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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **CHALLENGES TO THE INVESTIGATION AND PROSECUTION OF CORRUPTION CASES IN INDIA**

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## **ABSTRACT:**

The investigation and prosecution of corruption cases in India faces several challenges, which impede the effective implementation of anti-corruption laws and undermine public confidence in the legal system. Despite strong laws such as the Prevention of Corruption Act, 1988, and the Central Bureau of Investigation (CBI), Anti-Corruption Bureau (ACB), and Enforcement Directorate (ED), the country grapples with widespread corruption at multiple levels of governance. This paper explores the key challenges faced by law enforcement agencies and prosecutors in India in addressing corruption. These include political interference, institutional inefficiency, insufficient evidence, slow judicial processes, and limited protection for whistleblowers and witnesses, often leading to lengthy trials and low conviction rates. By evaluating case studies and examining the corruption cases in India. The major purpose of this paper is to identify the challenges that hinder the reporting, investigation, and prosecution of corruption cases in India, emphasizing strengthening institutional independence, improving the legal framework, and ensuring greater accountability in both the public and private sectors. Ultimately, the paper seeks to contribute to the ongoing discourse on fighting corruption in India by highlighting the need for systemic reforms to ensure justice and promote transparency.

**KEYWORDS:** Corruption, Investigation, Prosecution, Whistleblower Protection, Institutional Independence, Transparency in Governance

## RESEARCH PROBLEM:

Despite various anti-corruption laws and agencies in India, the effective investigation and prosecution of corruption cases remain a major challenge. Legal loopholes, procedural delays, political interference, lack of institutional autonomy, and weak enforcement mechanisms hinder the conviction of offenders. Additionally, the slow judicial process and difficulties in gathering admissible evidence further weaken anti-corruption efforts. This research seeks to identify these challenges and propose reforms to enhance the efficiency and effectiveness of corruption investigations and prosecutions in India.

## INTRODUCTION:

**“Until justice systems punish wrongdoing and keep governments in check, corruption will continue to grow. Leaders must guarantee the independence of institutions that uphold the rule of law and fight corruption. It's time to end the impunity for corruption.”<sup>1</sup>**

Corruption is one of India's most pressing governance challenges, affecting economic growth, public administration, and democratic accountability. It distorts policy-making, weakens institutions, and undermines the rule of law, leading to a decline in public trust. Despite the existence of a comprehensive legal and institutional framework to combat corruption, including the Prevention of Corruption Act of 1988, the Lokpal and Lokayuktas Act of 2013, and various other anti-corruption mechanisms, the investigation and prosecution of corruption cases continue to face significant hurdles. The challenges to effectively addressing corruption in India stem from multiple factors, including systemic inefficiencies, procedural delays, political interference, weak enforcement mechanisms, and a lack of coordination among investigative agencies. One of the primary issues is the slow pace of investigations and trials, often exacerbated by judicial backlogs. Corruption cases, especially those involving high-ranking officials or politically influential individuals, frequently encounter delays due to procedural loopholes, legal technicalities, and protracted litigation. Another critical challenge is the difficulty in gathering admissible evidence. Corruption cases often involve complex financial transactions, money laundering, and offshore accounts, making it challenging to trace illicit funds and establish a direct link between the accused and corrupt practices. The lack of whistleblower protection and fear of retaliation further discourage witnesses from coming forward, weakening the prosecution's case. Moreover, the forensic and technological

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<sup>1</sup> <https://www.transparency.org/en/cpi/2023>



capabilities of investigative agencies, while improving, are still inadequate in handling sophisticated financial crimes.

The multiplicity of agencies tasked with investigating corruption, such as the Central Bureau of Investigation (CBI), Central Vigilance Commission (CVC), Enforcement Directorate (ED), and state-level Anti-Corruption Bureaus, often leads to jurisdictional conflicts, bureaucratic delays, and inefficiencies in coordination. Political and executive influence over these agencies further hampers their autonomy and effectiveness, leading to selective or biased investigations. In some instances, corruption cases are used as tools for political vendetta rather than for genuine enforcement of the law. Despite various legal reforms and judicial interventions aimed at strengthening anti-corruption measures, significant gaps remain in ensuring swift and effective prosecution. Landmark cases such as the 2G spectrum scam, Commonwealth Games scam, and coal block allocation scam have highlighted both the strengths and weaknesses of India's anti-corruption mechanisms. While these cases brought attention to large-scale corruption and resulted in some high-profile convictions, they also exposed the procedural delays and limitations of the justice system.

This paper analyses the key challenges in investigating and prosecuting corruption cases in India, examining their legal, procedural, and institutional dimensions. It also explores potential reforms that could enhance the effectiveness of anti-corruption efforts, such as judicial reforms, improved investigative mechanisms, enhanced whistleblower protection, and greater independence of anti-corruption bodies. By addressing these challenges, India can move towards a more transparent and accountable governance system, strengthening public confidence in its institutions and the rule of law.

Corruption is dishonest behaviour by those in positions of power. Those who abuse their power may be individuals or they may belong to organizations, such as businesses or governments. Corruption can entail a variety of actions, including giving or accepting bribes or inappropriate gifts, double-dealing, and defrauding investors. Corruption happens when one abuses power entrusted to them for personal gain. This misuse of power erodes the trust between two or more parties and makes a democracy weak. Not only that, but corruption can also hinder the economic growth of a nation and aggravate poverty and inequality. It is essential to understand how corruption works to be exposed, and the corrupt can be held responsible for creating a corrupt system.

Corruption in India is a pervasive and deeply ingrained issue that hampers the country's development, erodes public trust in government institutions, and undermines the rule of law. Corruption manifests in various forms, including bribery, embezzlement, favouritism, and abuse of power by public officials, politicians, and corporate entities. While corruption affects all sectors, it is particularly prevalent in government functions and public administration, often involving high-ranking officials and politicians. As a result, India faces significant challenges in addressing and curbing corruption.

Corruption has been defined as an abuse of public power for private gain. Corruption can be political and bureaucratic. In India, the disunion between political and bureaucratic corruption is challenging due to the blurred lines between politics and administration, Corruption remains a major challenge in India despite various laws and initiatives. The Indian Penal Code, Prevention of Corruption Act, and Money Laundering Act aim to punish bribery and misuse of power by public servants. The Lokpal and Lokayuktas Act establishes investigative bodies, while the Whistleblower Protection Act safeguards those reporting corruption. Transparency measures like Right to Information and Government e-Marketplace (GeM) are to reduce opportunities for corrupt practices. India also participates in international efforts like the UN Convention against Corruption. However, effective implementation and better wages for civil servants are crucial; public awareness and participation through social audits are essential for holding the government accountable. Despite these efforts, the effectiveness of these mechanisms has been questioned due to several challenges in both investigation and prosecution.

### **MEANING AND DEFINITION OF CORRUPTION:**

Corruption involves not only the abuse of public office, but also the abuse of power and influence vested in a person as a result of holding a political office, holding an influential role in a corporation, or having personal wealth or access to significant resources, or of having elevated social standing.

1. According to the Oxford Advanced Learner's Dictionary, "Corruption is dishonest or illegal behaviour, especially of people in authority."
2. According to Black's Law Dictionary, "Corruption means an evil and fraudulent intention to evade the prohibitions of law." An act of an officer or fiduciary who

unlawfully and wrongfully uses his office or character to obtain some advantage for himself or another person, contrary to duty and the rights of others.<sup>2</sup>

3. Dr. According to Pinayur Ramnath Iyer- “Corruption is contrary to some law, prohibited by some law, it is an official duty and is an act or intent to obtain a benefit inconsistent with the right of another.”<sup>3</sup>
4. Corruption is wrongdoing by an authority or powerful party through means that are illegitimate, immoral, or incompatible with ethical standards. It is often rooted in patronage and is associated with bribery.

## **IMPORTANCE OF INVESTIGATION AND PROSECUTION IN CORRUPTION CASES:**

Investigating and prosecuting cases of corruption is important to deter corrupt behaviour, uphold the rule of law, maintain public trust in institutions, and ensure accountability by holding perpetrators accountable, which ultimately contributes to a fairer and more just society. Corruption cannot be controlled without proper investigation and prosecution, which can undermine economic growth and social progress.

Investigations of corruption cases have become increasingly complex in recent years. The challenges inherent in the investigation of complex corruption schemes have required the use of specialized experts and professionals to trace assets, identify the individuals and private sector entities responsible, and analyse complex financial transactions, often with a need to resort to special investigative techniques such as undercover operations and cybercrime-based investigations. While the deployment of traditional investigative approaches, including having access to open source and government-held information, interviewing witnesses, and conducting searches and seizures, often proves effective for investigating many forms of corruption, more complex cases involving the gathering of financial information and the capacity to trace, identify, freeze and confiscate illicit gains have proved more challenging. The particular challenges in such transnational corruption cases often include tracing criminal proceeds, identifying suspect entities and individuals, including beneficial owners, and facilitating the efficient sharing of intelligence and evidence across borders to ensure successful investigation and prosecution. Many countries face significant challenges in

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<sup>2</sup> S.K.P. Srinivas(advocate), Anti-corruption laws in India, page no.169, Premier Publishing Company-2019

<sup>3</sup> Vide, P. Ramanathan Aiyar, The Law Lexicon, (2010)

investigating complex corruption cases, owing not only to limited resources but also a lack of capacity and strong, independent institutions to take charge of corruption investigations. Criminal investigations are also often hindered by challenges associated with the tracing, identification, freezing, seizing, and forfeiture of criminal proceeds, which are often held internationally. Individuals involved in corruption will often go to great lengths to hide their ill-gotten gains and, as a result, investigators need to be well equipped with the latest technological tools and expertise for tracing criminal assets, securing appropriate seizure orders, and ensuring the return of stolen assets to the countries of origin.

The United Nations Convention against Corruption is the globally accepted framework for the prevention, detection, and investigation of corruption, including international cooperation in that regard, and requires the criminalization of corrupt conduct, as well as the recovery and return of criminal assets. As the only universal, legally binding anti-corruption framework, the Convention contains mandatory provisions that require States parties to develop and strengthen their legislative and policy framework, institutional capacity, and law enforcement operations.<sup>4</sup>

### **1. Upholding the Rule of Law**

Investigation and prosecution play a crucial role in ensuring that corruption cases are dealt with fairly and efficiently. A robust legal system that effectively investigates and prosecutes corruption enhances public trust in governance and the judiciary.

### **1. Deterrence Against Corruption**

The fear of being investigated and prosecuted serves as a deterrent for public officials and private entities engaging in corrupt activities. Swift and stringent action discourages future corruption, creating a more transparent system. By actively pursuing and punishing corrupt officials, it sends a strong message that corruption will not be tolerated, discouraging others from engaging in similar activities.

### **2. Strengthening Democratic Institutions**

Corruption weakens democratic institutions by promoting nepotism, favouritism, and cronyism. Effective investigation and prosecution ensure that institutions function without undue influence, thereby strengthening democracy and good governance.

### **5. Ensuring Accountability and Transparency**

Investigation agencies and courts act as watchdogs to hold public officials and private

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<sup>4</sup> United Nations Office on Drugs and Crime- Practical Guide on the Investigation of Corruption Cases

individuals accountable. Prosecuting corruption cases sends a strong message that no one is above the law, promoting a culture of accountability.

#### **6. Economic and Social Development**

Corruption leads to financial losses for the government, misallocation of resources, and economic inefficiency. Effective legal action against corruption fosters economic growth by ensuring that public funds are used for their intended purposes, such as infrastructure, healthcare, and education. Corruption can hinder economic growth by discouraging investment and distorting market mechanisms; robust anti-corruption measures can promote a more stable business environment.

#### **7. Enhancing Public Trust in Government and Judiciary**

When citizens see that authorities are actively investigating and prosecuting corruption, it builds trust in the system and encourages them to report suspicious activity. When corruption cases are thoroughly investigated and prosecuted without political interference, public confidence in the justice system increases. This, in turn, strengthens the legitimacy of governance and law enforcement institutions.

#### **8. International Commitments and Reputation**

India is a signatory to various international treaties like the **United Nations Convention Against Corruption (UNCAC)** and is obligated to take strong measures against corruption. A weak investigation and prosecution system can harm India's global reputation and affect international trade and relations.

#### **9. Preventing the Abuse of Power**

Corruption enables the abuse of power, which leads to inequality and injustice. By effectively prosecuting corrupt officials, the legal system ensures that power is not misused for personal gain at the expense of the public.

#### **10. Reducing Crime and Organized Corruption Networks**

Corruption often facilitates other crimes, such as money laundering, fraud, and human rights violations. A well-functioning investigation and prosecution system disrupts criminal networks that thrive on corruption.

#### **11. Promoting Legal and Policy Reforms**

High-profile corruption cases often expose loopholes in existing laws and policies. Effective prosecution highlights the need for legal reforms, resulting in stronger anti-corruption laws and improved governance mechanisms.<sup>5</sup>

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<sup>5</sup> Combating Corruption in India – Arvind Varma and Ramesh Sharma (2018)

## REVIEW OF LITERATURE:

- ⇒ **DR. J.N. PANDEY (2015) CONSTITUTIONAL LAW OF INDIA:** In this book, these provisions include Articles 32 and 226 of the Constitution, which allow for writs such as habeas corpus, mandamus, and certiorari. The codified laws additionally provide statutory and legal provisions against corruption, and provisions include Articles 148 to 151 of the Constitution Office of the Comptroller and Auditor General (CAG) was established to control money and economic offenses.<sup>6</sup>
- ⇒ **Mulla's (2025) The Bhartiya Nyaya Sanhita, 2023:** This book contains provisions on crimes committed in the whole of India and their punishment. The BNS aims to ensure that elections and governmental functions are free from corruption. The sections on bribery and organized crime help to achieve this goal by making it clear that these activities are illegal and by establishing penalties for those who commit them. Chapter XII: Covers offenses by or relating to public servants.<sup>7</sup>
- ⇒ **Combating Corruption in India – Arvind Varma and Ramesh Sharma (2018):** This Book provides a comprehensive analysis of corruption in India. The Prevention of Corruption Act, 1988 contains fully annotated parameters and instruments.
- ⇒ **THE PREVENTION OF CORRUPTION ACT, 1988- P.V. Ramakrishna and P.V.K. Ramana Prasad (2005-06):** In this book, the present book discusses the laws and rules framed by the Central Government to prevent corruption offenses. In which the government has made strict provisions for punishment in the country of India to prevent corruption and white-collar crime.

## OBJECTIVE:

1. To analyze the major legal, institutional, and procedural challenges in investigating and prosecuting corruption cases in India.
2. To determine the effectiveness of India's anti-corruption agencies (such as the CBI, Lokpal, and Vigilance Commission) in handling corruption cases.
3. To evaluate the impact of judicial delays and legal loopholes on the conviction rates in corruption cases.
4. To identify challenges in evidence collection, witness protection, and case admissibility in corruption trials.

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<sup>6</sup> Dr. J.N. Pandey's Constitutional Law of India, 52nd Edition

<sup>7</sup> Mulla's, The Bhartiya Nyaya Sanhita, 2023, 2025 Edition

5. To propose policy and legal reforms to improve the efficiency and effectiveness of corruption investigations and prosecutions in India.

## **CHALLENGES IN INVESTIGATING AND PROSECUTING CORRUPTION CASES:**

The investigation is a critical stage in the criminal justice system, as it lays the foundation for a successful prosecution and a fair trial. Governed primarily by the Code of Criminal Procedure (CrPC), 1973, the investigation process involves collecting evidence, examining witnesses, and establishing a prima facie case against the accused. It requires precision, impartiality, and adherence to due process. However, despite a robust legal framework, investigations in India are often plagued by systemic, procedural, and operational challenges that compromise the integrity and efficiency of the criminal justice system.

### **(1) Evidence Gathering:**

Corruption often occurs in secret, making it difficult to gather substantial evidence to support a conviction. Unlike the crime of murder, investigators do not have the opportunity to mount a crime scene investigation, instead, investigators are required to do a money-trailing investigation and compile documentary evidence to support their cases. Therefore, the analysis of documentary evidence such as bank accounts, contract agreements, phone records, log books, etc., is important to build up the case which will eventually result in a successful conviction. This requires expertise and additional efforts by anti-corruption officers. In this regard, the Bureau has over the years invested in creating specialized officers with computer, accounting, and legal backgrounds. The officers are tasked to make an analysis of bank accounts or payment vouchers relating to corruption that has already been committed. These officers are also tasked to extract evidence or records stored in a computer or database to be used as corroborating evidence. Officers with legal backgrounds are also required to study special conditions imposed on contract agreements and legal documents about the case being investigated when required. The Bureau also placed great importance on the ability to obtain evidence stored in electronic devices such as mobile phones and computers. The Bureau has continuously trained officers to keep them up to date with the latest developments in technology and how to acquire evidence from electronic devices legally and professionally. This also includes the ability to digitize hard copy evidence, and this has proven to assist investigating officers in saving a lot of time sifting through

the evidence as the information has been streamlined and focused on the chain of events. This has also enabled investigators to make better presentations to the Prosecutors before the case is brought to court for prosecution.

**(2) Political Interference:**

Powerful individuals may attempt to obstruct investigations or influence prosecutions due to their political connections. Political interference in the law enforcement process can result in a slowdown or even deviation from the proper objectives of law enforcement, especially if political objectives become more dominant than the objectives of justice and accountability. The independence of law enforcement agencies is the main pillar in ensuring that criminal acts of corruption are thoroughly investigated and appropriate punishments are given. However, political interference can hinder this independence. Political pressure or intervention can lead to the postponement of cases, selective choices in who will be investigated or given leniency, as well as compromising integrity and objectivity in efforts to eradicate corruption. When law enforcement actions against corruption are influenced by political considerations, this not only undermines efforts to eradicate corrupt practices but also creates an image of weak law enforcement and justice in the eyes of the public. Communities can lose faith in the ability of the legal system to provide justice regardless of political position or influence.

**(3) Witness Protection:**

Witnesses in corruption cases may face intimidation and retaliation, requiring robust witness protection programs. Witness protection is a critical challenge in the investigation and prosecution of corruption cases in India. Witnesses, including whistleblowers, often face intimidation, threats, harassment, or even physical harm, discouraging them from testifying against powerful individuals involved in corruption. The lack of a strong witness protection mechanism weakens investigations, leads to hostile witnesses, and results in case failures. In many corruption cases, witnesses face pressure from influential politicians, bureaucrats, or corporate entities to change their statements or withdraw from the case.

- **Lack of an Effective Witness Protection Mechanism-** India enacted the Witness Protection Scheme in 2018, under the Supreme Court's direction in *Mahender Chawla v. Union of India (2018)*. However, its implementation remains weak. The scheme provides for identity protection, relocation, and



financial assistance, but it lacks legal backing and depends on state governments for enforcement.

- **Fear of Retaliation Against Whistleblowers** - The Whistle Blowers Protection Act, 2014, was enacted to safeguard those who expose corruption, but it is poorly implemented. Several whistleblowers have faced attacks, false cases, job termination, or even assassinations for exposing corruption. Example: The murders of whistleblowers like Satyendra Dubey (NHAI scam) and Narendra Kumar (mining mafia case) highlight the dangers faced by those exposing corruption.

#### **(4) Strong Legal Framework:**

Clear and comprehensive anti-corruption laws with adequate penalties to deter corrupt behaviour. While India has several anti-corruption laws, gaps in the legal framework weaken investigations and prosecutions. Loopholes, delays, and ineffective implementation allow corrupt officials and politicians to evade justice. Loopholes in the Prevention of Corruption Act (PCA), 1988. The PCA (Amended 2018) introduced prior government approval for investigating senior officials, delaying probes. The amendment narrowed the definition of corruption, making it harder to prosecute cases of misappropriation and abuse of power. Bribe-givers were criminalized without sufficient safeguards for coercion cases, discouraging whistleblowers. Corruption trials often take years or even decades due to procedural delays and legal loopholes. Overlapping powers between the CBI, ED, CVC, Lokpal, and state Anti-Corruption Bureaus (ACBs) create confusion and delays in investigations.

#### **(5) Transparency and Accountability:**

Public disclosure of investigations and prosecutorial decisions to enhance transparency and public trust. Transparency and accountability are critical in investigating corruption cases, but the lack of both in India often undermines the integrity of anti-corruption efforts. Corruption thrives in environments where government actions are opaque and agencies are not held accountable for their actions, which allows influence and bias to creep into investigations.

### **LEGISLATIVE APPROACH:**

#### **(a) Constitutional provisions:**

The Prevention of Corruption Act of 1988 is based on constitutional provisions that protect

citizens against corruption. These provisions include Articles 32 and 226 of the Constitution, which allow for writs such as habeas corpus, mandamus, and certiorari. The codified laws additionally provide statutory and legal provisions against corruption. The provision of Writ Jurisdiction is also included in the supreme law, namely the Constitution. The Office of the Comptroller and Auditor General (CAG) was established to control money and economic offenses; in addition, there are authorities at the Central and state levels such as the Central Vigilance Commission, the Committee on Parliament Accounts, the Central Bureau of Investigation (CBI), and the Anti-Corruption Bureau of State (ACBS).

Article 311 of the Indian Constitution protects civil servants from arbitrary dismissal or demotion, including in cases related to corruption, by requiring a proper inquiry where the accused is informed of charges and given a reasonable opportunity to defend themselves before any disciplinary action is taken; essentially acting as a safeguard against arbitrary removal from service even when corruption allegations exist, ensuring due process is followed.<sup>8</sup>

#### **(b) Legal provisions:**

##### **1) Prevention of Corruption Act, 1988**

The Prevention of Corruption Act of 1988 is an Act of the Parliament of India enacted to combat corruption in government agencies and public sector businesses in India. The Prevention of Corruption Act 1988 was enacted on 9 September 1988.<sup>9</sup>

##### **2) The Bhartiya Nyaya Sanhita, 2023**

Before the PCA Act, in India, provisions were followed under the Indian Penal Code 1860 to combat corruption as a serious crime and to punish the accused, which The Bhartiya Nyaya Sanhita, 2023, has now replaced.

The Bhartiya Nyaya Sanhita (BNS) has multiple sections that address corruption, including bribery, organized crime, and offenses relating to public servants. Section 170 Covers bribery in elections and public duties, including offering or accepting bribes to influence decision-making, Section 173 Deals with the punishment for bribery, including imprisonment, fines, or both Organized crime, Section 111: Defines "proceeds of any organized crime" as any property

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<sup>8</sup> Dr.J.N. Pandey's Constitutional Law of India, 52nd Edition

<sup>9</sup> THE PREVENTION OF CORRUPTION ACT,1988- P.V. Ramakrishna and P.V.K. Ramana Prasad (2005-06)

obtained from organized crime, including cash public servants and Chapter XII: Covers offenses by or relating to public servants.<sup>10</sup>

### 3) Other Legal provisions for anti-corruption laws include:

- **Prevention of Corruption Act, 1988 (Amended 2018)** – Defines bribery, criminal misconduct, and penalties for corruption.
- **Lokpal and Lokayuktas Act, 2013** – Establishes independent anti-corruption bodies at the national and state levels.
- **Whistle Blowers Protection Act, 2014** – Provides safeguards for individuals reporting corruption.
- **Prevention of Money Laundering Act (PMLA), 2002** – Addresses financial crimes related to corruption.
- **Right to Information (RTI) Act, 2005** – Enhances transparency in governance.

### INSTITUTIONAL FRAMEWORK:

India has multiple agencies to combat corruption:

- **Central Bureau of Investigation (CBI)** – Investigates high-profile corruption cases but faces jurisdictional restrictions and political interference.
- **Central Vigilance Commission (CVC)** – Supervises vigilance cases but lacks prosecutorial powers.
- **Enforcement Directorate (ED)** – Investigates financial crimes under PMLA, often criticized for selective enforcement.
- **Lokpal and Lokayuktas** – Independent oversight bodies to address complaints against public officials.

### JUDICIAL APPROACH:

The Supreme Court of India has addressed various challenges in the investigation and prosecution of corruption cases through several landmark judgments. Notable cases include:

1. **Subramanian Swamy vs. Director, Central Bureau of Investigation & Anr. (2014):**<sup>11</sup>

<sup>10</sup> Mulla's (2025) The Bhartiya Nyaya Sanhita, 2023

<sup>11</sup>Subramanian Swamy vs. Director, Central Bureau of Investigation & Anr. [2014] 6 S.C.R. 873

- **Facts:** This case challenged the "single directive" provision, which mandated prior government approval before investigating corruption charges against senior officials (Joint Secretary level and above).
  - **Judgment:** The Supreme Court declared the provision unconstitutional, emphasizing that such protections could shield corrupt practices and impede effective investigation.
2. **Coal Block Allocation Scam (2012):**<sup>12</sup>
- **Facts:** Allegations arose concerning the arbitrary and non-transparent allocation of coal blocks, leading to significant losses to the public exchequer.
  - **Judgment:** The Supreme Court scrutinized the allocation process, leading to the cancellation of 214 coal block allocations. The Court highlighted the necessity for transparency and fairness in governmental decisions, addressing systemic issues in resource allocation.
3. **Arvind Kejriwal's Bail in Alleged Liquor Policy Scam (2024):**<sup>13</sup>
- **Facts:** Delhi Chief Minister Arvind Kejriwal was arrested in March 2024 over alleged irregularities in Delhi's liquor policy, shortly before national elections. He and his party, the Aam Aadmi Party (AAP), denied the charges, claiming they were politically motivated.
  - **Judgment:** In September 2024, the Supreme Court granted bail to Kejriwal after nearly six months of detention, emphasizing the importance of individual liberty and questioning the justification for prolonged incarceration, especially when the trial's conclusion was not imminent.

## CONCLUSION

The crime of corruption is becoming more complex and sophisticated. Anti-corruption agencies need to strive to always be steps ahead by continuously raising the bar to improve the quality of investigation through capacity building. In addition, there is a need to review the existing laws and legislation in order to overcome the loopholes created by the changing trends of corrupt practices that are taking place. Brunei Darussalam has adopted a holistic and continuous approach by the country's strong political will to prevent corruption. The overall approach involves the mobilization and cooperation of all sectors of the government, the

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<sup>12</sup> Manohar Lal Sharma vs. Principal Secretary & Ors. [2014] 12 S.C.R. 110

<sup>13</sup> <https://www.scobserver.in/journal/arvind-kejriwals-bail-in-cbi-case-judgement-summary/>

private sector, as well as members of the society. Every component or sector needs to engage in collective action and needs to do its part in promoting the cohesiveness of the overall anti-corruption effort in Brunei Darussalam.

### **SUGGESTIONS:**

To address the challenges in investigating and prosecuting corruption cases in India, several reforms are necessary to enhance the efficiency, transparency, and accountability of the system. First, **greater autonomy** must be granted to key anti-corruption agencies like the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED) to reduce political interference. These agencies should be insulated from political pressures, and their appointments should be made through an independent and transparent process to ensure impartiality. Second, the **requirement of prior sanction** from the government for prosecuting public officials under the Prevention of Corruption Act should be abolished, allowing for quicker and more efficient investigations. Third, the **establishment of fast-track courts** dedicated solely to corruption cases would expedite trials and help reduce the backlog of cases, ensuring timely justice. Furthermore, **witness protection mechanisms** must be strengthened to safeguard those who come forward with crucial information. The Witness Protection Scheme, though introduced in 2018, should be given legal backing and resources for proper implementation. In addition, the **Whistleblowers Protection Act** needs to be made more robust to provide real security to individuals exposing corruption. Lastly, **greater coordination** among different agencies involved in corruption investigations should be encouraged to eliminate jurisdictional conflicts and streamline the investigative process. These reforms, when implemented effectively, would improve the **overall legal and institutional framework**, making it more conducive to tackling corruption and ensuring that justice is served without fear or Favor.

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