

Major differences between the Lok Pal Bill 2011 and the Lok Pal and Lokayuktas Bill, 2011

In the table below the major differences between the Lok Pal Bill, 2011 and the Lok Pal and Lokayuktas Bill, 2011 are highlighted.

Issues	Lok Pal Bill, 2011	Lok Pal and Lokayuktas Bill, 2011
Selection Committee for appointment of the Lok Pal	Consists of: (i) PM, (ii) Leader of Opposition in both the Houses, (iii) Speaker, (iv) Judge of the Supreme Court, (v) an eminent jurist nominated by the CJI, (vi) a Union Minister and (vii) an eminent person both nominated by the PM (Clause 4)	Consist of: (i) PM, (ii) Speaker of the Lok Sabha, (iii) CJI or a SC judge nominated by him, (iv) Leader of Opposition in the Lok Sabha, and (v) an eminent jurist nominated by the President. (Clause 4)
Search Committee to recommend names to Selection Committee	Appointment of the Search committee not mandatory. No provision for reservations within the Committee. (Clause 4)	Mandatory appointment of the Search Committee. The Search Committee shall at least consist of 7 members. At least 50% of the members of the Committee should be from schedule caste, schedule tribes, other backward classes, minority or women. (Clause 4)
Composition of Lokpal	No provision for reservation.	At least 50% of the members of the Lok Pal shall be from schedule caste, schedule tribes, other backward classes, minority or women. (Clause 3(2b))
Jurisdiction of Lok Pal	(i) PM included after he demits office (ii) Private entities (a) with a specified annual income and (b) aided or financed by the central government or publicly funded were covered. (iii) Religious institutions were excluded from the jurisdiction of the Lok Pal. (Clause 17)	(i) PM is included while in office and after he demits office. There are two safeguards: (a) at least 3/4th members of the Lok Pal should agree to an inquiry against him, (b) only if the inquiry does not relate to international relations, external and internal security, public order, atomic energy and space can it be conducted. (ii) Private entities with a specified annual income, controlled or financed by the central government or in receipt of public donations are included. Private entities receiving foreign contributions above 10 lakh under the Foreign Contribution Regulation Act are also included. (iii) Religious institutions are covered under the Lok Pal, but not under the state Lokayuktas. (Clause 14)
Relationship between Lok Pal, CBI and CVC	Relationship between CBI, CVC and the Lok Pal with regard to investigation into complaints against Group A officers, and members of Parliament was unclear in the Bill.	Group A & B officers – inquiry by CVC, investigation by CBI or other bodies. Group C & D officers – Inquiry and recommendations to competent authority for disciplinary action by CVC. Lok Pal to supervise investigative agencies as mentioned above. Lok Pal cannot control investigative agencies. (Clause 20)
False and frivolous complaints	The punishment for false and frivolous complaints to the Lok Pal was imprisonment of up to 2 years and a penalty of up to Rs 2 lakh. (Clause 49)	Reduced imprisonment to 1 year. Penalty reduced to Rs 1 lakh. (Clause 46)

Issues	Lok Pal Bill, 2011	Lok Pal and Lokayuktas Bill, 2011
Punishments under the PCA	The maximum punishment for offences of criminal misconduct and "habitually" abetting bribery was increased from 7 years to 10 years. (Part II, 2 nd Schedule)	The maximum punishment for offences of criminal misconduct and habitually abetting bribery has been increased from 7 years to 10 years. The Bill amends the PCA to increase the punishment for offences of bribery and abetment of bribery. The offences are now punishable with a minimum of 3 years and a maximum of 7 years (Currently, 6 months to 5 years). (Part III, Schedule)
Annual Report of the Lok Pal	Report stating activities of the Lok Pal are to be submitted to the Central Government. The Central Government would lay it before each House of the Parliament. (Clause 46(2))	Reports to be submitted to the President. The reports should mention the recommendations that were not accepted. The reports are to be laid before Parliament along with memorandum of reasons for rejection of recommendations. (Clause 48)
Lokayukta	None.	Established under the 116 th Constitutional Amendment Bill, 2011. The framework for the establishment of the State Lokayuktas is provided in the present Bill. (Part III of the Bill)

Sources: Lok Pal Bill, 2011; Lok Pal and Lokayuktas Bill, 2011; and PRS.