

The following table compares the Lok Pal Bill drafted by the government representatives on the Joint Committee on Lok Pal and the Bill drafted by the nominees of Anna Hazare.

**Table 1: Comparison of the Draft Lokpal Bill, 2011 and the Draft Jan Lokpal Bill, 2011**

Issues	Draft Lokpal Bill, 2011 (government representatives)	Draft Jan Lokpal Bill, 2011 (nominees of Anna Hazare)
<b>Composition</b>	Chairperson and 10 members (at least 4 judicial members)	Chairperson and 10 members (at least 4 members with legal background). The Chairperson to have extensive knowledge of law.
<b>Tenure</b>	Five years or till he is 70 years	Five years or till he is 70 years
<b>Manner of appointment</b>	To be appointed by the President on the recommendation of the selection committee. The committee shall consist of the Prime Minister, Speaker, Leader of the House of which PM is not member, Minister of Home Affairs, Leader of the Opposition in both Houses, judge of Supreme Court, Chief Justice of a High Court, President of National Academy of Science, Cabinet Secretary (secretary of committee).	To be appointed by the President on the recommendation of the selection committee. The committee shall consist of the Prime Minister, Leader of the Opposition in the Lok Sabha, 2 judges of the Supreme Court, 2 chief justices of a high court, the Chief Election Commission, the CAG, and all previous chairpersons of the Lokpal. The members shall be selected from a list prepared by the Search Committee (10 members including civil society representatives).
<b>Qualification</b>	Every Chairperson or member shall be of impeccable integrity with at least 25 years of experience in public affairs, academics, commerce, finance etc. Once appointed, he cannot be an MP, MLA or be connected with a political party, business or practice a profession. A judicial member has to be either a Chief Justice of the High Court or a judge of the Supreme Court.	A judicial member should have held judicial office for at least 10 years or been an advocate of the High Court or Supreme Court for at least 15 years. All members should be of impeccable integrity with record of public service especially in the field of corruption. A person cannot be a member if he is not a citizen of India, has a case involving moral turpitude framed against him by a court, below 45 years, was a government servant within the last 2 years.
<b>Removal</b>	Any complaint against the members of the Lokpal shall be made to the President who may refer it to the Chief Justice of India. The President may remove the Lokpal, on the opinion of the Chief Justice, if the member is found to be biased or corrupt. He can also remove on grounds of insolvency, engaging in paid employment and infirmity of the mind or body. The Supreme Court shall conduct an inquiry on reference from the President.	The members of the Lokpal shall be removed by the President on the recommendation of the Supreme Court made within 3 months. The grounds on which a Lokpal can be removed are: misbehaviour, infirmity of body or mind, insolvent, taken paid employment outside the office. There would be an Independent Complaints Authority at the state level to inquire into complaints against the staff of the Lokpal.
<b>Jurisdiction</b>	All corruption cases under the Prevention of Corruption Act, 1988. It covers MPs, Ministers, 'Group A' officers, any 'Group A' officer in a company or body owned by the government, any officer of a society or trust that is financed by the government or gets funds under Foreign Contribution (Regulation) Act, 1976 or gets funds from the public. Excludes PM, judiciary and any action of an MP in the Parliament or Committee.	Offences by a public servant under the Indian Penal Code and the Prevention of Corruption Act, 1988. An act of corruption also includes any offence committed by an MP in respect of a speech or vote in the House; willfully giving or taking benefit from a person and victimizing a whistleblower or witness. It covers all public servants as defined in the Prevention of Corruption Act, 1988 (includes government employees, judges, MPs, Ministers, and Prime Minister).
<b>Investigation</b>	On receiving a complaint against a public servant, the Lokpal shall either itself or direct its investigation wing to conduct a preliminary inquiry within 30 days. If there is no prima facie case, the matter will be closed. If a prima facie case is made out, the Lokpal will investigate the case after giving suitable opportunity to the public servant of being heard. The investigation shall be completed within six months. It may be	The CBI, when investigating cases under the Prevention of Corruption Act, 1988, shall be under the Lokpal. An investigation can be initiated against the Prime Minister, Ministers, MPs and judge of the Supreme Court or High Courts only with permission of a 7-member bench of the Lokpal. Investigation has to be completed between 6 to 18 months. Investigation in complaints made by whistleblowers, who

	extended for six more months after the Lokpal gives reasons in writing. No sanction shall be required by the Lokpal to investigate any complaint against a public servant.	are in danger of victimization, shall be completed within 3 months.
<b>Prosecution</b>	<p>The Lokpal may constitute a prosecution wing with a prosecution director as the head who shall file cases in the Special Court (to be constituted by the central government on recommendation of the Lokpal). The court shall complete trial within one year which may be extended to two years on reasons given in writing. No sanction is required to file a case against a public servant.</p> <p><b>Procedure for persons other than MPs and ministers:</b> After investigation, if any person is found guilty, the Lokpal may file a case in the Special Court and send a copy of the report to the competent authority (for officers of government bodies the Minister in charge and for officers of societies, the head of the society); recommend disciplinary proceedings to the competent authority; and provide a copy of the report to the public servant. The competent authority has to take action within 30 days and inform the Lokpal within 6 months of initiating the disciplinary proceedings.</p> <p><b>Procedure for MPs and ministers:</b> After the investigation, if any person is found guilty, the Lokpal may file a case in the Special Court and send a copy of the report to the competent authority (for minister it is the PM, for MPs it is the Lok Sabha or Rajya Sabha). The Speaker/Chairman shall lay the report on the table of Parliament. The House shall examine it and send a report to the Lokpal on any action taken within 90 days.</p>	<p>The Lokpal shall have a prosecution wing (CBI's prosecution wing to be under Lokpal). After an investigation is completed, the Lokpal may either initiate prosecution against the public servant or may impose penalty or do both. The Lokpal can initiate prosecution in the Special Court formed under the Prevention of Corruption Act, 1988.</p> <p>The Lokpal shall appoint retired judges or retired civil servants as judicial officers. A bench of judicial officers can impose penalty on a public servant after conducting an inquiry. The decision shall be subject to approval from a higher authority to be prescribed.</p> <p>Prosecution can be initiated against the Prime Minister, Ministers, MPs and judge of the Supreme Court or High Courts only with permission of a 7-member bench of the Lokpal. If the Lokpal grants permission to investigate an offence or initiate prosecution proceedings, no sanction is required from any other authority.</p>
<b>Penalty</b>	Any person making false and frivolous or vexatious complaints shall be penalized with 2 to 5 years of jail and fine of Rs 25,000 to Rs 2 lakh.	For any act of corruption, the penalty shall be between six months to life imprisonment. If the beneficiary for an offence is a business entity, a fine of upto five times the loss caused to the public shall be recovered. Also, if the director of a company is convicted, the company shall be blacklisted from any government contract. The public servant shall be removed from office if convicted. In case a person is found guilty of making a false complaint, he shall be fined upto Rs 1 lakh. In case the complaint is against a member of the Lokpal, he may be sentenced to 3 months of jail.
<b>Funding</b>	Expenses of Lokpal to be charged on the Consolidated Fund of India.	Expenses to be charged on the Consolidated Fund of India. The budget of the Lokpal should not be less than 0.25 percent of the total revenue of the Government of India. No sanction required from government to incur expenditure (CAG to audit Lokpal and a Parliamentary Committee shall appraise the functioning of Lokpal).
<b>Other powers</b>	The Lokpal shall have the power to search and seize documents, provisionally attach property for 90 days, file for confirming the attachment within 30days, and recommend suspension of the public servant connected with allegation of corruption.	The Lokpal shall have the power to receive complaints from whistleblowers, attach property, recommend cancellation/modification of a lease or licence or blacklist a company. If recommendation of Lokpal is not accepted it can approach the High Court. A bench of the Lokpal can approve interception and monitoring of messages transmitted through telephone or internet. The Lokpal can issue search warrants.

Sources: The Draft Lok Pal Bill, 2011; The Jan Lok Pal Bill, 2011; PRS

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