



# The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

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

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## UNDERSTANDING INDIA'S ANTI CORRUPTION- LAWS: A GUIDE FOR CITIZENS

*Abhay Sharma*

### Introduction

Though Corruption has always existed in the society and has happened in every civilization, substantial research into this topic has only started in the last 20 years. It has a wide range of forms and impacts on the public and the economy. The word is derived from Latin word 'Corruptus' which means 'corrupted' and in legal sense, it means 'Abuse of a trusted position in one of the branches of power (Legislative, Executive, Judiciary) or in political or other organization with the goal of acquiring material advantage for oneself or for others. In India, the battle against corruption is an ongoing endeavor and it is imperative that all citizens comprehend the rules that are in place. With the help of this blog post, you will be able to navigate India's most important anti-corruption legislation and contribute to the creation of more open society.

### The Legal Armoury of India against Corruption

- **The Prevention of Corruption Act, 1988:** - The Primary Goal of this act was to bring all the nation's legislation against civil servant corruption under one roof. This includes penalties of bribery and acquisition of unlawful property by public employees. However, there were many inadequacies and shortcomings with the primary legislation. But after the amendment in 2013, **The Prevention of Corruption Act, 2013**:- Former Act has been upgraded and introduced with new changes like, The Private sector units and commercial organization come under the purview of this act and offering and accepting bribe is now illegal. Sec 8 of this act punishes both giving and receiving bribe with a maximum period

of 7 years in prison. These updates and additions tighten control over the corrupt civil servants in the nation.

- **Prevention of Money Laundering Act, 2002:** - It is considered as India's most potent and anti-corruption statute. That the Enforcement Directorate of India also referred as ED is typically responsible for starting investigations under the PMLA. This Act defines money laundering as Attempting, Abetting, or knowing assisting or becoming party to the crime connected with proceeds of crime. In this Act, the sole requirement for initiating legal proceeding is identification and confirmation of accused connection to the property.
- **Central Vigilance Commission Act, 2003:** - The Central Government introduced CVC in accordance with the act to maintain oversight over CBI (Central Bureau of Investigation) and other anti-corruption agencies in the nation. The CVC, more act like a think tank for the Central Government's plans, advises and implement national anti-corruption agency policies in addition to looking into complaints made against public servants in accordance with the Prevention of Corruption Act, 1988 in addition to looking into complaints made against public servants in accordance with the Prevention of Corruption Act, 1988.

## **Reporting Mechanisms for Corruption in India**

The three primary agencies tasked with gathering information, looking into, and prosecuting cases of corruption are Central Vigilance Commission (CVC), Central Bureau of Investigation (CBI), and the State Anti-Corruption Bureau (ACB).

1. Central Vigilance Commission: - The CVC is authorized as "Designated Agency" to receive written or online complaints on disclosure of any allegation of corruption or misuse of office in India, by virtue of Government of India Resolution 2004 on public interest disclosure and protection of Informer. The CVC may act on its own initiative or refer the case to CBI. Anyone can use <https://portal.cvc.gov.in> to immediately file complaint against corruption to CVC against only the Central Government Officer listed.
2. Central Bureau of Investigation: - CBI's responsibilities have expanded significantly over time. Initially, it was solely responsible for looking into cases involving public servant corruption. Today, it has three principal areas of focus:
  - **Anti-Corruption Division:** It handles complaints involving public servants who work for Central Government, Central PSUs, and Central Financial Institutions.

- The Economic Crimes Division: handles Crime involves financial fraud, Bank fraud, import-export violations, large scale drug trafficking, the smuggling of antiques.
  - The Special Crime Division: handles matters involving organized crimes and the underworld, kidnapping for ransom, bomb blasts etc.
3. State Anti-Corruption Bureaus: - CVC and CBI are empowered to handle only the cases of corruption against public servants at central level, and that each state government has an Anti-Corruption Bureaus to investigate cases of corruption at state level.

### **Who can report Corruption?**

In India, anyone can report corruption, making it a truly citizen driven effort. Here's Breakdown of who can report:

- Citizens: - Includes anyone who is aware of or witness corrupt behavior's denounce Corruption, you do not have to be a victim or a direct participant.
- Public Employees: - Public Servants can denounce corruption committees by coworkers or within their department. Whistleblower laws provide them with protection and encouragement to do.
- Businesses: - have the option to report dishonest behavior by public servants or rivals who may be using unlawful methods to gain unfair advantage.
- NGO's and Civil Society Organizations: - These groups can file complaints on behalf of individuals or based on their investigations. They frequently work on anti-corruption campaigns.

### **Conclusion**

Although Corruption can be a widespread problem, Indian individuals are empowered to combat it thanks to the country's legal system. Knowing the anti-corruption laws, especially The Prevention of Corruption Act, 2013 gives you an ability to spot dishonest behavior and report it using a variety of channels. The most important lesson is that reporting corruption is a duty as much as right. You play a crucial role in a solution by using the channels that are available, such as CVC portal or making a police complaint. Combating Corruption promotes an accountable and

transparent society. When citizens actively participate in upholding the law, it sends a strong message of deterrence to those involved in corrupt practice.