

**Which Model of Lokpal do you Prefer**

# Appointment of LOKPAL

<b>Government Bill</b>	<b>People Proposed</b>
<b>Standing Committee /Gov. Bill recommendation</b>	<b>India Against Corruption(IAC) recommendation</b>
<ol style="list-style-type: none"><li><b>1. Prime Minister</b></li><li><b>2. Speaker</b></li><li><b>3. Leader of opposition</b></li><li><b>4. CJI or His nominee</b></li><li><b>5. An eminent jurist by the President</b></li></ol>	<ol style="list-style-type: none"><li><b>1. PM of India who will also be chairperson of committee</b></li><li><b>2. Leader of opposition in Lok Sabha</b></li><li><b>3. One judge of Supreme Court of India and one permanent chief justice of High Courts to be selected by a collegiums of all Judges of Supreme Court.</b></li><li><b>4. Chief Election Commissioner of India</b></li><li><b>5. Comptroller &amp; Auditor General of India.</b></li><li><b>6. CVC of India</b></li><li><b>7. The last three chairpersons of Lokpal.</b></li></ol>

# Search Committee

Government Bill	People Proposed
	India Against Corruption (IAC) recommendation
<p data-bbox="19 442 850 771"><b>The Selection Committee will constitute a Search Committee of at least seven persons of expertise</b></p> <p data-bbox="19 885 850 1128"><b>Note: (this is all government controlled and Govt Nominees)</b></p>	<p data-bbox="888 435 1719 535">Mandatory Search committee comprising of:-</p> <ol data-bbox="888 549 1796 1335" style="list-style-type: none"><li data-bbox="888 549 1796 935">1. Ten members , five of which should be selected by selection committee from amongst the Retd CJI., Retd CECs , &amp; Retd CAGs with impeccable reputation of integrity, have not joined any political party after retirement, or not holding any office under govt.</li><li data-bbox="888 1006 1796 1335">2. The five members so selected should through consensus, co-opt another five members from Civil Society in search committee. Adequate representation shall be given to Women, SC/ST and OBC's</li></ol>

# Complaints against Lokpal staff.

Government	People Proposed
<b>Government Bill</b>	<b>India Against Corruption(IAC )proposal</b>
<b>Lokpal will enquire and act against its own staff.</b>	<ol style="list-style-type: none"><li>1. Creation of Independent Complaint Authority(ICA)</li><li>2. ICA will be completely independent of Lokpal.</li><li>3. Complaint will be heard in open hearing.</li><li>4. Final action will be taken with in two months.</li><li>5. Pending enquiry, ICA may suspend such lokpal official.</li></ol>
<b><u>Drawback:-</u> It would create a conflict of interest</b>	

# Removal of Lokpal members and Chairperson.

Government Bill	People Proposed
Government's proposal	India Against Corruption(IAC )proposal
<ol style="list-style-type: none"><li>1. Only govt should have power to move Supreme Court to seek removal of Lokpal member or chairperson.</li><li>2. Pending enquiry govt may suspend any member.</li></ol>	<ol style="list-style-type: none"><li>1. Citizens should have right to directly move Supreme Court to seek removal of Lokpal member.</li><li>2. Pending enquiry Supreme Court may suspend a member.</li><li>3. Power to supreme Court to impose heavy fine to avoid frivolous complaints.</li></ol>

# Central Bureau of Investigation

**Government Bill**

**CBI remains under the Administrative control the govt.**

**People Proposed**

**CBI reports to Lokpal**

To be noted-----

Enquiry-----> Lokpal


Investigation-----> CBI

Charge –sheet -----> Lokpal

# Bribes taken by MP's for voting or speaking at Parliament

Government Bill	People Proposed
Govt Proposal	India Against Corruption's (IAC) proposal
<p>A person who gives bribes to a MP will be prosecuted but MP who takes bribe can not be prosecuted.</p>	<p>If there is an allegation or prime facie evidence of bribe being taken outside the House, the same should be investigated by the Lokpal /Lokayukta.</p>

# Why lower Bureaucracy should be brought under Lokpal?

Government Bill	People Proposed
<b>Govt Model</b>	India Against Corruption(IAC) Model
<p><b>Grievance Redressal Officer.</b></p> <p style="text-align: center;"> <b>HOD</b> </p> <p><b>Five members State Public Grievance Commission( at State Capitals).</b></p> <p style="text-align: center;"></p> <p><b>Five members Central Public Grievance Commission at New Delhi.</b></p>	<p><b>Decentralized Mechanism to redress the grievances internally by dept:- Public Grievance officer.</b></p> <p style="text-align: center;"></p> <p><b>Head of Dept.</b></p> <p style="text-align: center;"></p> <p><b>Appeal before Judicial Officer to be appointed by Lokpal &amp; Lokayukta at District &amp; Block level.</b></p>
<p><b><u>Drawbacks</u></b></p> <ul style="list-style-type: none"><li>•No provision of mandatory penalty but provides a Discretionary Penalty.</li><li>•No Penalty for HOD</li><li>•Lead to more appeals before state &amp; Central commission</li></ul>	<ul style="list-style-type: none"><li>•Judicial officers may be retired judges or Civil Servants.</li><li>•Time bound</li><li>•Provision of penalty to compulsory fix responsibility.</li><li>•Highly Decentralized &amp; will provide relief at Dist &amp; Block level.</li><li>•No appeal will go to Lokpal/Lokayukta</li></ul>

# How should corruption of Group C officials checked ? (1)

Government Bill	People Proposed
<b>Government Model</b>	<b>India Against Corruption(IAC) 's Proposal</b>
<ul style="list-style-type: none"><li>•Jurisdiction of Lokpal/Lokayukta over Group A &amp; B officers</li><li>•Jurisdiction over Group 'C ' officials to CVC</li></ul> <p><b><u>Deficiencies :-</u></b></p> <ol style="list-style-type: none"><li>1. Not possible for CVC to check corruption of 57 lakhs group C employees.</li><li>2. Won't CVC become unwieldy ? CVC has neither power nor man power to take up this job.</li></ol>	<p>To evolve comprehensive Anti Corruption System in Country and bring Lokpal/Lokayukta system at the door step of every citizen:-</p> <ol style="list-style-type: none"><li>1. There should be one Agency covering all employees as there is collusion between politicians and employees.</li></ol>

# How should corruption of Group C officials checked ? (2)

Government Bill	People Proposed
<b>Government Model</b>	<b>India Against Corruption(IAC ) Proposal</b>
<p>3. Will CVC be amended ? Or CVC police station will be opened at dist/block level for registering FIR against Group C officials.</p> <p>4. It is always not possible to identify initially whether accused is group A, B or C employee. Where will be FIR registered – at lokpal police station or at CVC police station.</p>	<p>2. Workforce of CBI should be increased five fold and should be taken out of govt control and merged with Lokpal.</p> <p>3. In states, Anti Corruption Bureaus and State Vigilance Commission be merged with new Lokayuktas.</p> <p>4. Lokpal will have a Police station in each distt. while Lokayuktas to have a Police Station in each block.</p>

# How should corruption of Group C officials checked ?(3)

Government Bill	People Proposed
<b>Government Model</b>	<b>India Against Corruption(IAC ) Proposal</b>
<p>5.It cant not be assumed that high level of corruption is done by Group A &amp; B &amp; officials and not by group C officials.</p> <p>6.How integrity of staff in Lokpal and CVC will be ensured</p>	<p>5. Complaints against politicians/seniors officials involving huge amounts of corruption would be transferred by above police stations of Lokpal/Lokayukta to SIU located at Delhi.</p> <p>6. Scrutiny and approval by a Bench of Lokpal before registration of FIR &amp; filling of charge sheet against senior bureaucrats and politicians to prevent frivolous complaints against them.</p>

# How should corruption of Group C officials checked ? (4)

<b>Government Bill</b>	<b>People Proposed</b>
<b>Government Model</b>	<b>India Against Corruption (IAC ) Proposal</b>
	<b>7. Setting up of an Independent Complaint Authority in each state to entertain complaints against Lokpal/Lokayukta staff</b>

# Protection of whistleblowers

Government Bill	People Proposed
<b>Government's proposal</b>	<b>India Against Corruption(IAC) proposal</b>
<ol style="list-style-type: none"><li>1. <b>Separate bill to protect whistleblower</b></li><li>2. <b>Bill will give power to CVC to provide protection to whistleblower.</b></li></ol>	<ol style="list-style-type: none"><li>1. <b>Duty to protect whistleblower should be given to Lokpal.</b></li><li>2. <b>Appropriate reward scheme to encourage whistleblowers.</b></li></ol>
<p><b><u>Drawback:-</u></b></p> <ol style="list-style-type: none"><li>1. <b>CVC has neither resources neither power to protect whistleblower .</b></li><li>2. <b>Due to this CVC has failed to protect even single whistleblower in last eight year.</b></li><li>3. <b>13 RTI activist have been murdered in last few years.</b></li></ol>	

# Dismissal of corrupt govt servants

Government Bill	People Proposed
<b>Government's proposal</b>	<b>India Against Corruption(IAC )proposal</b>
<p><b>1. Minister of the concerned ministry to which the accused officer belongs, shall have the power to decide whether punish the accused officer or not.</b></p> <p><b><u>Drawback:-</u></b></p> <p><b>1. Possibility of collusion.</b></p>	<p><b>1. Accused officer be given opportunity to be heard by Bench of Lokpal</b></p> <p><b>2. It will conduct open hearing .</b></p> <p><b>3. Will also decide departmental penalties which will be recommended to the appointing authority.</b></p> <p><b>4. Recommendation should be binding to appointing authority</b></p>

# Punishment for Corruption

Government Bill	People Proposed
Government proposal	India Against Corruption(IAC) proposal
<b>Maximum punishment to be raised from seven to ten years</b>	<ol style="list-style-type: none"><li data-bbox="981 582 1765 815">1. Maximum punishment should be increased to Life Imprisonment , which should be given in rarest of rare cases.</li><li data-bbox="981 901 1673 1005">2. Rank of the accused be given consideration.</li><li data-bbox="981 1090 1818 1260">3. Provision of fine to the tune of five times for loss caused if beneficiary of offence is business entity.</li></ol>

# Additional Points

- Barring those function which are specially to be performed by Bench, Lokpal should have power to delegates power and function through regulations

- Lokpal shall have power to recommend cancellation or modification of a lease/license/contract etc if same is found to obtained through corrupt means.

- Powers to get its order complied with.

- Permission by Lokpal bench to tap the telephones.

- Power to make recommendation to public authorities to prevent corruption

Special bench in High Courts to deal with appeals under POC act

Independent and Autonomous Lokpal by means of making it financial independent.

# Other drawbacks in Govt Bill-1

- Violation of UNCAC rather than to implement it.
- Procedure of selection.
- Secretary, Director Prosecution, and Director Enquiry shall be selected out of panels suggested by govt.
- All NGOs with more than Rs 10 Lakh, - deemed public servant.
- No MPs
- No old cases. Other drawbacks in Govt Bill
- Group C and Group D - CVC.
- Three enquiry wings.
- Procedure of enquiry.
- CVC will only send a Status Report.
- Removal - Citizens, 100 MPs
- Suspension pending enquiry
- False, frivolous, and vexatious complaint- Govt will provide advocate to a complainant.

# Other drawbacks in Govt Bill--2

- 7 years expiry period.
- Legal Assistance to accused.
- Govt to decide composition of search committee.
- Who will investigate lokayukta cases ?.
- Procedure for selection and appointment of CBI Director & officers.
- CVC - will get investigation from CBI, no prosecution wing.
- No Suo Moto.
- Lokpal will be a tool in the hands of govt - Govt will control whole country through Lokpal.
- CBI being completely demolished – CBI director selection – Nothing in the name of superintendence and control.
- CVC with 232 employees, no prosecution wing in CVC.
- No whistleblower protection.

# Other drawbacks in Govt Bill--3

## NGO - A Public Servant :-

- Any person who is or has been a director, manager, secretary, or other officer of every other Society or association of persons or trust( whether registered under any law for the time being in force or not), by whatever name called , wholly or partly financed or aided by govt and the annual income of which exceeds such amount as central Government may, by notification, specify;
- Any person who is or has been a director, manager, secretary, or other officer of every other Society or association of persons or trust( whether registered under any law for the time being in force or not) in receipt of any donation from the public and annual income of which exceeds such amount as Central Government may by notification specify or from any foreign source under the Foreign Contribution (Regulation ) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification specify