corruption and redress grievances:

1. ***RashtriyaBhrashtacharNivaranLokpal*(National Anti-corruption Commission):** Anti-corruption Lokpal to tackle corruption of all elected representatives- 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. Please refer to **note 1** for the major amendments suggested by the NCPRI to the Lokpal bill (as introduced in the LokSabha).

2. ***KendriyaSatarktaLokpal* (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. Please refer to **note 2.**

3. ***NyayapalikaLokpal* (Judicial Accountability Commission):** To strengthen the existing *Judicial Accountability and Standards Bill*, that is currently before the Parliament, to ensure that the judiciary is made effectively and appropriately accountable, without compromising its independence from the executive or the integrity of its functions. Please refer to **note 3.**
4. ***ShikayatNivaranLokpal* (Grievance Redress Commission):** To set up an effective time-bound and decentralized system for grievance redress for common citizens to make the government answerable in terms of its functions, duties, commitments and obligations towards citizens. This would be a bottom up structure that rationalizes the lessons and structure of the MGNREGA, proposed National Food Security Act and other social sector programmes. The Grievance Redress Commission would have representatives at the rural block and urban ward level and Facilitation Centres would be established in every Block to help citizens frame, register and pursue their grievances. Please refer to **note 4.**

5. ***LokrakshakKanoon*(Whistleblower Protection):** 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 and to make it applicable to all the above mentioned institutions and also to all other relevant institutions. Please refer to **note 5.**

This approach only requires the decision for one new law- the Commission for redress of public grievances. The others are all amendments in existing Bills/Laws. It would ensure that no one is above the law, that institutions are appropriately empowered and citizens get an accountable administration. We feel it would be the most effective way of tackling

corruption at different levels while making the administration accountable and empowering people.

Signed

Aruna Roy, Shekhar Singh, Harsh Mander, Nikhil Dey and Venkatesh Nayak

(For the NCPRI)

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