

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

UNSTARRED QUESTION NO:3996
ANSWERED ON:17.12.2014
PREVENTION OF CORRUPTION ACT
Mann Shri Bhagwant

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

- (a) whether the Government is planning to amend or repeal sections 11 and 13 of the existing Prevention of Corruption Act, 1988;
- (b) if so, the details thereof; and
- (c) the steps taken/proposed to be taken by the Government in this regard?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(DR. JITENDRA SINGH)

(a) to (c): The Prevention of Corruption (Amendment) Bill, 2013, which was introduced in the Rajya Sabha on 19.08.2013, contains provisions, inter alia, for omission of section 11 and for amending section 13 of the Prevention of Corruption Act, 1988.

The said Bill provides that section 11 of the Act shall be omitted. This Bill further provides for substitution of the following sub-section in place of existing sub-section

(1) of section 13, namely:-
(1) A public servant is said to commit the offence of criminal misconduct,â€”

(a) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or

(b) if he intentionally enriches himself illicitly during the period of his office and, he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation.â€”For the purpose of this section, `known sources of income` means income received from any lawful source.`.

The Bill was referred to the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The Department Related Parliamentary Standing Committee submitted its 69th Report on the said Bill to the Parliament on 6th February, 2014.

Having regard to the fact that the Bill contemplates an important paradigm shift in defining the offences relating to bribery, the Department of Legal Affairs of the Ministry of Law and Justice has been requested to seek the views of the Law Commission of India.