



Role of Aga Khan Education Services in Promoting Female Education in Gilgit-Baltistan

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Abstract : *The purpose of this study was to assess the role of Aga Khan Education Services (AKES) in promoting female education in Gilgit-Baltistan. AKES has a long history and tradition of strong leadership especially in the field of educational development. AKES is a network of educational institutions that has been providing educational facilities for the students for more than one century. It started its initiatives in 1905 by opening a new school in Mundra, Later it became the large network of schools. Currently it operates more than 300 schools and provides quality education and advanced educational facilities for 54,000 students in Asia and Africa. The organization is playing a significant role to educate female in the remote and far-flung areas. The proposed study was conducted in two districts namely Hunza and Gilgit. Out of 21 secondary schools, 7 schools were selected through simple random sampling whereas three different questionnaires (teachers, students and head teachers) were designed on three point Likert Scale i.e. agree, disagree and undecided. Stratified sampling technique was used to collect data from 250 students, 50 teachers and 7 head teachers, which was later analyzed using percentage and mean. The study revealed that AKES has played a vital role to educate and empower female. It provides necessary educational facilities for students like proper seating arrangement, spacious classrooms with full ventilation, drinking water, washroom, and playground, provision of curricular and co-curricular activities etc. Teachers and head teachers also play their role in an effective manner for instance, teachers consider individual difference, pay individual attention, deliver lessons with the help of audio-visual aids, and provide conducive environment for students. Problems at AKESP schools are lack of required books in the library, shortage of laboratory equipment and computer lab. However, the organization may take suitable measures to solve these problems.*

Key words: Community involvement, educational facilities, female education, women empowerment

INTRODUCTION

Acquiring basic education is fundamental human right because it is the only tool that helps to differentiate between animals and human being. This principle has been accepted and recognized after the 1984 adoption of the

Universal Declaration of Human Rights. Since then, various other human right activists have reiterated and have emphasized the right to free and compulsory primary education for all the children. According to Education for all (1990)(12), all the children especially



females who are in difficult situations and especially those who are in small ethnic groups, should have right to free and compulsory education. Here it is very important to mention that public health is strongly related to education as educated people have more awareness about health related activities and food which they consume in daily lives. When girls have awareness about education, there will be no or less cases of HIV/AIDS, child survival figures will be high and maternal health will be improved.

According to the global campaign for education (2005)(9), if all the girls get complete free education up to primary level, 70,000 cases of HIV could be prevented every year. According to Dr. Kwegir Aggrey, "educating a man means educating an individual whereas educating a woman means educating a whole nation". It is very important for females to have equal access to education as their male counterparts.

Education is also considered as one of the most key factors in overcoming the barriers and strengthening females into the mainstream of development. Education not only provides basic information and skills but it also enables women to fight for their rights and to play their role in the progress and development of the society where they live. Education gives status and confidence especially for taking good decisions. Educating women helps to reduce poverty that is why every nation emphasizes female education.

Education and female status or position in any society is interconnected. Major steps have been taken to increase literacy all over the world as stated by Bhatt, D. B and Sharma, R.S (1992)(7)

'emphasize has been given to improve the women status throughout the world with the help of education as education is the only tool that not only change the mindset of the masses but also help them to uplift the living standards'. Thus female education plays a significant role in the development of nations as the literacy rate of a country helps to reduce poverty and improve the economic condition by providing various opportunities for the citizens.

According to Ake (1993)(1), there are numerous advantages of women education that includes the decrease of maternal mortality, improvement of child health and nutrition, lower fertility rates, increase of women domestic role and their political involvement, enhancement of the economic productivity and growth, and protection of girls from HIV/AIDS, abuse and mistreatment. Girls' education yields some of the highest returns of all development investment, yielding both private and social benefits that add to individuals, families and society at large.

According to Pakistan Economic Survey Pakistan (2013-14)(18), females are believed to be 51 percent of the total population in Pakistan. As they constitute more than half of the total population, so their participation in the development is very vital. Pakistan female literacy is 48 percent whereas male literacy is 73 percent. There has been a steady increase in the female education as compare to past year but female literacy rate is comparatively lower in all the periods than that of male. The situation is very drastic in rural areas as compare to urban areas. There are many factors that affect female education in rural areas among which low status of woman as compare to man, cultural, social, religious and social norms



concerning woman's role in society, lack of educational facilities, and other many taboos associated with the female.

UNESCO (2012)(19), if we compare the situation of Pakistan with other nations in educating low-income girls, it showed minimum progress. The number of poorest out of school girls in Pakistan is twice as compare to India, three times more if we compare it with Nepal and more than six times as compare to Bangladesh. There are many reasons for low enrolment of girls like militant groups in the rural areas do not allow female to go to school or they simply blew up schools in such areas. Female education in Pakistan is badly suffered by poverty, socio-cultural restrictions and other factors.

Women have to face so many problems in today's society which they can solve if they are properly educated. An educated woman not only looks after home but also socializes her children in a better way. She solves day to day problems intellectually and also helps to boost up the economy. Education of woman is not only for herself but for home and society at large. An educated woman helps to raise children in a better way who ultimately can take part to make a society prosper by taking part in the progress and development. So imagining a developed society without educating female is impossible. The present study was undertaken to see the role of AKES in promoting female education in Gilgit-Baltistan at secondary level.

Objectives of the study

To assess the overall role of Aga Khan Education Services in promoting female education in Gilgit-Baltistan.

1. To evaluate the educational system of AKES as well as educational facilities provided for the students.

Research questions

1. What is the overall role of AKESP in promoting and enhancing female education in Gilgit-Baltistan?
2. What kind of facilities does the organization provide for students and teachers and how it has helped to empower the female in the area?

RESEARCH METHODOLOGY

This study was a descriptive quantitative study which was conducted in secondary schools of Aga Khan Education Services located in Gilgit and Hunza, Pakistan. The study populations were head teachers, teachers and students. Simple random sampling and stratified sampling was used while interview based questionnaires were used to collect data. Questionnaires were designed in the light of objectives and literature review. Seven secondary schools were selected from two districts (Gilgit and Hunza) through simple random sampling while stratified sampling technique was used to collect data from 7 head teachers, 50 teachers and 250 students. Data was collected through questionnaire with Likert scale i.e. agree, undecided and disagree. The reliability and validity of the data collection tool was established through pilot study. Response rate was 100 percent. The data was tabulated and analyzed using percentage and mean score. The scoring was done by using Likert scale technique by assigning a scale value to each of the three responses which are as under:



| Response Category | Scale Value |
|-------------------|-------------|
| Agree | 3 |
| Disagree | 2 |
| Undecided | 1 |

RESULTS

Table 1: Distribution of respondents according to age

| Participants | Age groups | Number | Percentage | Mean | STDEV |
|----------------------|------------|--------|------------|-------|-------|
| Students | 13-14 | 72 | 29 % | 14.94 | 0.97 |
| | 15-16 | 171 | 69 % | | |
| | 17 & above | 7 | 2 % | | |
| Teachers | 20-30 | 9 | 58 % | 32.86 | 5.47 |
| | 31-40 | 18 | 36 % | | |
| | Above 40 | 3 | 6 % | | |
| Head teachers | 30-40 | 1 | 14 % | 47.57 | 8.46 |
| | 41-50 | 4 | 57 % | | |
| | Above 50 | 2 | 29 % | | |

Age distribution

Regarding age distribution of students, teachers and head teachers, more than half of the respondents i.e. 69%, 58% and 57 % fall between the age groups of 15-

16, 20-30 and 40-50 years whereas less than half of the respondents fall between the age groups of 13-14, 31-40 and above 50 respectively.



Table 2: Distribution of respondents according to teaching experience

| Participants | Experience | Number | Percentage | Mean | STDEV |
|---------------|--------------------|--------|------------|-------|-------|
| Teachers | Below 10 years | 32 | 64 | | |
| | 10-15 | 16 | 32 | 8.08 | 4.63 |
| | Above 15 years | 2 | 4 | | |
| Head teachers | Less than 10 years | 1 | 14 | | |
| | 10-20 | 3 | 43 | 18.28 | 7.18 |
| | Above 20 | 3 | 43 | | |

Teaching Experience

Table 2 provides us information regarding number of teaching experience of the respondents where 64 % of the teachers have less than 10 years of

teaching experience. For head teachers, 43 % of the total respondents have 10-20 and above 20 years of teaching experience.

Table 3: Analysis of Responses about the Role of Education in Women Empowerment

| Statement | Level | F | Percent |
|--|-------|-----|---------|
| Role of Education in Women Empowerment | A | 241 | 96 |
| | UND | 4 | 2 |
| | DA | 4 | 2 |

Education is considered to be an important component of a society and an absolute necessity for its economic and social development. It also plays a significant role in women empowerment. Regarding the role of education in women

empowerment, a vast majority of the respondents i.e. 96% agree that it helps to empower women in every society. Only 2 % respondents disagreed with the given statement.



Table 4: Analysis of Responses about Contribution of AKES in students' personal growth and development

| Statement | Level | F | Percent |
|---|-------|-----|---------|
| Contribution of AKES in students' personal growth and development | A | 175 | 70 |
| | UND | 17 | 7 |
| | DA | 58 | 23 |

Table 4 provides us information about the contribution of AKES in students self-growth and facilities for the students where a significant number of respondents (70%) agrees that the institutions provides various team work opportunities, increases students problem

solving skills, develop students creative thinking abilities and leadership skills which are important components of students' personal growth whereas less than 25 % of the total respondents disagreed with the given statement.

Table 5: Analysis of Responses about Classroom and School Environment

| Statement | Level | F | Percent |
|----------------------------------|-------|-----|---------|
| Classroom and School Environment | A | 224 | 89.6 |
| | UND | 25 | 10 |
| | DA | 1 | 0.4 |

Classroom and overall school environment has a significant impact on students growth and development. It also plays a vital role in overall teaching and learning process. A vast majority of the respondents i.e. 89.6% agree that AKES based schools have conducive

environment for smooth teaching learning activities including spacious classrooms with ventilation, lighting system, proper seating arrangements, and sports facilities whereas less than 1% showed their disagreement against the given statement.

Table 6: Analysis of responses about role of the teachers for promoting female education

| Statement | Level | F | Percent |
|---|-------|----|---------|
| Overall roles and responsibilities of teachers for promoting female education | A | 41 | 82 |
| | UND | 3 | 6 |
| | DA | 6 | 12 |

Teachers' positive role is indispensable for providing quality education in every society and are the character builders. With regards to the teachers' role in promoting female education in Gilgit-Baltistan, 82% respondents agree that they play their due role, motivate parents

to send their daughters to school, arrange sessions at community level regarding the importance of female education and focus on the holistic development of their students rather than their academic area whereas 12% disagreed.



Table 7: Analysis of Responses about the Involvement of Community members for promoting female education

| Statement | Level | F | Percent |
|---|-------|---|---------|
| Involvement of Community for promoting female education | A | 5 | 72 |
| | UND | 1 | 14 |
| | DA | 1 | 14 |

The above table provides us information about the involvement of community in promoting female education where 72% respondents agree that they involve members of the community as they are

the stakeholders who play an important role in promoting female education in the society only 14 % participants disagree with the statement.

Table 8: Analysis of responses about the role of head teacher in overall school development

| Statement | Level | F | Percent |
|--|-------|---|---------|
| Role of head teacher in overall school development | A | 6 | 86 |
| | UND | 1 | 14 |
| | DA | 0 | 0 |

Head teachers are not only responsible to monitor the ongoing teaching learning process but as being head of the institution, they have to play an active role for overall school development. The

above table illustrates that majority of the respondents i.e. 86 % agree that they play their due role while none of the respondents disagree with the given statement.

Table 9: Analysis of responses about students' security and facilities for the students and teachers

| Statement | Level | F | Percent |
|---|-------|---|---------|
| Students' security and facilities for the students and teachers | A | 6 | 86 |
| | UND | 1 | 14 |
| | DA | 0 | 0 |



With regards to the students' security and facilities for the students, 86% respondents agree that proper facilities like clean drinking water, washroom, and playground with sports facilities are available for the students. Moreover, AKES based schools are secure for students having boundary walls and teachers are concerned about the security so they don't allow to go outside the school during break time.

DISCUSSION

Increased knowledge, self-confidence, and awareness about gender equity are important components of women empowerment (Murphy-Graham 2008)(17). Educated women are more confident and are financially stable as compare to those who are uneducated. They are less dependent on men and are in better positions in every society. Educated women become more confident (Maslak and Singhal, 2008)(15) they can argue and make their own decisions. They become aware of their rights and they raise their voice if someone tries to overrule their rights. Women education is key element to improve women health, nutrition and education in the family and also empower them to participate in decision making. Education not only enables women to acquire knowledge and information but also helps them to achieve economic security, self-confidence, necessary skills required to live a healthy life. Moreover, it gives inner strength to face challenges in everyday life and enables them to take part in the progress and development of society (Bera N. 2016)(4)

The major focus of AKES schools is students' personal growth and development. It provides opportunities for students to develop holistically rather

than providing bookish knowledge and appreciates them to participate in curricular and co-curricular activities. AKES schools offer conducive and effective environment for students in order to create the ability of inquiry. There is a two-way communication in the class that means teachers encourage students to ask questions. Teachers appreciate them to take part in co-curricular activities which help to develop students' self-esteem, confidence, team work skills and discipline. (Malik, 2011)(14).

Classroom and school environment plays an important role in students learning. Students easily grasp new concepts and ideas if the environment is conducive (Hanna, 2013)(11). AKES education system facilitates its students fully by providing favorable environment inside and outside the classroom like considering individual differences, paying individual attention, appreciate them to ask questions and participate in different learning activities. New research also reveals that classroom environment has significant impact on academic performance of students. The University of Salford conducted a study regard class environment which reveals that classroom environment is critical for learning and can affect student's learning and academic progress by as much as 25 %(Barrett, 2013)(3).

Community members and stakeholders play an important role for promoting female education (UNICEF, 2005)(22). They further motivate people to send female to acquire education. Community participation and involvement is very necessary for improving educational relevancy, quality and access. (Swift, 2006)(20).



Head teachers are not only responsible to monitor the ongoing teaching and learning process but their role is complex and multidimensional. (Lizotte, 2013; Moose, 2013)(13,16). They have to ensure better teaching and learning at school, satisfy students and parents along with upgrading school infrastructure (Bryk, 2010)(8).

Head teachers are not only responsible to create linkages among stakeholders, community members and institutions but also responsible to provide a safe and secure environment for girls where all the teaching and learning activities move on smoothly. Moreover, they provide necessary facilities for both students and teachers including well-equipped classrooms, clean drinking water, washrooms, playground, library, laboratory, teaching aids and guide books etc. (Malik, 2011)(14).

CONCLUSIONS AND RECOMMENDATIONS

AKES is playing an effective role for promoting female education in one of the most challenging regions of Pakistan. It started its initiative in 1905 by opening a school in Mundra since then its providing quality education for the students in more than thirty countries. The institution doesn't compromise on quality. The major aim of AKES education is to empower female who not only aware of their rights along with being less dependent on others but also to take part in the progress and development of the society where they live. The researcher has found that overall school and classroom environment is conducive for teaching learning activities with necessary facilities for the students. Teachers and head teachers are dedicated who play their role to promote

education in the area including conducting seminars and awareness sessions at community level to promote female education. Major problems at AKES schools are lack of books in the library, equipment in the laboratory and access to internet. In order to overcome these issues, the institution can build linkages with other donor agencies, government and non-government organizations.

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Lokpal system in India - its independence and accountability

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Abstract: Regulatory agencies are not as much in the public eye as accountability agencies. They therefore have the advantage of having more time to construct their public legitimacy. Although regulatory agencies are eventually called to account for their effectiveness, the spotlight does not shine on them as strongly from the very beginning. Again, beyond budgetary questions, independent agencies also run the risk of simply being ignored by other areas of government when they try to investigate and punish wrongdoing. Since they are relatively small and not formally backed up by one of the other branches, the tendency will be to marginalize them politically and institutionally. This is especially the case since the work of accountability agencies is by nature "uncomfortable" for other areas of government.

Key words: Regulatory agencies, government, *human rights*

"Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government's ability to provide basic services and discouraging foreign aid and investment." - Kofi Anan, 2004, UNCAC.

Introduction: Corruption in the modern times in public life is widespread. In the recent past, corruption is throwing new challenges' and has become primary obstacle to socio-economic growth in developing countries like India. Corruption is social evil. In *Niranjan Hemchandra Sashittal & Anr. v. State of Maharashtra*,¹ the Apex Court while dwelling on the same theme held:

"It can be stated without any fear of contradiction that corruption is not to be judged by decree, for corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and

1 (2013) 4 SCC 642.



mars the marrows of governance”.

It is worth noting that immoral acquisition of wealth destroys the energy of the people believing in honesty, and history records with agony how they have suffered. The only redeeming fact is that collective sensibility respects such suffering as it is in consonance with the constitutional morality.

Views on Corruption

Tragedy lies in the fact that very people who have to guard against the corruption are greatly increasingly involved in such scams and corrupt practices. Rampant corruption now becomes a major national malady for which a citizen faces corruption particularly at every level and every sector of life. “Power tends to corrupt, and absolute power corrupts absolutely is the best known quotation of the 19th century British politician Lord Acton. He borrowed the idea from several other writers who had previously expressed the same thought in different words. Great men are almost always bad men.”²

“ Chanakya³ made the following observation about human behaviour: “Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the king’s revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money for themselves.”

2 John Emerich Edward Dalberg Acton, first Baron Acton, historian and moralist, expressed this opinion in a letter to Bishop Mandell Creighton in 1887.

3 Chanakya was an Indian teacher, philosopher, economist, jurist and royal advisor.

In any welfare state and developing economy, the size of bureaucracy is tending to increase and at times, people appointed to hold public offices think it as their private property. Such misuse and ill-use of power is leading corruption, thereby effecting the development of the nation. Corruption in public life and administration is fatal to economic growth as it erodes the authority of state, promotes crime and violation and under mines the rule of law and the very formation of democracy. Where corruption flourishes development and rule of law will fail.

Law on Corruption

Law endeavours to mould and control social values and norms, attitudes and behavioural patterns. So that they flow in a proper channel. It attempts to change the prevalent social situation or relationship by its formal process. It also influence other parts of social system. It attempts either to support the social system or to change the prevalent social situation or relationship by its formal processes. All collective human life is directly or indirectly shaped by law. Law is, like knowledge, an essential and all pervasive fact of the social condition. No area of life-whether it is the family or the religious community, scientific research is the internal network of political parties-can find a lasting social order that is not based on law. A minimum amount of legal orientation is indispensable



everywhere.⁴

In pre Independence and post Independence Laws were enacted to combat the corruption in public offices. Sections 161 to 165 Indian Penal Code⁵ provided the legal frame work to punish and prosecute the corrupt public servants. After the Second World War the Prevention of Corruption Act, 1947 was enacted to fight the evils of bribery and corruption. The said Act did not redefine nor expand the definition of offence relate to corruption already existing in IPC but it has adopted the same definition of Public servants as in IPC. Subsequently The Criminal Law (Amendment) Act, 1952 brought some changes in laws relating to corruption, whereby Section 165 A was inserted in the IPC. It provides punishment for abetting an offence defined in section 161 and 165 of IPC. By consolidating the provisions of Prevention of Corruption Act, 1947, the Criminal Law Amendment Act, 1952 , the Prevention of corruption Act, 1988 were enacted. The scope and the definition of a public servant were widened. The sanction to prosecute the public servants provided under Section 197 of Code of Criminal Procedure is becoming hurdle in some cases to prosecute the corrupted. To combat corruption, innovative steps like citizens charters, administrative reforms, social audit, e-governance, Right to information Act and electoral reforms were provided.

Why a demand for lokpal system in India arose?

It is unfortunate that even in

4 Khushal Vibhute & Fillipos Aynalem, *Legal Research Methods* 3 (Justice and Legal System Research Institute, 2009)

5 Indian Penal Code, 1860

spite of enactment of various laws to fight against to corruption, the investigation agencies are in the control of politicians in power. It is a fact and belief that there is nexus between bureaucracy, political and police people. In the Vohra Committee Report⁶ it was pointed out that, "The nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country. The existing criminal justice system, which was essentially designed to deal with the individual offences/crimes, is unable to deal with the activities of the Mafia".⁷ As the investigation agencies are in the control of the corrupt people, the demand for independent agencies to investigate and to decide the corruption of the said people came in to force.

A major reason for this rampant, widespread corruption is the lack of an independent, empowered, and the accountable anti-corruption institution that can be trusted to credibly investigate complaints of corruption and prosecute the guilty. It is often said that the Central Bureau of Investigation (CBI) is controlled by the very people who are the fountainheads of this corruption and is required to seek the permission of the very people who need to be investigated and prosecuted. An instance can be quoted where while dealing Coal Mine Scam, it has shared the preliminary report with the Union Law Minister.

6 The Vohra Committee Report was submitted by the former Indian Union Home Secretary, N.N. Vohra, in October 1993. The Report It studied the problem of the criminalisation of politic and of the nexus among criminals, politicians and bureaucrats in India.

7 *ibid*



Then the Supreme Court observed that “as a premier investigating agency, your action must be to enhance its credibility and impartiality. Independence means not that you [CBI] move with crutches of the Executive. Your action in sharing the report with Law Minister and two officials has shaken the independent process⁸. First thing we should do is liberate the CBI from any extraneous consideration and interference so that the investigation is not maligned. This is the prime task. Disturbing events unfolded in this case affects the credibility of the institution. This investigation and henceforth all investigations must be uninfluenced by any extraneous force.” at this juncture, it also pointed out that the CBI shall be liberated from political interference.⁹

The Central Vigilance Commissioner of India (CVC) is selected by the Prime Minister, the Home Minister, and the Leader of Opposition, who have a vested interest in ensuring that weak bureaucrats get selected. Moreover, the Central Vigilance Commissioner has only recommendatory powers and most of his or her recommendations are disregarded by the government, which wants to protect corrupt public servants. The courts take years to conclude trials and there is also considerable delay for the outcome of the final verdict. In view of this there has been demand for the constitution of an

independent Lokpal institution or Ombudsman. The term Ombudsmen is Scandinavian concept of independent investigation agency having long history of success in combating corruption and misuse of public authority. The meaning and the nature of Ombudsman is “entrusted person” or “grievance representative”. Such Ombudsman system is obtaining in many democracies in the world now as watchdog of democracy.

Functions of such Ombudsmen institution, whether acting in their jurisdiction of complaint about maladministration, or in their jurisdiction to make available where appropriate, official information, play a role in ensuring the transparency and accountability of government. It follows that the Ombudsman can, in the course of this work, become aware of evidence of corruption and can be in a position to recommend action against. To combat corruption it was thought that the Ombudsmen office would have an assured position in the frame work of every modern state. Justice Kantharia in his writing for an Ombudsman meeting in the mid 1990 “the basic foundation of the institution of ombudsmen is to ensure that the citizens should not be the victims of actions of the bureaucracy or other functionaries.¹⁰ The Central future of the institution is that the investigation and association of administrative conduct would confirm the basis for proposals has to future conduct of the bureaucrats. The purpose of investigation is not only the redress of individual complaint, but prevention of

8 Why should liberate CBI from interference, says Supreme Court, The Hindu, 30-4-2014, New Delhi.

9

<http://www.thehindu.com/news/national/we-should-liberate-cbi-from-interference-says-supreme-court/article4669746.ece>

10 Ahuja, People, Law and Justice: Casebook on Public Interest Litigation, Volume 2, Orient Blackswan, 1997



future once. Thus, an Ombudsmen is able to make suggestions for improving performance and better service to the citizens in the light of experience gain while investigating into public grievances. To put it precisely, the institution of Ombudsmen is a devise by which the state provides free service of an independent investigator for looking into citizens complaints and submits its own decisions and suggestion were remedial actions. Thus, the demand for the ombudsmen system to prevent the corruption in the higher executive and bureaucrats was increased.

Lokpal and Lokayukta in India

In India the term, Lokpal was coined in 1963 by Lakshmi Mal Singhvi a Member of Parliament, during a Parliamentary Debate about grievance mechanism. The Administrative Reforms Commission (ACR) headed by Morarji Desai submitted an interim report on problems of redress of citizens grievance in 1966. In this report, ACR recommended the creation of two special authorities designated as Lokpal and Lokayukta for redress of citizens grievances. The word was derive from Sanskrit words Lok (people) and Pala (Protector or Care Taker) meaning care taker of people. Maharashtra was the first state to introduce Lokayukta through the Maharashtra Lokayukta and Upa Lokayukta act in 1971.

Presently there are Lokayuktas in 23 states in the country. In so far as the Lokpal is concerned, the necessity to have an anti-graft Ombudsman in the form of a Lokpal institution has caught national attention from the very early years of independence. However, the Union Parliament has made eight attempts since 1968 to pass a Lokpal bill,

a different version each time, but unfortunately all efforts turned in vain. The bill was first brought before the fourth Lok Sabha in 1968 and passed in 1969. However, the house was dissolved, resulting in the first death of the bill. However, The Bill, passed in 1969, never became law, as it lapsed after the fourth Lok Sabha was dissolved. IThe Bill was again introduced in August 1971, but could not be cleared. The legislation was revived in 1971, 1977, 1985, 1989, 1996, 1998, and 2001, but never survived. From 1968 to 2011, the bill has come before parliament under seven prime ministers beginning with Indira Gandhi. Of these Prime Ministers, only V.P. Singh, H.D. Deve Gowda and Atal Bihari Vajpayee agreed to have prime ministers under the law's purview. However, none of these eight bills had the judiciary under its purview. With all subsequent unsuccessful attempts, finally, on 17th December 2013, the Rajya-Sabha after a marathon debate of five days passed the Lokpal bill. Same time Anna Hazare, sans his IAC team, was sitting on fast in his remote village one last time for the Lokpal. The very next day the bill was passed in the Lok Sabha. On 1st January 2014, the Lokpal Act was promulgated.

The Lokpal and Lokayuktas Act, 2013 provides for setting up a body called the Lokpal at the Union government level to have complaints of corruption against various categories of public servants enquired into, investigated, and prosecuted, as warranted. The bill makes it mandatory for states to set up Lokayuktas within one year of the passage of the bill, but the nature and type of Lokayukta is left to the discretion of the state legislatures. The legislation envisages that the Lokpal would receive complaints of corruption against the



prime minister, ministers, Members of Parliament, Officers of the Central Government (all levels of employees), and against functionaries of any entity that is wholly or partly financed by the government with an annual income above a specified limit, and also, all entities receiving donations from foreign sources in excess of 10 lakh per year.¹¹

The Act provides that on receipt of a complaint against any public servant, except for officers from groups A, B, C or D, the Lokpal will order a preliminary inquiry against the public servant. The inquiry may be done by its own inquiry wing, provided for this purpose, or the Lokpal may direct the Central Bureau of Investigation (CBI) or any other agency to do the preliminary inquiry. The preliminary inquiry has to ordinarily be completed within 60 to 90 days and a report has to be submitted to the Lokpal. For complaints against public servants belonging to groups A, B, C or D, the Lokpal will refer the complaints to the Central Vigilance Commission (CVC) for preliminary inquiry. After the completion of the preliminary inquiry, the Central Vigilance Commission (CVC) will submit its report to the Lokpal in respect of public servants belonging to group A or B, while in cases of public servants belonging to group C or D, the Central Vigilance Commission (CVC) will proceed in accordance with the provisions of the Central Vigilance Commission (CVC) Act, 2003.

The Lokpal consists of a Chairperson and its eight members who

11 Section 14 which deals with jurisdiction of Lokpal to include Prime Minister, Ministers, Members of Parliament, Groups A, B, C and D officers and officials of Central Government.

will be selected by a Committee consisting of the Prime Minister, the Speaker of the Lok Sabha, the Leader of opposition in the Lok Sabha, the Chief Justice of India or a judge of the Supreme Court nominated by the Chief Justice of India and one eminent jurist, as recommended by the other four members of the Committee. A Search Committee of at least seven members will be constituted to shortlist a panel of eligible candidates for the post of chairperson and members of the Lokpal. This panel would be put up to the Selection Committee. At least half the members of the search Committee, and of the Lokpal, must be from amongst persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and Women.

The Lokpal, under the statute has independence superintendence and administrative control over the Central Bureau of Investigation (CBI) on the utilization of the services of the Central Bureau of Investigation under the Lokpal and Lokayukta Act, 2013. For the purpose of deciding cases arising out of the Prevention of Corruption Act (PCA), 1988, the Act provides for setting up of special courts. All trials in the special courts have to be ordinarily completed within one year, extendable to two years for reasons to be recorded in writing.

For removal of Lokpal, the statute contemplates that on complaints against the Chairman and Members of the Lokpal, the Lokpal and Lokayukta Act, 2013 envisages that any complaint against a member or chairperson of the Lokpal will be taken cognisance of only if it is signed by at least a 100 Members of Parliament.¹² However, past experience

12 Section 37 - Removal and suspension of



has shown that this is very difficult to implement, especially as the matter often becomes politicised

Provisions relating to complaints under the Act provide that the Lokpal on receipt of a complaint¹³, if it decides to proceed further, may order- (a) preliminary inquiry against any public servant by its Inquiry Wing or any agency (including the Delhi Special Police Establishment) to ascertain whether there exists a prima facie case for proceeding in the matter; or (b) investigation by any agency (including the Delhi Special Police Establishment) when there exists a prima facie case.

Section 6-A of the Delhi Special Police Establishment Act, of 1946,¹⁴ which specifies that the Central Bureau of Investigation (CBI), cannot inquire or investigate into any offence committed by an officer of the rank of a joint secretary or above of the Government of India, and of equivalent rank in government owned or controlled bodies, without the previous approval of the central government has not been specifically amended or overridden in this Act. Section 23 deals with power of Lokpal to grant sanction for initiating prosecution. Though in Section 23(1) of the Lokpal and Lokayukta Act, 2013 it is specified that the Lokpal shall have the right to order prosecution, notwithstanding anything contained in Section 6-A referred to

above, it does not similarly talk about inquiry or investigation.

On the time bar inquiry in respect of alleged corruption and related acts, the Act envisages that the Lokpal “shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed¹⁵.” This appears to be unnecessarily restrictive, especially in relation to some of the large and complex scams that are exposed from time to time. Scams are often unearthed only after a political regime change, especially if they involve high level public functionaries. If a complaint is accompanied with credible proof, there is no reason as to why such complaint should not be examined by the Lokpal.

The institution of Lokpal has not yet constituted for the reason that the Search committee could not be constituted under the provisions of the Act. The statute provide, *inter alia*, Leader of Opposition Party is member in the Committee, but in the present Parliament, there is no Opposition party within the meaning of the relevant statute and therefore, there cannot be a competent Search committee which could be constituted. However, in the recent far-reaching judgment, the Supreme Court of India in *Common Cause v. Union of India & Ors*,¹⁶ has paved way for constitution of Lokpal by suitably clarifying the position of Larder of Opposition party to that of Largest opposition party leader.

Chairperson and Members of Lokpal.

13 Section 20 - Provisions relating to complaints and preliminary inquiry and investigation.

14 Section 6-A in the Delhi Special Police Establishment Act, 1946 deals with the prior approval of Central Government to conduct inquiry or investigation.

15 Section 53 - Limitation to apply in certain cases.

16 (2003) 8 SCC 250



On independency of the Office of Lokpal, it is pertinent to discuss certain provisions of the Act which require consideration. According to Section 48 of the Act, the Lokpal is required to send an annual report to the President on the work done by it which is to be laid before each house of Parliament.¹⁷ Instead of the President to lay down report, the Lokpal should have been made accountable to Parliament for the maintenance of ethical standards within the institutions, specifically maintaining impartiality in functioning, especially the absence of political, caste, class, gender and religious bias, the prevention of victimisation, and the avoidance of conflict of interests. This could have been ensured by constituting a multiparty Standing Parliamentary Committee which would have the responsibility of examining the functioning of the Lokpal and be empowered to receive complaints against the Lokpal and its members and officers regarding parameters of ethical functioning.

The Lokpal is also not given a constitutional backing. There are no adequate provisions for appeal against the Lokpal. The powers, composition and scope of Lokayuktas do not find any mention of the Act.

Further, Social audit of official working would be another way of

17 Section 48- It shall be the duty of the Lokpal to present annually to the President a report on the work done by the Lokpal and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, in respect of the cases, if any, where the advice of the Lokpal was not accepted, the reason for such non-acceptance to be laid before each House of Parliament.

developing accountability and answerability to the people. Without such an arrangement, neither performance nor delivery systems could be monitored or improved. The social audit by free and independent agencies could also lay the ground to harness resources of men and material to improve human conditions. This would also be a pre-condition to secure the over-riding objective of people's participation in government and a means to evaluate the utility of the services on the touchstone of its performance. Therefore, necessary amendments to include social audit shall be made in the Act.

Conclusion

These dynamics distinguishes independent accountability agencies from both independent regulatory agencies and constitutional courts are requirements of the day on corruption. Regulatory agencies are not as much in the public eye as accountability agencies. They therefore have the advantage of having more time to construct their public legitimacy. Although regulatory agencies are eventually called to account for their effectiveness, the spotlight does not shine on them as strongly from the very beginning.

Again, beyond budgetary questions, independent agencies also run the risk of simply being ignored by other areas of government when they try to investigate and punish wrongdoing. Since they are relatively small and not formally backed up by one of the other branches, the tendency will be to marginalize them politically and institutionally. This is especially the case since the work of accountability agencies is by nature "uncomfortable" for other areas of government. Few government officials



find it in their interest to expose themselves to external scrutiny and tough sanctions for wrongdoing. An added difficulty is that many independent agencies have few formal coercive powers. Ombudsmen, for instance, depend entirely on the "good will" of executive agencies to comply with their recommendations and requests for information.

constitution of India, for its independence and accountability, it will be an instrumentality to realize the dream of corruption free India. There is a long way to go to ensure transparency and crusade against corruption. It is still on and yet to reach its destination. Any suggestions in this regard are welcome. Post me to amararangeswararao@gmail.com.

In order to confront this challenge of institutional weakness, independent accountability agencies need to work hard to establish alternative sources of political and institutional support. The most important ally in this regard is civil society, including the press, universities, non-governmental organizations and social movements. As Frederick Uggla has argued, "the influence of the ombudsman can hardly be deduced from the formal, legal dispositions regulating the institution. Instead, the strength and autonomy of the institution are generated by a process that is primarily political¹⁸". Specifically, he argues that ombudsmen often appear to work more like "pressure groups" than as state institutions".

To sum up the discussion, it can be concluded that with necessary amendments to Lokpal Act 2013 and

18 Frederick Uggla, "The Ombudsman in Latin America," *Journal of Latin American Studies*, 2004, 36: 448. Moshe Maor has made a similar argument with respect to independent anti-corruption commissions, see "Feeling the Heat? Anti-corruption Mechanisms in Comparative Perspective," *Governance*, Vol. 17, No.1, 2004