



# Standing Committee Report Summary

## The Prevention of Bribery of Foreign Public Officials and Officials of Public International Organisations Bill, 2011

- The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice submitted its 50<sup>th</sup> Report on ‘The Prevention of Bribery of Foreign Public Officials and Officials of Public International Organisations Bill, 2011.’ on March 29, 2012. The Chairperson was Dr. Abhishek Manu Singhvi.
- India had signed the United Nations Convention against Corruption on December 9, 2005. The Bill was introduced to ratify the Convention. It provides a mechanism to deal with bribery among foreign public officials and officials of public international organisations.
- The Committee endorsed the need for the Bill. It was of the opinion that to implement the provisions of the Convention, it is necessary to have a separate legislation rather than amending the Prevention of Corruption Act, 1988
- The Committee was of the opinion the Bill will expand the reach of India’s anti-corruption regime. The Bill treats ‘bribe givers’ and ‘bribe takers’ on an equal footing. The Committee was appreciative of this treatment and believed that it would be a strong deterrent against corruption in the sphere of international business.
- The Bill defines the term ‘undue advantage’. The Committee was of the opinion that the term has not been comprehensively defined as it excludes ‘intangible and non-pecuniary advantage’. It recommended that the definition should be reviewed to include both pecuniary and non-pecuniary advantage.
- The Committee recommended that certain business or courtesy gifts should be excluded from the ambit of the Bill. These gifts include, offering lunch and dinner, token gifts etc.
- The Bill covers two categories of foreign officials, namely ‘foreign public officials’ and ‘officials of public international organisations.’ While defining these terms, the Bill uses phrases such as ‘public function’, ‘public agency’, ‘public enterprise’ and ‘agent’.
- The Committee found these terms had not been defined in the Bill. This could lead to confusion. It recommended that these phrases should be separately defined.
- The Bill covers any person who (i) is not a citizen of India; (ii) operates an aircraft or ship; and (iii) has his principal place of business or permanent residence in India. The Committee recommended that the clause should be modified as covering ‘any person (i) who is not a citizen of India; and (ii) has his principal place of business or permanent residence in India.
- The Bill does not prescribe any time limit for completing the investigation. The Committee recommended that the Bill should prescribe a time frame to complete the investigations. This is necessary to hold the investigating agency accountable and deter the offenders. However, the Committee recognised that in certain cases, it may not be possible to complete the investigation in the stipulated time. Therefore, it recommended that provisions should also be made in the Bill to grant a reasonable extension of time in certain situations.
- There is a difference in the quantum of punishment provided under the Prevention of Corruption Act, 1988 and this Bill. Under the Prevention of Corruption Act, the punishment ranges from six months to five years, whereas under the Bill the maximum punishment is seven years. The Committee did not find any justification for the variation in the punishment. It recommended that the Committee should review this provision.

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