

Advancing a forward-looking Anti-corruption agenda and framework

INDIA

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Key Areas covered in this presentation

- India's Anti-Corruption Priorities
- Guiding Principles
- Multi-pronged Approach
- Achievements - Best Practices
- Challenges Faced
- Way forward

India's Anti-Corruption Priorities

International Cooperation dealing with Economic Crime, Offenders and Recovery of Stolen Assets

Strengthening of Integrity in Public Bodies involved in combating corruption

Use of ICT tools for increasing transparency and empowering public to combat corruption

Guiding Principles

- **SDG-16**: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- **UNGASS 2021**: Political declaration
- **UNCAC's** focus on links between corruption and economic crime.
- **2018-India's Nine Point Agenda** for Action Against Fugitive Economic Offenders and Asset Recovery proposed to G-20 during the Presidency of Argentina
- **G 20 Leaders' Declarations** highlight the issues related to Economic Crimes and offenders and related Asset Recovery
- **G 20 Anti-Corruption Working Group (ACWG) :**
 - Scoping paper and G 20 Action Paper on International Co-operation dealing with Economic Crime, Offenders and Recovery of Stolen Assets.
 - Think pieces on Asset Recovery, Information sharing, Law Enforcement Cooperation, Technology and Denial of Safe Haven.

Multi-pronged Approach

- **Technology Driven:** Leveraging technology in anti-corruption initiatives to target gaps and enhance effectiveness.
- **People Driven:** Facilitating increased involvement of local stakeholders – public representatives, women and non-governmental organizations – at various levels of decision making and implementation to ensure inclusive, participatory and responsive decision making at grassroots
- **Strengthening Criminal Justice System** and enhancing mechanisms for review and analysis of the modus operandi and loopholes that facilitate corruption.
- **Enhancing International Cooperation** by strengthening Asset Recovery Mechanisms and creating effective cooperation channels for sharing of information related to corruption and economic crimes.

Technology Driven Governance: Procurement

➤ Streamlining revenue collection functionalities

- Faceless assessment in Income Tax and Customs (two major sources of revenue)
- Technology driven revenue collection mechanisms.
- Adoption of block chain technology in land registration and other Government functions

➤ GeM: Government e-Marketplace

- Facilitates online procurement of common use Goods & Services by Government Departments / Public Sector Undertakings
- Complete end-to end contactless, cashless and paperless procurement system
- Rs. 285,095 Crores (around 36 billion dollars) worth transactions till date

➤ CPPP: Central Public Procurement Portal

- Single point access to the information on procurements made in Government Ministries and the line Departments
- Avoidance of human discretion/ interference, easy availability of complete audit trail and evidentiary data
- 89.63 lakh tenders (around 9 million) of Rs. 128 Lakh Crores (around 1600 billion dollars) worth till date

Enhancing Public Participation

➤ Right to Information Act 2005

- Timely response to citizen's request for information.
- RTI online- service based web portal to facilitate citizens and public authorities in managing and monitoring RTI applications

➤ DBT: Direct Benefit Transfer Scheme

- Launched in 2013 for improving public service delivery
- Welfare benefits are delivered efficiently and timely
- Tool for re-engineering Government processes
- DBT Transfers of around Rs. 22, 98, 382 Crores (annual) (around 287 billion dollars)

➤ Grievance redressal mechanism

- PMGRAMS, CPGRAMS
- Time bound action by Government Servants
- Inbuilt mechanism to monitor grievance
- Escalation modules to alert senior officials in case of non-redressal.

➤ Feedback mechanism for service delivery and Increased participation of private sector and NGOs in gathering feedback.

Strengthening Criminal Justice System-Laws

Indian Penal Code, 1860:

- Provides the framework for the investigation of crime
- Determination of guilt
- Punishment of the guilty

The Prevention of Corruption Act, 1988:

- Addresses corruption of public servants
- Checks big ticket corruption of commercial organizations.

The Benami Transactions (Prohibition) Act, 1988

- Prohibits benami transactions (purchase of property in false name of another person who does not pay for the property)

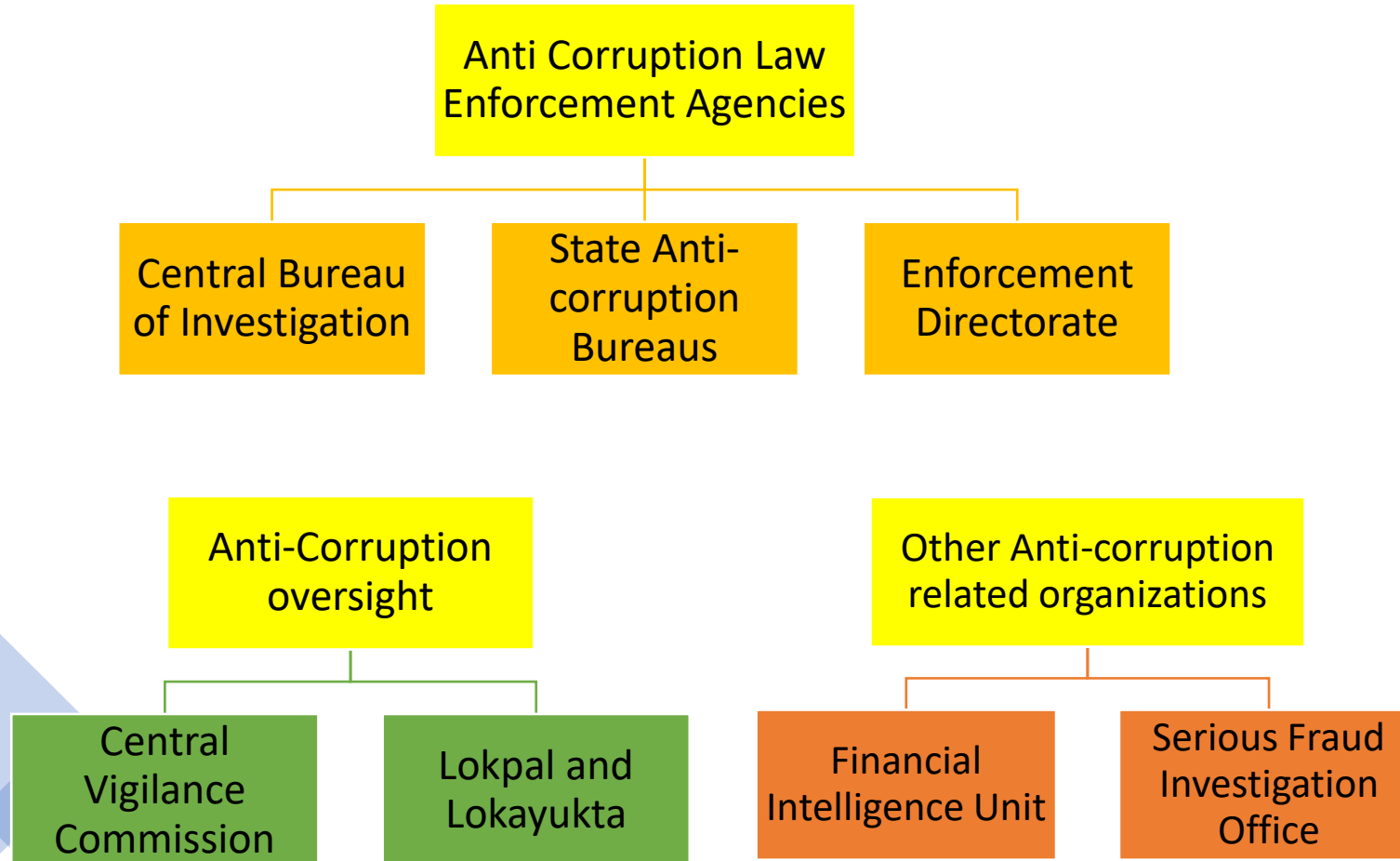
The Prevention of Money Laundering Act, 2002:

- Fights offence of legalizing the income/profits from an illegal source.
- Enables to confiscate the property earned from the illegally gained proceeds.

Lokpal and Lokayuktas Act:

- Establishes Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against public functionaries
- Provides effective mechanism to receive complaints against public servants including high functionaries

Strengthening Criminal Justice System-Public Bodies- Statutory and Law Enforcement Agencies



- Time-bound completion of investigation
- Formation of special courts
- Independence of investigating authorities
- Fixed tenures of the heads of the organizations
- Opposition party leaders involved in appointments

Enhancing International Cooperation

- **Signatory** to UNCAC, United Nations Convention Against Transnational Organized Crime, United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance, Hague Convention, SAARC Convention, Commonwealth Scheme (Harare Scheme)
- **Designated central authority** for mutual Legal Assistance - Ministry of Home Affairs
- **Spontaneous sharing of information** on criminal matters to a competent authority in another State Party in many cases
- **Flexible application** of the dual criminality requirement in relation to mutual legal assistance based on the UNCAC. Provides the widest scope of assistance possible in relation to freezing and confiscation of the proceeds and instrumentalities of corruption offences

Challenges

- **Ensuring cyber security**, data protection and privacy – With increased adoption of technology, focus is on creating effective cyber security infrastructure and increase awareness for cyber hygiene.
- **Trans-national nature of crime** – Digital/Financial trail moves through multiple countries. Hence cooperation between Countries in a time-bound manner is crucial for meaningful investigation
- **Extending effective and fullest cooperation** in tracing and repatriating fugitive economic offenders and their assets to their home country
- **Facilitating efficient extradition** and elimination of safe havens to ensure early repatriation of fugitive economic offenders and their illicit assets
- **Enhancing effective and timely international cooperation** to mitigate the serious risk posed to the integrity of the international financial system

Way Forward

- **Fugitive Economic Offenders** remains a key area in International anti-corruption cooperation.
- **Strengthening Asset recovery mechanisms** – widening its range and leveraging technology for identification
- **Creating extensive mechanisms for public participation** – developing a culture against corruption in society
- **Proactively identifying new modus operandi** of corruption in emerging areas of economy to prevent and counter their impact.