

## **Resolutions adopted in the XVII Biennial Conference of State Anti-Corruption Bureaux and CBI held on 26 & 27.08.2009 at Vigyan Bhawan**

### **Resolution No. 1**

Establishment of National Mission against Corruption

1. Ministry of Personnel to become the nodal Ministry for formulation of recommendations of the Mission and modernization of the State and Union Territories Anti Corruption Bureaux and Vigilance Bureaux.
2. This mission will focus on the preventive as well as punitive aspect.
3. A budget of Rs.100 crores to be earmarked for this purpose.

### **Resolution No. 2**

The Government of India should take measures to ratify the UN Convention against Corruption. (Annexure – I).

### **Resolution No. 3**

Whistle Blower Act to be passed by the Parliament as recommended by the UN Convention against Corruption and directed by the Supreme Court of India. Till the legislation comes up, the present resolution of Government of India should be considered for adoption by the State Governments and Union Territories.

### **Resolution No. 4**

Setting up of a committee at National level under the aegis of Department of Personnel & Training with representatives from State Anti Corruption Bureaux/Vigilance Bureaux and the CBI to evolve norms for standardization of organizational setup and processes of Anti Corruption Bureaux/Vigilance Bureaux.

### **Resolution No. 5**

All States to establish adequate number of special courts for the trial of Prevention of Corruption Act cases investigated by the State Anti Corruption Bureaux.

### **Resolution No. 6**

Enhanced cooperation between CBI and the State/Union Territory Anti Corruption Bureaux/Vigilance Bureaux. (Annexure – II).

### **Resolution No. 7**

At least 25% Special Incentive Allowance on the lines of CBI is recommended for State and Union Territory Anti Corruption Bureaux, Vigilance Bureaux.

### **Resolution No. 8**

Annual Meeting in the Judicial Academy of the three wings (Judiciary, Prosecution/Police & Forensic Sciences) to enhance sensitivity on the issues of corruption.

**RATIFICATION OF UNITED NATIONS CONVENTION AGAINST CORRUPTION  
(UNCAC) BY INDIA**

UNCAC was adopted by UN General Assembly on 31st October, 2003 and was signed by India on 9th December, 2005. However, the Convention is yet to be ratified by India.

The Conference resolved that India ratify the UNCAC after the following legislative and administrative gaps related to the Convention are addressed:

Article 36 of the Convention requires that Law Enforcement Anti Corruption bodies shall be granted the necessary independence so that they are able to carry out their functions effectively and without influence. Further, such body should have the appropriate training and resources to carry out their task.

Article 16 of the Convention requires the States to have necessary laws to cover bribery of foreign public officials and officials of public international organizations.

Article 21 of the Convention requires the States to have necessary laws to cover briber in private sector.

Article 32 of the Convention requires the States to take appropriate measures to provide effective protection to witnesses, experts and victims.

Article 33 of the Convention requires the States to consider incorporating in its legal system appropriate measures to provide for protection of reporting persons i.e. Whistle Blowers.

Article 41 of the Convention requires each state party to adopt such legislative or other measures to take into consideration any previous conviction in another state of an alleged offender for the purpose of using such information in criminal proceedings relating to a corruption related offence (creation of state/national level data basis).

**ENHANCED COOPERATION BETWEEN C.B.I. AND STATE ACBx**

Evolution of a system of 6 monthly meetings between Heads of State ACBx and Heads of Zones / Branches of CBI to inter alia discuss the following issues:-

- (i) Sharing of information relating to reputation and integrity of officers working for the Central / State Governments.
- (ii) Establishing a mechanism of information sharing regarding Economic Crimes/Corporate Frauds/Regulator Bodies.
- (iii) Mutually beneficial exchange of information on innovations, standard operating procedures and best practices on anti corruption work as well as various aspects of functioning of respective vigilance mechanisms.
- (iv) Creation of a system of sharing of resources and expertise in the field of training.
- (v) Exchange of knowledge relating to latest scientific aids in investigation of anti corruption cases.
- (vi) Exchange of knowledge with regard to advancement made in the digital data analysis, brain mapping, narco analysis, voice spectrography and other related fields.
- (vii) To pursue with the respective Governments to send more and more investigating officers on deputation to CBI.
- (viii) Programme of anti corruption and vigilance work which includes preparation of Agreed List of suspected officers, Officers of Doubtful Integrity and Undesirable Contactmen.
- (ix) Scrutiny of Annual Property Returns of suspected officers and vigilance clearance before appointment to crucial positions.
- (x) Identification of legal hurdles, if any, to drive against the corrupt and to suggest possible remedies.