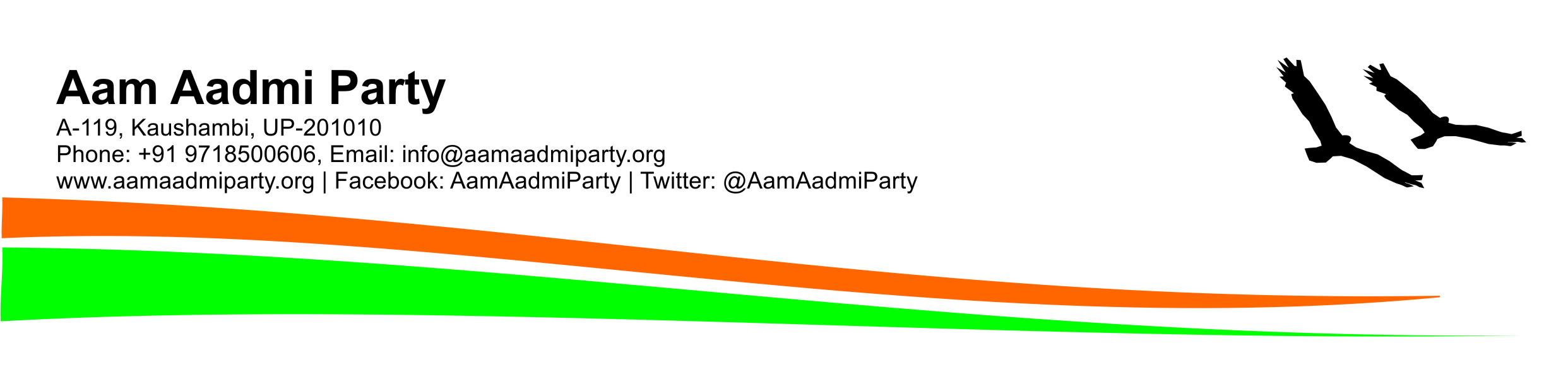
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**Date: 15.12.2013**

**PRESS RELEASE**

**The farce in the name of the Lokpal Bill**.

The Jan Lokpal was conceived as an independent empowered and accountable ombudsman which could independently, credibly and expeditiously investigate corruption offences of all public servants who are today not being investigated because the investigating agencies are controlled by the same public servants who need to be investigated. Such a Lokpal would need to be functionally, financially and even in terms of appointment and accountability be independent of the government and indeed the political establishment even if they are for the time being not in government. A Jan Lokpal bill was drafted by the Civil Society members of the joint drafting committee for this purpose in June 2011 which had the support of at least 80% people of the country. A fast was undertaken by Anna Hazare at Ramlila Maidan in August 2011 for this purpose, at the end to which the Parliament passed a unanimous resolution committing to passing a Lokpal Bill which would have at least 3 elements: That all public servants, high or low would be included in the investigative ambit of the Lokpal; that the Lokpal would also monitor the Citizen’s charters and have the power to penalize public authorities and servants who violate it; and that the Lokpal bill would contain provisions for Lokayktas on the same lines as the Lokpal for the States, which would take of corruption among State Public servants.

Unfortunately however, the government introduced and passed a farcical bill called the Lokpal Bill 2011 in December 2011. The same bill was then brought before the Rajya Sabha but torn up and thrown away and then referred to the Select Committee. The Bill as passed by the Lok Sabha left the selection of the Lokpal essentially in the hands of the government. It also left the accountability of the Lokpal in government hands, thus completely compromising the independence of the Lokpal. Equally importantly, this bill left the Lokpal’s corruption investigations in the hands of a government controlled CBI. Also, the bill did not contain even a single one of the 3 provisions which the Parliament had unanimously promised Anna Hazare before he broke his fast. Only group A public servants and not all were brought within the Lokpal’s purview; There was no provision for a State Lokayukta’s in this bill; and there was no mention of a citizens charter. Moreover, the investigation of the Lokpal was crippled by the need to first have a preliminary inquiry where the accused public servant would have to be heard (thus allowing him to destroy evidence) before even the FIR could be registered. And worst of all, a person whose complaint was labeled “frivolous or vexatious” by this government controlled Lokpal could be imprisoned for upto 5 years (even more than the punishment for corruption)! That is why we had called this bill a Jokepal bill or a bill for the protection of corrupt public servants.

The select committee has recommended some cosmetic changes in the bill which do not take care of the fundamental defects of the bill. In the selection and removal of the Lokpal, slightly more weightage has been given to the opposition rather than the government, but even with this, the appointment and removal of the lokpal remains under the control of the political class who usually would have the same vested interest to have a weak and pliable Lokpal. Similarly, the select committee has recommended that the CBI officers investigating the corruption complaints entrusted to them by the Lokpal would remain under the suprintendance of the Lokpal which means nothing since the CVC which has some power currently has not been able to prevent the CBI from acting at the behest of the government. However, the essential administrative powers over the CBI officers of promotions, postings, disciplinary control and post retirement jobs would remain with the government, thus rendering them beholden to and dependant on the government. Nothing substantive is proposed by the select committee to deal with 2 of the 3 assurances of Parliament to Anna, namely Lokayuktas on the same lines in the States and the Citizen’s charter.

We are now witnessing an unseemly spectacle in Parliament with the Congress and the BJP fighting to claim credit for passing this farcical Jokepal bill, with or without some of the cosmetic amendments of the select committee. The bill finalized secretly by the Congress and the BJP, would in either case, it would remain a far cry from the Jan Lokpal bill which had been drafted by Team Anna and for which Anna had fasted at Ramlila maidan.

Anna is on fast again at Ralegan Siddhi for the Lokpal bill. Agents of the Congress and the BJP have been going to him to get him to accept this Jokepal bill. He has made a statement that he is willing to accept the bill as proposed by the government, which is not even in the public domain. We realized more than a year ago that these corrupted parties like the Congress and the BJP were not going to allow any independent and credible Lokpal which would send half of their ministers and many of their leaders to jail. That is why we had to form a political party, realizing that we will need to be in the legislatures to get the Jan Lokpal bill passed. No amount of Fasting and protests will force these parties to do what the country really needs. While expressing our full support for the cause for which Anna is fasting, we call upon him to give up his fast and join the resurgent civil society movement for an electoral revolution in the country which promises to bring about the revolutionary changes in the democratic, electoral and anti corruption system in the country.

**IMPORTANT DIFFERENCES BETWEEN THE JAN LOKPAL BILL & THE BILL NOW PROPOSED**

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| **As per Govt’sLokpal Bill** | **As per Jan Lokpal Bill** |
| **Appointment:** Lokpal will be selected 5 members: by PM, Leader of Opposition, Speaker, CJI, and one jurist nominated by these 4.  (thus majority of those who will select Lokpal will be from the political class, who themselves will need to be investigated by the Lokpal) | Lokpal will be appointed by a 7 member committee, consisting of 2 SC judges, 2 HC judges, 1 nominee of CAG+CVC+CEC, PM and Leader of Opposition |
| **Removal:** For removal, only the Govt, or 100 MPs can make a complaint to the SC.  (thus rendering the removal largely under control of the government and the political class, and compromising its independence) | Any citizen can complain to the SC seeking removal of any member of Lokpal. |
| **Investigating machinery:** The Lokpal would have to get the complaints investigated by any investigating agency, including the CBI, all of which would continue to remain under the administrative control of the government. The transfer, postings and post-retirement jobs of CBI officers would be under the control of the govt, thus compromising the independence of the investigative machinery. | The CBI will be brought under the administrative control of the Lokpal, so that the investigating machinery can be made independent of the government. |
| **Whistleblower protection:** Not mentioned in the government’s bill. | The Jan Lokpal Bill includes provisions for protection of whistleblowers. |
| **Citizens Charter:** Not mentioned in the government bill.  (this was one of the unanimous assurances made by parliament to Anna Hazare when he broke his fast in August 2011) | The Jan Lokpal instituted a mechanism for prosecution of government officials if they failed to fulfill their duties under the citizens charter, which was to be created in this Bill. |
| **Lokayuktas in the State:** Have been left to the discretion of the state governments.  (this was one of the unanimous assurances made by parliament to Anna Hazare when he broke his fast in August 2011) | The Jan Lokpal bill sought to create a Lokayukta along the same lines as the one at the center. |
| **Frivolous Complaints:** Any person making a false or frivolous complaint could be jailed for up to 1 year, which will deter even honest complainants from going to the Lokpal. | There was a penalty up to Rs. 1 lakh, but no provision for imprisonment. |
| **Ambit of the Lokpal:** Judiciary excluded completely and MPs excluded in respect of their votes and speeches in Parliament. | Included all public servants, including judges and MPs, with regard to all their public duties. |