

Bill Summary

The Lokpal Bill, 2011

- The Lokpal Bill, 2011, was introduced in the Lok Sabha on August 4, 2011 by Shri V. Narayanaswamy, Union Minister of State, Personnel, Public Grievances & Pensions. The Bill has been referred to the Standing Committee on Personnel, Public Grievances, Law and Justice. The report of the Committee is expected within three months.
- The Bill provides for establishment of the Lokpal for inquiring into complaints of corruption against certain public servants.
- The members of the Lokpal shall be appointed by the President on the basis of the recommendations of the Selection Committee.
- The Selection Committee shall comprise of the Prime Minister, Speaker of the Lok Sabha, Leaders of the Opposition in both houses, a Union Cabinet Minister nominated by the Prime Minister, one sitting judge of the Supreme Court, and one sitting Chief Justice of the High Courts both nominated by the Chief Justice of India, an eminent jurist nominated by the central government and a person of eminence in public life with knowledge of public administration, policy making, anti-corruption policy, vigilance and finance.
- The Lokpal shall consist of one chairperson and upto eight other members. The Chairperson shall be a present or former judge of the Supreme Court. Fifty percent of the other members shall be judicial members (judges of the Supreme Court and Chief Justices of the High Court). A non-judicial member is required to have 25 years experience in anti-corruption policy, public administration, vigilance and finance.
- A Lokpal can enquire into offences under the Prevention of Corruption Act, 1988 (PCA) committed by:
 - (a) the PM once he has demitted the office,
 - (b) current and former Union Ministers,
 - (c) current and former MPs,
 - (d) group A officers and above,
 - (e) persons of equivalent ranks in public sector undertakings and other government bodies,
 - (f) officers of organizations having an annual income above a specified amount receiving funds from the government or the public.
- The Lokpal shall be constituted of two wings: the Investigation Wing and the Prosecution Wing.
- The central government is required to constitute Special Courts to hear cases referred to it by the Lokpal under this Bill. The Lokpal shall recommend the number of such courts.
- A complaint against the specified officials may be made to the Lokpal for actions committed within seven years of the date of complaint. The Lokpal can ask the Investigation Wing to conduct preliminary investigation of any offence alleged to be committed under the PCA. The Lokpal shall provide the accused with copies of the complaint and secure him a hearing. In case a *prima facie* case is made out it may then conduct a public inquiry.
- If the inquiry concludes that an offence was committed, the Lokpal may recommend disciplinary action to the competent authority. It can also file a case before the Special Court through its Prosecution Wing. The competent authority shall within 30 days of receipt of the recommendation initiate disciplinary proceedings and inform the Lokpal of the action proposed or taken.
- The Bill removes the requirement of sanction for initiating investigation and prosecution.
- The preliminary investigation or inquiry has to be completed within a maximum period of three months. The following inquiry by the Lokpal is to be completed within a maximum period of one year. The trial before the Special Court is to be completed within a maximum timeframe of two years.
- The penalty for filing false and frivolous complaints is imprisonment for a minimum of two years to a maximum of five years and a fine of Rs 25,000 upto Rs 2 lakh.
- The Lokpal may be removed by an order of the President on the basis of the report of the Supreme Court on a reference by the President. A reference to the Supreme Court may be made by (a) the President, (b) the President on the basis of a petition signed by 100 Members of the Parliament and (c) the President if he is satisfied on the basis of a petition by a citizen.

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