

**GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3654

ANSWERED ON:24.08.2011

UN CONVENTION AGAINST CORRUPTION

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Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether India has ratified the United Nations Convention against Transnational Organized Crime and its three protocols and the United Nations Convention against Corruption;
- (b) if so, the details thereof;
- (c) the salient features of each of these conventions;
- (d) the names of other countries which have ratified each of these conventions so far; and
- (e) the extent to which crime and corruption in the member countries have been controlled thereafter?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SMT. PRENEET KAUR)

(a) Yes.

(b) India's instrument of ratification for the UN Convention against Transnational Organized Crime (UNTOC) was deposited with the UN Secretary General on May 5, 2011. The instrument of ratification for the UN Convention against Corruption (UNCAC) was deposited with the UN Secretary General on May 9, 2011. The Conventions entered into force on the 30th day after the date of deposit of the instrument of ratification.

(c) The main purpose of UNTOC and its protocols is to promote international cooperation for prevention and effective fight against transnational organized crime. The salient features of UNTOC are that it defines and standardizes certain terms that are used with different meanings in various countries; requires states to establish specific offences as crimes; requires the introduction of specific control measures such as protection of victims and witnesses; promotes international cooperation through inter alia extradition, legal assistance and joint investigations; and provides for training, research and information sharing measures.

The provisions of UNCAC cover the following main areas: General Measures, Preventive Measures, Criminalization and Law Enforcement Measures, International Cooperation, Asset Recovery, Technical Assistance and Information Exchange and Means of Implementation. The Convention includes both mandatory, advisory and optional measures for member state parties. The Convention:

- (i) Seeks to Define and standardize certain terms that are used with different meanings in various countries;
- (ii) Requires member state parties to the Convention to have anti-corruption policies, develop corruption prevention measures involving both the public and private sectors, set up anti-corruption bodies and institutions for prevention and enforcement of laws relating to corruption;
- (iii) Requires member state parties to establish specific offences as criminal offences and consider doing so for others and provide for sanctions against the offences;
- (iv) Requires member state parties to put in place measures that promote international cooperation viz through extradition, mutual legal assistance, joint investigations etc.;
- (v) Requires member state parties to make provisions in their domestic laws to tackle money laundering and recovery of proceeds of crime and assets;
- (vi) Provides for training, research and information sharing.

(d) The names of other countries which have ratified the UNTOC and UNCAC are enclosed at ANNEXURES I and II respectively.

(e) While the extent to which crime and corruption in the member countries have been controlled after the signing of these Conventions is not known, the United Nations Office on Drugs and Crime (UNODC) has noted that the UNTOC represents a major step forward in the fight against transnational organized crime and signifies the recognition by member states of the seriousness of the problems

posed by it. UNODC has also noted that following the coming into force of UNCAC, attitudes on corruption are changing with signs of growing intolerance toward corruption.