

The following table compares the Lok Pal Bill as introduced by the government, the Bill drafted by the nominees of Shri Anna Hazare and the Amendments suggested by National Campaign for People’s Right to Information (NCPRI).

**Table 1: Comparison of some key provisions of the Government Lokpal Bill, 2011; the Draft Jan Lokpal Bill, 2011; and the NCPRI Bill**

Issues	Lokpal Bill, 2011 (Government Bill)	Draft Jan Lokpal Bill, 2011 (Anna Hazare’s Bill)	Amendments of NCPRI
<b>Composition</b>	Chairperson and up to 8 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.	Same as Government Bill.
<b>Tenure</b>	Five years or till he is 70 years	Five years or till he is 70 years	Same as Government Bill
<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, Union Cabinet Minister nominated by the PM, Leader of the Opposition in both Houses, judge of Supreme Court, Chief Justice of a High Court, an eminent jurist, an eminent person with knowledge of anti-corruption policy and public administration. This selection committee may constitute a search committee of persons with expertise in anti-corruption policy, public administration, finance etc.	To be appointed by the President on the recommendation of the selection committee. The committee shall consist of the PM, Leader of the Opposition in the Lok Sabha, 2 judges of the Supreme Court, 2 chief justices of a high court, the Chief Election Commissioner (CEC), the Comptroller and Auditor General (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).	To be appointed by the President on the recommendation of the selection committee. The committee shall consist of the PM, the Leader of the Opposition in the Lok Sabha and one sitting judge of the Supreme Court to be nominated by the Chief Justice of India. The selection committee shall choose a candidate out of a panel of three to five candidates for each post. The panel shall be chosen by a 10-member search committee (five of which are civil society members and the others include former CJI, Supreme Court judge, CAG, CEC, CIC, and Chairperson & members of Lokpal).
<b>Qualification</b>	Chairperson shall be a current or former Chief Justice of India (CJI) or judge of the Supreme Court (SC). Judicial members shall be current or former judges of the SC or Chief Justices of the HC. Non-judicial members shall be of impeccable integrity with at least 25 years of experience in anti-corruption policy, public administration, vigilance and finance. 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 CJ of the High Court or a judge of the SC.	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 against him by a court, below 45 years, was a government servant within the last 2 years.	Same as the Government Bill. Adds that the Chairperson shall be or shall have been a CJI or judge of the Supreme Court or is <i>otherwise qualified to be a member of the Lokpal</i> . Implies that Chairperson could be a non-judicial person.
<b>Removal</b>	The Lokpal may be removed by an order of the President after an inquiry by the Supreme Court. The President may make a reference for an inquiry to the SC (a) himself, (b) on the basis of a petition	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	The Lokpal may be removed by an order of the President after an inquiry by the Supreme Court. The Supreme Court may form a committee to inquire into a complaint made to the CJI by an aggrieved

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	filled by 100 MPs or (c) on the basis of a petition by a citizen upon the President's satisfaction that the petition should be referred. 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 the Lokpal on grounds of insolvency, engaging in paid employment and infirmity of the mind or body. The President may also initiate prosecution of the Lokpal.	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.	party. The committee shall examine whether a prima facie case for bias or corruption exists. The CJI may investigate the case further if the committee decided there is a prima facie case against the Lokpal member.
<b>Jurisdiction</b>	All corruption cases under the Prevention of Corruption Act, 1988 (PCA). It covers the PM after he has demitted the office, 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 through public funds. Excludes, judiciary and any action of an MP in the Parliament or Committee.	Offences by a public servant under the Indian Penal Code and the PCA. 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).	<p>Only PCA offences (same as the government Bill). On persons covered, adds that the PM should be included with certain safeguards: (a) the full bench of the Lokpal should refer the complaint to the CJI who shall refer it to the full bench of the Supreme Court. The Lokpal would take up the investigation based on the decision of the bench. (b) It excludes the PM in cases where he is not directly involved. (c) If the PM felt that any information would compromise national security, CJI would decide after a briefing by PM whether the information should be disclosed.</p> <p>Exclude any officer of a society or trust that is financed through public funds.</p> <p>Exclude any action of an MP in Parliament or committee. This exemption applies only to MPs while on the floor of the House or Committees during Parliament session.</p> <p>Include the private sector if it receives licenses or contracts etc in violation of any law.</p> <p>Recommends some amendments to the Judicial Accountability and Standards Bill especially related to the oversight committee and the complaint mechanism.</p> <p>Recommends that CVC should have jurisdiction over Officers other than Group A. Also some changes to strengthen CVC Act.</p>
<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 investigation within 30 days. If there is no prima facie case, the matter will be closed. If a prima facie case is made out, the	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	<p>Same as government Lokpal.</p> <p>A case may be transferred from one bench to another by the Chairperson if he feels that justice could not be met without the transfer. He also has to</p>

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	<p>Lokpal will inquire into the case after giving suitable opportunity to the public servant of being heard. The inquiry shall be completed within six months. It may be extended for six more months after the Lokpal gives reasons in writing. No sanction shall be required by the Lokpal to inquire any complaint against a public servant. The accused has the right to inspect the documents in connection with his alleged offence.</p>	<p>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 are in danger of victimization, shall be completed within 3 months.</p>	<p>give reasons for transfer in public domain within a week of the transfer.</p> <p>It should not be a statutory requirement to allow the accused to be heard during the preliminary inquiry. The accused has the right to inspect the documents in connection with his alleged offence. However, identities of whistleblowers or witnesses cannot be revealed without their permission.</p>
<b>Prosecution</b>	<p>The Lokpal may constitute a prosecution wing who shall file cases in the Special Court (Lokpal to recommend number of courts to the central government). The court shall complete the 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 MPs other than ministers, and Group A officers:</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 MPs it is the Speaker or Chairman and for officers of government bodies the Minister in charge); recommend disciplinary proceedings to the competent authority.. 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 PMs 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). The PM or the Speaker/Chairman shall lay the report on the table of the Parliament. The House shall send a report to the Lokpal on any action taken within 90 days.</p> <p>Procedure for other public servants, namely officers of ranks equivalent to Group A officers, directors, managers and officers or organizations receiving government or public funding is not specified.</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>	<p>Same as the government Lokpal Bill. Adds that if a case is not completed within two years, that should not be the reason for closing the case. However, the matter should be referred to a High Court which can give directions for early closure of the case and pass strictures against the trial judge.</p> <p>The government Bill provides for legal assistance to the accused. NCPRI suggests that if the person is found guilty, he should refund the money spent on such assistance or his property should be confiscated.</p>
<b>Complaint</b>	The Lokpal shall complete inquiry with 30 days of	Independent complaints authority to hold public	Procedure for complaints against Lokpal staff

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<b>against Lokpal staff</b>	complaint. While making inquiry, Lokpal may suspend or transfer the employee. On completion, if there is prima facie evidence, Lokpal may order to prosecute the employee, and initiate disciplinary action.	hearings and decide complaint within 2 months. Power to dismiss, remove or reduce rank. This 5-member Authority to be established in each state and selected by high court chief justice, and chairmen of state lokayukta and state human rights commission.	amended. Such complaints shall be investigated by an Ombudsman appointed for the purpose by an independent committee. Inquiry shall be completed within 30 days.
<b>Penalty</b>	For any act of corruption the penalties as provided under the Prevention of Corruption Act, 1988 (PCA) would apply. The PCA provides for fine and imprisonment for a term of six months to seven years for acts of corruption. The Bill amends PCA to increase maximum penalty to 10 years. Any person making false and frivolous or vexatious complaints shall be penalized with two to five 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 three months of jail.	Any person making malafide and false complaints, with malicious intent shall be penalized with a fine of Rs 5,000 to Rs 1 lakh.
<b>Funding</b>	Expenses of Lokpal to be charged on the Consolidated Fund of India. As per the financial memorandum the expected non-recurring is Rs 50 crore and the recurring expenditure is Rs 100 crore. An additional non-recurring expenditure of Rs 400 crore is specified for buildings.	Expenses to be charged on the Consolidated Fund of India. The budget of the Lokpal should be less than 0.25 percent of the total revenue of the government. No sanction required from government to incur expenditure (CAG to audit Lokpal and a Parliamentary Committee shall appraise the functioning of Lokpal).	Same a government Bill
<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 30 days, 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.	The Lokpal should have civil contempt powers to ensure that its directions are complied with. Recommends certain changes to the Public Interest Disclosure Bill, 2010 to increase the protection for whistleblowers.
<b>Grievance Redressal</b>	No provision.	Provides for a citizen's charter and a grievance redressal mechanism, including complaint to Lokpal.	Recommends a separate legislation to deal with grievance redressal.
<b>Lokayukta</b>	Only a Lokpal at the centre.	Provisions similar to Lokpal should be made for state level Lokayuktas and incorporated in the Bill.	Provisions similar to Lokpal should be made for state level Lokayuktas and incorporated in the Bill.

Sources: The Lokpal Bill, 2011; The Jan Lokpal Bill, 2011 and NCPRI's amendments to the Government Bill

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