

**Press Information Bureau
Government of India
Ministry of Personnel, Public Grievances & Pensions**

22-December-2011 18:22 IST

Lokpal and Lokayuktas Bill 2011 Introduced in Lok Sabha

Government today introduced in Lok Sabha the Lokpal and Lokayuktas Bill, aimed at setting up the body of Lokpal at the Centre and Lokayuktas at the level of the States. Government also introduced a Bill for amending the Constitution for conferment of Constitutional status on both bodies. Government also withdrew earlier Lokpal Bill, 2011 as it decided to introduce a new comprehensive Lokpal and Lokayuktas Bill, 2011 Bill after consideration of the suggestions made by the Parliamentary Committee which recommended significant changes in the scope and content of the earlier Bill.

The salient features of the proposed new Bills are as under:-

Focus on improving accountability

- Establishment of new institution in the Constitution called Lokpal for the Union and Lokayukta for the States. These autonomous and independent bodies, shall have powers of superintendence and direction for holding a preliminary inquiry, causing an investigation to be made and prosecution of offences in respect of complaints under any law for the prevention of corruption.
- The Bill provides a uniform vigilance and anti corruption road map for the nation, both at Centre and States.
- The Bill institutionalizes separation of investigation from prosecution and thereby removing conflict of interest as well as increasing the scope for professionalism and specialisation.

Structure of the Institution:

- Lokpal will consist of a Chairperson and a maximum of eight Members of which fifty percent shall be judicial Members.
- Fifty per cent of members of Lokpal shall be from amongst SC, ST, OBCs, Minorities and Women.
- There shall be an Inquiry Wing of the Lokpal for conducting the preliminary inquiry and an independent Prosecution Wing.
- Officers of the Lokpal to include the Secretary, Director of Prosecution, Director of Inquiry and other officers.

Process of selection:

- The selection of Chairperson and Members of Lokpal shall be through a Selection Committee consisting of –
 - Prime Minister;
 - Speaker of Lok Sabha;
 - Leader of Opposition in the Lok Sabha;
 - Chief Justice of India or a sitting Supreme Court Judge nominated by CJI;
 - Eminent jurist to be nominated by the President of India

- A Search Committee to assist Selection Committee in the process of selection. Fifty per cent of members of Search Committee shall be from amongst SC, ST, OBCs, Minorities and Women.

Jurisdiction:

- Prime Minister to be brought under the purview of the Lokpal with subject matter exclusions and specific process for handling complaints against the Prime Minister. Lokpal can not hold any inquiry against the Prime Minister if allegations relate to:
 - International relations;
 - External and internal security of the country;
 - Public Order;
 - Atomic energy
 - Space.

Any decision of Lokpal to initiate preliminary inquiry or investigation against the Prime Minister shall be taken only by the Full Bench with a majority of 3/4th. Such proceedings shall be held in camera.

- Lokpal's jurisdiction to include all categories of public servants including Group 'A', 'B', 'C' & 'D' officers and employees of Government. On complaints referred to CVC by Lokpal, CVC will send its report of PE in respect of Group 'A' and 'B' officers back to Lokpal for further decision. With respect to Group 'C' and 'D' employees, CVC will proceed further in exercise of its own powers under the CVC Act subject to reporting and review by Lokpal.
- All entities receiving donations from foreign source in the context of the Foreign Contribution Regulation Act (FCRA) in excess of Rs. 10 lakhs per year are brought under the jurisdiction of Lokpal.
- Lokpal will not be able to initiate inquiry *suo moto*.

Other significant features of the Bill

- No prior sanction shall be required for launching prosecution in cases enquired by Lokpal or initiated on the direction and with the approval of Lokpal.
- A high powered Committee chaired by the Prime Minister with leader of the opposition in the Lok Sabha and Chief Justice of India as members, will recommend selection of the Director, CBI.
- Provisions for confiscation of property acquired by corrupt means, even while prosecution is pending.
- Lokpal to be final appellate authority on all decisions by public authorities relating to provision of public services and redressal of grievances containing findings of corruption.
- Lokpal to have power of superintendence and direction over any investigation agency including CBI for cases referred to them.
- The Bill lays down clear time lines for :
 - Preliminary enquiry – three months extendable by three months.
 - Investigation– six months extendable by six months.
 - Trial – one year extendable by one year.
- The Bill proposes to enhance punishment under Prevention of Corruption Act :
 - (a) Maximum punishment from 7 years to 10 years
 - (b) Minimum punishment from 6 months to 2 years
- The Bill proposes to give legal backing to Asset Declaration by public servants.

- The Bill also seeks to make necessary consequential amendments in the Commissions of Inquiry Act, 1952, the Prevention of Corruption Act, 1988, the Code of Criminal Procedure, 1973, the Central Vigilance Commission Act, 2003, and the Delhi Special Police Establishment Act, 1946.

RS/SR