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## THE DEADLY VIRUS OF CORRUPTION IN INDIA AN ANALYSIS

<sup>1</sup>I.Muralitharan.M.A.,M.L.,Phd in law (Pursuing)

Assistant Professor of Law

Government Law College, Vellore-6.

Tamilnadu, India.

### Abstract:

Corruption has become deep rooted is galloping unchecked and unhindered it is well known how our great nation appears to be sinking deeper to deeper in corruption. The corruption in india is an incurable disease and it is deadly virus that has badly affected the three pillars of our constitution and indian the backbone of our country's political system i.e., legislative, executive, Judiciary continue the pose a threat is the governance of the country. This has contributed to indian's democracy in the world and has been an obstacle to india becoming a super power.

As a free corruption india we should take care of every individuals and take fundamental duty to eradicate corruption it is emphasized through this study that every individual should act responsibility creation of awareness amongst youth and public about the evils of corruption, prevent corruption and know the appropriate authorities and legal remedies to take legal action in case of corruption and this study also focuses on corruption ranking in india in the whole world case registered by anti corruption bureau, vigilance, lokayakta state and union territories wise 2019 and prevention of corruption act and related IPC cases reported from 2017 to 2019.

### Keywords:

Corruption, undue advantages, criminal misconducts, known source of income, demand and acceptance of bribery, confiscation of money and property, sanction investigation agencies, malfeasance, illegal gratification quid proquo.

## I. Introduction:

When honour and purity the blood of mother (motherland). But due to modernisation and development. We have not only updated ourselves in technology but also brought the current situation of corruption as the leukaemia to our mother land. Its an irreversible damage caused to the society as the corruption cells flow from head to toes.

A person who desires permanent benefit in the path of virtue will not deviate from the path of virtue because of immediate benefit. To eliminate bribery and corruption in this society. We all come together and create law. There is no doubt that we have been forced to fight for freedom. India is one of the world's country is rich in natural resources and human resources. A meal in india is not guaranteed there are 30 crores people in the country in the budget in india the countless lakhs of crores of rupees allocated to the welfare of the people. The truth is that it has not fully reached the people. Why this situation? Who is responsible for bribery and corruption?

Even to get the fundamental right and legal aid an bribe has to be paid. As a result even in order to protect rights lives and property, bribes have to be paid at a monstrous pace it's growing. The reasons for this is that the elected undisciplined people's representation and government and government officials. This degradation is a calamity for our generations. To get birth and death certificate to get a ration card, to get electricity connection, to get a drinking water connection, to get documents and bonds to register the documents, to get land patta, to get permission to build a house to get a driver's license to give it to the police in order to take criminal action on the petitions submitted and not to take action all such birth all such birth rights.

Do you have to pay a bribe to achieve everything? No Need.

Who are bribes: Self confident, who does not know their rights, in what fields accessible or ignorant of the laws, rules, guidelines of those departments, in their request those who are not justified, who refuse to give enough time, are you a type of these no not at all.

Then why bribe?

### Corruption:

“Corruption is the misappropriation of public funds by public servants in public sector projects and public works and personal accumulation of assets”

Corruption is an invisible virus, its not only cancer that kills people but also the three pillars of the Indian constitution, political system, administration, judicial role, concerted bribery and corruption in Indian democracy.

Bribery is the act of giving or receiving gifts of money to do illegal work for personal gain.

### Public servant:

<sup>2\*</sup>Public servant means

(i) any person in the service or pay of the government or remunerated by the govt by fees or commission for the performance of any public duty including self local government, public corporations and judiciary.

(v) any person authorised by court of justice to perform any duty in connection with the administration of justice including a liquidator, receiver, court commissioner.

<sup>2\*</sup>Section 2(3) of the prevention of corruption act 1988

(vi) any arbitrator or other person to whom any cause or matter has been referred for decision by a court of justice or by a competent public authority.

(vii) any person who holds an office by virtue of which he is empowered to prepare publish maintain or reverse an electoral roll or conduct an election.

(xi) any person who is president, secretary, or other office bearer of a registered co-operative society

(x) any person who is a chairman; member or employee of any service commission or board

P.V.Narasimha Rao Vs State CBI/SPE 1998(4)SCC 626

The definition of public duty and public servant was elaborately discussed in their case.

### Objectives:

1. To create awareness among the youth and public about the evils of corruption.
2. To study the concept, causes, effects of corruption
3. To study the offences and legal punishment for corrupted public servants.
4. To study investigate and prosecute corrupted cases.
5. To take manifests the fundamental for eradication of corruption.
6. To study about the corruption ranking in india in the world in the year 1995-22 and the prevention of corruption acts related IPC cases reported.

### II. Literature Review

Supreme court case, Adityakumar vs State of Bihar Appeal Crl.No.4496/2023, Corruption has always been a potential threats to the growth and prosperity of any nation.

The central govt department post has declared that all the employees are sensitized not to insist on the name and address of the sender and accept the envelopes marked as “PIDPI or public interest disclose and protection of informer” and addressed to central vigilance commission entering PIDPI in software in the name and address field of register/ speed post articles. Its also requested to spread awareness by displaying the informative posters at the prominent places in all the post offices both in English and regional languages.<sup>3</sup> 6\*The Madras High Court recently criticized the rampant & unchecked corruption prevents at all levels of society and stated the corruption has deeply rooted itself and is causing harm to the nation and even esteemed institutions like Indian Administrative service, Indian Police Service and Judicial Service are not exempt Justice S.M.Subramanian emphasized that corruption is a widespread disease that erodes the social, political and economic fabric of society affecting its vital functions it is not limited to illegal activities. But also extends to legal transaction the government and police departments are particularly affected and high authorities need to handle corruption allegation with sensitivity\*<sup>4</sup>

<sup>33</sup> Non Disclosere of the identity of the sender under PIDPI VIG – 01/01/2021 Vigilance department dop 285676/21/vid dop Govt of india ministry of communication Department of post dt 26/11/2021 – cvc Do letter No. Con7/nusc/21/2 dt 17/11/2021.

<sup>4</sup>\*M.Rajendiran and 2 others vs The Secretary of Govts Home depts., Chennai and 10 others in M.P. No.2/2010 in W.P.No.6677/2010 case judgement delivered by madras high court on 12/07/2023.

## Corruption Equation:

A corruption equation can be set out

$$C=R+D-A$$

C-Stands for corruption

R-economic rent

D-Discretionary powers and

A-Accountability

The equation states that more opportunities for economic rent(R) exist in a country, the larger will be the corruption. Similarly the greater the discretionary power(D) granted to Administrator, the greater will be the corruption. However the more Administrator are held accountable (A) for their actions, the less will be corruption and hence an minus sign in front of (A).<sup>\*5</sup>

## Levels

Although corruption can occur at a variety of levels, attentions has usually been directed at only two

- The high and
- The Low

High level corruption refers to misconduct at the top legislative and executive authorities. Instead greed is considered a main motivating factors. At the other end low level corruption – such as the under hand payment that has to be made to a clerk to expedite the issues of a driving license. In this case the general perception is that civil servant with insufficient salaries to meet the live up expenses of their families are driven by necessity to engage in corrupt practices. but there is no hard evidence to suggest that low level public employees are less greedy that their superiors.

## Causes of corruption

- The cause of corruption in our country excessive regulations
- Complicated tax & licensing system
- Numerous govt., departments each
- Bureaucracy & discretionary
- Monopoly by govt controlled institution
- On certain goods & service delivery
- Lack of transparent law & process

<sup>5</sup> Myint. U.2021corruption causes, consequences and cures (online) Unescap.org. Available at <<https://unescap.org/sites/default/files-Myint.pdf>> (Accessed) in 9/9/2023

## Effects of corruption

Corruption can completely cripple the development of not only the individual but also the country as a whole the opportunities of talented people are affected by corruption when those who serve the people make mistakes. The common people are greatly affected. Corruption goes undetected and challenges the rule of law. As a result public trust in government institution is lost problems arise in the implementation of government schemes and corruption play a major role in Democracy.

Acts related to offences and punishment of corruption

Indian Penal Code 1860

- Section 169 of IPC relating to a public servant unlawfully buying or bidding for property the public servant shall be punished with imprisonment of upto 2 years or with fine or both of the property is purchased it shall be confiscated section
- Section 409 pertains to criminal breach of trust by a public servant.

The Benami Transactions(Prohibition Act 1988) Amendment 2016

<sup>6</sup>The act prohibits any benami transactions buy of property in false name of another person who does not pay for the property.

Prohibition of benami transactions

<sup>7</sup>\*No person shall enter into any benami transaction

<sup>8</sup>\*whoever enters into any benami transaction shall be punished with imprisonment for a term which may extend to three years or with fine or with both

<sup>9</sup>\*Prohibition of the right to recover property held benami

<sup>10</sup>\*Any property which is subject matter of benami transaction shall be liable to be confiscated by the central govt.,

<sup>11</sup>\*Prohibition on re transfer of property by benamidar and where any property is re transferred in contravention of the provisions of subsection(1) transfer of the such property shall be deemed to be null & void.

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<sup>9</sup> \*S.3(1)

<sup>10</sup>\*S.3(2)

<sup>11</sup>\*S.3(4)

<sup>12</sup>\*S.3(5)

<sup>13</sup>\*S.3(6) (c) (2)

<sup>11</sup> \*S.3(1)

## The prevention of money laundering act 2002

- Whosoever directly or indirectly attempts to indulge or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime indulging its concealment, possession, acquisition, use and projecting claiming as untainted property shall be guilty of offence of money laundering<sup>12</sup>
- Punishment of money laundering  
Whoever commits the offence of with rigorous imprisonment for a term which shall not be less than 3 years but which may extend to 7 years and and shall also be liable to fine<sup>13</sup>

## The prevention of corruption act 1988 offence relating to public servant being bribe<sup>14</sup> As per amendment 2018

### S.7 Any public servant who

a) obtains or accepts or attempts to obtain from any person an undue advantages with the intention to perform or cause performance of public duty improperly or dishonestly or to for bear or cause forbear or perform such duty either by himself or by another public servant

b) obtain or accepts or attempts is obtain an undue advantage from any person as a reward for the improper or dishonest performance of a public duty or for forbearing to carryout such work either by himself or any another person or

c) An undue advantage from any person shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to 7 years and shall also be liable to fine.

**S.7A** Taking undue advantage to influence public servant by corrupt or illegal means or by exercise of personal influence shall be punishable with imprisonment for a term which may extended to 7 years with fine.

### S.8(1) Any person who gives or promises to give an undue advantage to another persons with intention

(i) to indue a public servant to perform improperly a public duty or

(ii) to reward such public servant for the improper performance of public duty shall be perishable with imprisonment for a term which may extend to 7 years or with fine or with both

### S.12 Punishment for abetment of offence

Whoever abets any offence shall be punishable with imprisonment for a term which shall not less than 3 years but which may extend to 7 years and shall also be liable to fine

### S.13 Criminal misconduct by a public servant

<sup>12</sup> \*S.3(1)

<sup>13</sup> \*S.4

<sup>14</sup> \* preventing of corruption Act 1988 Amendment 26-07-2018

## Lokpal and lokayukta Act 2013

Lokpal is among the anti corruption law in India and lok Ayukta in the states, special authority organisation have been created will come donor by people in a foreign country over Rs.10 lakhs per year. When cases referred to lokpal are investigated by the CBI and other investigative agencies, it is observed that it has empowered to setup special court for a maximum period of six months for trial. How to eliminate power is given under section 30 of the lokpal Act 2013 and section 105 C,E,D,J of the criminal corruptly acquired assets clearing the pendency of the case

Judicial process of prosecute corrupted cases

- Three investigation agencies

The central bureau of investigation(CBI) and state Anti Corruption Bureau(ACB) cases related to money laundering by public servants are investigated and prosecuted by directorate of enforcement and the Financial intelligence wing.

- The CBI and state ACB's investigate cases  
Related to corruption under the prevention of corruption act 1988 and IPC 1860 the CBI's Jurisdiction is the central government and union territories while the state ACB's investigates cases within the states state can refer case to the CBI
- The CVC is statutory body the super cases corruption cases in government departments the CBI is under the supervision the CVC can refer cases either to the central vigilance office CVO in each department or to the CBI.
- Prosecution can be initiated an investigating agency only after it has the prior sanction of the central /state government. Government appointed prosecutor under take the prosecution proceeding in the courts.
- All cases under the prevention of corruption act 1988 are tried by special judge who are appointed by the central or state government
- PRS legislation Research

Ingredients to be proved for conviction U/S 13(1)( e) of the prevention of corruption act 1988

To substantiate a charge U/s 13(1)(e) of the prevention of corruption act 1988 the prosecution must prove following ingredients

- 1.The prosecution must prove that the accused is a public servant including bank staff.
- 2.The prosecution must prove that money or property which are keep in his hand.
- 3.It must prove quite objectively that the resources or property found in possession of the accused were disproportionate to his known source of income point out in case of M.Krishna Reddy Vs State Deputy Superintendent of police Hyderabad.<sup>15</sup>

<sup>15</sup> \*AIR 1993 SC 313

## Personal Responsibility

According to the slogan of “Avoid bribery, Nenjam Nimir” if we want our country become a corruption free india, it is our basic duty to take personal responsibility and make a commitment to live in our own life it is necessary for every individual to accept personal responsibility as a fundamental duty of the constitution to not give bribes or take bribes.

### Corruption criminal case reports related to IPC and Prevention of corruption act:

**TABLE 8C.1**  
**Prevention of Corruption Act & Related Sections of IPC Cases Reported - 2017-2019**

S. No.	State/UT	2017	2018	2019	Percentage State Share To All-India (2019)
1	2	3	4	5	6
<b>STATES:</b>					
1	Andhra Pradesh	199	151	123	2.9
2	Arunachal Pradesh	11	18	13	0.3
3	Assam	27	25	18	0.4
4	Bihar	128	69	71	1.7
5	Chhattisgarh	27	17	19	0.4
6	Goa	4	11	9	0.2
7	Gujarat	148	333	255	6.0
8	Haryana	82	107	89	2.1
9	Himachal Pradesh	29	28	62	1.5
10	Jammu & Kashmir	84	82	82	1.9
11	Jharkhand	170	90	77	1.8
12	Karnataka	289	378	379	8.9
13	Kerala	142	92	92	2.2
14	Madhya Pradesh	294	256	318	7.5
15	Maharashtra	925	936	891	21.0
16	Manipur	1	4	6	0.1
17	Meghalaya	1	1	5	0.1
18	Mizoram	5	7	2	0.0
19	Nagaland	12	16	1	0.0
20	Odisha	494	429	353	8.3
21	Punjab	167	176	169	4.0
22	Rajasthan	404	372	424	10.0
23	Sikkim	0	0	0	0.0
24	Tamil Nadu	257	264	418	9.9
25	Telangana	55	139	177	4.2
26	Tripura	1	6	6	0.1
27	Uttar Pradesh	58	84	134	3.2
28	Uttarakhand	13	17	13	0.3
29	West Bengal	15	9	9	0.2
<b>TOTAL STATE(S)</b>		<b>4042</b>	<b>4117</b>	<b>4215</b>	<b>99.3</b>
<b>UNION TERRITORIES:</b>					
30	A & N Islands	7	1	3	0.1
31	Chandigarh	2	3	5	0.1
32	D&N Haveli	0	2	0	0.0
33	Daman & Diu	0	0	1	0.0
34	Delhi UT	9	6	18	0.4
35	Lakshadweep	0	0	0	0.0
36	Puducherry	2	0	1	0.0
<b>TOTAL UT(S)</b>		<b>20</b>	<b>12</b>	<b>28</b>	<b>0.7</b>
<b>TOTAL ALL INDIA</b>		<b>4062</b>	<b>4129</b>	<b>4243</b>	<b>100.0</b>

Note: Cases Excluding Cases Registered by CBI as above data is received from States/UTs only.

TABLE 8C.1 - Page 1 of 1

● As per data provided by States/UTs

● Due to non-receipt of data from Kerala, Jammu & Kashmir and West Bengal in time for 2019, Data furnished for 2018 has been used

§ Clarification are pending from Arunchal Pradesh, Chattishgarh, Madhya Pradesh, Nagaland, Sikkim, Tripura, Uttarakhand and D & N Haveli

**TABLE 8C.2**  
**Prevention of Corruption Act, 1988 (PC Act) - Cases Registered by Anti-Corruption Bureau, Vigilance and Lokayukta (States/UT-wise) - 2019**

S. No	State/UT	Trap Cases	Disproportionate Assests	Criminal Misconduct	Others	Total	Percentage Share
1	2	3	4	5	6	7	8
<b>STATES:</b>							
1	Andhra Pradesh	96	23	4	0	123	2.9
2	Arunachal Pradesh	0	0	13	0	13	0.3
3	Assam	12	0	6	0	18	0.4
4	Bihar	41	10	20	0	71	1.7
5	Chhattisgarh	15	4	0	0	19	0.4
6	Goa	2	0	4	3	9	0.2
7	Gujarat	196	18	6	35	255	6.0
8	Haryana	63	8	0	18	89	2.1
9	Himachal Pradesh	22	3	17	20	62	1.5
10	Jammu & Kashmir	11	10	32	29	82	1.9
11	Jharkhand	68	6	3	0	77	1.8
12	Karnataka	252	15	30	82	379	8.9
13	Kerala	15	10	55	12	92	2.2
14	Madhya Pradesh	245	29	44	0	318	7.5
15	Maharashtra	866	21	4	0	891	21.0
16	Manipur	0	0	6	0	6	0.1
17	Meghalaya	0	0	3	2	5	0.1
18	Mizoram	0	0	2	0	2	0.0
19	Nagaland	0	0	0	1	1	0.0
20	Odisha	151	88	114	0	353	8.3
21	Punjab	129	3	27	10	169	4.0
22	Rajasthan	309	27	88	0	424	10.0
23	Sikkim	0	0	0	0	0	0.0
24	Tamil Nadu	126	32	77	183	418	9.9
25	Telangana	134	9	34	0	177	4.2
26	Tripura	0	0	6	0	6	0.1
27	Uttar Pradesh	100	30	4	0	134	3.2
28	Uttarakhand	8	5	0	0	13	0.3
29	West Bengal	4	5	0	0	9	0.2
<b>TOTAL STATE(S)</b>		<b>2865</b>	<b>356</b>	<b>599</b>	<b>395</b>	<b>4215</b>	<b>99.3</b>
<b>UNION TERRITORIES:</b>							
30	A&N Islands	1	0	2	0	3	0.1
31	Chandigarh	3	0	2	0	5	0.1
32	D&N Haveli	0	0	0	0	0	0.0
33	Daman & Diu	1	0	0	0	1	0.0
34	Delhi	3	0	15	0	18	0.4
35	Lakshadweep	0	0	0	0	0	0.0
36	Puducherry	0	1	0	0	1	0.0
<b>TOTAL UT(S)</b>		<b>8</b>	<b>1</b>	<b>19</b>	<b>0</b>	<b>28</b>	<b>0.7</b>
<b>TOTAL ALL INDIA</b>		<b>2873</b>	<b>357</b>	<b>618</b>	<b>395</b>	<b>4243</b>	<b>100.0</b>

• As per data provided by States/UTs

TABLE 8C.2 Page 1 of 1

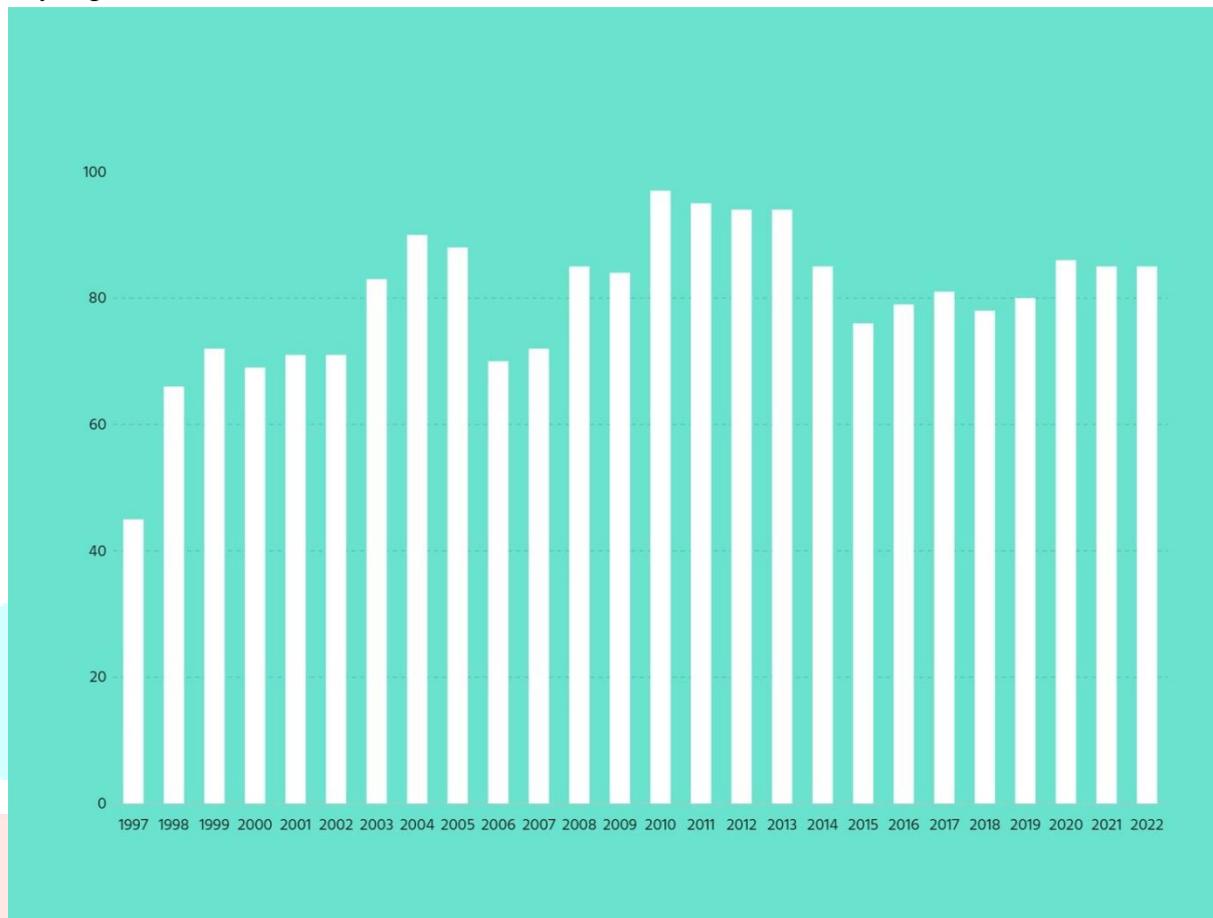
• Due to non-receipt of data from Kerala, Jammu & Kashmir and West Bengal in time for 2019, Data furnished for 2018 has been used

§ Clarification are pending from Arunchal Pradesh, Chattishgarh, Madhya Pradesh, Nagaland, Sikkim, Tripura, Uttarakhand and D & N Haveli

The above reports received from criminal information bureau. <sup>16</sup>

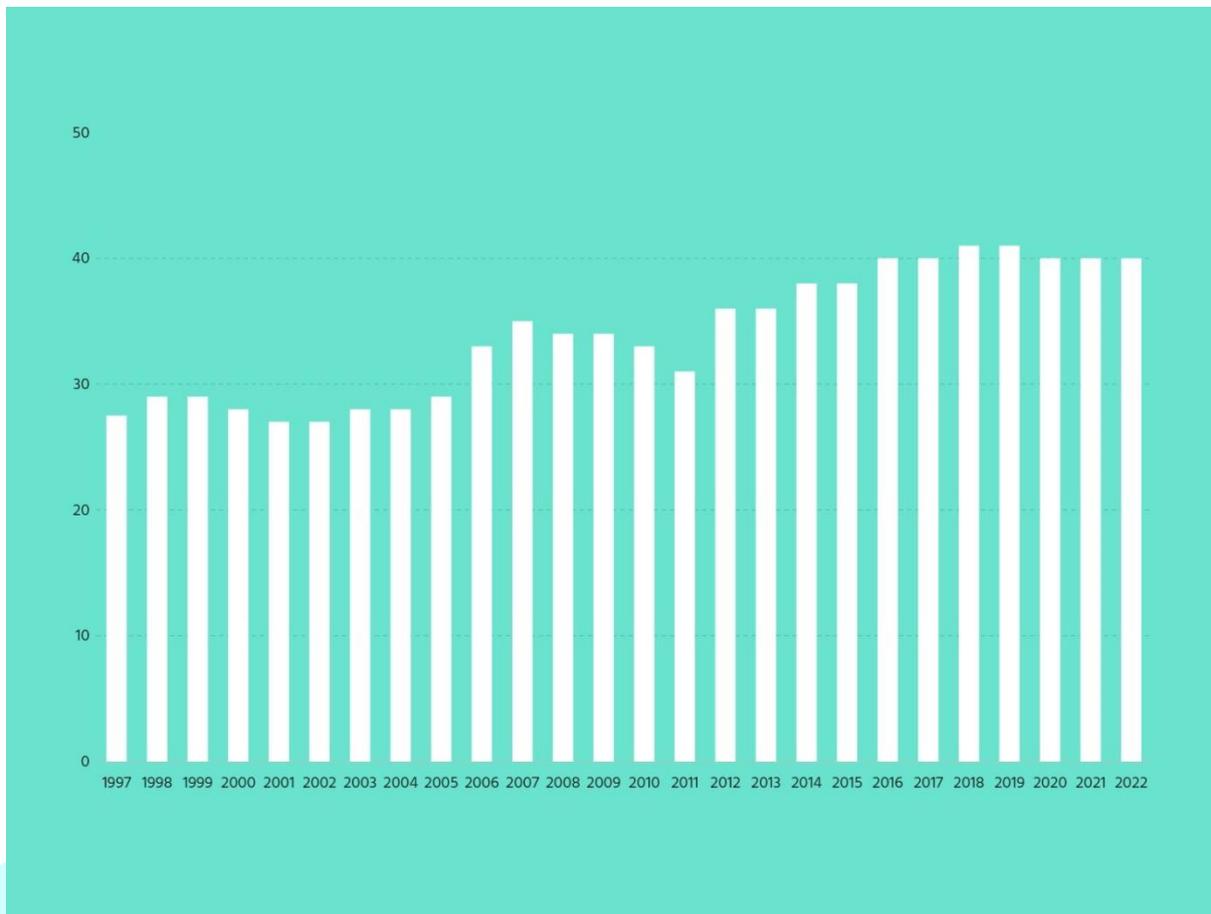
## CORRUPTION RANKING OF INDIA IN THE WORLD:

Transparency International conducts an annual research into the corruption perception of different countries, and as per the 2022 report released. There is not good news for India as we have declined our ranking by 6 comparison 1997 to 2022. The lowest corruption rank of India in the world was 45 in 1997 where as highest corruption rank of India in the world was in 95 in 2011. We can see from the data that corruption rank was on very high level in 2011, 2012 and 2013 and Indian rank more than 75 rank from 2008 to 2022.



## CORRUPTION INDEX OF INDIA IN THE WORLD:

Corruption Perception Index (CPI) extracts a score based on various factors related with fighting corruption, and India has received a CPI of 40 in 2022, which were 41 last year. On a scale of 0-100, 0 is indicates highly corrupt and 100 is indicate as least corrupt. The lowest CPI in India was 27 in 2001 and 2002 and highest CPI in India was in 2018 and 2019 respectively and india index was more than 36 index from the year 2012 to 2022.



### Court verdicts:

W.P No. 06677/2010 in M.P. No.2/2010 Rajendran and ors., vs State of tamilnadu

Observations of supreme court:

In respect of corruption the Honourable Supreme court of India in the case of state of M.P and ors and Ram Singh<sup>17</sup> and the relevant paragraph 8 is extracted here under para 8 corruption an a civilised society disease like cancer which if not detected in time is sare to malignancies the policy of the country lead up to disastrous consequences. It is termed as plaque which is not only contagious but if not controlled spreads like a fire in a judge. The socio political system exposed to such a dreaded communicable disease is likely to crumble under it's own weight, corruption is opposed to democracy and social order. It is likely to cause turbulence shakes of the socio economic political system in an otherwise healthy, wealthy effective and vibrantly society.

The Honourable Supreme Court Of India in this case of state of M.P vs Shambhu Dayal Nagar<sup>18</sup> and the relevant. Portion of this judgement is extracted here under

It is difficult to accept the prayer of the respondent that a lenient view be taken this case the corruption by the public servant has become a gigantic problem. It had spread everyone. No facet of public activity has been left in affected by the stink of corruption. It has deep and pervasive impacts on the functioning of the entire country. Large scale corruption related the national building activities and every one has to suffer on that count. As has been aptly observed in Swatantar Singh Vs State of Hariyana<sup>19</sup>.

In this case of CBI vs Shri Devendra Kumar Goal and Ors the special judge under the prevention of corruption act observed the findings of the apex court in Mirza Iqbal Hussein vs state of U.P and state of karnataka vs selvi j. Jeyalalitha and others<sup>20</sup> as per section 452 of crpc and section 5(6) of prevention of corruption act this court has the power to confiscate the property of the convicts acquired through unfair means'

<sup>17</sup> \*2000 (5) SCC 88

<sup>18</sup> \*2006 (5) SCC 693

<sup>19</sup> \*1997 4 SCC 14

<sup>20</sup> 2017 (6) SCC 263

CBI, Bank securities and fraud cell vs Ramesh Gelli and others<sup>21</sup>

It is imperative to mention that the supreme court's judgement comes against the backdrop of india battling a major non performing asset crisis, Where several banks have been accused of sanctioning loan without following due process it is highly likely that law enforcement will explore the quid pro quo angle more seriously, in cases where loan have been sanctioned without due process, now that private bank officers can be charged with prevention of corruption act 1988.

Sanction under section 19 of prevention of corruption act when not required where the public servant in the state of U.P were found to have committed offences in a planned deliberate and intentional manner to usurp public fund for their own best interests in relation to food grains scam. It has been held that such indulgence in corrupt practice by public servant is their private conducts and for that they cannot claim protection under section 19 of the prevention of corruption Act 1988 and no sanction for their prosecution is required.

Vishwanath Chaturvedi Vs Union of India<sup>22</sup>

Sanction for prosecution of retired public servant not required if the alleged act of corruption was committed by the Minister during his tenure as such Minister sanction under section 19 of prevention of corruption act 1947 for his prosecution of ceased as a Minister was not required.

\* Madhya Pradesh special police establishment vs state of Madhya Pradesh and others<sup>23</sup>

\* Habibulla Khan vs state of Orissa<sup>24</sup>

No sanction required for offence under section 12 of prevention of corruption act 1988.

Abatement of any offence punishable under section 7 or 11 is in itself a distinct offence under section 19 of the prevention of corruption act 1988 specially vitiates section 12 from the purview. Quotations do not take cognitions of an offence punishable under section 7 10 11 13 15 alleged to have been committed by the public servant except with the previous sanction of government no such sanction is required in case of offence punishable under section 12 of prevention of corruption act 1988.

State through CBI vs Parameshwaran Subramani<sup>25</sup>

Sanction for Prosecution:

Once the public servant ceases to be so on the date when Court takes cognizance of the offence there is no recruitment of sanction under the prevention of corruption act.

Abhay Singh Chautala vs CBI<sup>26</sup>

Section 13(1) e of prevention of corruption act know sources of income means sources known to prosecution and not to the accused

The supreme court observed that the time known source of income in the Section 13(1) e of prevention of corruption act would mean that sources known to the accused it is for the accused to explain satisfactorily for the money asset in his hands and the onus in this regard is on the accused to give satisfactory explanation. State vs. Soundarya Rasu<sup>27</sup>.

<sup>21</sup> \*2016(3) SCC788, 2016 02 SCK 0162 criminal appeals Nos. 1077-1081 of 2013 in W.P.Crl No.167/2015

<sup>22</sup> \* 2011(2) ALJ 320 All Lucknow Bench DB

<sup>23</sup> \* 2004 (8) SCC 788

<sup>24</sup>\* AIR 1995 SC 1123

<sup>25</sup> \* 2009 (67) ACC 310 SC

<sup>26</sup> \* 2011(7) SCC 141

<sup>27</sup> \* 2022 LIVE LAW SC 741

No Anticipatory Bail for corrupted Offences was elaborately discussed in this case 1998 CLJ2555, SLP Cri 876/1998, JUD. DT 21/3/1998 SC - K K JORAT VS CHANDIGARH UNION AND ORS.

No crossing of proceedings of FIR in related to corrupt of answers this quote as consider that the scope of crossing FIR and held that it is settled principle of law that are the stage of washing FIR or complaint high court is not justified in back upon an expressing as probability, reliability or genuineness of the allegation made thereto.

Balaji vs Kanwae Pal Singh Gill<sup>28</sup>.

Suggestions:

1. Any accused person against whom a FIR has been lodged in a bribery case and any person belonging to his family should be legally declared ineligible to hold public office and stand as candidates in election.
2. To eliminate bribery and corruption the government and the individual should amend part IV of indian constitution law and make it the fundamental duty to every individual to not take bribes or give bribes.
3. If the voters are given money to get graff and vote in the election and if they hold it and file the FIR then the candidate should be banned from standing in the election and declared as disqualified according to the law.
4. All the assets involved in bribery and corruption cases should be immediately frozen and if punishment is impose after the case is over the speedy trial without bail and adjudication should be completed within 6 months. Corrupt asset should be declared as public property by law.
5. It should be made a definite rule of law that no prayer sanction from the head of department is required CrPC under section 197 and prevention of corruption act section 19 for prosecuting criminal case against public servant in case of bribery or corruption cases.
6. Bribery corruption and other crimes relate third to government or public property should be given severe life or capital punishment in prevention of corruption act and dealer should be amended accordingly to law.
7. Police protection should provided without threat life to the public who came forward regarding corruption and the complaints the information given in the complaint related to corruption should be confidential.
8. Prohibit an anticipatory bail in case related bribery and corruption and public property loss.
9. Any compromise between the complainant and the accused under section 320 Crpc is never applicable in bribery.
10. Everyone is responsible and accountable for creating corruption free young generation for this people participating is paramount importance. And consistent monitoring of and stringent action are warranted to fight against corrupt activities participation of citizens in general is of paramount importance for legal transactions corruption is not only found as illegality even demands and acceptance of bribe is found in large scale in government. Depts and in police depts therefore.
11. The public opinion in this regard is to be removed only by developing transparency in public administration, minimising the procedure to be adopted and unilaterally appropriate action against complaints given by the aggrieved person.

### Conclusion:

There is no doubt that if the employees working in the public, private organisation earn illegally through bribery scandals, their family members will not be able to live peacefully in this universe and their children will not be able to live well in this universe, and none of their children will be able get to better education as intellectuals and public employments through merits and contrary to the public policy, even if they get a degree and a public job, they cannot be enlightened in this universe, among the sages and in the work.

Bribery and corruption are deadly viruses that are destroying the country's governance, development and reputation. To make India a big wellgoverned democratic country among the countries of the world, a developed country and a superpower, we should make it our primary duty to eliminate bribery and corruption.

<sup>28</sup> \* 199 (6) SCC 194

Just as parents breastfeed their children from birth, it would be better if we breastfed our offspring to work as public servants without bribery and social corruption caused by bribery and corruption. We do not pay bribe for any work. Make sure you don't buy. Bribery and corruption can be eradicated if we act with a pledge that we will not vote by taking money in elections, we will not buy subsidies and free goods in government welfare schemes, and we will not act against public policy...

