

(For LokPal Bill draft download from-

[http://indiaagainstcorruption.org/doc/lokpai\\_bill\\_1.3.pdf](http://indiaagainstcorruption.org/doc/lokpai_bill_1.3.pdf))

Dear Activists,

Kiran Bedi, Arvind Kejariwal, Swami Agnivesh are putting herculean and commendable efforts informing citizens about 26-page well written Lokpal draft. Swami Ramdevji too has blessed this effort and many Bharat Swabhiman Trust activists are publicizing this draft. IMO, all activists should put time and efforts in informing citizens about this Lokpal draft.

But we should also ensure that 3 important shortcomings in the Lokpal draft are addressed and clauses to fix them are added in the existing draft as soon as possible.

The three shortcomings are

1. Citizens have no Right to Recall Lokpal(Chairperson or member) if Lokpal(consisting of chairperson and 10 members) is corrupt has nexus with corrupt SC-Cj
2. Citizens have no Right to Retain Lokpal, Lokpal is honest but SC-Cj is corrupt and dismisses honest Lokpal
3. Lokpal can ignore complaint even if complaint is coming from crores of citizens who have no access to media

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The first two shortcomings are that NO Right to Recall Lokpal provision for citizens. Only Supreme Court Chief judge can select and remove (see sections 6,7 of proposed LokPal bill) Lokpal. How non-corrupt are Supreme Court Chief judges? Eminent Lawyer Shanti Bhushan says that half of the past 16 SC-Cjs were corrupt !!! In addition, nepotism and deliberate in-actions on large issues has become common.

In this circumstances, it possible that

- a. Corrupt SC-Cj would blackmail an honest Lokpal. Lokpal's independence is compromised
- b. Corrupt Lokpal and corrupt SC-Cj would form nexuses and assist each

other in many ways.

Also, an assumption that Lokpal will never become corrupt, or that Lokpal-SCCj will not form a nexus is something I would like to dismiss outrightly. Lokpal can become corrupt and may form nexus with SC-Cj in which case Right to Recall Lokpal becomes MUST. And Lokpal and SC-Cj may get both purchased by MNCs, in which case MNCs will end up having complete control over Indian Administration, Ministries and Courts. So we must have Right to Recall Lokpal. RTR Lokpal is also supported by writings of Satyarth Prakash which page-1 of chap-6 says that "Raajaa (Raajvarg) must be Prajaa-aadheen or else he will rob citizens the way carnivorous animals kill small animals, and thus such a Raajaa will ruin the nation". Same way, Lokpal must be Prajaa-aadheen. Or else, he will rob the citizens and ruin the nation. In case Right to Recall Lokpal Chairman is too much for others to accept, then IMO, we should settle for Right to Recall any one member, called as Citizen's Member in Lokpal.

The third shortcoming is that it may happen that Lokpal gives no hearing to a big complaint that matters to crores of people who don't have access to wealthy lawyers and media. Lokpal can simply delay action on that complaint by calling it small and "too few people want action on it". We must have a mechanism that would at least ensure that Lokpal can dismiss complaints that matter to crores of commons who have no access to media.

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Proposed additions to Lokpal Draft

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I propose adding following two sections in Lokpal draft

Section - CV : Citizens Voice

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Clause CV.1 : If a citizen comes to District Collector's office with an affidavit containing complain, then after verification of identity, Collector or Executive Magistrate he has appointed will put the complaint on the website of Lokpal.

Clause CV.2 : Any citizen can register YES-NO on a complaint filed in clause-1 by paying Rs 3 at Patwari (Talati) office after showing voter card and Talati will add the YES-NO on the Lokpal's website along with name and voter-number of the citizen.

This will ensure that if a Lokpal is ignoring complaint of crores of citizens, he will get exposed. And the fact that he can get exposed, he will not dare to ignore complaints of crores.

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## **Right to Recall Lokpal**

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Section - RTRLC : Right to Recall Lokpal Chairperson

clause-1 [General Declaration] . The word citizen would mean a registered voter.

clause-2 [Procedure for Collector] If a citizen of India above 30 years wishes to be PM, he can appear before Collector. Collector would issue a serial number for a filing fee same as deposit amount for MP election.

clause-3 [Procedure for Talati , Patwari (or Talati's Clerks)] If a citizen comes in person to Talati's office, pays Rs 3 fee , and approves at most five persons for the Lokpal Chairperson position, the Talati would enter his approvals in the computer and would him a receipt with his voter-id#, date/time and the persons he approved. The fee shall be Rs 1 for those with BPL card. If a the citizen comes to cancel his Approvals, the Talati will cancel one of more of his approvals without any fee.

clause-4 [Procedure for Talati , Patwari (or Talati's Clerks)] The Talati will put the preferences of the citizen on Lokpal's website with citizen's voter-ID number and his preferences.

clause-5 [Procedure for Secretary of Lokpal] On every Monday, the Secretary will publish Approval counts for each candidate.

clause-6 [Procedure for Lokpal] If any candidate has obtained more than 38 crore approvals and is 1 crore more than approvals obtained by existing Lokpal, then Lokpal may resign and may request PM to appoint the most approved candidate as Lokpal.

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The Right to Recall Lokpal clauses can be also used to retain a Lokpal, if Lokpal is honest and a dishonest SC-Cj removes him. In such case, citizens can file approval for that honest ex-Lokpal and make

him Lokpal again.

And I will repeat, in case Right to Recall Lokpal Chairman is too much for others to accept, then IMO, we should settle for Right to Recall any one member, called as Citizen's Member in Lokpal

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In early 2000s, there was a lot of hoopla about RTI. RTI was supposed to reduce corruption to near zero in Ministries, police, administration, courts. 6 years have passed since RTI passed, decrease in corruption is nowhere in sight.

RTI failed because citizens dont have procedures to expel/replace RTI Commissioners at State/National levels , and so RTI Commissioners will sell out. Exact same things happened --- most RTI Commissioners have sold out and so RTI on major issues has become toothless.

Now there is no point in making SAME mistake in Lokpal. If there is no Right to Recall in Lokpal, Lokpal will sell out and we will be back to square one. So if you are working for Lokpal and dont want your efforts to go waste, then please do not support a draft with no Right to Recall Lokpal. - Thanks

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**We should request Arvind Kejriwal ji and Kiran Bedi ji to please add Right to recall LokPal Chairperson clauses to the LokPal bill draft by sms at 9868069953 or at 9718255455. You can call at this number also-9717460029.**

Please find the Right to recall clauses links in hindi and english in description.

हिंदी-

<https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0Bw5IEnkfH2GUOTQ5NTJkOTctZmRIMS00OTFjLWE5YjktZmMzZDM3ZDE2MDJj&hl=en>

English-

<https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0Bw5IEnkfH2GUMDU2NjQwOGEtZGRiYi00YWxLTgxNTMtYzY3OWY2NzU4NmU1&hl=en>