

The Department Related Standing Committee on Personnel, Public Grievances, Law and Justice tabled its 48th Report on the ‘Lok Pal Bill, 2011’ on December 9, 2011. The Bill was introduced in the Lok Sabha on August 4, 2011. The Chairperson of the Committee is Shri Abhishek Manu Singhvi. The Report includes 10 Dissent Notes from 17 Members of Parliament (MPs).

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| (a) Kirti Azad, Bal Apte, D.B. Chandre Gowda, Harin Pathak, Arjun Ram Meghwal, and Madhusudan Yadav. | (f) Pinaki Misra |
| (b) Ram Jethmalani | (g) A. Sampath |
| (c) Ram Vilas Paswan | (h) S. Semmalai |
| (d) Shailendra Kumar | (i) Meenakshi Natrajan, P.T. Thomas, and Deepa Dasmunshi |
| (e) Prasanta Kumar Majumdar | (j) Vijay Bahadur Singh |

Comparison of the Lok Pal Bill, 2011 and the Standing Committee Report on the Lok Pal Bill

Key Issues	Lok Pal Bill	Standing Committee Recommendations	Dissent from MPs (if any)
Issues of autonomy			
Constitutional status of Lokpal	Not included	Office of the Lok Pal should have Constitutional status. Details of the office can be given in a separate Bill.	The power to make Rules for the functioning of the Lok Pal should be with the Lok Pal instead of the government (Shailendra Kumar).
Grievance Redressal Mechanism	Not included	Constitutional status to grievance redressal mechanism. A separate law should be enacted to establish a grievance redressal mechanism which should guide citizens on procedural matters; acknowledge a citizen's complaint within fixed time-frame; and may exclude certain services, which have supply constraints such as power, water etc.	Include Grievance Redressal Mechanism within the Lok Pal Bill (Kirti Azad, Ram Jethmalani, Shailendra Kumar).
Jurisdiction of Lok Pal			
Prime Minister	Clause 17(1)(a): Inquiry after the Prime Minister demits office.	Committee left it to Parliament to decide stating that each view has its pros and cons. Views proposed: (i) Exclude PM; (ii) Include PM; (iii) Include PM after he demits office; (iv) Include PM with exceptions for national security, foreign affairs, atomic energy and space; (v) Include PM subject to clearance for his prosecution by both Houses of Parliament in a joint sitting.	Include PM with no exceptions (Prasanta Kumar Majumdar, A. Sampath). Include PM with exceptions for national security, foreign policy, atomic energy (Kirti Azad, Shailendra Kumar, Pinaki Misra). Decision to investigate or prosecute PM should be taken by Lok Pal with 3/4 th majority (Pinaki Misra)
Bureaucracy	Clause 17(1)(d): Group ‘A’ officers and persons of equivalent ranks in PSUs under Lok Pal’s ambit.	Centre: Group ‘A’ and ‘B’ officers to be covered by Lok Pal. Group ‘C’ and ‘D’ officers to be covered by the Central Vigilance Commission (CVC). State: Lokayukta to cover all groups of employees. Sanction not required for any group of employees.	Include all groups of govt employees (Kirti Azad, A. Sampath). Include Group ‘C’ officers also (Meenakshi Natrajan, Shailendra Kumar, Prasanta Kumar Majumdar, Pinaki Misra, Vijay Bahadur Singh). Do not include any group as it would lead to massive bureaucracy and paralyse government functioning (Ram Vilas Paswan).

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Private NGOs, corporate and media	Clause 17(1)(g): Included if (a) annual income above specified amount, (b) funded by govt or public donations.	All entities including NGOs, corporate, and media to be included with some exceptions. Only those entities which are controlled by the government above a specified degree or receive public donations above a specified amount or receive donations under the Foreign Contribution Regulation Act above Rs 10 lakh per year.	No private organization should be included. Only include those which receive government funding and discharge functions of a public character (Kirti Azad, Ram Vilas Paswan).
Vote and speech of MPs in House	Clause 17(2): Vote and speech excluded.	No change recommended in protection given to MPs' vote and speech in Parliament and Committees under Article 105 of the Constitution.	Amend Article 105 of the Constitution as per recommendation of the National Commission to Review the Working of the Constitution. It suggested a clarification that the immunity of MPs should not cover corrupt acts committed in connection with their duties in the House (A. Sampath).
Lokayukta	Not included	Single, central law to deal with Lok Pal and state Lokayuktas to ensure uniformity in prosecution of public servants.	States should retain power to constitute Lokayuktas (S. Semmalai).
Judiciary	Not included	Exclude judiciary and quasi-judicial authorities. Establish National Judicial Commission for appointing and dismissing judges.	No dissent
Composition of Lok Pal			
Qualifications	Clause 3: Chairperson to be either a sitting or former judge of Supreme Court.	Chairperson could be a non-judicial member also.	No dissent
	Judicial members to be SC judges or HC Chief Justices. Non-judicial members to have 25 years of experience in anti-corruption policy, vigilance, etc.	In addition, Lok Pal should exclude a person (a) convicted for offence involving moral turpitude, (b) less than 45 years old, and (c) who has left government service within 12 months of his appointment.	Should have 50% representation from SC/STs, OBCs, minorities and women (Ram Villas Paswan).
Selection of Lok Pal			
Process	Clause 4: Selection Committee to recommend candidates to President. The Committee may form a search committee.	Should be mandatory to constitute a search committee but recommendations are not binding on the Selection Committee.	No dissent.
Composition	Selection Committee: PM, Speaker, Leader of Opposition (LoP) in both Houses, Cabinet minister, eminent jurist, eminent person, judge of SC and Chief Justice of a HC.	Selection Committee: In addition to PM and Speaker, it should include the Chief Justice of India, an eminent Indian unanimously nominated by the CAG, CEC and UPSC chairman and only LoP of the Lok Sabha. Search Committee: Should have minimum seven members with 50 per cent members from SC/ST, OBC, minorities and women.	<i>Selection Committee:</i> PM, Minister, LoPs of both Houses, two judges and CVC. <i>Search Committee:</i> CJI, CAG, CEC, Cabinet Secretary, judges of Supreme Court and High Courts (Kirti Azad). <i>Selection Committee:</i> PM, LoP in the Lok Sabha, one judge of SC and one Chief Justice of a HC, CVC, CEC and CAG. <i>Search Committee:</i> 10 members out of which 5 should be from civil society and 5 should be retired Chief Justice, CVC, CAG and

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	Search Committee: Persons with expertise in anti-corruption, vigilance, etc.		CEC. Half the members to be from SC/STs, OBCs, minorities or women (Shailendra Kumar).
Removal of Lok Pal			
Complaint referral	Clause 8: The President may remove a member after Supreme Court inquiry. SC may inquire based on reference from President on his own or on a citizen's petition or on a petition signed by 100 MPs.	A citizen should be allowed to approach the Supreme Court directly with a complaint. If admitted, it would be heard by a five judge bench. If President does not refer a citizen's petition, he should give reasons.	Investigation should be conducted by an independent complaint authority. Impose heavy fines in case of a false or frivolous complaint. Instead of the President, the Supreme Court should have power to suspend a member pending inquiry (Shailendra Kumar).
Process of investigation and prosecution			
Role of CVC and CBI	No mention of role of CBI and CVC. Lok Pal to have own Investigation and Prosecution Wing.	CVC should investigate Group C and D employees (currently dealt by departmental authority). File periodic reports to Lok Pal. Instead of Lok Pal's investigation wing, the CBI should investigate cases after preliminary inquiry by the Lok Pal. CBI has autonomy over its investigation. Lok Pal shall have supervisory role over CBI in relation to Group A and B officers.	CBI should be under the control of the Lok Pal (Ram Jethmalani, Shailendra Kumar). The CBI Director should be appointed by the Lok Pal's selection committee (A. Sampath). The CVC should be under the Lok Pal and the SVCs under the state Lokayuktas. (Meenakshi Natrajan).
Inquiry and investigation	Clause 23: Initiate inquiry only on complaints by citizens. Lok Pal to refer it for a preliminary inquiry or a preliminary investigation. If there is a prima facie case, Lok Pal will conduct an inquiry or investigation. The accused has the right to be heard at both stages.	<i>Inquiry:</i> Lok Pal shall conduct only the preliminary inquiry. Allow suo moto initiation of inquiry. In such cases, inquiry to be done by 5 member bench of Lok Pal unconnected with suo moto initiation. No opportunity to be heard at this stage. <i>Investigation:</i> If there is prima facie case, refer matter to the Central Bureau of Investigation (CBI) for investigation. Reference shall be decided by a 3 member bench of the Lok Pal. CBI to file charge-sheet or closure report with approval of Lok Pal. Accused to be given a hearing before charges are filed. CBI should complete investigation within 6 months which may be extended to another 6 months. Lok Pal to have general superintendence over CBI. CBI can also initiate suo moto investigation.	The Lok Pal should be provided with its own investigative mechanism which shall only look into cases under the PCA. Definition of "corruption" under PCA should be amended (A. Sampath).
Prosecution or disciplinary action	Lok Pal's prosecution wing may file case in Special Court or recommend disciplinary action against public servant.	Lok Pal should retain power of prosecution based on CBI's report.	Accused should be provided a hearing before the Lok Pal before initiating disciplinary proceedings (Shailendra Kumar).

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Power of suspension	Clause 35: Lok Pal can recommend transfer or suspension of public servant pending inquiry.	Recommendation has to be mandatorily accepted by competent authority. It may not be accepted only if 3 persons of Ministers of State rank (Ministry of Home, Personnel and the administrative Ministry) decide against it. In case of MPs, the presiding officer of a House may record in writing any action taken against them.	No dissent.
Special Court	Clause 38: Special Courts to adjudicate cases.	Special Court should be allowed to try cases other than those under the Prevention of Corruption Act.	
Penalties			
False and frivolous complaints	Clause 49(1): Penalty is imprisonment for 2 to 5 years and a fine between Rs 25,000 and Rs 2 lakh.	Term of imprisonment should be decreased to a maximum of six months. Amount of fine should not exceed Rs 25,000. Specifically provide for complaints made in good faith in line with the Indian Penal Code.	The term of imprisonment should not exceed 30 days (Kirti Azad).
Offences in PCA	Clause 59: Penalty for criminal misconduct and for 'habitually' abetting bribery is imprisonment between 5 and 7 years.	Maximum term of imprisonment should be increased to 10 years. Suggested enhancement of penalties for other offences in the PCA.	If employees of private companies are convicted of corruption, the company should be barred from transacting with the government in the future (Shailendra Kumar, A. Sampath). Contracts secured through corrupt means should be cancelled (A. Sampath).
Other related issues			
Article 311 in the Constitution	No amendment proposed in Article 311. Article 311: Cannot remove a government employee without an inquiry process in which he gets opportunity of being heard.	Article 311 should be amended or replaced with a statute. This provision is used to delay investigation and prosecution of corrupt public servants. The rules and regulations related to this article should also be examined.	The procedure adopted by the disciplinary authority should conform to Article 311. (Kirti Azad, Meenakshi Natrajan).
Whistleblower's protection and phone tapping	No provision	Provisions of the Public Interest Disclosure Bill or Whistleblowers' Bill should also be applicable to the Lok Pal. No power to tap phones should be given to the Lok Pal.	To encourage whistleblowers, 10% of the loss to the exchequer in a case should be awarded to the whistleblower (Shailendra Kumar).
Finance	All expenses of the Lok Pal will be charged to the Consolidated Fund of India. This means Lok Pal's budget does not need to be cleared by the Lok Sabha.	No recommendation.	Lok Pal's expenses should be cleared by the Parliament. (Kirti Azad) Lok Pal should present its budget directly to Parliament rather than through a ministry (Shailendra Kumar).

Sources: The Lok Pal Bill, 2011; the Department Related Standing Committee Report on the Lok Pal Bill, 2011 and PRS.