

Spare the Samaritans of the paper work

The Lokpal and Lokayuktas Act discourages participation of citizens in social and humanitarian activities

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A range of measures has been instituted in recent times to deal with the scourge of corruption, including the demonetisation of the high-value notes. Indian industry welcomes these steps, which help infuse transparency and probity into the business environment. However, care must be taken to distinguish between corrupt and legitimate activities or actors.

One of the measures, the Lokpal and Lokayuktas Act, 2013 (L&L Act), was introduced for dealing with complaints of corruption against public servants. The definition of 'public servant', however, includes a gamut of directors, managers, secretaries or other officers of societies, associations and trusts that receive government funding of more than ₹1 crore or foreign funding more than ₹10 lakh for their charitable or philanthropic activities.

Going by this definition, public ser-

vants should furnish particulars of their assets and liabilities as well as those of their spouses and dependent children to the authorities. Non-compliance with this will imply that the official has acquired the assets through corrupt means and is liable for action under the Prevention of Corruption Act 1988.

There are several ambiguities in the L&L Act, which, in current form, strongly discourages the participation of citizens in humanitarian activities.

In recent times, the Prime Minister has undertaken a number of seminal initiatives that envisage greater engagement of non-governmental organisations, civil society and ordinary citizens. So, the current definition of public servant in the Act also brings into its ambit persons who neither perform a public duty nor receive emoluments from the government or enjoy authority or representation in the service of the government.

Financial irregularities by institutions

and individuals are, covered through several other pieces of legislation and policies such as the Indian Penal Code, the Prevention of Corruption Act, the Foreign Currency Regulation Act etc.

It is estimated that there are more than 3 million functioning NGOs with about 18 million persons serving on their boards, most of them on an honorary basis. Some of these could step down rather than be subject to onerous declarations.

There is a need to define the extent of financing by the government as many organisations get tax incentives, grants or other assistance.

Reworking the L&L Act would contribute to the participation of prominent individuals, specialists, and experts in social, philanthropic and charitable work and ensure their invaluable voluntary engagement with India's development.

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The views expressed are personal*