

The Prevention of Corruption Act, 1947

(ACT NO. II OF 1947)

An Act for the more effective prevention of bribery and corruption.♣

WHEREAS it is expedient to make more effective provision for the prevention of bribery and corruption;

It is hereby enacted as follows:-

Short title and extent

1. (1) This Act may be called the Prevention of Corruption Act, 1947.
- (2) It extends to the whole of Bangladesh and applies to all citizens of Bangladesh and persons in the service of ¹[the Republic] wherever they may be.

Interpretation

2. For the purposes of this Act, “public servant” means a public servant as defined in section 21 of the Penal Code and includes an employee of any corporation or other body or organisation set by the Government and includes a Chairman, Vice-Chairman, Member, Officer or other employee of a local ²[authority], or a Chairman, Director, Managing Director, Trustee, Member, Officer or other employee of any corporation, or other body or organisation constituted or established under any law.

Offences under sections 161 and 165 of the Penal Code to be cognizable offences

3. An offence punishable under section 161, 162, 163, 164, 165 or 165-A of the Penal Code shall be deemed to be a cognizable offence for the purposes of the Code of Criminal Procedure, 1898, notwithstanding anything to the contrary contained therein.

**Presumption
where
public
servant
accepts
gratification
other than
legal
remuneration**

4. (1) Where in any trial of an offence punishable under section 161 or section 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 from any person, it shall be presumed unless the contrary is proved that he accepted or obtained, or agreed to accept or attempted to obtain, that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in the said section 161, or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(2) Where in any trial of an offence punishable under section 165A of the Penal Code it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by any accused person, it shall be presumed, unless the contrary is proved, that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 161 of the said Code, or, as the case may be, without consideration or for a consideration which he knew to be inadequate.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Court may decline to draw the presumption referred to in either of the said sub-sections if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn.

**Criminal
misconduct**

5. (1) A public servant is said to commit the offence of criminal misconduct-

(a) if he accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Penal Code, or

(b) if he accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any valuable thing without consideration or