

The Prevention of Corruption (Amendment) Bill, 2013

Security / Law / Strategic affairs

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Highlights of the Bill

- The Prevention of Corruption (Amendment) Bill, 2013 amends the Prevention of Corruption Act, 1988.
- The Act covers the offence of giving a bribe to a public servant under abetment. The Bill makes specific provisions related to giving a bribe to a public servant, and giving a bribe by a commercial organisation.
- The Bill redefines criminal misconduct to only cover misappropriation of property and possession of disproportionate assets.
- The Bill modifies the definitions and penalties for offences related to taking a bribe, being a habitual offender and abetting an offence.
- Powers and procedures for the attachment and forfeiture of property of public servants accused of corruption have been introduced in the Bill.
- The Act requires prior sanction to prosecute serving public officials. The Bill extends this protection to former officials.

Key Issues and Analysis

- The Bill makes giving a bribe a specific offence. There are diverging views on whether bribe giving under all circumstances must be penalised. Some have argued that a coerced bribe giver must be distinguished from a collusive bribe giver.
- The Bill has deleted the provision that protects a bribe giver from prosecution, for any statement made by him during a corruption trial. This may deter bribe givers from appearing as witnesses in court.
- The Bill has replaced the definition of criminal misconduct. It now requires that the intention to acquire assets disproportionate to income also be proved, in addition to possession of such assets. Thus, the threshold to establish the offence of possession of disproportionate assets has been increased by the Bill.
- By redefining the offence of criminal misconduct, the Bill does not cover circumstances where the public official: (i) uses illegal means, (ii) abuses his position, or (iii) disregards public interest and obtains a valuable thing or reward for himself or another person.
- Under the Act, the guilt of the person is presumed for the offences of taking a bribe, being a habitual offender or abetting




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Current Status: Passed











Ministry: Personnel, Public Grievances and Pensions

Stage	Date
Introduction	Aug 19, 2013
Com. Ref.	Aug 23, 2013 and Dec 11, 2015
Com. Rep.	Feb 6, 2014 and Aug 12, 2016
Lok Sabha	Jul 24, 2018
Rajya Sabha	Jul 19, 2018

Relevant Links

-  [Bill Text](#) (162 KB)
-  [PRS Bill Summary](#) (110 KB)
-  [_](#) (627 KB)
-  [PRS Standing Comm Report Summary](#) (123 KB)
-  [_](#) (605 KB)
-  [PRS Legislative Brief](#) (1041 KB)
-  [PRS Legislative Brief with amendments](#) (611 KB)
-  [_](#) (1052 KB)
-  [Standing Committee Report](#) (276 KB)
-  [Official list of Amendments, May 05, 2015](#) (2 MB)
-  [Comparison with the 1988 Act, 2013 Bill and the proposed 2015 amendments](#) (1141 KB)
-  [_, 1988: 2015_2013_](#) (1647 KB)
-  [4th Report of 2nd ARC](#) (1 MB)

an offence. The Bill amends this provision to only cover the offence of taking a bribe.
[Read the complete analysis here](#)

- [UNC against Corruption](#) (655 KB)
-  [Law Commission Report](#) (1310 KB)
-  [Official List of Amendments, Nov 27, 2015](#) (2 MB)
-  [Comparison of 2015 and 2013 amendments](#) (1142 KB)
-  [2015_2013_](#) (1650 KB)
-  [PCA- 2015 Amendments- Issues for consideration](#) (773 KB)
-  [Select Committee Report](#) (4 MB)
-  [PRS Select Comm Report Summary](#) (503 KB)
-  [_](#) (631 KB)
-  [PCA Bill as reported by RS Select Committee](#) (4 MB)
-  [PCA Bill as reported by RS Select Committee 2016 – Issues for consideration](#) (1126 KB)

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- [Amendments to anti-graft law soft on private sector, fall short of UN convention, Times of India, Feb 19, 2015](#)
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['overboard': Law commission report, Economic Times, Feb 12, 2015](#)

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[Amendment to anti-graft bill tabled in RS, Deccan Herald, Aug 18, 2013](#)

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