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ANTI-CORRUPTION LAWS IN INDIA

~ *Sangita Roy*

Corruption is usually discussed through the image of a powerful public official demanding money or a large financial scandal involving crores of rupees. But corruption does not always begin with a major scandal. Sometimes, it begins with an ordinary person standing before an official, waiting for a document, certificate, license, approval or public service, and thinking: **“If I pay, my work will be done faster.”** This small transaction raises a much larger question: Is corruption only the fault of a corrupt individual, or has it become a problem of society and the system itself?

India has a substantial legal framework to address corruption, but the existence of legislation does not automatically eliminate the conditions in which corruption develops. **The Prevention of Corruption Act, 1988 (PCA)** is the principal statute dealing with bribery and corruption involving public servants. Section 7 criminalizes a public servant's acceptance or obtaining of an undue advantage in connection with public duty¹. After the 2018 amendment, Section 8 also makes it an offence for a person to give or promise to give an undue advantage to induce or reward the improper performance of a public duty².

At first place, criminalizing both sides appears logical. But the reality is more complicated. The person demanding a bribe and the person giving it may participate in the same transaction without occupying the same position of power.

¹ Prevention of Corruption Act no. 49 of 1988, 7, as amended by Prevention of Corruption (Amendment) Act No. 16 of 2018

² Id. 8 (1)

This problem was famously examined by economist **Kaushik Basu**, who questioned whether the bribe-giver should always be treated as a criminal in the same manner as the bribe-taker. Basu argued that a person may pay a bribe because an official has created an artificial obstacle to obtaining a service that the person is otherwise legally entitled to receive³. In such circumstances, criminalizing the payer may discourage that person from reporting the official.

The 2018 amendment to the PCA is significant in this context. Section 8 contains an exception where a person is compelled to give an undue advantage, provided the person reports the matter to the law-enforcement authority or investigating agency within seven days⁴. The provision recognizes an important reality: not every person who pays a bribe is necessarily situated in the same way.

But this recognition creates another difficult legal question—**who is a genuine victim?**

Suppose a public servant deliberately delays a citizen's legitimate application and indicates that payment will make the process faster. The citizen may have little practical choice, particularly where the service is urgent. Treating that citizen in exactly the same manner as someone who voluntarily pays money to obtain an unlawful advantage would ignore the imbalance between the two sides.

Now consider the opposite situation. A person offers money because he wants his application to be processed before others, wants to avoid a lawful procedure, or wants an advantage to which he is not entitled. Here, the citizen is not merely responding to coercion; he is voluntarily participating in the corrupt transaction.

The distinction is therefore essential. The law should not romanticize every bribe-giver as a victim, but neither should it assume that every bribe-giver is a willing participant. The real difficulty is developing a fair method of identifying the difference.

This is where corruption becomes a problem of power and urgency. The official may possess the power to delay or facilitate a service, while the citizen may have an urgent need for that service. The greater the dependence of the citizen and the greater the discretion of the official, the greater the possibility of an unequal bargain.

³ Kaushik Basu, why, for a Class of Bribes, the Act of Giving a Bribe Should Be Treated as Legal, World Bank Policy Research Working Paper No. 5574, at 1–3 (2011).

⁴ Prevention of Corruption Act, No. 49 of 1988, 8(1) provisos (India).

There is another side to the problem. Sometimes society itself creates the demand for the shortcut. A person may know that the normal procedure requires waiting, but still offer money because he wants his work completed immediately. The next person observes the same practice and begins to believe that paying is simply “how things work.”

This is why corruption cannot be explained only through the character of “bad people.” It can also emerge from a system in which discretion, delay, urgency and social acceptance reinforce one another. Large corruption cases may make headlines, but the culture that permits them can be built through thousands of ordinary transactions that never become news.

The seriousness of the problem is reflected, although not completely measured, by India's position in the 2025 Corruption Perceptions Index. **India scored 39 out of 100 and ranked 91st among 182 countries.** The CPI measures perceived public-sector corruption based on expert and business assessments; therefore, it should not be treated as a direct count of every bribe paid in India⁵.

India has responded through institutions such as the **Lokpal and Lokayuktas and the Central Vigilance Commission, in addition to the PCA**⁶. The judiciary has also stressed the importance of effective investigation and institutional accountability. In *Vineet Narain v. Union of India*, the Supreme Court emphasized the need for investigative institutions to function with sufficient independence⁷. More recently, the Constitution Bench's decision in *Neeraj Dutta v. State (Government of NCT of Delhi)* illustrates the importance of carefully proving the elements of demand and acceptance in corruption prosecutions⁸.

Yet stronger laws alone cannot produce an honest system. A law can punish a bribe, but it cannot by itself change the belief that paying a bribe is the quickest way to get legitimate work done.

Citizens must stop treating bribery as a convenient shortcut, while public authorities must ensure that legitimate services are delivered without unnecessary delay or discretion. At the

⁵ Transparency International, Corruption Perceptions Index 2025 (Feb. 10, 2026), <https://www.transparency.org/en/cpi/2025/index/ind>.

⁶ Lokpal and Lokayuktas Act, No. 1 of 2014, 3–4 (India); Central Vigilance Commission Act, No. 45 of 2003, 3–8 (India).

⁷ *Vineet Narain v. Union of India*, (1998) 1 SCC 226, 253–54.

⁸ *Neeraj Dutta v. State (Gov't of NCT of Delhi)*, (2023) 4 SCC 731

same time, persons who report coercive bribery must have accessible and credible mechanisms of protection.

Ultimately, the real question is not whether India needs anti-corruption laws, the harder question is how those laws can distinguish between the person who voluntarily buys an unlawful advantage and the person who is compelled to pay for something that is already his or her legal entitlement. That distinction requires evidence, institutional safeguards and careful enforcement.

Corruption therefore cannot be reduced to a simple story of “good citizens” versus “bad officials.” It is a wider interaction between power, urgency, opportunity and social mindset. The law must punish voluntary corruption, protect genuine victims, and hold public servants accountable for the authority entrusted to them. But society must also take responsibility for rejecting the idea that money should be the price of speed.

If the mindset of “pay a little and get the work done quickly” changes, the law receives the social foundation it needs. If that mindset does not change, even the strongest anti-corruption statute will continue to fight the symptoms of a problem that society itself helps reproduce.