

Standing Committee Report Summary

The Lokpal and Lokayuktas and other related Law (Amendment) Bill, 2014

- The Standing Committee on Personnel, Public Grievances, Law and Justice (Chairperson: Dr. E.M. Sudarsana Natchiappan) submitted its report on the the Lokpal and Lokayuktas and Other Related Law (Amendment) Bill, 2014 on December 7, 2015. The Bill was introduced in Lok Sabha on December 18, 2014, and referred to the Committee for examination on December 22, 2014.
- The Bill amends the Lokpal and Lokayuktas Act, 2013, and the Delhi Special Police Establishment Act, 1946, which established the Central Bureau of Investigation (CBI).
- **Leader of single largest opposition party to be part of Selection Committee:** The 2013 Act states that the Leader of Opposition (LoP) in Lok Sabha would be part of the Selection Committee to appoint the Lokpal. The Bill amends this provision to state that the leader of the single largest party in the Opposition would perform this role in the absence of a recognised LoP. The Committee stated that such an amendment was appropriate. A similar provision existed for the appointment of a Central Vigilance Commissioner (CVC).
- **Declaration of assets and liabilities by public servants:** The 2013 Act requires all public servants, including Members of Parliament, to declare their assets and liabilities (including that of spouses and dependent children) to a Competent Authority within 30 days of assuming office. Such information would be subsequently published on the websites of relevant organisations. The Bill replaces this provision to require that a public servant's declaration contain information of all liabilities and assets, including property owned by him or his family. Provisions related to declaration of assets of public servants under the Representation of the People Act, 1951, the All India Services Act, 1951, etc. would also apply.
- The Committee stated that the public servants should declare the assets and liabilities to their Competent Authority. Such declarations should then be forwarded to the Lokpal to keep in a fiduciary capacity. Both these authorities would be competent to review the returns filed by the public servants. In light of such double scrutiny, the Committee recommended that public disclosure of such assets and liabilities would not be necessary.
- The Committee noted that family members of public servants are not obliged to disclose assets acquired through their own income. These disclosures may be in violation of Article 21 (right to privacy) or 14 (right to equality) of the Constitution. However, the public servant must declare assets and liabilities of his dependents, and those acquired by him in the name of another.
- **Rank of Secretary, Directors of Lokpal:** The Bill reduces the rank of the Secretary to Lokpal from that of Secretary to Government of India to Additional Secretary. Similarly, it seeks to reduce the rank of the Director of Inquiry (DoI) and Director of Prosecution (DoP) of Lokpal, from that of Additional Secretary to Joint Secretary. The Committee recommended that since the Secretary to Lokpal would be dealing with high ranking officials, it is necessary that his rank not be lower than the rank of Secretary to Government of India. This would ensure that he is able to function independently. It recommended that the DoP and DoI of Lokpal should also be retained at the rank of Additional Secretary.
- Further, the Committee recommended that there was no need to create the post of DoI under Lokpal. The position created under the CVC should be used for inquiry by the Lokpal.
- **Amendments to the 1946 Act:** The Bill specifies eligibility criteria for the DoP of the CBI, which includes officers of the rank of a Joint Secretary. The Committee further recommended that, to ensure the independence of the DoP, his rank should be at par with that of Director, CBI.
- The Bill states that the Annual Performance Appraisal Report of the DoP of CBI shall be recorded and maintained in the Ministry of Law and Justice. The Standing Committee recommended that DoP of Lokpal should be responsible for handling all corruption related cases, and his annual performance appraisal must be conducted by the Lokpal.
- **Integrated approach to address corruption:** The Committee recommended that the CVC and the CBI (in relation to its anti corruption functions), must be fully integrated with Lokpal. The Lokpal must be at the apex level with the CVC and CBI (anti-corruption wing) working directly under its control. The Lokpal must use these organisations for conducting inquiry, investigation and prosecution of corruption cases.