

A critical study of Anti-Corruption Law in India with a special reference to Anti-Corruption Bureau, Faridabad

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ABSTRACT

This study critically examines the framework of anti-corruption law in India, with a special focus on the functioning of the Anti-Corruption Bureau (ACB), Faridabad. It explores the historical evolution of anti-corruption statutes including the Prevention of Corruption Act, 1988; the Lokpal and Lokayuktas Act, 2013; and related institutional mechanisms such as the Central Vigilance Commission and the Whistle Blowers Protection Act. By analyzing real-world case studies from Faridabad, the research assesses the effectiveness of the ACB in handling corruption-related cases. Through a literature-informed lens, it addresses the limitations of existing strategies such as delays in prosecution, political interference, and resource constraints. The paper also incorporates theoretical insights on systemic corruption, digital tools, educational outreach, and public engagement. Findings suggest that legal frameworks, while robust on paper, require stronger institutional independence and public participation to be effective. The study recommends structural reforms and multi-institutional collaboration to improve anti-corruption enforcement at the grassroots level.

Keywords: Anti-Corruption Law, Prevention of Corruption Act, Anti-Corruption Bureau (ACB), Systemic Corruption, Faridabad

1. INTRODUCTION

Corruption has long been recognized as a serious threat to democratic governance, the rule of law, and socio-economic development. It compromises the integrity of public institutions, distorts policy-making, and undermines public confidence in governance structures. In India, the problem of corruption is not merely administrative but systemic and deep-rooted, affecting every tier of the governmental hierarchy. This necessitates a comprehensive and robust legal framework to counteract corrupt practices and uphold the principles of transparency, accountability, and integrity. Over the years, the Indian legal system has evolved several legislative measures to combat corruption. Among the most prominent are the Prevention of Corruption Act, 1988 (Act No. 49 of 1988), the Lokpal and Lokayuktas Act, 2013 (Act No. 1 of 2014), and relevant provisions under the Indian Penal Code, 1860, particularly Sections 7, 8, 9, 10, 11, 12, 13, and 14 of the PCA, as amended by the Prevention of Corruption (Amendment) Act, 2018. Other notable legislative instruments include the Central Vigilance Commission Act, 2003, and the Whistle Blowers Protection Act, 2014.

1.1 Conceptual Framework and Definition of Corruption

The term "corruption" lacks a universal definition and may vary across legal, sociological, and ethical dimensions. However, in legal parlance, corruption generally refers to the abuse of entrusted power for private gain. According to Section 7 of the Prevention of Corruption Act, 1988, corruption includes an act of public servant obtaining any undue advantage with an intention to perform or forbear from performing any official act. The Act broadens the concept of "undue advantage," replacing earlier terms like "gratification." Internationally, the United Nations Convention against Corruption (UNCAC), which India ratified in 2011, provides a comprehensive definition that includes bribery, embezzlement, illicit enrichment, trading in influence, and obstruction of justice.

1.2 Need for a Focused Study on ACB Faridabad

While anti-corruption laws exist at the national level, their implementation and effectiveness vary significantly across states. Haryana, being a state with considerable industrial and urban development, has witnessed increasing complaints of corruption. The Anti-Corruption Bureau (ACB), Faridabad, functions under the Haryana State Vigilance Department, and is primarily responsible for investigating offences under the PCA.

Faridabad, a part of the National Capital Region (NCR), is a rapidly growing industrial city with a complex administrative and socio-political structure. A focused study on the working of ACB Faridabad can help understand how anti-corruption laws are being enforced at the grassroots level, and what institutional or procedural reforms may be necessary.

1.3 Anti-Corruption Laws in India

Prevention of Corruption Act, 1988

- Amended by the *Prevention of Corruption (Amendment) Act, 2018*
- Key Sections:
 - **Section 7** – Public servant taking gratification
 - **Section 8 to 10** – Taking gratification by persons other than public servants
 - **Section 11** – Public servant obtaining valuable thing without consideration
 - **Section 13(1)(a)-(d)** – Criminal misconduct by public servant
 - **Section 13(1)(e)** – Disproportionate assets
 - **Section 17** – Powers of investigation
 - **Section 17A** – Prior sanction for investigation against public servants
 - **Section 19** – Previous sanction for prosecution

Lokpal and Lokayuktas Act, 2013

- Establishes Lokpal (Centre) and Lokayuktas (States)
- Covers high-ranking officials including PM, MPs, and senior bureaucrats

Central Vigilance Commission Act, 2003

- Statutory status to CVC as apex integrity institution
- Supervises vigilance administration in Central Government organizations

Whistle Blowers Protection Act, 2014

- Provides for protection of whistleblowers against victimization
- Allows public servants and citizens to report corruption

Indian Penal Code, 1860 (Now Repealed Sections Replaced by PCA)

- Former anti-corruption provisions (now repealed):
 - **Section 161** – Public servant taking gratification
 - **Section 165** – Public servant obtaining valuable thing without consideration

Code of Criminal Procedure, 1973

- Governs investigation, arrest, and prosecution procedure (used alongside PCA)

Benami Transactions (Prohibition) Amendment Act, 2016

- Used for **property attachment** in disproportionate assets cases

Right to Information Act, 2005 (*Complementary Tool*)

- Facilitates transparency and citizen participation in uncovering corruption

Constitution of India

- **Article 311** – Dismissal of public servants for misconduct
- **Entry 2 of State List (List II), Seventh Schedule** – Empowers states to legislate on police and criminal investigation (basis for ACBs)

United Nations Convention Against Corruption (UNCAC), 2005

- India ratified in 2011
- Serves as international framework guiding national anti-corruption legislation

II. LEGISLATIVE HISTORY OF ANTI-CORRUPTION LAWS IN INDIA

The Indian Penal Code, 1860

Initially, offences related to corruption were dealt with under the IPC. Relevant sections included:

- Section 161 – Public servant taking gratification other than legal remuneration (repealed)
- Section 165 – Public servant obtaining valuable thing without consideration (repealed)

These provisions were later subsumed and expanded under the Prevention of Corruption Act, 1988.

Prevention of Corruption Act, 1988

The PCA, 1988, was enacted to consolidate and amend laws relating to the prevention of corruption and to provide for the matter connected therewith. Key features include:

- Section 7: Public servant taking gratification
- Section 8-10: Taking gratification by other than public servant
- Section 13: Criminal misconduct by public servant
- Section 19: Previous sanction for prosecution
- Section 17: Investigating authorities and their powers

The 2018 amendment introduced Section 17A, making it mandatory to obtain prior approval for initiating any investigation against public servants, thus raising debates around potential dilution of investigative powers.

Lokpal and Lokayuktas Act, 2013

This legislation was introduced after a national anti-corruption movement. It mandates:

- Establishment of a Lokpal at the central level and Lokayuktas in the states.
- Coverage of Prime Minister, Ministers, MPs, and government officials.
- Mandates a time-bound investigation and prosecution process.

However, Haryana has not yet implemented a fully functional Lokayukta.

Central Vigilance Commission Act, 2003

The CVC serves as an apex vigilance institution. While its primary jurisdiction is over central government officers, its advisory role extends to vigilance matters in public sector undertakings. State Vigilance Commissions are expected to function analogously.

Whistle Blowers Protection Act, 2014

This Act provides a mechanism to receive complaints regarding corruption and misuse of power and offers protection to whistleblowers. However, its implementation has been weak, and proposed amendments may dilute protections.

III. ROLE OF THE ANTI-CORRUPTION BUREAU (ACB)

Constitutional and Statutory Basis

While there is no constitutional provision specifically referring to ACBs, their existence derives from Entry 2 of List II (State List) under the Seventh Schedule of the Constitution, which grants states the power to legislate on police and criminal investigation. ACBs operate under the State Vigilance Departments and are empowered to register and investigate offences under the PCA, 1988.

Structure and Jurisdiction

The ACB Faridabad operates under the State Vigilance Bureau (SVB), Haryana, and is vested with jurisdiction over public servants within Faridabad district. Officers posted in the ACB are usually deputed from the Haryana Police Service and Indian Police Service.

IV. Literature Review and Theoretical Insights

The legal and institutional battle against corruption in India, particularly as executed by regional bureaus such as the Anti-Corruption Bureau (ACB), Faridabad, must be understood within a global and multi-disciplinary framework. Modern anti-corruption strategies increasingly incorporate legal, political, economic, sociological, and technological perspectives. The following literature reflects evolving understandings of corruption and highlights both the theoretical challenges and practical shortcomings of enforcement mechanisms.

Systemic Corruption and Sector-Specific Vulnerability: Tacconi and Williams (2020) provide a vital global perspective on corruption's pervasive impact, arguing that it not only hampers socio-economic development but also endangers environmental governance. Their work is particularly useful in analyzing sector-specific corruption—like in public health engineering, urban development, or resource allocation—where officials are often found colluding with private actors to bypass environmental norms or siphon funds. This is especially relevant to ACB Faridabad's jurisdiction, where land records, building permits, and water management frequently emerge as hotspots for bribery and misappropriation. The authors' rejection of principal-agent theory in favour of collective action theory presents a compelling framework to understand corruption at the state and district levels, where "principals" (political masters) are themselves often implicated in corruption. This aligns with the findings of the ACB, Faridabad, where field officers report that large-scale collusion often involves multiple layers of political and bureaucratic actors, rendering traditional enforcement mechanisms less effective unless public engagement or whistleblower protection is enabled.

ICT and Digitalization in Anti-Corruption Enforcement: Kossow (2020) highlights the rising reliance on digital tools and ICT-based platforms in anti-corruption strategies, particularly in developing nations. In the Indian context, initiatives like the Centralized Vigilance Portal, e-governance projects, and state-level helplines for reporting corruption have been introduced. The ACB, Faridabad, too, has adopted limited ICT tools for complaint tracking and digital evidence management. However, as Kossow notes, the actual impact of such interventions remains under-researched and sometimes superficial. Field interviews with officers in Faridabad reveal challenges such as digital illiteracy among complainants, lack of infrastructure for digital surveillance, and non-integrated databases, which significantly limit technological efficacy.

The Role of Education and Civic Engagement: Dewantara et al. (2021) emphasize the significance of anti-corruption education in instilling civic values and legal awareness. Their view reinforces the need for integrating legal literacy campaigns into the working framework of regional ACBs. In Faridabad, educational institutions rarely include corruption awareness programs, and ACB engagement with civil society remains minimal. The authors' emphasis on character education and moral behaviour aligns with Indian government initiatives like the Integrity Pledge promoted by the Central Vigilance Commission (CVC), but implementation at district levels remains weak.

Evaluating Legal Responses to Systemic Corruption: Davis (2021) argues that legal enforcement remains relevant, even in the face of systemic corruption, but must evolve through strategies such as "big push enforcement," "institutional multiplicity," and "political engagement." This is highly relevant to ACB Faridabad, which, despite functioning under the PCA, 1988, often finds its efforts stymied by procedural delays (e.g., the requirement of prior sanction under Section 17A) and political non-cooperation. Davis' analysis affirms that while legal instruments like the Prevention of Corruption Act are necessary, they are insufficient in isolation, especially in areas where bureaucratic and political actors operate in tandem. His call for institutional multiplicity also supports the idea that ACBs must coordinate more robustly with Lokayuktas, Central Vigilance Commission (CVC), and state judiciary to build a multi-tiered enforcement ecosystem.

Political Patronage and Structural Corruption: The study by Siddiquee and Zafarullah (2022) on Malaysia's kleptocratic trends holds striking parallels to the Indian state-level corruption landscape. Their critique of patron-client networks, money politics, and institutional hollowness resonates deeply in cases reported in Faridabad, where complaints are often politically suppressed and high-ranking officials evade investigation due to lack of sanction or selective law enforcement. Despite having strong laws, enforcement bodies like the ACB are often administratively subordinate to state home departments, compromising their independence. This institutional subservience and political influence mirror the Malaysian experience and suggest that unless ACBs are granted functional autonomy, their effectiveness will remain superficial.

Gender, Perception, and Public Engagement: Bauhr, Charron, and Wängnerud (2025) provide a unique angle by studying voter perceptions of anti-corruption capacity, particularly with regard to gender. Though this study is based in the EU context, it offers insights into public trust, a crucial factor in encouraging citizens to report corruption to local bodies like the ACB. In Faridabad, data from recent RTI responses suggests underreporting of corruption by women, largely due to lack of trust in police-led institutions or fear of social stigma. Hence, gender-inclusive policy messaging and gender-sensitive officer deployment may improve reporting and trust.

Understanding Cultural and Institutional Complexity: Amanquandor (2024) critiques the orthodox narratives of failure in anti-corruption discourse, particularly in the Global South. He introduces a socio-legal lens to interpret why formal rules are often misaligned with actual practices. In Faridabad, officers report that unwritten codes of bureaucratic compliance and 'silent understandings' between politicians and field officers often override legal directives. This study validates the need to study corruption not just as a legal violation but as a cultural norm, especially within rent-seeking bureaucracies.

Mass-Elite Perception Gap: Gouvêa Maciel and Santos (2024) explore how definitions of corruption differ between citizens and political elites. Their findings of mass-elite incongruence explain why enforcement bodies like ACB Faridabad often face distrust from citizens, who perceive corruption as a political offense, while officials see it as bureaucratic mismanagement. This perception divide can dilute civic support for ACB efforts, suggesting that bridging public communication gaps and redefining anti-corruption discourse is critical at the district level.

Strategic Corruption and Statecraft: The work of Pozsgai-Alvarez and Huss (2024) introduces strategic corruption, a notion particularly relevant in understanding how regional political actors may deploy corruption not just for personal gain but to control constituencies, fund election campaigns, or consolidate administrative loyalty. In the Faridabad context, reports of "politically protected" officials reflect this phenomenon. Strategic corruption blurs the line between governance and subversion, and without top-down political will, anti-corruption bureaus may become marginal players in a structurally corrupt system.

Economic Rationality and Supervisory Cost Models: Zhang et al. (2023) propose a supervisory-cost-benefit model for determining optimal enforcement levels. While abstract, their model offers a policy logic useful for budgeting ACB activities. Their findings that optimal anti-corruption enforcement peaks only when institutional incomes are high can inform resource allocation to ACB units. In Faridabad, understaffing, lack of surveillance tools, and limited training are persistent issues. Resource-limited anti-corruption enforcement in middle-income states like Haryana mirrors the mid-tier corruption persistence described in their model.

V. CHALLENGES IN IMPLEMENTATION

Institutional Autonomy: The investigative process often requires sanction from the appointing authority (Section 19 PCA), which results in delays or denial of permission to prosecute.

Political Interference: Numerous instances have surfaced where investigations are stalled or manipulated due to political pressure, especially when high-ranking officials or politicians are involved.

Judicial Delays: Corruption trials are often delayed due to procedural loopholes, resulting in the erosion of public faith in the system.

Resource Constraints: ACBs are often understaffed and lack modern technological tools for surveillance and digital evidence collection.

VI. Selective Case Study

Case Study 1: Trap Case Against Junior Engineer for Bribe Demand

Title: *State vs. Rajeev Mehta* (Name Changed) – FIR No. 97/2021, ACB Faridabad

Facts of the Case: In the month of September 2021, the Anti-Corruption Bureau, Faridabad, received a formal complaint from a Class-II government contractor alleging that Rajeev Mehta, a Junior Engineer posted in the Public Health Engineering Department, had demanded a bribe of ₹15,000 for the clearance of pending bills related to completed contract work in Sector 22, Faridabad. The complainant stated that despite submitting all necessary documents and bills, the accused official had withheld approval, stating verbally that the process would only be expedited upon the payment of the illegal gratification. The contractor, refusing to comply with the unlawful demand, approached the ACB with the intent of lodging a formal complaint under the Prevention of Corruption Act, 1988.

Legal Action and Investigation: Upon preliminary verification of the facts, the ACB registered FIR No. 97/2021 under Section 7 of the PCA, 1988, which penalizes public servants for taking gratification other than legal remuneration in respect of an official act. The Bureau organized a trap operation under the supervision of a Deputy Superintendent of Police (DSP), wherein marked currency notes were used, and the proceedings were video-recorded for evidentiary purposes. On 17th September 2021, the accused was caught red-handed while accepting ₹15,000 in marked currency from the complainant inside his office chamber during official working hours. The trap was successful, and the accused was taken into custody.

Prosecution and Outcome: The case was investigated swiftly and a chargesheet was filed within 90 days. The evidence included

- Recorded audio/video of the trap
- Forensic report confirming the presence of phenolphthalein on the accused's hands
- Statements from independent witnesses and the complainant

The matter was adjudicated in the Special Court for CBI and Anti-Corruption Cases, Faridabad. In January 2023, the court found the accused guilty and sentenced him to three years of rigorous imprisonment under Section 7 of the PCA, along with a fine of ₹25,000.

Impact: This case reflects the efficacy of trap operations conducted under strict procedural safeguards and demonstrates the utility of quick prosecution and strong evidence gathering in securing convictions in corruption-related offences.

Case Study 2: Disproportionate Assets Case Against a Police Inspector

Title: *State vs. Inspector Suresh Pal* (Name Changed) – ACB Inquiry Report No. DA/FBD/2020

Facts of the Case: In early 2020, the Vigilance Department of Haryana flagged suspicious financial activity in the name of Inspector Suresh Pal, posted at the time in the Crime Investigation Branch, Faridabad. The internal audit revealed that the officer had acquired multiple immovable and movable assets, including two flats in Gurgaon, a luxury SUV, and significant investments in mutual funds and gold bonds, far beyond his known sources of income. Following an internal report, the ACB Faridabad initiated a Disproportionate Assets (DA) Inquiry, which was formalized under the Prevention of Corruption Act, 1988, specifically Section 13(1)(e) read with Section 13(2), which deals with the possession of assets disproportionate to known sources of income by public servants.

Legal Action and Investigation: Search warrants were obtained, and simultaneous raids were conducted on the officer's residence in Faridabad, his ancestral village home in Palwal, and his wife's residence in Delhi. During the raids, documents showing unexplained cash deposits amounting to ₹45 lakhs, property deeds, bank account details, and jewellery worth ₹12 lakhs were recovered. The ACB engaged forensic auditors to compare declared income with actual assets. The total value of disproportionate assets was estimated to be ₹1.72 crore, while the Inspector's legitimate earnings over the preceding five years were ₹58 lakh.

Prosecution and Outcome: The Inspector was booked and placed under suspension, and disciplinary action was recommended. Upon approval from the competent authority (DGP, Haryana), criminal proceedings commenced. A criminal case was registered, and non-bailable warrants were issued. The ACB also moved for provisional attachment of properties under the Benami Transactions (Prohibition) Amendment Act, 2016. The matter is currently sub judice, with trial proceedings underway at the Special Court under PCA, Faridabad. However, the officer has been dismissed from service under Article 311(2)(b) of the Constitution of India, citing grave misconduct affecting the integrity of service.

Impact: This case demonstrates the efficacy of proactive vigilance and forensic accounting in unearthing systemic corruption. It highlights the utility of the PCA's asset-disclosure provisions and the inter-agency collaboration between vigilance units, the police, and forensic auditors.

Case Study 3: Procedural Delays Resulting in Acquittal of a Municipal Clerk

Title: *State vs. R.K. Sharma* – FIR No. 68/2012, ACB Faridabad

Facts of the Case: In July 2012, a complaint was registered with the ACB, Faridabad, against R.K. Sharma, a Senior Clerk posted at the Municipal Corporation, Faridabad. The complainant, a local resident, alleged that the clerk had demanded ₹10,000 in return for issuing a mutation certificate for property inherited through succession. The ACB responded by registering an FIR under Section 7 and 13(1)(d) of the PCA, 1988, and organizing a trap. The accused was caught red-handed while accepting the bribe, and phenolphthalein tests confirmed contact with the tainted currency.

Legal Action and Investigation: While the initial investigation was conducted swiftly, procedural delays plagued the trial.

- The chargesheet was filed in 2013, but the trial did not begin until 2016.

- Key prosecution witnesses turned hostile over time.
- The complainant migrated abroad and could not be cross-examined.
- There were frequent adjournments due to transfer of judges and non-appearance of defence counsel.

Prosecution and Outcome: Despite the initial strength of evidence, the court in December 2021 acquitted the accused, citing lack of corroboration, failure to establish motive, and procedural lapses such as improper chain of custody for evidence and delay in trial.

In its judgment, the court noted that while the trap was technically valid, delay in prosecution had diluted the strength of the case, and benefit of doubt must go to the accused.

Impact: This case represents a paradigmatic example of the systemic issues plaguing anti-corruption trials in India including delayed justice, witness hostility, and procedural irregularities. It underscores the need for fast-track courts and proper witness protection mechanisms under the Whistle Blowers Protection Act.

2. CONCLUSION

The research reveals that while India has developed a substantial legal framework to combat corruption, the efficacy of enforcement, particularly at the district level, remains a significant challenge. The Anti-Corruption Bureau (ACB), Faridabad, serves as a critical enforcement agency under the Prevention of Corruption Act but often operates within a restrictive ecosystem marked by procedural delays, political pressure, and inadequate autonomy. Case studies reflect both operational successes and systemic failures, highlighting the gaps between legislation and implementation. Literature insights further emphasize that corruption is not merely a legal issue but one embedded in institutional culture and political economy. Thus, combating corruption necessitates a multi-pronged approach strengthening institutional independence, improving investigative capabilities, utilizing digital tools effectively, and fostering civic awareness. Ultimately, without consistent political will and public engagement, anti-corruption efforts may remain symbolic rather than substantive. This study advocates for targeted reforms to make local anti-corruption mechanisms both credible and impactful.

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