



To  
Shri Pranab Mukherjee  
The Chairperson  
The Joint Drafting Committee of the Lokpal Bill.

CC : Shri Shanti Bhushan, Co-Chair, Joint Drafting Committee

10 APRIL 2011

Respected Sir,

The Cambridge University India Society would like to express, on behalf of the Indian students studying at the University of Cambridge, that we are extremely glad at the formation of the Joint Drafting Committee chaired by you, consisting of good representation from both civil society and Government, to draft the very important Lokpal Bill. We are happy that the government has responded positively to the legitimate demand of the people of India to have such a joint committee in the wake of the India Against Corruption campaign. We have no doubts that a sound anti-corruption Bill will be drafted by this distinguished committee and are now extremely positive that the best steps forward will be taken to curb the plague of corruption in India.

We also understand that following this first important step, there is a huge responsibility not only on this committee, but also on the citizens of India, to carefully weigh and assess what we will accept as the law for anti-corruption mechanisms in our country. As young Indians studying at a reputed University, we believed the onus lies on us to be informed, aware and responsive to the content of this important bill.

Therefore, we held a meeting today (Sunday, 10th April 2011) to discuss and debate the framework laid out in the Jan Lokpal Bill proposed by the representatives of civil society. In what follows below we have set out the main impressions and concerns that were put forward in this discussion.

**Points raised at the meeting, organised by the Cambridge University India Society, attended by Indians students/academics at University of Cambridge, held on the 10th of April, 2011.**

Note: All provisions debated were those laid out in the Jan Lokpal Bill draft available on the website of India Against Corruption (<http://indiaagainstcorruption.org/>).

- We are unanimous in the thought that it is time India redefined its anti-corruption systems and that an act needs to be passed which would make the investigation procedures against corruption stricter, and free of government interference.
- Impressions on the appointment process :
  - We particularly appreciate the transparency and robustness of the process laid out for selection of the members and Chairman of the Lokpal.

- We do not see the rationale behind the provision of clause 6.2 (c) which makes only those above the age of 40 years to be eligible to be on the Lokpal. A person of any age, who can convincingly demonstrate their personal integrity and their contribution to the cause of wiping out corruption, should be eligible to sit on the Lokpal. If the provision was made to ensure a convincingly long track record of the candidate, this seems to be taken care of quite satisfactorily by the provisions for the selection process in sections 6.4 and 6.7. We request you to re-consider this aspect, and in the event of the provision having a different rationale that we may have missed, we would very much wish to understand the same.
- Impressions on the terms of Office :
  - We do not understand the basis of the provision of clause 5.5 which disallows any person who has been member of the Lokpal to be appointed to any position in Government even after demitting their post with the Lokpal, and additionally debars them from contesting elections to Parliament, state legislatures or local bodies. This would mean ruling out the possibility of having able, honest people at high posts of public office, which seems unreasonable and alternatively might encourage only people nearer the end of their careers to apply for posts within the Lokpal, which seems limiting. It also seems against the spirit of the fundamental rights of citizens of India and may discourage able candidates from applying.
  - While restricting the term of office of Lokpal members to not exceed 5 years (Section 5) might encourage dynamism in the institution, it seems to overlook the need for continuity in this body. We also do not see why well-serving members should not be re-appointed based on impeccable work. While a restriction on the tenure for which a member can serve is indeed important to prevent the institution from being monopolised by a specific ideology or approach, setting the cap as just one term of office of 5 years seems overly restrictive.
- Concerns on the heierarchy and framework of the system : Though we have faith in the principle of the Lokpal in beginning to deal with corruption effectively and fearlessly, especially at the highest rungs of Government, provision for a robust framework is not immediately apparent for making the system implementable and effective at even the lowest rungs of public office. The feasibility of the system to deal with the innumerable number of complaints that is likely to come in from the grass-root levels, which is the corruption the common man in India faces from day-to-day, is unclear from the current draft. This further points one towards the need for ensuring integrity of officers of the Lokpal dealing with complaints at this level and the importance of their appointment process as well. We get the impression that excellent provisions have been made to maximise the probability of an honest and committed apex body, but it is unclear how this is expected to filter down into the rest of the system.
- Impressions on Transparency : We appreciate and strongly support the provisions for transparency made to the process of acting on complaints. Making the list of received complaints and action taken regularly available and easily accessible to the public will keep check on the effectiveness of the Lokpal and make the body accountable to the citizens of the country.
- Impressions on Time Scales set :
  - We commend the time scale of implementation laid out in the bill for forming the first Lokpal within 6 months of enacting the bill (Section 3.4) as much needed. Nevertheless, there was concern regarding the practicality of the Lokpal to start hearing complaints at all levels of corruption right from its initiation. Is it likely to be more effective if the ambit of the Lokpal, in terms of implementation, is expanded one step at a time and if so, could a detailed time plan can be laid out for this as well?

- We strongly support the time limits set down in Section 30 for completion of investigation and trial.
- Concern about Implementation : The most important concern seemed to be of practicality and implementation. Barring the significant removal of government interference in the functioning and setting-up of the investigating bodies, it is unclear how the new Lokpal will ensure improved implementation over existing bodies such as the Chief Vigilance committee and the Central Bureau of Investigation. It is less clear how the time commitments for acting on cases are proposed to be kept up, given procedural delays that might accompany the trial process.

We humbly acknowledge the fact that we lack the required legal or legislative expertise to scrutinise the provisions in the Jan Lokpal Bill draft. The distinguished Joint Drafting Committee that has been drawn up will undoubtedly be most proficient to do so. But, as young thinking citizens of the country, we have made an effort to understand the details of this proposed act that is meant to safeguard our own interests and have tabled all of our concerns as well as support. We sincerely hope that you will take into consideration those of our concerns that occur well-founded to you. If you think we may be unjustified in any of our concerns, we will be very interested to learn why.

We have full faith and trust in the Joint Drafting Committee of the Lokpal Bill. We wish the committee all success and sincerely hope that a sound bill will be produced and passed without any further unreasonable delay.

Sincerely,  
The Cambridge University India Society

Signed :

(Names of attendees of today's meeting, followed by those members of India Society who wish to ratify it)