

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2085
ANSWERED ON:13.12.1999
CORRUPT PUBLIC SERVANT ACT
PRAVEEN RASHTRAPAL;SHANKERSINH VAGHELA

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) whether the Law Commission headed by Justice Shri V.P. Jeevan Reddy has submitted its report recently;
- (b) if so, whether the commission has made any recommendation to the Government in regard to corrupt public servants;
- (c) if so, the recommendation made therein in this regard;
- (d) whether the Prevention of Corruption Act has not been quite effective in penalising the corrupt public servants;
- (e) if so, the reaction of the Government thereto;
- (f) whether the Government propose to enact any new legislation in this manner;
- (g) if so, the time by which a legislation in this regard is
- (h) if not, the reasons thereof?

Answer

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI)

(a)to (c) The Law commission headed by Shri Justice B.P. Jeevan Reddy has submitted its 166th Report on `The Corrupt Public Servants (Forfeiture of Property) Bill`, which has been laid on the Table of Lok Sabha on 27.10.1999 and a copy of the same has been forwarded to the Department of Personnel and Training for taking necessary action.

(d)to (e) The Government had originally enacted the Prevention of Corruption Act, 1947. This Act has been re-enacted, consolidated and effectively strengthened in 1988, to give it more teeth and is more comprehensive than the earlier one and inter alia,

(i) widens the scope of definition of the term `Public Servant` by including therein the office-bearers of registered cooperative societies engaged in agriculture, industry, trade or banking, etc.,

(ii) provides for setting up of Special Courts to try offences under the Act,

(iii) incorporates offences, earlier under sections 161 to 165-A of the IPC and,

(iv) incorporates definition of the term `known sources of income`. The Act also lays down special rules and procedure in regard to appreciation of evidence and trial. The Prevention of Corruption Act, 1988 acts as a deterrent, and 996 cases were registered in 1997, 897 in 1998 and 749 in 1999 (upto 31.10.1999). The percentage of conviction is 65.2% in 1997, 70.8% in 1998 and 57.1% in 1999 (upto 31.10.1999).

(f)to (h) No final view has been taken by the Government in this regard.