

# Bill Summary

## The Lokpal and Lokayuktas and other related Law (Amendment) Bill, 2014

- The Lokpal and Lokayuktas and other related Law (Amendment) Bill, 2014 was introduced in Lok Sabha on December 18, 2014 by the Minister for Personnel, Public Grievances and Pensions, Dr. Jitendra Singh.
- The Bill amends the Lokpal and Lokayuktas Act, 2013 and the Delhi Special Police Establishment Act, 1946.
- The Lokpal Act provides for a Selection Committee for making appointments to the Lokpal. The Committee includes the Leader of Opposition (LoP) in the Lok Sabha. The Bill amends this provision to state that the Leader of the single largest Opposition party in the House would be part of the Selection Committee, in the absence of a recognised LoP in the Lok Sabha.
- The Lokpal Act states that one eminent jurist, to be recommended by the other members of the Selection Committee, will also be part of that Committee. The Bill adds that such eminent jurist is to be nominated for a single term of three years.
- The Act states that no appointment of a Chairperson or member of the Lokpal shall be invalidated for reasons of vacancy in the Selection Committee. The Bill adds that the proceedings of the Committee would not be invalidated also on account of absence of a member.
- The Lokpal Act requires the Selection Committee to constitute a Search Committee to make nominations for appointments to the Lokpal. The Bill clarifies that no proceedings related to the Search Committee shall be invalidated for reasons of: (i) vacancy or absence of member in the Selection Committee, or (ii) absence of a person in the Search Committee.
- Under the Lokpal Act, the Secretary to the Lokpal is of the rank of Secretary. The Bill amends this provision to now mandate that the Secretary to the Lokpal would be in the rank of Additional Secretary.
- The Lokpal Act requires that the Director of Inquiry and Director of Prosecution of the Lokpal would be at least of the rank of Additional Secretary. The Bill now requires that these posts be filled by officers of at least the rank of Joint Secretary.
- Under the Lokpal Act, the benches of the Lokpal would sit in New Delhi, and other places to be specified in regulations. The Bill states that the headquarters of the Lokpal would be in the NCR, and the seat of benches would be specified in the regulations.
- Under the Lokpal Act, the power of the Lokpal to grant sanction for prosecution overrides provisions of the Criminal Procedure Code, Section 6A of the Delhi Special Police Establishment (DSPE) Act, 1946 or the Prevention of Corruption Act, 1988. The Bill omits Section 6 A of the DSPE Act. This follows from a Supreme Court judgment which struck down Section 6A of the DSPE Act.
- The Lokpal Act requires a public servant to declare his assets within thirty days of assuming office. The details of such declaration would include: (i) liabilities and (ii) assets jointly owned by him, his spouse and dependent children, or assets for which they are beneficiaries. The Bill replaces this provision to require that the declaration contain information of all his assets, including: (i) movable and immovable property owned, inherited, acquired, or held on lease by him or his family; and (ii) debts and liabilities incurred directly or indirectly by him. Provisions related to public servants under the Representation of the People Act, 1951, All India Services Act, 1951, and rules and regulations prescribed in this regard would also apply.
- The DSPE Act provides for a Directorate of Prosecution which is headed by a Director, of a rank not below that of Joint Secretary, for conducting prosecution of cases. The Bill introduces eligibility criteria in this regard. It states that an officer from the Indian Legal Services, of the rank of Joint Secretary and eligible to become a Special Public Prosecutor may be appointed as Director of Prosecution. In the absence of such a candidate, an advocate with at least 15 years experience in handling cases of corruption, money laundering, etc. may be appointed.
- The Bill adds that if there is a difference of opinion between the Director and the Director of Prosecution, the matter is to be referred to the Attorney General, whose advice shall be binding.
- The Bill introduces provisions that empower the centre to make rules in relation to the DSPE Act.