



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## ANTI-CORRUPTION LAWS IN INDIA: LEGAL STRIKES AGAINST DIRTY HANDS

- *SAINATH GANDOLKAR*

### INTRODUCTION

India's anti-corruption legal framework in the public sector is one of the most structured in the developing world. Yet, corruption remains deeply entrenched in administrative and political institutions. Legal efforts to curb this have been formalized primarily through the **Prevention of Corruption Act, 1988** (PCA), the **Lokpal and Lokayuktas Act, 2013**, and the **Right to Information Act, 2005**, among others<sup>i</sup>. These statutes are supported by judicial interpretations, constitutional provisions, international obligations, and a network of enforcement agencies.

### LEGAL FRAMEWORK

The **Prevention of Corruption Act (1988)**, amended significantly in 2018, serves as the cornerstone of India's anti-bribery regime. Section 7 criminalizes public servants accepting any "undue advantage" other than legal remuneration, and Section 8 punishes the act of offering such a bribe<sup>ii</sup>. The 2018 amendment introduced Section 9, making commercial organizations liable if their representatives engage in corrupt practices, with a defence available for those who can prove the existence of adequate compliance mechanisms<sup>iii</sup>.

Criminal misconduct, which earlier included amassing disproportionate assets or abusing one's position, has been narrowed. Now, only misappropriation or illicit enrichment proven beyond a reasonable doubt is actionable<sup>iv</sup>. Importantly, Section 17A of the PCA mandates prior government sanction before investigation of public servants, which critics argue dilutes investigative autonomy<sup>v</sup>.

Complementing the PCA is the **Lokpal and Lokayuktas Act, 2013**, which established the **Lokpal** at the central level and requires each state to appoint a **Lokayukta**<sup>vi</sup>. The Lokpal has jurisdiction over the Prime Minister, ministers, and Group A–D officials. It can initiate investigations suo motu or on complaints, supported by an inquiry and prosecution wing<sup>vii</sup>. Despite its statutory framework, the Lokpal has been criticized for delayed appointments and limited enforcement.

The **Right to Information Act, 2005** plays a foundational role by empowering citizens to seek official information, making government processes more transparent<sup>viii</sup>. Under Section 4, public authorities are mandated to proactively disclose important information. RTI applications have led to exposure of multiple irregularities, which have, in turn, triggered corruption investigations<sup>ix</sup>.

Other relevant laws include:

- **Whistle Blowers Protection Act, 2014**: Protects persons who expose corruption in government bodies.
- **Prevention of Money Laundering Act, 2002 (PMLA)**: Targets laundering of assets derived from corruption.
- **Indian Penal Code, 1860 (Sections 169, 409)**: Addresses breach of trust and misconduct by public servants.

## ENFORCEMENT INSTITUTIONS

Enforcement of anti-corruption laws involves several institutions:

- The **Central Bureau of Investigation (CBI)** is India's premier anti-corruption investigative body, functioning under the Delhi Special Police Establishment Act.
- The **Central Vigilance Commission (CVC)** supervises vigilance activities and advises the central government on corruption matters<sup>x</sup>. According to its 2023 report, it handled over **74,203 corruption complaints**, with top offenders from public transport and urban local bodies<sup>xi</sup>.
- The **Enforcement Directorate (ED)** investigates money laundering and economic offenses under the PMLA.

- The **Lokpal of India**, though recent and still evolving, adds an ombudsman layer<sup>xii</sup>.
- **Special courts** under the Prevention of Corruption Act ensure speedy trials for corruption cases.

Constitutionally, **Article 311** offers safeguards to civil servants against arbitrary dismissal, making proper investigation and due process crucial. The **Supreme Court of India** has repeatedly emphasized the independence of investigative agencies in cases such as *Vineet Narain v. Union of India*, leading to the establishment of monitoring mechanisms<sup>xiii</sup>.

## INTERNATIONAL ALIGNMENTS

India ratified the **UN Convention Against Corruption (UNCAC)** in 2011, thereby committing to criminalize acts of bribery, embezzlement, and obstruction of justice<sup>xiv</sup>. Despite this, the Law Commission in its 258th Report acknowledged the absence of a dedicated law addressing bribery of foreign public officials<sup>xv</sup>. It recommended enacting a **Foreign Public Officials Bribery Law**, which remains pending.

India is yet to accede to the **OECD Anti-Bribery Convention**, though it actively engages in global forums such as G20 and BRICS<sup>xvi</sup>. The **BRICS Declaration 2025** reaffirmed member nations' commitment to implement UNCAC and strengthen anti-corruption cooperation<sup>xvii</sup>. Mutual Legal Assistance Treaties (MLATs) and Extradition Treaties also serve as cross-border enforcement mechanisms.

## RECENT TRENDS AND STATISTICS

According to **Transparency International's Corruption Perception Index (2023)**, India ranks **96 out of 180 countries**, scoring **38/100**, reflecting continued perceptions of corruption in governance<sup>xviii</sup>. Data from the **Press Information Bureau (PIB)** indicates rising internal vigilance: thousands of departmental proceedings have been initiated against tax officers and public bank officials over misconduct<sup>xix</sup>. Digitization efforts like e-procurement, online file movement, and real-time surveillance systems are being deployed to reduce discretion and improve transparency<sup>xx</sup>.

Nonetheless, challenges persist. Conviction rates remain low, and large-scale cases often suffer procedural delays. The addition of **Section 17A** in the PCA has been flagged by legal scholars

for creating a bureaucratic barrier to initiating investigations<sup>xxi</sup>. Meanwhile, the **Whistleblower Act** remains underutilized due to fear of retaliation and institutional apathy.

## CONCLUSION

India has a robust legal regime to combat public-sector corruption, anchored in statutes like the PCA and supported by oversight bodies like the CVC and Lokpal. RTI continues to empower citizens, and international obligations under UNCAC reflect India's broader anti-corruption posture. Yet, delays in investigation, inadequate enforcement capacity, and procedural bottlenecks—particularly those introduced post-2018—continue to weaken deterrence.<sup>23</sup> Future reforms must focus on strengthening institutional independence, streamlining procedures, and ensuring timely justice delivery to make anti-corruption laws not just aspirational but actionable.

## ENDNOTES

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<sup>i</sup> Uday Singh, *Required More Stringent Corruption Laws in India*, 7 Int'l J.L. Mgmt. & Human. 1679, 1680–81 (2024).

<sup>ii</sup> Prevention of Corruption Act, No. 49 of 1988, § 7 & 8, amended by Prevention of Corruption (Amendment) Act, No. 16 of 2018.

<sup>iii</sup> Id. § 9.

<sup>iv</sup> Id. § 13.

<sup>v</sup> Id. § 17A.

<sup>vi</sup> Lokpal and Lokayuktas Act, No. 1 of 2014, §§ 3, 14.

<sup>vii</sup> Id. § 20.

<sup>viii</sup> Right to Information Act, No. 22 of 2005, § 4.

<sup>ix</sup> Daizy Thakur, *Anti-Corruption Armoury of India*, 3 Indian J. Integrated Res. L. 1, 9–10 (2023).

<sup>x</sup> Id. at 7.

<sup>xi</sup> Press Trust of India, *Most Corruption Complaints Against Railway Staff: CVC Report*, Times of India (Sept. 3, 2024).

<sup>xii</sup> Press Information Bureau, Govt. of India, *Lokpal of India – Performance Summary* (Feb. 2025).

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<sup>xiii</sup> Vineet Narain v. Union of India, (1998) 1 SCC 226 (India).

<sup>xiv</sup> United Nations Convention Against Corruption, adopted Oct. 31, 2003, G.A. Res. 58/4, U.N. Doc. A/58/422.

<sup>xv</sup> Law Commission of India, Report No. 258, Prevention of Bribery of Foreign Public Officials (2015).

<sup>xvi</sup> Varun Chablani, *Understanding the OECD Anti-Bribery Convention for India*, 6 NUJS L. Rev. 81, 87 (2013).

<sup>xvii</sup> Press Information Bureau, Govt. of India, BRICS Declaration on Global Governance, July 7, 2025.

<sup>xviii</sup> Transparency International, *Corruption Perceptions Index 2023* (2024).

<sup>xix</sup> Press Information Bureau, Govt. of India, Corruption Cases in Tax Departments (2019).

<sup>xx</sup> Press Information Bureau, Govt. of India, CBDT Asset Disclosure Report (2021).

<sup>xxi</sup> *Supra* note 5.