



Recommendations of various experts committees on the questions framed by the government on the Lok Pal Bill

In May 2011, Shri Pranab Mukherjee, the chairperson of the Joint Drafting Committee had sent a letter to state governments and political parties seeking their views on certain issues related to the drafting of the Lok Pal Bill. According to the letter, the government felt that there are some basic issues where consultations with all stakeholders are necessary before finalizing the Bill. The issues were framed in the form of six questions that were deemed to be of “vital importance” for the governance structure in the years to come.

In Table 1, we have given the recommendations of various expert committees on each of these questions posed by Shri Pranab Mukherjee. The Committees referred to in the table are the following:

- (a) First Administrative Reforms Commission, 1966 (ARC)
- (b) Second Administrative Reforms Commission, 2007
- (c) The Report of the Standing Committee on Home Affairs on the Lok Pal Bill, 1996 (SCR)
- (d) The Report of the Standing Committee on Home Affairs on the Lok Pal Bill, 1998
- (e) The Report of the Standing Committee on Home Affairs on the Lok Pal Bill, 2001
- (f) The Report of the National Commission to Review the Working of the Constitution, 2002 (NCRWC)

Table 1: Recommendations of various committees on the six questions that Mr Pranab Mukherjee asked the Chief Ministers

Questions	First ARC	Second ARC	SCR on 1996 Bill	SCR on 1998 Bill	SCR on 2001 Bill	NCRWC
Should there be one single Act providing for both the Lok Pal at the Centre and the Lokayukta in the state?	No. Two separate Acts.	No comment	No comment	No comment	No comment	No comment
Should the Prime Minister be brought within the purview of the proposed Lokpal?	No comment	No	No comment	No comment	No comment	No comment
Should the judges of the Supreme Court and High Court be brought within the purview of the proposed Lokpal?	No comment	No (Separate system for judges recommended).	No comment	No comment	No (separate law for judges recommended).	No comment
Should the conduct of MPs inside Parliament (speaking or voting) be brought within the purview of the proposed Lok Pal?	No comment. Only administrative acts of Ministers and Secretaries to be included.	No comment specific to Lokpal. (Amend Constitution to clarify that parliamentary privilege does not cover corrupt acts committed in connection with their duties in the House).	No comment	No comment	No comment	No comment specific to Lok Pal. (Parliamentary privilege does not cover corrupt act which include accepting money to speak or vote in a particular manner) .
Should the Lok Pal have the powers to enquire against and dismiss/remove a member of the civil service of the Union or an All India Service officer or who holds a civil post under the Union?	Power to inquire but not remove.	Power to inquire but not remove.	Power to inquire but not remove. (The report of the Lok Pal, which is sent to the competent authority should specify the action to be against the public functionary).	Power to inquire but not remove.	Power to inquire but not remove. (The competent authority has to communicate to the Lok Pal within 90 days of receiving the report, any action taken against the public functionary).	No comment. (The findings of the Lok Pal should be seen as final and should form the basis for action by government).
What should be the definition of Lok Pal?	Two independent authorities: (a) Lok Pal to deal with complaints against administrative acts of Ministers or govt secretaries at the centre and the state; and (b) Lokayukta in the centre and each state to deal with complaints against other officials.	Three authorities: (a) Rashtriya Lokayukta to be a Constitutional authority with role and jurisdiction defined in the Constitution; (b) Lokayukta, at state level to look into cases of corruption only; and (c) Ombudsman at local level to investigate cases against local functionaries.	Consist of Chairperson with 2 members with quasi-judicial powers. The Chairperson and members to be drawn for the judiciary.	Consist of Chairperson with 2 members with quasi-judicial powers. The Chairperson and members to be drawn for the judiciary.	Consist of Chairperson with 2 members with quasi-judicial powers. The Chairperson and members to be drawn for the judiciary.	Status of Constitutional authority.

Sources: "Problems of Redress of Citizens' Grievances," Interim Report of the First Administrative Reforms Commission, 1966; "Ethics in Governance," Fourth Report of the Second Administrative Reforms Commission, Jan 2007; Standing Committee Reports on 1996, 1998 and 2001 Lok Pal Bill; "Executive and Public Administration," Chapter 6 of the National Commission to Review the Working of the Constitution (Chairperson: Shri M.N. Venkatchiliah), March 31, 2002; PRS.