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ANALYSING ABOUT THE EMERGING TRENDS IN ADMINISTRATIVE LAW TO CURB CORRUPTION IN INDIA

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ABSTRACT:

Corruption persists as a significant challenge in India, undermining Governance and development. This article examines recent trends in administrative law at curbing corruptions in India Analyzing legislative reforms, judicial activism, e-governance

initiatives, and institutional reforms, this study assesses their effectiveness in promoting transparency and accountability. This study deals with the challenge that are facing by the Emerging trends in administrative law . This article concludes with recommendation for enhancing India’s administrative law framework to effectively curb corruptions.

KEYWORDS: Administrative law, Corruption, India, Governance, Transparency, Accountability, Judicial activism, E-governance

INTRODUCTION:

In recent years, India has witnessed a growing recognition of the need to address corruption through robust legal frameworks and administrative reforms. Emerging trends in administrative law are increasingly pivotal in this battle against corruption, as they seek to enhance transparency, accountability, and efficiency within public institutions. India ranks 85th out of 180 countries in transparency international 2021 corruption perceptions index. From the implementation of digital governance to the strengthening of whistleblower protections, these trends not only aim to curtail corrupt practices but also foster public trust in government operations. This article explores the latest developments in administrative law aimed at curbing corruption in India, highlighting innovative approaches and their potential impact on governance. This article also examines the evolving legislative framework, judicial activism, and institutional reforms aimed at curbing corruption, analyzing their effectiveness and how they help to promote

good governance in India .

Research Methodology

The research methodology for this study involves a comprehensive literature review of online sources, including as for the research methodology of the current work, the first step in the research process includes the analysis of the literature review of the online documents. This study uses secondary data available from the various websites, journals, article.

TRENDS IN ADMINISTRATIVE LAW TO CURB CORRUPTIONS:

LEGISLATIVE REFORMS:

- Right to information Act, 2005
- Lokpal and Lokayukta Act, 2013
- The whistleblowers protection Act

RIGHT TO INFORMATION ACT, 2005. HISTORICAL BACKGROUND:

The right to information is a fundamental right under Article 19(1) of the Indian constitution. In 1976, in the *Rah Narain vs The state of Uttar*

Pradesh case, the supreme court ruled that Right to Information will be treated as a fundamental right under Article 19 of Indian constitution. The supreme court held that the people are the masters and they have the right to know about the working of the government. Thus the government enacted the Right to information act in the year 2005, for the purpose of good governance.

THE RIGHT TO INFORMATION ACT OF 2005:

The act is an vital act which helps the citizens to question the government departments working.. This has been widely use by the citizens and media to curb corruptions and for the transparency and accountability in the governance. The primary function of the Right to information act is to empower citizens, promote openness and accountability in government operations and combat corruption, and make our democracy truly function for the people. The act is a significant step in information citizens about the activities of the government. The also states that if the authorities did not respond at a stipulated time this Act will impose penalties on those authorities.

INFORMATION REQUIRED THROUGH RBI:

- The information which the government will disclose to the parliament.
- The information which can effect the integrity and sovereignty of the Indian is exempted from the purview of RTI
- Information related to internal security, relation with foreign countries and the information related to money matters.
- RTI did not give information about the cabinet discussion.

OBJECTIVE OF THE RTI ACT:

1. Empower citizens to question the government
2. The act promote for the good governance and promotes the accountability and transparency in the working of the government

3. The act also helps in curbing corruption in the government and work for the people in the better way.

4. The RTI Act acts as a check on the arbitrary exercise of power by government authorities, as their opinions and conduct are subject to public scrutiny.

Impact of Right to Information Act on Administration

Impact of Right to Information Act on Administration The Right to Information is one of the friendliest legislation. Large number of people has been served from it. But it's true further than a decade after Indian Government legislated the act in 2005, the road to penetrating information remains laborious. This act has made both palpable and impalpable impact on the system and the people. People are using this act as a tool to get their passport, ration card, pension, birth and death certificate and income tax returns. The people who are disabled or old age can use these act to get benefits.

Improvement in accountability and performance of the Government: The RTI provides people with the mechanism to access information. In addition, all the public authorities are responsible to give reasons to the affected persons for their administrative or quasi judicial decisions. Before enactment of the RTI act it is not possible to the effected

persons to know the reasons for the decisions which are taken by the public authorities but after implementation of the RTI act it is possible to the ordinary persons to know about the reasons for the administrative decisions.

Promotion of partnerships between citizens and Government: The RTI act provides a framework for promotion of partnerships between citizens and Government. The Partnership is derived from the fact that people are not only the ultimate beneficiaries of development and also the agent of development. Under RTI act citizens participation has been promoted through access to information and involvement of affected groups in

design and implementation of projects. Most of the welfare projects, particularly at village and panchayat levels, are being designed and developed in co-operation and support with the NGO or affected persons, with a view to raising the satisfaction level of people.

Reduces in corruption in the Government departments:

Reduces in corruption in the Government departments: In the absence of transparency and accountability encourage the government officials to corruption practices. Which affects in lower investment due to abuse of power and authority or diversion of finance for private purpose. It creates between the people and the government, which strike upon the development of democratic governance. The RTI promotes effectiveness in making programs, delivering the service and executive opinions. It involves the selection of applicable programmes to achieve Government objects. According to the report CPI India stands at rank 85 out of 175 countries and its score is 3.8 percentage. The CPI ranks countries based on how corrupt their public sector is perceived to be. Corruption is the abuse of entrusted power for private gain. Generally, comprises illegal activities, which mainly come to light only through Scandals, investigations or prosecutions. The RTI is an important weapon to fight against the corruption, irregularities and misuse of power. RTI has got very significant tool to good governance and development. RTI is a vital tool for good governance. If there is no transparency, accountability can not be fixed.

LOKPAL AND LOKAYUKTA:

- The Lokpal and Lokayukta Act, 2011 constituted the establishment of Lokpal for the union and Lokayukta for States.
- These institutions are Statutory bodies without any constitutional status.
- They perform the function of an “ombudsman” and receive into allegations of corruption against certain public functionaries and for related matters.

Lokpal and Lokayukta are ombudsman

institutions in India, one for the central, or union, government and the other for state governments. They were established to address complaints and grievances of corruption against public officials and elected representatives.

It originates from Scandinavia countries. The institution of the ombudsman came into being first when in Sweden in 1713 a “chancellor of justice” was appointed by the king as an invigilator to look into the functioning of a wartime government.

From 1713 the role of this ombudsman was to ensure above all the proper conduct of royal officials. The institution of the ombudsman was indeed incorporated into the constitution of Sweden in 1809.

In India, the ombudsman is Lokpal or Lokayukta. The concept of a constitutional ombudsman was first floated.

Need for Lokpal and Lokayukta:

The Lokpal and Lokayukta term was coined by Dr L.M. Singhvi as the Indian model of the ombudsman for redressal of public grievances, passed in Lok Sabha. In the year 1968, it lapsed with dissolution of the Lok Sabha, and since then lapsed in Lok Sabha many times.

Instituted with the aim of thwarting corruption, bringing in transparency to public administration, and bringing responsibility in public administration in Indian Lokpal at the center and Lokayukta at the state level, these anti-corruption ombudsman institutions address multiple concerns related to corruption in the country.

- Elimination of Corruption: Lokpal and Lokayukta are bodies specially constituted for the purpose of investigating and redressing allegations of corruption against public officials and elected representatives. Their leading objective is to eliminate corruption from public administration.
- Accountability: These are independent bodies, taking the responsibility of holding public servants accountable for their doings and decisions.
- Transparency in government functioning: Lokpal and Lokayuktas do bring, through investigations

and inquiries into allegations of corruption, much-needed transparency to the functioning of the government.

- **Trust establishment:** The installation of anti-corruption bodies indicates that the government is intent on combating corruption, thereby establishing trust in the administration among citizens.

- **Restores Confidence:** It helps to restore confidence among citizens in the fairness of public institutions as it instills in the minds of citizens the understanding that people involved in any allegations of corruption would be investigated impartially.

- **Deterrence from corruption :** Lokpal and Lokayukta are a preventive measure which essentially discourages public officials from indulging in corruption since they fear that their activities will be investigated, and later they can be taken to court.

- **Autonomous Bodies:** Lokpal and Lokayukta works under an independent structure from the executive; therefore, there is no scope for the government to interfere in the process of investigation regarding malpractices of corruption.

- **Checks and Balances:** The independent oversight mechanisms maintain a system of checks and balances within the government.

- **Access to justice:** Lokpal and Lokayukta give citizens a way of seeking justice when they encounter corruption or maladministration in public services.

- **Empowering whistleblowers:** These institutions protect the whistleblowers and thus encourage people to come out with such information about corruption without any form of fear of consequences.

- **Swift Disposition:** The focused efforts of Lokpal and Lokayukta on corruption cases ensure that the complainant receives the results much faster than what the common judicial system may take.

- **Fair and Impartial Investigations:** Swift investigation helps these bodies add to the cases

related to corruption being dealt with through fair as well as unbiased judgments.

- **International Practices:** Anti-corruption bodies are formed in compliance with the international best practices and since it's part of commitments made for fighting against corruption; this helps take the country forward globally.

LOKPAL

Lokpal is the apex anti-corruption ombudsman at the central level in India.

- **Enactment:** The Lokpal and Lokayukta Act, 2013, was enacted by the Indian parliament to establish the Lokpal at the national level . The Act came into effect on January 16, 2014.

- **Jurisdiction:** Lokpal has jurisdiction over all central government employees, including the Prime Minister, Members of Parliament, and employees of government-owned corporations.

- **Appointment:** The Lokpal is appointed by the President of India based on the recommendation of a selection committee. The committee includes the Prime Minister, the Speaker of the Lok Sabha, the Leader of the Opposition in the Lok Sabha, the Chief Justice of India, or a sitting Supreme Court judge nominated by the Chief Justice.

- **Functions:** The Lokpal investigates complaints of corruption against public officials and elected representatives. It can also inquire into allegations of corruption against the Prime Minister, with certain safeguards.

LOKAYUKTA

Lokayukta is an anti-corruption ombudsman at the state level in India.

- **Lokayukta Act:** vests state governments with the right to establish Lokayuktas. The structure and powers could be different for all states.

- **Jurisdiction:** Lokayukta have the jurisdiction over all officials in the state government, which includes the Chief Minister, Ministers, Members of the Legislative Assembly (MLAs), and other public officials.

- Appointment: Lokayukta is usually appointed by the Governor of the state on a recommendation of a selection committee. Such a committee might include Chief Minister, Speaker of the Legislative Assembly, Leader of Opposition in the Legislative Assembly, a sitting High Court judge and soon.

- Functions: It acts like a Lokpal for the state and probes into allegations of corruption against the public officials. As an independent body, it redresses complaints arising from instances of corruption, maladministration, and abuse of power.

Powers and Independence

- Both Lokpal and Lokayukta have the power to conduct investigations, summon witnesses, and recommend punitive action against individuals found guilty of corruption.

- To ensure independence, these bodies operate independently of the government and are granted certain powers to carry out their functions without interference.

CHALLENGES AND CRITICISMS OF LOKPAL AND LOKAYUKTA:

- Though with a lofty objective, Lokpal and Lokayukta have encountered bottlenecks in the form of delayed appointments, resources, and a greater public need for awareness. Critics even argue that the effectiveness of these institutions would depend on very proactive engagement in the determination of the fight against corruption by its citizens, civil society, and other institutions.

- A suitable response is given by Lokpal and Lokayukta institution to some of the most pressing questions; still there is a comprehensive requirement for sustained effort against challenges like delay in appointments, resource constraints, and ensuring

efficacy of these institutions.

- Public awareness camps and outreach programmes might serve to enhance the effectiveness of Lokpal and Lokayukta. It is more probable that reporting of

maladministration and corruption would be increased due to higher publicity for them.

Impact of Lokpal and Lokayukta Act in Transparency and accountability:

It was, in fact, a much-needed change in the fight against corruption. Lokpal was a much-needed tool to curb the corruptions rife across India's administrative structure. However, together with the merits of the Act, there existed several flaws and omissions. The Lokpal appointment committee consists of political parties who try to influence the decisions taken by the Lokpal.

The terms "eminent jurist" and "a person of integrity" bear no criteria or standards; thus, the process of choosing Lokpal is quite biased. No form of immunity has been granted through the Lokpal and Lokayukta Act 2013 to any whistleblower.

Lokpal is not of constitutional character. Moreover, there are no appropriate appeal procedures for the orders issued by Lokpal. The states hold absolute discretion to decide as to what precisely the Lokayukta appointment contains. The Lokpal and

Lokayukta Act introduced a change in the manner of selecting the Director of CBI, partially fulfilling the demand for functional independence of CBI.

The Lokpal and Lokayukta Act further states that no complaint about corruption can be filed before a Period of seven years has elapsed from the date on which the alleged

offence was committed (Section 53 of Lokpal and Lokayukta Act, 2013).

The Whistleblowers Protection Act

The act came after "The public interest Disclosure and protection to persons making disclosure bill, 2010" in the Lok Sabha on August 26, 2010. The bill as passed by Lok Sabha and Rajya Sabha on 21st February 2014 and the bill is came into force on May 9, 2014. The act has provided protection to the public servant who has given information about the malpractice or corruption in government ministries or any other department. If

anyone lied about the corruptions that the government will undertake, the person should be imprisoned for 2 years and 30,000 or both.

JUDICIAL ACTIVISM

Landmark judgement

Vineet Narain v Union of India (1998)

Fact of the case:

- On 25th March 1991, one Ashfaq Hussain Lone, reportedly an Official of the terrorist organization Hizbul Mujahideen was arrested in Delhi. Enquiry conducted in his interrogation prompted CBI to raid the premises of Surender Kumar Jain, brothers, relations, and enterprises.
- The CBI took away two diaries and two notebooks from the premises that had the initials of the top-ranking bureaucrats indicating payments.
- The essence of allegations in the hawala case petition was that money support was given to terrorists through hush money with ill-gotten money from "hawala" deals and that the CBI had not acted on it and prosecuted them as such, people were charge-sheeted in the first instance, and the names just keep adding further and further in further investigation.
- This corruption and lacuna of legislation which had failed to protect the autonomy of special investigating agencies was the reason why the court reconstructed the entire edifice of vigilance and recommended committee for protecting these agencies and ensuring that no such abuse of power would take place in any of the cases that involved high-ranking officials in the future.

ISSUES OF THE CASE

- The first issue was with regard to the need for insulation of investigative agencies from any extraneous influence so that the good work they have started can be continued.
- Whether the CBI had fallen down on its duty to conduct an inquiry into charges of public corruption.

Legal Aspects CONTINUING MANDAMUS

It was, therefore, that term 'continuing Mandamus' was coined. It was held by Verma CJ that in some cases it was more advantageous not to hear the matter through and issue a simple mandamus, leaving it to the authorities to comply with it, but instead, to keep the matter pending while investigations were being carried on and ensuring this was done by monitoring them from time to time and issuing orders in this behalf. It was held that in some cases, the issuance of writ of mandamus would be nugatory against the agencies and, hence, the decision was to issue orders from time to time and keep the matter pending, requiring the agencies to report progress of the investigation so that monitoring by the court could ensure continuance of the investigation. Thus, this act was termed as continuing mandamus. The writ of mandamus was extended here up to the level of takeover of monitoring. This was only due to the fact that the superiors to whom the investigating authorities were supposed to report were themselves involved or suspected to be involved in the crimes that were to be investigated. In a like manner, the Court has extended its functions through the writ of mandamus in numerous cases before and after this case.

JUDGEMENT

The judgment in this Jain- Hawala case was a historic and a path-breaking judgment. It identified the loopholes in the structural and procedural system of special agencies and provided for a strong and independent system of checks and balances so that these agencies can discharge their duties efficiently. Along with that it also struck down the arbitrary provision of the single directive which was shielding the govt. The verdict turned out to be very elucidative concerning the servants from the investigation. The decision cleared the picture on the investigating agencies such as CBI/ED and their supporting subsystems like prosecution agencies and nodal agencies. Overall, the judgment upheld the rule of law which is the constitutional bedrock. The Court's instructions

on structural

relief were complied with by the executive in the immediate aftermath of the judgment but without any detailed investigation into individual cases it is not possible to say how widely they were put into practice. But the Court on this case had declared invalid a directive from the Ministries and Departments in the Central Government requiring that the CBI obtain approval of the Central Government before it may further investigate on grounds that it infringed the independence of the process of investigation.

The Central Vigilance Commissioner Act, however restored this requirement. The case primarily sought to influence the proper investigation into the scam. The judgment based mostly on the future and autonomy of the CBI might have been a gambit to divert the attention away from the issue of the scam. And as far as the court's directives towards the CBI were concerned, these were watered down by politicians at the implementation level which rendered the CVC virtually ineffective and a puppet of the government.

Technological innovations to curb corruption E-GOVERNANCE initiatives:

- Digital India
- E-procurement
- Online Grievance Redressal

Governance is the most pervasive and extensive phenomenon where almost every aspect of government service, and its delivery may come under the ambit of e-tools and services. Government platforms also provide transparency portals with information on various government activities that help curb corruption and bring transparency into the system.

E-governance is the usage of ICT to render government operations. It symbolizes a step toward SMART governance because it makes the government straightforward, moral, answerable, responsive, and clear. Growth in e-government is not designed to combat corruption; however, its

greater use promotes better contact with public servants and documentation. This is of significance to the private sector because most companies' risk assessments of bribery risks in conducting business activities include various forms of interactions with public officials. These have a higher bribe risk; therefore, the risk needs to be mitigated. The second option would be to limit personal contact with government officers as a way of hoping that destroying contact also destroys, or otherwise reduces, opportunities for bribery. The definitions and scope of e-government, along with the relation it takes with regards to corruption, are discussed further below. Its purpose is to fight corruption and bring accountability. Additionally, it allows for a Citizen Centrist

Administration for citizen effective participation. Importance of E-governance:

Programs such as 'Digital India,' 'Make in India,' and 'Skill India' seek to ensure sustainable economic inclusiveness and social change through government-led digitization. India is entering the high-digitization stage. E-governance will boost economic growth. Technology and citizen orientation will make the efforts of the government safer, more efficient, and sustainable.

- Good governance: India needs a strategy to tackle complexity. Adopting new technology will improve government efficiency for citizens.
- Modern problems: The government must be reformed in the context of the digital age, cyber fraud, and misinformation.
- Ease of business: Aids in economic development. E-governance can make tracking easier for project approvals.
- E-governance digitizes land records, streamlines grievances, and promotes tax payments, thereby enhancing the efficiency and services rendered for Indian citizens."
- Real Time Governance: E-Governance allows for immediate resolution of citizen issues and monitoring of infrastructure, incidents, and weather.

- **Cost Cutting:** Government spending mainly goes to stationery, making paper communication costly. Using the internet and phones reduces communication costs, saving money.
- **Transparency:** ICT increases the transparency of governance. Government information is accessed online by citizens at any time. Traceable online activities reduce corruption.
- **Accountability:** Through transparency, the government is accountable to the people.

E-government programs utilize technology for efficiency gains and error minimization. The classic example is tax filing online, nowadays widespread in

developing countries. Companies e-filing save five hours a month on compliance and reduce costs and likely to lower collusion among firms evading taxes.

Online Grievance Redressal mechanism

ABOUT CPGRAMS:

CPGRAMS is a 24/7 online citizen grievance redressal platform wherein citizens can lodge grievances related to delivery of services. All Ministries and Departments of the Government of India and States are connected through it, but the access is role-based for each one. The mobile app is available on Google Play and can also be accessed through UMANG.

The grievance status can be traced in CPGRAMS with the help of the unique registration ID provided at the time of its registration. Citizens can appeal if they are not satisfied with the decision taken by the Grievance Officer. If still not satisfied, the complainant can provide feedback. A 'Poor' rating allows for the possibility of lodging an appeal, which, once submitted, the petitioner can track via the grievance registration number. Officers of Grievances Redressal mechanism is all government ministries and departments have designated nodal Grievance Redressal Officers.

INSTITUTIONAL REFORMS TO CURB CORRUPTIONS:

- Strengthening of Central Vigilance Commission.
- Creation of anti-corruption bureaus.

CENTRAL VIGILANCE COMMISSION:

The Indian Government introduced the central vigilance commission in the year 1964. The commission was made up on the recommendation of the K. Santhanam committee on prevention of corruption. The role of the central vigilance commission is to advise the central government in the field of surveillance. It is originated from the executive resolution.

It is an agency constituted to curb corruption in offices of the Indian government. Complaints from whistleblowers—an employee of the firm/public office informing the public about frauds/wrongdoings in the office—under 'Whistleblower Resolution' are received by CVC after which the commission can take actions on motivated acts.

The apex vigilance institution is the CVC. It is free of control from any executive authority. Its role is to monitor all vigilance activity under the Central Government and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work.

"Need for Amending the Act":

There is a suggestion to amend the CVC Act to induct the Vice-President of India as chairman and a nominee of the Chief Justice of India as member of the selection committee. The selection must be by consensus among the members. Selection by the majority of the members present should be adopted only in exceptional circumstances and for reasons to be recorded in the Proceedings of the committee. The proceedings, accompanied by complete details of persons debarred from forming the panel and reasons on which the final selection was made, must be brought out. The government would ensure that through the composition of the committee, it did not achieve a steam-roller majority and that the committee performed in a

non-partisan and rather transparent Manner The vigilance commission has jurisdiction and powers in respect of matters to Which the executive of the centre extends. The following categories of employees come within the commission's purview: Government servants employed in the Ministries and departments or the Government of India and Union Territories, Employees of Public sector undertakings, statutory corporations and port trusts.

How cvc combating corruption in India:

The central vigilance commission is combating corruption through ,

- Investigations function
- Advisory function
- Preventive measures
- Surveillance and monitoring
- Collaboration and coordination
- Public interface
- Technological – Enabled initiatives

Investigations function: cvc has many investigating about the corruptions, malpractice or misconduct on the part of the public servants may come to light from any source, such as: administrative authority, complaints received or found by anti-corruption bureaus. Report of any irregularities in accounts revealed in the administrative department or public authorities.

The complaints which are received by the CVC at first the complaints will registered and initially it will be examined by the commission

1. It should be sent to administrative ministry/ concerned department
2. It should be sent to central bureau of investigation for enquiry.
3. The problem should be investigated by the concerned department or Investigation authorities.

The government of India has come to know that most of the complaints which are reported in the cvc are false information so that the

government has brought some rules and regulations that if a person has given any false information they will be punished.

Advisory function: The cvc advising government agencies on vigilance matters. And it issuing guidelines for anti-corruption measures and reviewing policies and procedures. Preventive measures: cvc had conducting lots of programs about vigilance commission. Surveillance and monitoring: cvc is monitoring all the government department activities and looking into the vigilance cases , and it also identifying the vulnerable areas. Collaboration and coordination: cvc is jointly working with CBI, Lokpal and anti-corruption agencies and cvc sharing intelligence and best practices to curb corruptions and cvc is jointly working with other anti-corruption agencies.

CONCLUSION AND SUGGESTIONS

The Right to Information Act is made for achieving social justice and translucency with an end of making the government responsible. Still, this act has not attained its full objects due to some impediments that have been created due to some methodical failures.

Compliances of the Delhi High Court that abuse of the RTI Act has to be meetly dealt with; else the public would lose faith and confidence in this Act Still, it has been set up inadequate to bring about governance enhancement; much further requirements to be done to usher responsibility into governance, including protection for whistleblowers, decentralization of power, and emulsion of authority with responsibility at all situations. This gives us an inestimable chance to redesign governance processes.

The lokpal and Lokayukta act has to improve its operating system. Which means enhancing the independence in the institution, transparency and accountability and there should be transparent in appointing government officials (state and central), there should be transparent in investigation process, protecting whistleblowers including on the basis of legal and support system and the Act should maintain

the information which are given by the whistleblowers in a confidential manner. Maintaining separate portals for whistleblowers. The Act should expand its jurisdiction which means it should include private-public partnership institution and the institution which are the institution that are funded by the government. There should be regular report to the public about lokpal and Lokayukta activities and including recent cases and its outcomes, and the act should provide clear guidelines about the complaint investigation process to the public and how the citizen can file complaint about the public authorities. And there should be proper coordination between the lokpal and Lokayukta institutions. The Act should strengthen Lokayukta institutions at the state level to address and eradicate corruptions at the grassroots.

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