

Discussing Movement And Measures For Anti-Corruption Law In India

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Abstract

People with less financial resources are doubly threatened by corruption since they are more likely to rely on public services, and have less disposable income to cover the costs of bribery, fraud, and the misuse of economic advantages. The prevalence of corruption in the nation, the types of bribes experienced, and the initiatives taken to ensure compliance are all explored in this research. Corruption's monetary toll, its prevalence across different economic sectors, and the link between lax law enforcement and the phenomenon are all laid bare. What's fascinating about this article is learning about the many methods people use to manipulate data for immediate advantage. As such, this article examined a range of con tricks and social movements. The numerous laws and government strategies that aim to combat corruption are also examined in this article.

Keywords: - Corruption, Law, India, Act, Public

Introduction

We argue that a person or group is corrupting when their behaviors are unlawful, immoral, or at odds with their proclaimed principles. Corruption of backups occurs often. Possible negative consequences include less money being put into public projects and more money being spent privately. The result is a widening chasm between the well-off and the destitute, contributing to rising levels of social inequality.

Corruption is front and center in the minds of the typical Indian citizen, and the word "corruption" is used more often than any other in today's print and electronic media.

Thus, our country has been dubbed "Scamstan," which translates to "land of scams," since con artists are able to work freely across the country.

In India, "corruption" may be the most chanted word, second only to the name of God.

Recently there has been a lot of interest in understanding new ways of 'doing politics' in India. The 2014 general elections and the rise of Bharatiya Janata Party (BJP), it is argued, has ushered in a different style of politics in India, often described as populism (Gudavarthy, 2019; Jayal, 2016).

New approaches of 'doing politics' in India have garnered a lot of attention as of late.

Corruption Laws In India

The Indian Penal Code of 1860 and the Prevention of Corruption Act of 1988 both provide criminal punishments for corrupt public employees. Such trades are prohibited under the Benami Transactions (Prohibition) Act of 1988. Penalties under the 2002 Anti-Money-Laundering Act apply if a public official is found guilty of money laundering. India has joined but not ratified the UN Convention against Corruption since 2005. Several types of corruption are discussed, and strategies for combating them are proposed, in the Convention.

Anti-Corruption Efforts Made In India

- (i) **Right to Information Act:** The Right to Information Act of 2005 mandated the computerization of services and the creation of vigilance commissions, as well as the provision of information sought by residents under penalty of law. This greatly reduced corruption and created space for people to air their frustrations.
- (ii) **Right to public services legislation:** The Right to Public Services Act, which has now been passed in 19 Indian states, guarantees citizens timely delivery of a wide range of government services and includes provisions for penalizing any public official who falls short of these requirements. The goal of Right to Service laws is to make government agencies more open and accountable to the people they serve.

(iii) Anti-corruption laws in India:

- IPC, 1860
- Prevention of Corruption Act, 1988
- Prevention of Money Laundering Act, 2002
- Right to Information Act, 2005
- Central Vigilance Commission Act
- LokAyukta Acts of States etc

A) Indian Penal Code (IPC)-Relevant Provisions

Dishonest misappropriation of property whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. (Section 403)

B) Prevention of Corruption Act, 1988

- Scheme-31 Sections
- Object: to consolidate and amend the law relating to the prevention of corruption and for matters connected therewith.
- Applicability: to Public Servants
- S.3. Power of State/Central governments to appoint special Judges (not below the rank of an Assistant Session Judge - a special Judge shall, as far as practicable, hold the trial of an offence on day-to-day basis)

C) The Prevention of Money Laundering Act, 2002

Offence of Money-Laundering " Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money laundering." [Section 3]

D) The Andhra Pradesh Lokayukta And Upa-Lokayukta Act, 1983

- An Act to provide for the appointment and functions of the Lokayukta and Upa-Lokayukta to investigate Administrative action taken by or on behalf of the Government of Andhra Pradesh or certain Local and Public Authorities in the State of Andhra Pradesh (including any omission and commission in connection with or arising out of such action) in certain cases and for matters connected therewith..
- Scheme : 22 Sections

e) The central Vigilance Commission Act 2003

- Formed in February 1964 to combat government corruption after a committee led by Shri K. Santhanam recommended it.
- Does not conduct its own investigations; instead, it relies on the Central Bureau of Investigation and the Departmental Chief Vigilance Officers [with the exception of the CVC's examination of government-run civil works, which is handled by the Chief Technical Officer].0020
- Led by a Central Vigilance Commissioner and supported by two more Vigilance Commissioners
- Members of the All India Services engaged in Union business and gazetted officials of the Central Government fall within the purview of the Commission established under the Central Vigilance Commission Act.

f) The RTI Act 2005

- The preamble of the Right to Information Act highlights –
- Containing corruption,
- Improving transparency; and
- Making servants accountable by empowering citizens to get information.

Key Features Of The Acts Related To Corruption

Indian Penal Code, 1860:

- In the Indian Penal Code (IPC), a "public servant" refers to anybody working for the government, including members of the armed forces, police, judges, and other members of the judicial system.
- Buying or bidding on property illegally is the focus of Section 169, which applies to public servants. The public worker may be sentenced to up to two years in jail, a fine of up to \$10,000, or both. A purchase of the property will result in its confiscation.
- Criminal trust violations by public officials are addressed under Section 409. The public worker will spend the rest of his or her life in jail, or face up to 10 years in prison and a fine.

The Prevention of Corruption Act, 1988

- Included in the concept of "public servant" are not just those listed in the IPC, but also those working for government-funded colleges, the Public Service Commission, and banks?
- A public worker faces a minimum of six months in prison and a maximum of five years in prison and a fine if he accepts any kind of reward in addition to his lawful salary for an official act or to influence public employees. Taking unlawful bribes or using improper personal influence on another public official are likewise punishable under the Act.

- Accepting anything of value from someone with whom one does business in one's official position without paying for it or paying poorly is punishable by a minimum of six months in prison and a maximum of five years in prison and a fine.
- To file charges against a public official, you must first get permission from the federal or state government.

The Benami Transactions (Prohibition) Act, 1988

- Except in the case when a person buys property in his wife's or unmarried daughter's name, benami transactions (purchasing property in the fake name of another person who does not pay for the property) are prohibited under the Act.
- Benami properties may be taken by the appropriate government without compensation if necessary.
- Anyone engaging in a benami transaction is subject to a fine and/or imprisonment of up to three years, or both.

Conclusion

There is a much better grasp today of the extent to which corruption is a symptom of fundamental institutional weaknesses. Instead of tackling such a symptom with narrow intervention designed to “eliminate” it, increasingly it is understood that the approach ought to address a broad set of fundamental institutional determinants.

However, the challenge of integrating this understanding with participatory process has barely begun.

The implementation of institutional reforms can benefit significantly from the participatory process that is being developed for anti-corruption activities.

Equally important, any participatory process, however sophisticated, ought to lead to concrete results beyond enhanced participation and heightened awareness.

- The laws are plenty to tackle corruption.
- Corruption-the result of unholy alliance between Netas (Politicians), Babus (Bureaucrats), Dadas (People with muscle power), and Lalas (Businessmen).
- In today's globalized, democratized, informative world, incorruptible governments can be constructed only using incorruptible citizens as their bricks and mortar.
- Are our social, economic, political and spiritual systems producing such incorruptible citizens?
- Please respect the law and more importantly the anticorruption laws.

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