

Anti-bribery and corruption services





Bribes, kickbacks and third parties indulging in corrupt practices have become a routine occurrence and a way of doing business internationally.

Increasing global and domestic awareness about prevalent corrupt practices of corporates and stringent enforcement and securitisation by international law enforcement agencies has made it imperative for businesses to assess their existing practices both at macro and micro levels. This is important to safeguard companies from financial and reputational risks.

Companies in India with global operations may not only be subject to the laws and regulations of India, such as the Prevention of Corruption (Amendment) Act, 2018, but may also be subject to laws of other countries in which they operate, including laws having extra-territorial reach such as the Foreign Corrupt Practices Act (FCPA) of the USA; and the UK Bribery Act (UKBA).







India ranks 80 out of 180 countries on the Corruption Perception Index (CPI), 2020, published by the Berlin-based corruption watchdog, Transparency International.

The common source of corruption risks in India is the discretionary power of public officials and elected representatives, regardless of whether stipulated procedures have been followed or not. Due to this, companies conducting business in India are considerably more vulnerable to corruption risks, especially when they establish third-party relationships or linkages with government officials or government-owned companies. Other corporate issues include vendor kickbacks, recruitment bribes, etc.

Whether conducting or responding to bribery or corruption investigation, evaluating potential foreign business transactions, or designing compliance programmes, having the right information at the right time is critical.

Anti-bribery and corruption acts

Some of the key anti-bribery and corruption acts are as under:

Particulars	The Foreign Corrupt Practices Act (FCPA)	UK Bribery Act (UKBA)	Prevention of Corruption Act	The Lokpal and Lokayuktas Act
Enacted by 	United States	UK	India	India
Effective since 	December 1977	July 2011	September 1988, amended in 2018	December 2013
Enforcement agencies 	The Securities and Exchange Commission (SEC) and the Department of Justice (DOJ)	The Serious Fraud Office (SFO)	Parliament of India	Parliament of India
Key provisions/offenses 	<ul style="list-style-type: none"> Bribing foreign officials Knowingly falsifying books and records 	<ul style="list-style-type: none"> General commercial bribery Bribing of foreign officials Corporate failure to prevent bribery 	Taking gratification in order to influence public servants by corrupt or illegal means	Allegations of corruption against certain public functionaries and for matters concerning them
Applicable to 	US companies and associates, US individuals across the world, foreign companies listed in the US and foreign individuals participating in corrupt activities when in the US	<ul style="list-style-type: none"> Corruption committed within UK by all individuals and corporates Corruption committed outside UK by British citizens and corporates incorporated in UK 	Government agencies and public sector businesses within India Private bank employees**	Public functionaries within India
Penalties for violations 	Civil and criminal penalties, sanctions and remedies, including fines, disgorgement, etc.	Up to 10 years of imprisonment and fine	Imprisonment and fines	Imprisonment and fines

** Source: <https://www.indiatvnews.com/news/india/all-private-bank-staff-under-ambit-of-anti-graft-law-sc-57856.html>

How we can help

Prevent

Anti-bribery and anti-corruption compliance reviews

- Our experienced forensic professionals can assist in helping you assess inherent risks and weaknesses in controls and advise on developing Attribute Based Access Control (ABAC) policies, procedures and designing internal controls
- We can also help in implementing ABAC framework within an organisation and monitoring compliance on an ongoing basis

Detect

Third party/vendor risk assessments and evaluation

- We have significant experience in advising clients on all aspects of analysing and enhancing their processes involving identification and appointment of business partners/vendors, conducting due diligence and developing a risk assessment framework for business partners/vendors

Continuous improvement

Provide education and awareness

- We have delivered customised ABAC training for senior management, employees, business partners and, in many instances, third-parties that act on the behalf of the company
- Development of e-learning training modules on ABC compliances

Respond

Anti-bribery and anti-corruption investigation

- We assist clients in conducting investigations related to allegations of fraud, bribery and corruption.
- We bring a dedicated team of experienced forensic accountants, investigators, business intelligence professionals and former law enforcement officers to conduct such investigations.

Value addition

Managing risks of corruption help organisations to:



Safeguard assets, people, reputation, shareholder value and bottom lines



Reduce the likelihood of fines and penalties



Manage and mitigate third party risks as well as anti-bribery and anti-corruption risks



Contribute to economic growth in a positive way

To know more about our services, reach out to our experts

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