

AUTHENTICATED TRANSLATION
THE SUPPRESSION OF CORRUPTION ACT, 1948
(Act No. LXVII of 1948)

WHEREAS it is expedient to make more effective provisions for the suppression of bribery and corruption ;

It is HEREBY enacted as follows :

1. This Act may be called the Suppression of Corruption
Short title. Act, 1948.

2. For the purpose of this Act, " public servant " means
a public servant as defined in section 21 of the
Definition. Penal Code and includes the Minister of a
Constituent State.

3. Where in any trial for an offence punishable under
sections 161, 162, 163, 164 or 165 of the Penal
Code, it is proved that an accused person has
accepted or obtained, or has agreed to accept
or attempted to obtain, for himself or for any
other person, any gratification (other than legal
remuneration) or any valuable thing, it shall be presumed, unless the
contrary is proved, that he accepted or obtained, or agree to accept or
attempted to obtain, that gratification or that valuable thing, as a motive
or reward within the contemplation of sections 161, 162, 163 and 164 or,
without consideration or for an inadequate consideration as mentioned
in section 165.

P r e s u m p t i o n
where public servant
accepts gratification
other than legal remuneration.

Provided that the Court may decline to draw such presumption if the gratification of this aforesaid is in its opinion so trivial that no inference of corruption may be drawn.

4. (1) A public servant is said to commit the offence of
criminal misconduct in the discharge of his
duties -
Criminal misconduct in
discharge of official
duty.

(a) If he habitually accepts or obtains or agrees to
accept or attempts to obtain for any person for himself or for any
other person, any gratification (other than legal remuneration) as a
motive or reward, within the contemplation of section 161 of the
Penal Code, or

(b) if he habitually accepts or obtains or agrees to
accept or attempts to obtain for himself or for any other person, any
valuable thing without consideration or for an inadequate
consideration from any person whom he knows to have been, or to
be, or to be likely to be, concerned in any proceeding before him or
likely to be before him, or business transacted or about to be
transacted by him, or from any person having any connection with
the official functions either of himself or of any public servant to
whom he is subordinate, or from any person whom he knows to be
interested in or related to the person so concerned ; or

(c) if he, by corrupt or illegal means or otherwise by
abuse of his office as a public servant, obtains for himself or for any
other person, any valuable things or pecuniary advantage ; or

(d) if he commits any fraud to the detriment of public
interest or commits in respect of public property entrusted to him
either an act of misappropriation or of misconduct.

Explanation -- It is not necessary that the Acts mentioned in this clause should be an offence under the existing laws.

(2) Any public servant who commits criminal misconduct in the discharge of his duty shall be punished with imprisonment for a term which may extend to seven years and all the gains found to have been derived by the accused by the commission of that offence shall be liable to be forfeited to the State.

(3) In any trial for an offence punishable under subsection (2) or under section 161, 162, 163 or 165 of the Penal Code, if it is proved that the accused or any other person on his behalf was or is possessed of pecuniary resources or property not commensurate with the legitimate sources of the accused's income, the Court shall presume, in offence under sections 161, 162, 163 or 165 of the Penal Code or criminal misconduct in the discharge of his duties and the conviction for such an offence shall not be deemed invalid by reason only that it is based solely on such presumption.

5.(1) The President may, by notification, appoint Special Courts competent to try offences under this Act and sections 161, 162, 163, 164 and 165 of the Penal Code Judges to try offences under this Act and offence under sections 161, 162, 163, 164 and 165 of the Penal Code and may appoint the places at which such Special Judges shall sit;

Provided that, in the absence of an order of the President appointing the place of sitting, a Special Judge may sit at such a place as he may himself appoint.

(2) The President may direct by special or general order that all cases under sections 161, 162, 163, 164 and 165 of the Penal Code pending in any Court in the Union be transferred to such Court of a Special Judge as he may prescribe.

(3) Such Special Judge shall be a person who has for at least one year served and exercised the powers of a Sessions Judge or who has for at least one year exercised the powers conferable on a District Magistrate or has been a Magistrate of the first class with powers under section 30 of the Code of Criminal Procedure;

Provided that, in such areas as the President may by an order in writing specify, a person who has for at least one year exercised the powers of a Magistrate of the first class may be appointed a Special Judge.

(4) In the absence of directions from the President in this behalf, offences under this Act shall be tried by Courts within the jurisdiction of which the offences are committed.

(5) Upon an application made to the High Court under section 526 of the Code of Criminal Procedure, if the High Court is of the opinion that a case pending before the Court of a Special Judge appointed under this Act should be transferred, the High Court shall report to the President recommending such transfer. On such report the President shall appoint another Special Judge and transfer the case to him.

(6) An appeal against a conviction by a Special Judge appointed under this Act shall lie to the High Court.

(7) The High Court may revise the proceedings of a Special Judge appointed under this Act. The provisions of sections 435 to 442 of the Code of Criminal procedure shall apply in the exercise of such revisionary powers.

6.(1) No Court shall take cognizance of an offence punishable under sub-section (2) of section 4 of this Act alleged to have been committed by a public servant except with the previous sanction--

**Previous sanction
necessary for
prosecution**

(a) of the President of the Union in the case of the Minister of the Union Government or of the constituent State;
or

(b) of the authority competent to appoint or to remove him from his office in the case of any other public servant.

Authenticated Translation
Khin Maung Than, B.A., B.L.,
Secretary,
Laws Translation Committee