

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

UNSTARRED QUESTION NO:5645

ANSWERED ON:07.09.2011

AMENDMENT IN ANTI CORRUPTION ACT

Chaudhary Shri Jayant; Joshi Shri Pralhad Venkatesh; Meghwal Shri Arjun Ram

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

- (a) whether the Government proposes to amend the Anti Corruption Act, 1988 for incorporating a provision therein with a purpose of attaching the property of corrupt officers;
- (b) if so, the details of the proposed provisions;
- (c) whether the Supreme Court and the Civil Society have also demanded for making amendment in the Anti Corruption Act, 1988;
- (d) if so, the details thereof;
- (e) whether the Government proposes to bring a law on black money within the country/abroad;
- (f) if so, the details thereof;
- (g) the number of officers with whom benami property of more than Rs.100 crore have been unearthed in the raids conducted by investigating agencies during the last two years and the current year; and
- (h) the details of the action taken by the Government against the said corrupt officers, so far?

Answer

MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a) & (b): Yes, Madam. The property of corrupt public servant is confiscated under the provisions of Criminal Law (Amendment) Ordinance, 1944 and Prevention of Money Laundering Act, 2002. However, to make the Prevention of Corruption Act, 1988 self contained and comprehensive the Government is considering incorporating the provisions for confiscation/forfeiture of property of corrupt public servants in the Prevention of Corruption Act, 1988.

(c) & (d): On 8th June, 2011, the media had reported that the Hon'ble Supreme Court has sought amendment to the Prevention of Corruption Act, 1988. These observations were reportedly made by the Supreme Court while dismissing an appeal filed by an Assistant Commissioner, Central Excise, against his conviction. However, the formal order passed by the Hon'ble Supreme Court on 8.6.2011 in the case, i.e. Criminal Appeal No. 945 of 2006 (Sat Paul vs. State of West Bengal & Anr.) does not contain any such observations.

(e) & (f): A Committee headed by the Chairman, CBDT has been constituted to examine ways to strengthen laws to curb generation of black money in India, its illegal transfer abroad and its recovery. The Committee shall examine the existing legal and administrative framework to deal with the menace of generation of black money through illegal means including inter-alia

- (i) declaring wealth generated illegally as national asset;
- (ii) enacting/amending laws to confiscate and recover such assets; and
- (iii) providing for exemplary punishment against its perpetrators.

The Committee is required to consult all stakeholders and submit its report within a period of six months.

(g) & (h): As per information provided by the CBI, it has not unearthed any case wherein benami properties of more than Rs.100 Crore have been unearthed against any officer in any case.