

Comparison of Uttarakhand and Himachal Pradesh Lokayukta Bills.

Sr No	Item	Uttarakhand Lokayukta Bill 2011	The Himachal Pradesh Lokayukta Bill 2012	Reasons for variations
1	Extent	Does not apply outside Uttarakhand state.	Also applies to public servants outside the State.	H P Bill is better
2	Act of corruption	Includes power to consider appeal of non-delivery of Service even after the Second Appeal under the Uttarakhand Right to Service Act, 2011.	Second appeal against non providing of service goes to State Information Commission, hence provision not required in H P Bill.	Provision not required.
3	Enquiry not to be referred to Commission	No matter, in respect of which a complaint has been made to the Lokayukta under this Act, shall be referred for inquiry under the Commissions of Inquiry Act, 1952.	Provision not required.	Such a situation will not arise as once the Lokayukta starts enquiry there is no bar and its report has better value than enquiry report.
4	Size of Lokayukta	Chairperson and Minimum five and upto seven members	One Lokayukta and only two Up-Lokayukta keeping in view the small size of the State.	Desirable in view of the size of the State.
5	Age	Minimum 45 years maximum 70 years	Minimum 55 years maximum 70 years	Better to have mature members.

6	Restriction on selection	Should not have demitted office within the last two years.	Provision not required as this restricts the choice.	Competent persons may be in service/in office or within two years of the retirement.
7	Legal background	Chairperson need not be a Judge, half Members should have legal background	Lokayukta is either a Supreme Court Judge or a Chief Justice of High Court and one Up- Lokayukta can be a Judge, hence provision not required as this is not a purely judicial body.	Lokayukta is a body to take decisions keeping in view the administrative environment and to see whether decisions are free from corruption and bias and in the public interest
8	Selection Committee	<p>Seven members as under :-</p> <p>The Selection Committee shall consist of the following:-</p> <p>(i) The Chief Minister of Uttarakhand, who will be the Chairperson of the Selection Committee.</p> <p>(ii) The Leader of the Opposition in the Legislative Assembly of Uttarakhand.</p> <p>(iii) Two judges of the Uttarakhand High Court Selected by Collegium of all judges of Uttarakhand High Court.</p> <p>(iv) One person from previous Chairpersons of Lokayukta(who is</p>	<p>Three members as under :-</p> <p>Chief Minister</p> <p>Leader of opposition</p> <p>Chief Justice</p>	Desirable in view of the size of the State.

		<p>the seniormost Chairperson) appointed under Uttarakhand Lokayukta Act,2011.</p> <p>(v) Two members shall be selected by the other members of the Selection Committee (i) to (iv) above from amongst the retired Chief Justices of India, the retired judges of Supreme Court, the retired Chiefs of Army or Navy or Air Force, the retired Chief Justices of High Courts, the retired judges of High Courts, the retired Chief Election Commissioners of India, the retired Chief Central Information Commissioners, the retired Chairpersons of Union Public Service Commission, the retired Cabinet Secretaries of the Government of India and the retired Comptroller and Auditor Generals of India with reputation of impeccable integrity, who have not joined any political party after retirement and who are not holding any office under any government.</p>		
9	Search committee	<p>Five members</p> <p>The members of the Selection Committee at clauses 9(i) to 9(v) will nominate the members of the Search</p>	<p>Three members</p> <p>The Search Committee shall consist of three Members to be nominated by the Selection Committee out of</p>	<p>Desirable in view of the size of the State.</p>

		Committee out of category of persons who are the persons of eminence in public life with impeccable integrity. The term of the Search Committee, the fee and allowances, and other conditions in respect of its members shall be such as may be prescribed under the Rules.	the persons having impeccable integrity, outstanding ability having special knowledge and expertise in the matters relating to public service, law, public Administration or public service.	
10	List of candidates To be considered	Only nominations	Nominations, applications and Search Committee can also include name	H P Bill is better
11	Publicity of potential names	On website	On website and two prominent newspapers to invite information and objections within 15 days	H P Bill is better
12	Pension	Pension to be paid to the Chairperson and Members	No pension payable.	H P Bill is better
13	Powers	(a) Recommendation of punishment binding (b) Can impose penalties, (c) Can prepare reward scheme of 10 %	(a) & (b) No punishment can be decided before the enquiry report is accepted and charged official heard. Reward Scheme already exist in the State of H.P. 25 %	Hence provision not required.
14	Power to issue directions	Power to issue appropriate directions including for transfer or suspension	Power to order transfer which will be binding	

		(section 8(4))		
15	Power to remove lokayukta	On the recommendations of the Supreme Court after enquiry.	As per procedures prescribed in Judges Enquiry Act, 1968 for the Judges of High Court.	
16	Punishments	Retired Government servants or Judicial Officers as Enquiry Officers who can recommend dismissal, removal or reduction in rank which will be binding on appointing/disciplinary authority after approval by Lokayukta	Recommendations for holding of Departmental Enquiry binding.	
17	Minimum punishment	Not less than six months and upto 10 years RI	Provision can not be made as enhancement of punishments in IPC and under the PC Act require changes in those Acts.	
18	Recovery from the Business Entity.	Five times the loss	Provision not required.	Penalty and recovery can only be made as per the provision of agreement or by filing a civil suit.
19	Grievances redressal	Exists	H P Service Guarantee Act already enacted and operational, hence provision not required.	As H P Public Service Guarantee Act exists there is no need to include this in the

				Lokayukta Bill
20	Property Issues	Confiscation of Property	Separate Act passed by the H P Vidhan Sabha and awaiting assent of Her Excellency the President	
21	Prosecution Sanction	Lokayukta	Competent authority to grant or seek within 120 days	
22		Trial on day to day basis	Special Court to be designated	Special Courts have full power to expedite the cases.
23	Punishments for false Complaints	Fine upto 1 lakh	False Complaint against Lokayukta fine of Rs 10 lakh	
24	Contracts on website	All contracts, agreements or MOUs known by any name related to transfer of natural resources, including land and mines to any private entity by any method like public-private partnerships, sale, lease or any form of largesse by any public authority shall be put on the website within a week of being signed.	In Himachal Pradesh system of E-tender, E-procurement and E-payment has been started and being implemented effectively.	All such are shared through press releases and are also available through RTI

25	Grant immunity to bribe giver	Any bribe giver may be granted immunity from prosecution by the Special Court if he voluntarily gives timely information to the Lokayukta about the giving of bribe by him with entire evidence for the purpose of getting the concerned bribe taker/public servant caught and convicted, provided he also relinquishes all the illegitimate benefits which he had received by giving of that bribe. If the information provided by such bribe giver is subsequently found to be false, the immunity could be withdrawn by the Special Court.	No Provision required.	Already exists in the existing Acts. Lokayukta can not give immunity itself, it can only be granted by Courts.
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