

The following table compares the Lok Pal Bill as introduced by the government and the Bill drafted by the nominees of Anna Hazare.

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

Issues	Lokpal Bill, 2011 (as introduced by the government)	Draft Jan Lokpal Bill, 2011 (nominees of Anna Hazare)
<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.
<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, 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, a person of eminence in public life with knowledge and experience anti-corruption policy and public administration.	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>	Chairperson shall be or shall have been a CJI or judge of the SC. Judicial members shall be or have been judges of the SC or CJs 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 framed against him by a court, below 45 years, was a government servant within the last 2 years.
<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 Supreme Court (a) himself, (b) on the basis of a petition 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 Lok Pal on grounds of insolvency, engaging in paid employment and infirmity of the mind or body. The President may also initiate prosecution of the Lok Pal.	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 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 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).

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<b>Investigation</b>	<p>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 Lokpal will inquire 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.</p>	<p>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 are in danger of victimization, shall be completed within 3 months.</p>
<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 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 of the Lok Sabha it is the Speaker or and for MPs of the Rajya Sabha it is the Chairman and for officers of government bodies the Minister in charge); 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 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 examine it and 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>

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<b>Penalty</b>	<p>For any act of corruption the penalties as provided under the Prevention of Corruption Act (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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>
<b>Additional action</b>	Attach assets acquired by corrupt means	<p>Attach assets acquired by corrupt means.</p> <p>Recommend cancellation or modification of agreements, contracts etc., and recommend blacklisting of persons involved in a act of corruption.</p>
<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 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 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.
<b>States</b>	Only a Lokpal at the centre.	Provisions similar to Lokpal should be made for state level Lokayuktas and incorporated in the Bill.

Sources: The Lok Pal Bill, 2011 as introduced; The Jan Lok Pal Bill, 2011; PRS

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