



Bill Summary

The Prevention of Corruption (Amendment) Bill, 2008

- The Prevention of Corruption (Amendment) Bill, 2008 was introduced in the Lok Sabha on December 19, 2008. While the Bill was passed by the Lok Sabha on December 23, 2008, it is pending in the Rajya Sabha.
- The Bill amends the Prevention of Corruption Act, 1988 to provide for the forfeiture of property acquired by public servants through corrupt means. "Public servant" means any person in the service of the government, any judge, or any person employed in a corporation owned by the government.
- The Act states that a public servant has committed the offence of criminal misconduct if he (a) habitually accepts any gratification other than legal remuneration; (b) dishonestly misappropriates any property entrusted to him as a public servant; (c) gets pecuniary advantage for another person without any public interest. The Bill omits the last provision because it is difficult for an officer investigating the case to ensure conformity with it since commercial decisions benefit one or the other party.
- The Bill allows a police officer authorised to investigate specified offences to apply to a special judge to attach any property if he believes it was acquired in contravention of the law. The central or state government may appoint a special judge to try specified offences. The judge shall issue an attachment order after hearing any objection from a concerned person.
- The Bill makes provisions for administration, execution and disposal in case of termination of criminal proceedings of the attached property.
- Any person aggrieved by the order of the special judge may appeal to the High Court within 30 days.
- The Bill also so modifies the quantum of fine for a person accused of the offence of not satisfactorily accounting for pecuniary resources disproportionate to his known source of income.
- The Bill extends the provision of protection of public servants from vexatious prosecutions to a person who has ceased to be a public servant.

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