

Standing Committee Report Summary

The Prevention of Corruption (Amendment) Bill, 2013

- The Standing Committee on Personnel, Public Grievances, Law and Justice (Chairperson: Mr Shantaram Naik) submitted its report on the Prevention of Corruption (Amendment) Bill, 2013 on February 6, 2013. The Bill was introduced in Rajya Sabha on August 19, 2013.
- The Bill amends the Prevention of Corruption Act, 1988. The Bill makes the giving of a bribe an offence under the Act, enlarges the definition of taking a bribe and covers commercial organisations.
- The Committee suggested that the definitions of 'corruption' and 'corrupt practices' should be included in the Bill. Further, the definition of 'public servant' should include retired officials, in line with a provision that extends protection of sanction for prosecution to retired public servants.
- It is suggested that the government must formulate laws, rules and regulations to ensure that chances of coercive bribery are reduced.
- The Committee was of the opinion that laws like the 'Right of Citizens for Time bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011' and 'The Whistle Blowers Protection Bill, 2011', pending in Parliament should be enacted. This would address concerns of persons forced to give bribes to access services from the state, and encourage them to report acts of corruption respectively.
- The Committee took note of the differentiation in punishment to commercial entities (fine only) and persons associated with the entities (three to seven years imprisonment, extendable to ten years). The Committee opined that the punishment prescribed for commercial organisations should be in addition to the punishment prescribed to individuals in charge of the organisation.
- However, the Committee appreciated the insertion of a separate chapter on attachment and forfeiture of property in the Bill.
- The Bill provides for the inclusion of proving intention of public servant, in a disproportionate assets case against him. The Committee recommended that this provision be removed. The inability of the public servant to explain the source of his disproportionate asset should be sufficient for prosecution.
- The Committee recommended that the minimum punishment for habitual offenders be enhanced from three to five years extendable to 10 years. This would ensure parity with the Lokpal and Lokayukta Act, 2013.
- In the opinion of the Committee, the time line for trial of corruption cases should be prescribed as provided for in Lokpal and Lokayukta referred cases.

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