

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:3121
ANSWERED ON:23.08.2006
RATIFICATION OF UN CONVENTION AGAINST CORRUPTION
Senthil Dr. Raman

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether India has signed and ratified the United Nations Convention Against Corruption;
- (b) if so, the features of the Convention alongwith the mechanism to incorporate the provisions in the domestic laws; and
- (c) if not, the reasons for delaying the ratification?

Answer

MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS.(SHRI SURESH PACHOURI)

(a) to (c): A statement is laid on the table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF THE LOK SABHA UNSTARRED QUESTION NO. 3121 FOR 23.08.2006

India has signed the United Nations Convention against Corruption on 9th December, 2005.

The Convention prescribes series of measures for preventing corruption and mandates the parties to consider criminalizing certain conducts in their domestic law such as bribery of national public officials, foreign public officials and officials of public international organizations; embezzlement etc. by a public official; abuse of functions by public officials; bribery and embezzlement of property in the private sector; laundering of proceeds of crime; obstruction of justice; and participation in an offence established in accordance with the Convention etc. The Convention also mandates the parties to provide for sanctions against the commission of offences established under the Convention, appropriate prosecution and adjudication measures; confiscation of the proceeds of crime; measures in accordance with its domestic legal system for the protection of witnesses, experts, victims and reporting persons; measures for addressing the consequences of corruption, compensation for damage. The convention also requires cooperation between national authorities and private sector in investigation and prosecution of offences; and mechanism to overcome obstacles of bank secrecy laws. The Convention also mandates the parties for prevention and detection of transfers of proceeds of crime, mechanisms for recovery of property through international cooperation in confiscation, return and disposal of assets and establishing financial intelligence units to monitor suspicious financial transactions. The Convention also provides for extensive international cooperation.

India is amongst many countries who have signed the United Nations Convention against Corruption but have not yet ratified the same. As no fixed time frame has been prescribed for ratification of the convention, there has not been any delay in this regard. However, various Ministries/Departments have been requested for taking necessary action for initiating the process of enacting requisite enabling legislations pertaining to respective Ministry/Department, as may be required. On the basis of comments received from various Ministries/Departments, an inter-ministerial Joint Working Group has been constituted so that all relevant issues for making our laws in conformity with the United Nations convention against Corruption are addressed in a comprehensive manner.