

## ANTI-CORRUPTION LAWS IN INDIA: AN ANALYSIS

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### Abstract

This research paper examines the evolution, implementation, and effectiveness of anti-corruption legal frameworks in India. The study analyzes principal legislation including the Prevention of Corruption Act, 1988 (as amended in 2018), the Lokpal and Lokayuktas Act, 2013, the Prevention of Money Laundering Act, 2002, and the Benami Transactions (Prohibition) Act, 1988. Through critical examination of these laws, their enforcement mechanisms, landmark judicial pronouncements, and comparative analysis with international anti-corruption frameworks, this paper evaluates the strengths and weaknesses of India's anti-corruption regime. The findings suggest that while India has developed a comprehensive legal framework to combat corruption, significant challenges persist in terms of implementation, institutional capacity, and political will. The paper concludes with recommendations for improving the effectiveness of India's anti-corruption laws and enhancing transparency and accountability in public governance.

**Keywords:** Corruption, Prevention of Corruption Act, Lokpal, Public Accountability, Governance, India

### Introduction

Corruption, defined as the misuse of public office for private gain, remains one of the most pernicious challenges to good governance and socio-economic development in India. Despite being one of the fastest-growing economies in the world, India continues to struggle with high levels of corruption across its public institutions. The country's complex bureaucratic structure, coupled with historical sociocultural factors, has created an environment where corruption has become entrenched in various aspects of public life. In response to this pervasive issue, India has over the years developed a substantial body of anti-corruption legislation aimed at combating corrupt practices at different levels of government and society.<sup>1</sup>

The legal framework to tackle corruption in India has evolved significantly since independence, reflecting changing socio-political contexts and growing public demand for transparency and accountability. From the early Prevention of Corruption Act, 1947 to the more recent amendments to the Prevention of Corruption Act in 2018, the legislative approach has progressively become more comprehensive and stringent. This evolution mirrors a global trend towards stronger anti-corruption measures, influenced in part by international conventions and standards such as the United Nations Convention Against Corruption (UNCAC), which India ratified in 2011.<sup>2</sup>

<sup>1</sup> Nishith Desai Associates. (2022). Overview of Anti-Corruption Laws in India.

[http://www.nishithdesai.com/fileadmin/user\\_upload/pdfs/Research\\_Papers/Overview-of-Anti-Corruption-Laws-in-India-Web1.pdf](http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Overview-of-Anti-Corruption-Laws-in-India-Web1.pdf)

<sup>2</sup> AZB & Partners. (2023). India: The Anti-Bribery and Anti-Corruption Review. <https://www.azbpartners.com/bank/india-the-anti-bribery-and-anti-corruption-review/>

This research paper aims to provide a comprehensive analysis of India's anti-corruption legal framework, examining its historical development, key provisions, implementation challenges, and effectiveness in combating corruption. By critically evaluating the strengths and weaknesses of existing laws and enforcement mechanisms, this study seeks to contribute to the ongoing discourse on enhancing the efficacy of anti-corruption efforts in India. The findings and recommendations presented herein may inform policymakers, legal practitioners, and civil society organizations engaged in anti-corruption initiatives.<sup>3</sup>

### Historical Evolution of Anti-corruption Laws in India

India's anti-corruption legal framework has undergone significant evolution since the country's independence in 1947. The initial legislation addressing corruption was the Prevention of Corruption Act, 1947, enacted shortly after independence to establish basic legal provisions against corrupt practices by public servants. This law, though limited in scope, represented the first formal recognition of corruption as a significant governance challenge requiring legislative intervention. The Act primarily focused on penalizing public servants for accepting bribes and engaging in corrupt practices, but lacked comprehensive mechanisms for prevention, detection, and prosecution.<sup>4</sup>

The second major development came with the establishment of the Central Vigilance Commission (CVC) in 1964, following the recommendations of the Santhanam Committee. The CVC was initially created through an executive resolution and was later granted statutory status in 2003. Its primary mandate was to advise and guide central government agencies on vigilance matters and to oversee investigations into corruption allegations. This institutional innovation represented a shift towards creating specialized bodies dedicated to anti-corruption efforts, beyond mere legislative provisions.<sup>5</sup>

The most significant reform came with the enactment of the Prevention of Corruption Act, 1988 (PCA), which consolidated and strengthened the existing anti-corruption laws. The PCA expanded the definition of public servants, introduced new offenses, and established more stringent penalties for corruption. It criminalized both the giving and receiving of bribes and provided for special courts to try corruption cases. This comprehensive legislation formed the backbone of India's anti-corruption legal framework for nearly three decades until its amendment in 2018.<sup>6</sup>

The 1990s and early 2000s witnessed growing public awareness and activism against corruption, culminating in major anti-corruption movements in the 2010s. These social movements, led by civil society organizations and prominent activists like Anna Hazare, demanded stronger institutional mechanisms to combat corruption. This public pressure led to the enactment of the Lokpal and Lokayuktas Act in 2013, which established independent ombudsman bodies at the national and state levels to investigate corruption allegations against public officials, including senior politicians and bureaucrats.<sup>7</sup>

<sup>3</sup> CMS Law. (2023). CMS Expert Guide to Anti-Bribery and Corruption Laws: India. <https://cms.law/en/int/expert-guides/cms-expert-guide-to-anti-bribery-and-corruption-laws/india>

<sup>4</sup> PRS Legislative Research. (2011). Note on Corruption Laws in India.

[https://prsindia.org/files/parliament/discussion\\_papers/1302844978\\_PRS%20Note%20on%20corruption%20laws.pdf](https://prsindia.org/files/parliament/discussion_papers/1302844978_PRS%20Note%20on%20corruption%20laws.pdf)

<sup>5</sup> IREL (India) Limited. (2024, October 19). *TD30201.pdf*. <https://www.irel.co.in/documents/20126/0/TD30201.pdf/b2e14682-0c50-e1e9-d250-d8d92fa2a873?t=1729331206662>

<sup>6</sup> The Prevention of Corruption Act, 1988. (1988). [https://www.indiacode.nic.in/bitstream/123456789/15302/1/pc\\_act,\\_1988.pdf](https://www.indiacode.nic.in/bitstream/123456789/15302/1/pc_act,_1988.pdf)

<sup>7</sup> The Lokpal and Lokayuktas Act, 2013. (2013). <https://www.indiacode.nic.in/handle/123456789/1558>

The most recent significant development has been the amendment of the Prevention of Corruption Act in 2018, which introduced several important changes to align the law with international standards and address emerging challenges. The amendments criminalized the giving of bribes, included provisions for corporate liability, established time limits for trial completion, and provided protection for coerced bribe-givers who report the offense. These changes reflected a more nuanced understanding of corruption and a commitment to addressing its complex manifestations in contemporary society.<sup>8</sup>

### **The Prevention of Corruption Act, 1988: Core Provisions and Amendments**

The Prevention of Corruption Act, 1988 (PCA) stands as the principal anti-corruption legislation in India, establishing comprehensive provisions to criminalize corrupt practices and prescribe punishments for violations. The Act defines “public servant” broadly to include government employees, judges, members of parliament and state legislatures, employees of state-owned corporations, and anyone performing public duties. This expansive definition ensures that the law covers all individuals exercising public authority or managing public resources, recognizing the diverse forms that public service takes in modern governance structures.<sup>9</sup>

Under the original 1988 Act, several forms of corrupt practices were criminalized, including accepting or attempting to obtain illegal gratification (Section 7), criminal misconduct by public servants (Section 13), and the possession of disproportionate assets (Section 13(1)(e)). The law established that a public servant is presumed to have accepted a bribe if it is proven that they received any valuable thing from a person concerned in proceedings or business transacted by the public servant. This presumption, established under Section 20 of the Act, shifted the burden of proof to the accused in certain circumstances, reflecting the challenges in proving corruption charges.<sup>10</sup>

The 2018 amendments to the PCA introduced significant changes that substantially reformed the anti-corruption legal framework. One of the most important amendments was the explicit criminalization of giving bribes to public servants (Section 8), which was previously not directly addressed in the PCA, though it was covered under abetment provisions. The amended Act introduced a distinction between coercive bribery and voluntary bribery, providing protection to persons who are compelled to give bribes if they report the offense to law enforcement authorities within seven days (Section 8(1) proviso).<sup>11</sup>

Another significant amendment was the introduction of corporate liability for commercial organizations (Section 9). Under this provision, commercial organizations can be held liable if any person associated with them gives or promises to give any undue advantage to a public servant with the intention to obtain or retain business or advantage in the conduct of business. The law provides for monetary penalties and allows for a defense if the organization can prove that it had adequate procedures in place to prevent persons associated with it from undertaking such conduct.<sup>12</sup>

<sup>8</sup> Licks Legal. (2023). India's Anti-Corruption Act. <https://www.lickslegal.com/post/indias-anti-corruption-act>

<sup>9</sup> The Prevention of Corruption Act, 1988. (1988). Section 2(c).

[https://www.indiacode.nic.in/bitstream/123456789/15302/1/pc\\_act\\_1988.pdf](https://www.indiacode.nic.in/bitstream/123456789/15302/1/pc_act_1988.pdf)

<sup>10</sup> Indian Kanoon. (2023). Enforcement of the Prevention of Corruption Act. <https://indiankanoon.org/doc/506831/>

<sup>11</sup> Supra Note 2, Page Number 2.

<sup>12</sup> Supra Note 3, Page Number 2.

The 2018 amendments also modified the definition of criminal misconduct under Section 13, narrowing it to two specific offenses: fraudulent misappropriation of property and illicit enrichment (possession of disproportionate assets). The amended law requires proof of intentional enrichment for the offense of possession of disproportionate assets, making it more challenging to prosecute such cases. Additionally, the amendments introduced a requirement for prior approval from the appropriate government or authority before initiating any investigation against a public servant (Section 17A), with exceptions for cases involving the apprehension of offenders in the act of committing an offense.<sup>13</sup>

The PCA provides for significant penalties, including imprisonment ranging from three to seven years and fines, which were enhanced through the 2018 amendments. The Act also provides for the attachment and forfeiture of property acquired through corrupt means. The law establishes special courts for the trial of offenses under the Act, aiming to ensure speedy and effective adjudication of corruption cases. Despite these provisions, the implementation of the PCA has faced several challenges, including delays in investigation and prosecution, low conviction rates, and procedural hurdles, which have limited its effectiveness in practice.<sup>14</sup>

### **The Lokpal and Lokayuktas Act, 2013: Institutional Framework for Anti-corruption**

The Lokpal and Lokayuktas Act, 2013 represents a watershed moment in India's anti-corruption efforts, establishing independent ombudsman institutions at both the national and state levels. The enactment of this legislation followed decades of advocacy and a powerful anti-corruption movement led by civil society organizations, which gained significant momentum between 2011 and 2013. The primary objective of the Act was to create autonomous bodies with the authority to investigate allegations of corruption against public officials, including the highest echelons of political leadership and bureaucracy.<sup>15</sup>

The Lokpal, established at the national level, has jurisdiction over the Prime Minister, Ministers, Members of Parliament, Groups A, B, C, and D officers, and officials of the Central Government. The Act grants the Lokpal both investigative and prosecutorial powers, enabling it to direct preliminary investigations by agencies such as the Central Bureau of Investigation (CBI) and subsequently initiate prosecution through its Prosecution Wing. This dual authority distinguishes the Lokpal from previous anti-corruption institutions, which were often limited to advisory or investigative roles without direct prosecution capabilities.<sup>16</sup>

The composition of the Lokpal includes a Chairperson who is or has been a Chief Justice of India or a Supreme Court Judge, and up to eight members, half of whom must be judicial members with qualifications similar to the Chairperson, while the other half must have expertise in finance, anti-corruption policy, public administration, or vigilance. This diverse composition aims to ensure both legal expertise and practical experience in addressing corruption issues. The selection process involves a committee comprising the Prime Minister, Speaker of Lok Sabha, Leader of Opposition, Chief Justice of India, and an eminent jurist, designed to ensure political neutrality in appointments.<sup>17</sup>

<sup>13</sup> Chambers and Partners. (2023). Anti-Corruption 2023: India Trends and Developments.

<https://practiceguides.chambers.com/practice-guides/anti-corruption-2025/india/trends-and-developments>

<sup>14</sup> Supra Note 1, Page Number 1.

<sup>15</sup> Supra Note 7, Page Number 3.

<sup>16</sup> Supra Note 4, Page number 2

<sup>17</sup> Supra Note 8, Page number 3

The Lokpal's investigative process begins with the receipt of complaints, which can be filed by any person against the specified public officials for offenses under the Prevention of Corruption Act, 1988. After preliminary scrutiny, the Lokpal decides whether to proceed with a preliminary inquiry or investigation. The Act establishes specific timeframes for completing these processes: the preliminary inquiry must be completed within 60 days (extendable by another 60 days), and investigations must be completed within six months (extendable by six months at a time). These time limits aim to address the chronic problem of delays in corruption investigations, which has often undermined the effectiveness of anti-corruption efforts.<sup>18</sup>

Similarly, the Act provides for the establishment of Lokayuktas at the state level, with structures and powers similar to the Lokpal but within state jurisdictions. However, the Act leaves the specifics of the Lokayuktas' composition, appointment process, and jurisdictional scope to the discretion of the respective state legislatures. This federal approach acknowledges the constitutional division of powers between the central and state governments but has led to significant variations in the implementation of Lokayuktas across states, with some states having more effective institutions than others.

Despite its promising framework, the implementation of the Lokpal and Lokayuktas Act has faced significant challenges. The Lokpal was not operationalized until March 2019, more than five years after the Act's enactment, primarily due to political delays in appointing the selection committee and members. Even after its establishment, the Lokpal has faced constraints related to inadequate staffing, infrastructure, and procedural regulations. Similarly, the implementation of Lokayuktas at the state level has been uneven, with some states either not establishing these institutions or limiting their powers and independence. These challenges highlight the gap between legislative intent and practical implementation in India's anti-corruption framework.<sup>19</sup>

### **Complementary Anti-corruption Legislation in India**

Beyond the Prevention of Corruption Act and the Lokpal and Lokayuktas Act, India has developed several complementary laws that collectively strengthen the country's anti-corruption framework. These laws address specific aspects of corruption, from money laundering to benami (proxy) property holdings, and contribute to a more comprehensive approach to combating corrupt practices. One of the most significant among these is the Prevention of Money Laundering Act, 2002 (PMLA), which criminalizes the process of disguising the illegal origin of proceeds from crime, including corruption. The PMLA established the Financial Intelligence Unit-India (FIU-IND) to collect, analyze, and disseminate information relating to suspect financial transactions and created the Enforcement Directorate with powers to investigate money laundering offenses.<sup>20</sup>

The PMLA has been particularly effective in targeting high-value corruption by enabling authorities to trace, seize, and confiscate assets obtained through corrupt means. The Act defines "scheduled offenses" that can generate "proceeds of crime," which include various corruption-related offenses under the Prevention of Corruption Act. By targeting the financial flows resulting from corruption, the PMLA adds a crucial dimension to anti-corruption efforts, addressing not just the corrupt act itself but also its economic consequences. The Act has been amended several times to expand its scope and enhance its enforcement provisions, reflecting the evolving nature of money laundering techniques.

<sup>18</sup> Supra Note 2, Page Number 2.

<sup>19</sup> Supra Note 13, Page Number 5.

<sup>20</sup> Supra Note 1, Page Number 1.



Another key piece of legislation is the Benami Transactions (Prohibition) Act, 1988, which was substantially amended in 2016 to become the Prohibition of Benami Property Transactions Act. This law targets property transactions where assets are held by one person for the benefit of another, often used to hide illegally acquired wealth, including proceeds from corruption. The amended Act established an Adjudicating Authority, Appellate Tribunal, and special courts for enforcement and created provisions for the confiscation of benami properties. By targeting the common practice of holding corrupt proceeds through proxies, this legislation addresses a crucial mechanism through which corrupt officials conceal their illegal gains.<sup>21</sup>

The Right to Information Act, 2005 (RTI Act) has emerged as one of the most powerful tools in India's anti-corruption arsenal, though it is not primarily an anti-corruption law. By providing citizens with the right to access information held by public authorities, the RTI Act has significantly enhanced transparency in government functioning and exposed numerous instances of corruption and maladministration. The Act has empowered civil society organizations and individual activists to scrutinize government decisions and expenditures, creating a form of public oversight that complements formal anti-corruption institutions.<sup>22</sup>

The Whistle Blowers Protection Act, 2014, though not yet fully operationalized, represents another important element of India's anti-corruption framework. The Act aims to establish a mechanism to receive complaints relating to disclosure of allegations of corruption or willful misuse of power against any public servant, and to provide protection to whistle-blowers from harassment or victimization. Given that fear of reprisal often prevents individuals from reporting corruption, this legislation addresses a critical barrier to effective anti-corruption efforts.

The Companies Act, 2013 contains provisions that indirectly support anti-corruption efforts by enhancing corporate governance standards. Section 177 of the Act requires listed companies to establish a vigilance mechanism for directors and employees to report genuine concerns about unethical behavior, actual or suspected fraud, or violation of the company's code of conduct. This provision creates an internal reporting mechanism that can help identify corrupt practices within the corporate sector, particularly relevant in contexts involving private sector interactions with public officials.<sup>23</sup>

### **Enforcement Mechanisms and Institutional Framework**

The effectiveness of anti-corruption laws depends significantly on the institutions and mechanisms responsible for their enforcement. India has established a multi-layered institutional framework for implementing its anti-corruption laws, combining specialized agencies, oversight bodies, and judicial institutions. The Central Bureau of Investigation (CBI) serves as the premier investigative agency for corruption cases at the national level, particularly those involving central government employees or matters of national importance. Established under the Delhi Special Police Establishment Act, 1946, the CBI's Anti-Corruption Division specifically focuses on investigating offenses under the Prevention of Corruption Act. Despite its central role, the CBI faces jurisdictional limitations, as it requires consent from state governments to investigate cases within their territories, reflecting India's federal structure.<sup>24</sup>

<sup>21</sup> The Benami Transactions (Prohibition) Amendment Act, 2016. (2016). <https://www.indiacode.nic.in/handle/123456789/1558>

<sup>22</sup> Supra Note 4, Page Number 2.

<sup>23</sup> Supra Note 13, Page Number 5.

<sup>24</sup> Supra Note 10, Page Number 4.

The Central Vigilance Commission (CVC) functions as the apex vigilance institution overseeing anti-corruption efforts in the central government. Established in 1964 and granted statutory status in 2003, the CVC supervises vigilance administration, advises central government organizations on planning and implementing anti-corruption measures, and reviews the progress of vigilance applications. The Commission exercises superintendence over the CBI's anti-corruption investigations and can recommend departmental or criminal proceedings against public servants involved in corrupt practices. While the CVC plays a crucial coordinating role, its powers are primarily advisory, limiting its ability to directly enforce anti-corruption measures.<sup>25</sup>

State Anti-Corruption Bureaus (ACBs) handle corruption cases involving state government employees and implement state-level anti-corruption laws. These bureaus operate under the respective state governments and typically investigate offenses under the Prevention of Corruption Act within their jurisdictions. The effectiveness of ACBs varies significantly across states, depending on factors such as operational autonomy, resource allocation, and political interference. In some states, the ACBs have achieved notable successes in prosecuting corrupt officials, while in others, they have been criticized for selective enforcement and susceptibility to political pressure.

The Enforcement Directorate (ED), established under the Department of Revenue, Ministry of Finance, plays a critical role in investigating money laundering cases connected to corruption. Operating under the Prevention of Money Laundering Act, 2002, the ED has the authority to conduct searches, seizures, and attachments of property suspected to be proceeds of crime, including corruption. The agency's focus on the financial aspects of corruption complements the work of other anti-corruption bodies that primarily target the corrupt act itself, creating a more comprehensive enforcement approach.

Special Courts established under the Prevention of Corruption Act are responsible for trying corruption cases, aiming to ensure faster adjudication compared to regular courts. These specialized judicial bodies are staffed by judges with expertise in corruption matters and follow procedures designed to expedite trials without compromising on due process. However, despite these provisions, corruption trials often face significant delays due to factors such as case backlogs, procedural complexities, and resource constraints in the judicial system.

The Lokpal, after its operationalization in 2019, has added another dimension to this institutional framework, with jurisdiction over high-ranking officials and politicians. The Lokpal has the authority to direct preliminary investigations by agencies such as the CBI and subsequently initiate prosecution, potentially addressing concerns about political interference in corruption investigations. However, its effectiveness remains to be fully assessed, given its relatively recent establishment and the limited number of cases it has handled thus far.<sup>26</sup>

Coordination among these various institutions presents a significant challenge for effective anti-corruption enforcement. Overlapping jurisdictions, procedural differences, and sometimes competing priorities can impede cohesive action against corruption. For instance, cases involving both state and central government

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<sup>25</sup> Supra Note 4, Page Number 2.

<sup>26</sup> Supra Note 7, Page Number 3.

employees may face jurisdictional disputes between the CBI and state ACBs. Similarly, investigations by the ED under the PMLA and by anti-corruption agencies under the PCA may proceed in parallel without adequate coordination, potentially leading to duplicated efforts or inconsistent outcomes.

### Judicial Interpretations and Landmark Cases

The judiciary has played a pivotal role in shaping India's anti-corruption legal framework through interpretations that have clarified legislative provisions, established legal principles, and addressed implementation challenges. Landmark judgments by the Supreme Court and High Courts have significantly influenced the application of anti-corruption laws, often extending their scope and enhancing their effectiveness. In the case of *P.V. Narasimha Rao v. State (CBI/SPE)* (1998), the Supreme Court addressed the issue of parliamentary privileges in relation to anti-corruption laws. The court held that Members of Parliament who accept bribes to vote in Parliament are not protected by parliamentary privileges and can be prosecuted under the Prevention of Corruption Act. This judgment established the important principle that constitutional privileges cannot be used as a shield against corruption charges, affirming the broad applicability of anti-corruption laws to all public officials.<sup>27</sup>

The interpretation of "public servant" under the Prevention of Corruption Act has been progressively expanded through judicial decisions. In *Ramesh Gelli v. CBI* (2016), the Supreme Court held that officers of private banks are deemed to be public servants for the purposes of the PCA, as they perform public duty in the form of banking operations regulated by the Reserve Bank of India. This interpretation significantly expanded the reach of anti-corruption laws to include officials in private entities performing public functions, reflecting the increasingly blurred boundaries between public and private sectors in modern governance.<sup>28</sup>

In the landmark judgment of *Vineet Narain v. Union of India* (1998), known as the "Hawala case," the Supreme Court addressed the issue of independent functioning of investigative agencies, particularly the CBI, in corruption cases. The court issued guidelines to ensure the CBI's autonomy from political interference, established oversight mechanisms, and mandated that the CBI Director be appointed through a high-level committee. These "Vineet Narain guidelines" later influenced legislative changes, including the Central Vigilance Commission Act, 2003, and aspects of the Lokpal and Lokayuktas Act, 2013, demonstrating the court's role in driving institutional reforms in anti-corruption governance.<sup>29</sup>

The judiciary has also interpreted the offense of "disproportionate assets" under the Prevention of Corruption Act, establishing standards for determining what constitutes assets disproportionate to known sources of income. In *P. Nallammal v. State* (2000), the Supreme Court clarified that the prosecution must establish that the public servant possessed assets disproportionate to known sources of income, with the burden then shifting to the accused to satisfactorily account for such assets. This interpretation balanced the need for effective

<sup>27</sup> Indian Kanoon. (2023). *P.V. Narasimha Rao v. State (CBI/SPE)* (1998). <https://indiankanoon.org/doc/506831/>

<sup>28</sup> Simranjeet. (2024, March 29). *Chairman, MD, ED, of private banks are public servants: Telangana HC*. SCC Times. <https://www.scconline.com/blog/post/2024/03/29/chairman-md-ed-of-private-banks-are-public-servants-telanganahc-legal-news-scc-times/#:~:text=The%20Court%20relied%20on%20CBI,offences%20under%20the%20PC%20Act.>

<sup>29</sup> Bastian, R. (2024, February 28). "Be you ever so high": A brief history of the Supreme Court's call for impartial agencies. *SCOobserver*. <https://www.scoobserver.in/journal/be-you-ever-so-high-a-brief-history-of-the-supreme-courts-call-for-impartial-agencies/>



prosecution of corruption with the principle of presumption of innocence, providing a framework for addressing one of the most common forms of corruption among public officials.<sup>30</sup>

In *Centre for Public Interest Litigation v. Union of India* (2012), related to the 2G spectrum allocation scandal, the Supreme Court addressed corruption in public resource allocation. The court canceled all 122 spectrum licenses issued in 2008, finding the allocation process arbitrary and unconstitutional. This judgment established that public resources must be allocated through transparent and fair processes, with the objective of maximizing public benefit rather than private gain. The court's intervention in this case demonstrated its willingness to take strong measures against systemic corruption involving high-value public assets.<sup>31</sup>

Regarding the Lokpal legislation, in *Common Cause v. Union of India* (2017), the Supreme Court addressed delays in implementing the Lokpal and Lokayuktas Act, 2013. The court held that the Act was enforceable even without the appointment of a Leader of Opposition in the Lok Sabha (a position that had remained vacant since 2014) and directed the government to make the necessary appointments to operationalize the Lokpal. This judgment reflected the judiciary's role in ensuring the implementation of anti-corruption legislation, particularly when faced with political reluctance.<sup>32</sup>

The judiciary has also played a crucial role in interpreting and applying the Prevention of Money Laundering Act in corruption cases. In *Directorate of Enforcement v. Vakamulla Chandrashekhara* (2018), the Supreme Court addressed the relationship between scheduled offenses under the PCA and money laundering investigations under the PMLA, confirming that proceeds from corruption offenses can be targeted through money laundering prosecutions. This interpretation has facilitated more comprehensive approaches to addressing corruption, targeting both the corrupt act and the resulting financial flows.<sup>33</sup>

## Conclusion

Despite having a comprehensive anti-corruption legal framework, India faces significant challenges in effectively implementing and enforcing these laws. These challenges span institutional, procedural, and systemic dimensions, often undermining the potential impact of anti-corruption legislation. One of the most persistent issues is the problem of delays in investigation and prosecution of corruption cases. The Central Bureau of Investigation, state Anti-Corruption Bureaus, and other investigative agencies often face substantial backlogs, leading to prolonged investigations that can stretch over several years. Similarly, trials in special courts established under the Prevention of Corruption Act frequently experience delays due to procedural complexities, adjournments, and the overall burden on the judicial system. These delays not only reduce the deterrent effect of anti-corruption laws but also undermine public confidence in the legal process.

Political interference in anti-corruption investigations represents another significant challenge. Despite formal autonomy, agencies like the CBI have often been criticized for selective enforcement, with allegations that

<sup>30</sup> P. Nallammal vs State Rep. By Inspector Of Police. (1999, August 9).

[https://hpsvacb.hp.gov.in/storage/app/media/P.\\_Nallammal\\_vs\\_State.pdf](https://hpsvacb.hp.gov.in/storage/app/media/P._Nallammal_vs_State.pdf)

<sup>31</sup> Justice G.S. Singhvi, (2012, February 2). *Digital Supreme Court Reports*. Supreme Court of India.

[[https://digiscr.sci.gov.in/view\\_judgment?id=Nzcx](https://digiscr.sci.gov.in/view_judgment?id=Nzcx)] ([https://digiscr.sci.gov.in/view\\_judgment?id=Nzcx](https://digiscr.sci.gov.in/view_judgment?id=Nzcx))

<sup>32</sup> COMMON CAUSE vs. UNION OF INDIA & ORS. (2018, November 12).

[https://digiscr.sci.gov.in/view\\_judgment?id=NTkwNg==](https://digiscr.sci.gov.in/view_judgment?id=NTkwNg==)

<sup>33</sup> Landmark Judgments on Prevention of Money Laundering Act by the Supreme Court and High Courts in 2022 Part I. (2023, May 18). *SCC Online*. <https://www.sconline.com/blog/post/2023/05/18/landmark-judgments-on-prevention-of-money-laundering-act-by-the-supreme-court-and-high-courts-in-2022-part-i/>

investigations against politically connected individuals are either not pursued vigorously or are used as political tools against opposition figures. The “caged parrot” remark by the Supreme Court in 2013, referring to the CBI’s susceptibility to political influence, highlights this perception of compromised independence. While institutional safeguards such as the Lokpal are designed to address this issue, their effectiveness in practice remains a concern.

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