

OFFICE OF THE OMBUDSMAN

THE ANTI-CORRUPTION POLICY



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STATEMENT OF THE RESPONSIBLE AND ACCOUNTING OFFICER

The Office of the Ombudsman is a public Office established under Chapter IX of the Constitution and it provides assurance that the authorities we oversight act with integrity, transparency, accountability and in accordance with the principles of good administration. It is noteworthy that the Office is also subject to the different laws, rules and regulations in force in Mauritius. Compliance with these laws doesn't happen in a vacuum, it requires the support of everyone associated with the Office – from the top management and staff to those adhoc Officers and stakeholders representing or acting on its behalf.

This Policy focuses on a particular area of compliance, which the Office takes extremely seriously, **Anti-Corruption**. It is designed to communicate our commitment to counter corruption and to ensure that all staff and third-party representatives fully understand the scope and application of the Code of Ethics for Public Officers as well as the Prevention of Corruption Act 2002.

This Policy describes what is meant by corruption, how it affects our Office, and what we are doing to fight it. In particular, it shows how our policies translate into practical processes and procedures, and explains what needs to be done to comply with them. While this Policy is written in simple terms, its application may not always be straightforward. If, at any time you are in doubt, please contact the Top Management for further assistance. It is your responsibility to read and understand this Policy and a lack of understanding will not be an excuse for flouting it.

Transparency and accountability are, amongst others, our core values which provide the foundation for our Office policies and your continued commitment to our high ethical standards is expected and would be very much appreciated.



A. RAMTAHUL
Senior Investigations Officer
Responsible and Accounting Officer

OFFICE OF THE OMBUDSMAN

The Office of the Ombudsman is an independent Public Office which is responsible to carry out investigations in cases of alleged maladministration made against public authorities and their officials. Our service is free of charge and same is accessible to all members of the public.

OUR VISION

To provide all citizens a quality service that upholds their rights to a just and equitable treatment in accordance with principles of good administration.

OUR MISSION

To serve the Mauritian community by addressing issues arising from maladministration in the public sector and redressing wrongs that may be found to have been committed.

OUR VALUES

a. Independence and impartiality

b. Fairness

c. Effectiveness

d. Transparency and Accountability

e. Confidentiality

1. APPLICATION OF THE PREVENTION OF CORRUPTION ACT 2002 AND THE PURPOSE OF THIS POLICY

Corruption is the willingness to act dishonestly in return for money or personal gain and is an aspect of human behaviour that has been around for a long time. For that reason, it may be easy to forget the damage that corruption does. By wrongly benefiting a few individuals who abuse their power or position, corruption creates unfair competition, damages innovation and undermines integrity.

Because of the damage corruption does to the public good, it is illegal around the world, and Mauritius has its own Anti-corruption Law known as 'The Prevention of Corruption Act 2002' that applies to any person including public officers in the performance of their duties. For purposes of this Policy, you should assume that the said law applies to everyone and every party associated with our Office.

This Policy states the Office's position with regard to Anti-corruption. All staff as well as Senior Officials are required to fully comply with this Policy and the provisions of the applicable Anti-corruption Law. Compliance with this Policy and the aforementioned law is a legal duty and obligation, any violation will not be tolerated and thus any alleged breach will be investigated and referred to authority concerned, i.e ICAC.

Failure by staff to comply with this Policy could jeopardize our operations and reputation. You should also be aware that any breach of the aforementioned law may subject individual staff to criminal proceedings.

The Office is committed to maintaining the highest level of integrity in the conduct of its affairs through the adoption of corruption prevention strategies in the organisation to detect, prevent and combat corruption and reinforce integrity at all levels.

2. OFFICE POLICY ON ANTI-CORRUPTION

As a responsible public Office, it does not accept and does not condone the acceptance of any offer of a gift from any individual or organisation. Similarly, the Office does not give and does not condone giving any reward to anyone. Staff are prohibited from accepting or receiving any gift, or similar reward or consideration of any kind, from any person or entity which is intended to, or which may be perceived as being intended to:

- (a) influence one's official acts or decisions;
- (b) obtain or retain business advantage for, or direct business to, the offer of gift and/or any entity that he/she represents; and/or
- (c) secure any improper advantage for the offer of gratification and/or any entity that he/she represents.

The Office of the Ombudsman has therefore a zero-tolerance stance against corrupt practices in the administration of its responsibilities, be it internal or external. It is committed to promoting and adhering to the highest standards of probity, transparency and accountability in the operations and management of the organisation. Through this policy, the Office shall uphold the principles of good governance, ward off the risks of corrupt practices and adhere to the anti-corruption legislation in force in Mauritius as well as the best practices.

3. DEFINITIONS

Section 2 of the Prevention of Corruption Act 2002 defines the following:

“act of corruption” means:

- (a) an act which constitutes a corruption offence; and
- (b) includes –
 - i. any conduct whereby, in return for a gratification, a person does or neglects from doing an act in contravention of his public duties;
 - ii. the offer, promise, soliciting or receipt of a gratification as an inducement or reward to a person to do or not to do any act, with a corrupt intention;
 - iii. the abuse of a public or private office for private gain;
 - iv. an agreement between 2 or more persons to act or refrain from acting in violation of a person’s duties in the private or public sector for profit or gain;
 - v. any conduct whereby a person accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification for inducing a public official, by corrupt or illegal means, or by the exercise of personal influence, to do or abstain from doing an act in the exercise of his duties to show favour or disfavour to any person.

“Commission” means the Independent Commission Against Corruption established under section 19;

“gratification” –

- a. means a gift, reward, discount, premium or other advantage, other than lawful remuneration; and
- b. includes –
 - i. a loan, fee or commission consisting of money or of any valuable security or of other property or interest in property of any description;
 - ii. the offer of an office, employment or other contract;
 - iii. the payment, release or discharge of a loan, obligation or other liability; and

- iv. the payment of inadequate consideration for goods or services;
- c. the offer or promise, whether conditional or unconditional, of a gratification

“public official” –

- a. means a Minister, a member of the National Assembly, a **public officer**, a local government officer, an employee or member of a local authority, a member of a Commission set up under the Constitution, an employee or member of a statutory corporation, or an employee or director of any Government company;

“victimisation” means an act –

- a. which causes injury, damage or loss;
- b. of intimidation or harassment;
- c. of discrimination, disadvantage or adverse treatment in relation to a person’s employment; or
- d. amounting to threats of reprisals.

3.1 OFFENCES UNDER POCA 2002

A list of offences as defined under the Prevention of Corruption Act 2002 is reproduced at Annex 1. You are advised and encouraged to take cognizance of same for a better understanding.

4. ANTI-CORRUPTION COMMITMENT

For the purpose of ensuring sound implementation of this policy, the Office of the Ombudsman will ensure that:

- The anti-corruption policy is clearly disseminated to all staff and its contents are understood.
- Adequate controls to detect, prevent and combat corruption are known and adopted within the organization.
- if an act of corruption occurs a vigorous and prompt investigation will be initiated.

- appropriate disciplinary and legal action are taken in all cases, where justified
- Stakeholders are aware of the Office's anti – corruption policy.
- systems and procedures are reviewed to prevent similar act.

5. SCOPE

This anti-corruption policy will strengthen the existing framework within the organisation through administrative policies in the field of internal control, oversight mechanisms, transparency and accountability.

5.1 CONFLICT OF INTERESTS

You should disclose and record any personal interest that might influence, or be seen by others to influence, the impartiality in arriving at a decision. Those who have business or personal relationships with, or friends/relatives employed by, outside organisations bidding for the Office of the Ombudsman contracts should inform the Management at the outset.

The following guidelines shall be applicable:

- Officers should **disclose promptly in writing**, any situation of conflict of interests and the nature of such interests.
- Where an officer or his relative or his associate has a personal interest in the decision of the Office, that officer should **not take part in the proceedings** relating to such decisions.

5.2 GIFTS

You should not canvass or accept gifts or reward for personal benefit as a consequence of your position. It is your responsibility to ensure that your actions do not give rise to, or foster, suspicion or perception that outside individuals or organisations have gained favour or advantage through the offer or acceptance of any gifts or reward.

Additionally, you must not offer, promise or give a gift or other benefit to a third party which may be perceived as inducing that person or organisation to perform a relevant function or activity improperly.

As a general guide, it is usually appropriate to refuse offers except:

- 5.2.1 isolated gifts of a trivial character or inexpensive seasonal gifts such as a calendar or diary, or other simple items of modest value,

5.2.2 normal hospitality associated with your duties and which would reasonably be regarded as inappropriate to refuse, or

5.2.3 gifts received on behalf of the Office of the Ombudsman.

5.3 WHISTLE BLOWING

For the purpose of this policy, a “whistleblower” is defined as any person disclosing information to this Office about any wrongdoing, which could be in the form of corruption, fraud or any other dishonest/illegal activity occurring in the organization.

The Office believes that whistleblowing constitutes an exercise of an individual’s internationally protected right of freedom of expression as contemplated in Article 10 of the United Nations Convention against Corruption.

The Office is committed to encouraging and maintaining an environment whereby ‘Whistle-blowers’ who are aware of any potential malpractices or improper conduct can come forward and disclose information in good faith and without fear of retaliation, punishment or any other unfair treatment.

The Office assures that all reports will be treated in the strictest of confidence and promptly investigated. The Office will do all it can to protect the identity of a staff member who raises a concern and does not want his/her name to be made known. However, there may be situations where a matter cannot be investigated unless the identity of the staff member made known. The Office will address any alleged or attempted acts of interference, reprisal, retaliation, threats, coercion or intimidation against the Whistle-blower and will protect the Whistle-blower to the extent reasonably practicable. Where the Whistle-blower is an employee of the Office and the disclosure is made in good faith, the employee will be protected from harassment, discrimination or victimization as guaranteed by POCA 2002.

5.4 ETHICAL BEHAVIOUR

The primary objective of the ‘Code of Ethics for Public Officers’ aims at promoting integrity, transparency and accountability in the public sector. We advise staff to maintain compliance with these principles and demonstrate high sense of diligence, honesty, professionalism and ethical conduct in the performance of their duties at all times.

We are confident that this Policy will further enhance our control system and demotivate the staff to act in a way that is inconsistent with our values and laws regulating their conduct and behaviour.

It is therefore your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of the Code of Ethics for Public Officers and any breach of the Code by staff members will be considered as a disciplinary matter.

5.5 TRAINING

With a view to ensuring a successful implementation of this policy, this Office will make sure that this policy is disseminated to all staff and other stakeholders and that its contents are understood. Similarly, Supervisors and HR Section should on a regular basis enrol their subordinates and newly inducted staff to follow relevant anti-corruption training courses delivered by the Civil Service College and the Commission with a view to promoting strong work ethics.

5.6 RECORD KEEPING AND INTERNAL ACCOUNTING CONTROLS

A. All staff shall strictly follow and comply with the applicable standards, principles, laws, regulations and instructions laid in Financial Management Manual for accounting and financial reporting. In particular, staff shall be timely, complete and accurate when preparing all required reports and records.

B. It is the Office's Policy to maintain accurate, reasonably detailed records that fairly reflect its transaction and disposition of assets. Therefore, staff are prohibited from making any false and misleading statements in Office books, registers and records for any reason. In addition, the Office shall maintain a system of internal control sufficient to provide reasonable assurance that all transactions are executed in accordance with financial instructions, rules, regulations and laws in force.

C. If, at any time, a staff has information or knowledge of any unrecorded or mischaracterised asset or fund, such information must be reported directly to the Management.

6. RESPONSIBILITIES FOR IMPLEMENTING THE POLICY

The Anti-Corruption Committee (ACC) established at the Office of the Ombudsman will be responsible for the implementation of this policy by way of the development and coordination of anti-corruption initiatives and programmes within the organisation, amongst others.

The ACC may consider developing a time-bound programme with clear and precise deliverables and related budget and execute it once approved.

6.1 TERMS OF REFERENCE OF THE ANTI-CORRUPTION COMMITTEE

- i. Formulation and review of the Anti-Corruption Policy.
- ii. Development of a Corruption Prevention Plan.
- iii. Development and implementation of an integrated Corruption Risk Management Plan.
- iv. Overseeing and coordinating implementation of corruption prevention strategies.
- v. Implementation of recommendations proposed by the ICAC in Corruption Prevention Reviews.
- vi. Advise management on corruption-prevention issues with respect to new projects and policies on which the organization is embarking.
- vii. Building and sustaining an ethical culture to promote integrity of staff within the organization.
- viii. Interact with other Anti-Corruption Committees to share corruption prevention experiences.
- ix. Report annual progress and achievements on the implementation of the Framework to the Senior Investigations officer and the Commission.

6.2 COMPOSITION OF THE ANTI-CORRUPTION COMMITTEE

The Anti-Corruption Committee (ACC) shall comprise of an Integrity Officer, Supervisors, an Ex-Officio member from ICAC and one Officer from the Internal Control cadre. The Senior Investigations Officer shall be the Chairperson of the Committee and the Investigations Officer is designated as the Integrity Officer of the Office.

The Committee shall meet on a regular basis, preferably every quarter or on an as and when required basis. The Chairperson shall decide upon the setting up of sub-committees and inclusion of co-opted members to assist the ACC in the implementation of any initiatives as advised by the ACC and other stakeholders.

7. REPORTING PROCEDURE

Staff members who have a concern, become aware of wrongdoing or consider that they have been asked to do something contrary to this policy, they should report the matter to their direct supervisor or the Management.

Staff members are encouraged to report concerns as soon as they become aware of them. The disclosure should contain sufficient information to demonstrate

that reasonable grounds for the allegation exist. Staff members who disclose an alleged wrongdoing are protected, provided that the disclosure is made in good faith and the staff member has reasonable suspicion that the alleged wrongdoing has occurred, is occurring or is likely to occur.

The Ombudsman as well as Management should be informed of the existence of any whistleblowing disclosure. The Management may refer the disclosure to the Internal Control for an initial enquiry. Should the result reveal a minor procedural deviation in terms of record keeping, corrective measures would be taken. In case the facts established a serious misconduct or criminal offence, the matter would be reported to the ICAC or Police if criminal activity is suspected.

8. NON-RETALIATION POLICY

The Office will not take any adverse action against anyone for providing truthful information relating to breach of the Prevention of Corruption Act or this policy, and the Office will not tolerate any retaliation against persons asking questions or making good faith reports of possible violations of this Policy. Anyone who retaliates or attempts to retaliate will be severely disciplined. Any person who believes he or she has been retaliated against should immediately inform the Management for intervention and action as deemed appropriate.

9. DISCIPLINARY ACTION

Non-compliance with this Policy will not be tolerated. Any staff who breaches this Policy will be subject to disciplinary action in accordance with established rules and regulations in force in the Public Service.

“If corruption is a disease, transparency is essential part of its treatment.”

*Kofi Annan,
Former UN Secretary General & Nobel Prize laureate*

EXTRACT FROM THE PREVENTION OF CORRUPTION ACT 2002 – CORRUPTION OFFENCES

SECTION 4. BRIBERY BY PUBLIC OFFICIAL

(1) Any public official who solicits, accepts or obtains from another person, for himself or for any other person, a gratification for -

(a) doing or abstaining from doing, or having done or abstained from doing, an act in the execution of his functions or duties;

(b) doing or abstaining from doing, or having done or abstained from doing, an act which is facilitated by his functions or duties;

(c) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act in the execution of his functions or duties;

(d) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act by another public official, in the execution of the latter's functions or duties;

(e) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, another person in the transaction of a business with a public body,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) Notwithstanding section 83, where in any proceedings against any person for an offence, it is proved that the public official solicited, accepted or obtained a gratification, it shall be presumed, until the contrary is proved, that the gratification was solicited, accepted or obtained for any of the purposes set out in subsection (1)(a) to (e).

SECTION 5. BRIBERY OF PUBLIC OFFICIAL

(1) Any person who gives, agrees to give, or offers a gratification to a public official for -

(a) doing, or for abstaining from doing, or having done or abstained from doing, an act in the execution of his functions or duties;

(b) doing or abstaining from doing, or for having done or abstained from doing, an act which is facilitated by his functions or duties;

(c) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act in the execution of his functions or duties;

(d) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act by another public official in the execution of the latter's functions or duties;

(e) assisting, favouring, hindering or delaying or having assisted, favoured, hindered or delayed another person in the transaction of a business with a public body,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) Notwithstanding section 83, where in any proceedings against any person for an offence under subsection (1) it is proved that the accused gave, agreed to give or offered gratification, it shall be presumed, until the contrary is proved, that the accused gave, agreed to give or offered the gratification for any of the purposes set out in subsection (1)(a) to (e).

SECTION 6. TAKING GRATIFICATION TO SCREEN OFFENDER FROM PUNISHMENT

(1) Subject to section (2), any person who accepts or obtains, or agrees to accept or attempts to obtain, a gratification for himself or for any other person, in consideration of his concealing an offence, or his screening any other person from legal proceedings for an offence, or his not proceeding against any other person in relation to an alleged offence, or his abandoning or withdrawing, or his obtaining or endeavouring to obtain the withdrawal of, a prosecution against any other person, shall commit an offence and shall, on conviction -

(a) where the offence is a crime, be liable to imprisonment for a term not exceeding 5 years; (b) where the offence is a misdemeanour, be liable to imprisonment for a term not exceeding one year;

(c) where the offence is a contravention, be liable to imprisonment for a term not exceeding 6 months.

(2) This section shall not extend to any lawful compromise as to the civil interests resulting from the offence, but any such compromise shall not be a bar to any criminal proceedings which may be instituted by the State in respect of the offence.

SECTION 7. PUBLIC OFFICIAL USING HIS OFFICE FOR GRATIFICATION

(1) Subject to subsection (3), any public official who makes use of his office or position for a gratification for himself or another person shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) For the purposes of subsection (1), a public official shall be presumed, until the contrary is proved, to have made use of his office or position for a gratification where he has taken any decision or action in relation to any matter in which he, or a relative or associate of his, has a direct or indirect interest.

(3) This section shall not apply to a public official who - (a) holds office in a public body as a representative of a body corporate which holds shares or interests in that public body; and (b) acts in that capacity in the interest of that body corporate.

SECTION 8. BRIBERY OF OR BY PUBLIC OFFICIAL TO INFLUENCE THE DECISION OF A PUBLIC BODY

(1) Any person who gives, or agrees to give, or offers, to a public official, a gratification for-

(a) voting or abstaining from voting, or having voted or abstained from voting, at a meeting of a public body of which he is a member, director or employee, in favour of or against any measure, resolution or question submitted to the public body;

(b) performing or abstaining from performing, or aiding in procuring, expediting, delaying, hindering or preventing, or having performed or abstained from performing, or having aided in procuring, expediting, delaying, hindering or preventing, the performance of an act of a public body of which he is a member, director or employee;

(c) aiding in procuring, or preventing, or having aided in procuring or preventing, the passing of any vote or the granting of any contract or advantage in favour of any other person,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) Any public official who solicits or accepts a gratification for –

(a) voting or abstaining from voting, or having voted or abstained from voting at a meeting of a public body of which he is a member, director or employee, in favour of or against any measure, resolution or question submitted to the public body;

(b) performing or abstaining from performing, or aiding in procuring, expediting, delaying, hindering or preventing, the performance of, an act of a public body of which he is a member, director or employee;

(c) aiding in procuring or preventing, or having aided in procuring or preventing, the passing of any vote or the granting of any contract or advantage in favour of any person,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 9. INFLUENCING PUBLIC OFFICIAL

Any person who exercises any form of violence, or pressure by means of threat, upon a public official, with a view to the performance, by that public official, of any act in the execution of his functions or duties, or the non-performance, by that public official, of any such act, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 10. 'TRAFIC D'INFLUENCE'

(1) Any person who gives or agrees to give or offers a gratification to another person, to cause a public official to use his influence, real or fictitious, to obtain any work, employment, contract or other benefit from a public body, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) Any person who gives or agrees to give or offers a gratification to another person to use his influence, real or fictitious, to obtain work, employment, contract or other benefit from a public body, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(3) Any person who gives or agrees to give or offers a gratification to public official to cause that public official to use his influence, real or fictitious, to obtain work, employment, contract or other benefit from a public body, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(4) Any person who solicits, accepts or obtains a gratification from any other person for himself or for any other person in order to make use of his influence,

real or fictitious, to obtain any work, employment, contract or other benefit from a public body, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(5) Any public official who solicits, accepts or obtains a gratification from any other person for himself or for any other person in order to make use of his influence, real or fictitious, to obtain any work,

employment, contract or other benefit from a public body, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 11. PUBLIC OFFICIAL TAKING GRATIFICATION

Any public official who accepts or receives a gratification, for himself or for any other person -

(a) for doing or having done an act which he alleges, or induces any person to believe, he is empowered to do in the exercise of his functions or duties, although as a fact such act does not form part of his functions or duties; or

(b) for abstaining from doing or having abstained from doing an act which he alleges, or induces any person to believe, he is empowered not to do or bound to do in the ordinary course of his function or duty, although as a fact such act does not form part of his functions or duties, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 12. BRIBERY FOR PROCURING CONTRACTS

(1) Any person who gives or agrees to give or offers a gratification to a public official in consideration of that public official giving assistance or using influence in -

(a) promoting, executing, or procuring a contract with a public body for the performance of a work, the supply of a service, or the procurement of supplies;

(b) the payment of the price provided for in a contract with a public body;

(c) obtaining for that person or for any other person, an advantage under a contract for work or procurement,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) Any public official who solicits, accepts or obtains from any other person, for himself or for any other person, a gratification for giving assistance or using influence in -

- (a) promoting, executing, or procuring a contract with a public body for the performance of a work, the supply of a service, or the procurement of supplies;
- (b) the payment of the price provided for in a contract with a public body;
- (c) obtaining for that person or for any other person, an advantage under a contract for work or procurement,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 13. CONFLICT OF INTERESTS

(1) Where-

- (a) a public body in which a public official is a member, director or employee proposes to deal with a company, partnership or other undertaking in which that public official or a relative or associate of his has a direct or indirect interest; and
- (b) that public official and/or his relative or associate hold more than 10 per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking,

that public official shall forthwith disclose, in writing, to that public body the nature of such interest.

(2) Where a public official or a relative or associate of his has a personal interest in a decision which a public body is to take, that public official shall not vote or take part in any proceedings of that public body relating to such decision.

(3) Any public official who contravenes subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 14. TREATING OF PUBLIC OFFICIAL

Any person who, while having dealings with a public body, offers a gratification to a public official who is a member, director or employee of that public body shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 15. RECEIVING GIFT FOR A CORRUPT PURPOSE

Any public official who solicits, accepts or obtains a gratification for himself or for any other person - (a) from a person, whom he knows to have been, to be, or to be likely to be, concerned in any proceeding or business transacted or about to

be transacted by him, or having any connection with his functions or those of any public official to whom he is subordinate or of whom he is the superior; or

(b) from a person whom he knows to be interested in or related to the person so concerned,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 16. CORRUPTION OF AGENT

(1) Any agent who, without the consent of his principal, solicits, accepts or obtains from any other person for himself or for any other person, a gratification for doing or abstaining from doing an act in the execution of his functions or duties or in relation to his principal's affairs or business, or for having done or abstained from doing such act, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) Any person who gives or agrees to give or offers, a gratification to an agent for doing or abstaining from doing an act in the execution of his functions or duties or in relation to his principal's affairs or business or for having done or abstained from doing such act, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

SECTION 17. CORRUPTION TO PROVOKE A SERIOUS OFFENCE

Where a person has committed an offence under this Part with the object of committing or facilitating the commission of a crime, that person shall, on conviction, be sentenced to penal servitude.

SECTION 17A. OFFENCE COMMITTED BY LEGAL PERSON

(1) Any legal person who commits an offence under this Part shall, on conviction, be liable to a fine not exceeding 10 million rupees.

(2) In this section – “legal person” –

(a) means any entity, other than a natural person; and

(b) includes a company, a foundation, an association, a limited liability partnership or such other entity as may be prescribed.