
A Comparative Study of Bribery Act 2010 and Prevention of Corruption Act: Similarities and Differences in Provisions and Implementation.

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Pakistan Journal of Law, Analysis and Wisdom

Vol 1 No. 2

Abstract:

This article provides a comparative study of the Bribery Act 2010 in the UK and the Prevention of Corruption Act 1947 in Pakistan. The article analyzes the similarities and differences between the key provisions of the two Acts, including the types of corruption offenses covered, penalties for corruption offenses, and implementation challenges. The article also refers to relevant case laws, articles, and books to support its analysis. The findings of the study suggest that while there are some similarities between the two Acts, such as the focus on the prevention of corruption and the punishment of offenders, there are also significant differences in their provisions and implementation. The study concludes by calling for further reforms to strengthen the legal framework for the prevention and prosecution of corruption offenses in both countries.

Key Words: Corruption, Bribery, Prevention of Corruption Act, 1947, Bribery Act, 2010

1. Introduction:

Corruption and bribery are pervasive problems that undermine public trust in government, hinder economic growth, and erode the rule of law. To combat these issues, many countries have enacted laws that criminalize bribery and corruption in both the public and private sectors. In the United

Kingdom, two of the most significant anti-corruption laws are the Bribery Act 2010 and the Prevention of Corruption Act. While both acts aim to prevent and punish corrupt practices, they differ in their scope, definitions, and penalties for offenses.

This article provides a comparative study of the Bribery Act 2010 and the Prevention of Corruption Act. The purpose of this study is to identify the similarities and differences in the provisions and implementation of the acts, and to evaluate their effectiveness in curbing bribery and corruption. The article begins with an overview of the key provisions of each act and the types of offenses they cover. It then compares the two acts in terms of their definitions and penalties for bribery and corruption offenses, and examines their implementation and enforcement.

Through this comparative analysis, the article seeks to shed light on the strengths and weaknesses of the Bribery Act 2010 and the Prevention of Corruption Act, and to provide recommendations for improving their implementation and enforcement. By doing so, this study aims to contribute to the broader global effort to combat bribery and corruption and promote transparency and accountability in both the public and private sectors.

The purpose of the comparative study of Bribery Act 2010 and Prevention of Corruption Act is to identify and analyze the similarities and differences between the two acts in terms of their provisions and implementation, and to evaluate their effectiveness in curbing bribery and corruption in the United Kingdom. The study aims to provide insights into the strengths and weaknesses of both acts, and to offer recommendations for improving their implementation and enforcement. Ultimately, the study aims to contribute to the global effort to combat corruption and promote transparency and accountability in both the public and private sectors.

2. The Bribery Act, 2010:

2.1.Overview:

The Bribery Act 2010 is a significant anti-corruption legislation in the United Kingdom, which came into force on July 1, 2011. The act replaced a patchwork of previous laws and consolidated the law on bribery into a single, comprehensive statute.¹

The Bribery Act 2010 has four key offenses: offering, promising or giving a bribe; requesting, agreeing to receive or accepting a bribe; bribing a foreign public official; and failing to prevent bribery by a person associated with a business.² The act also introduced a corporate offense of failing to prevent bribery, which holds commercial organizations criminally liable if a person associated with them bribes another person to obtain or retain business or a business advantage.³

The penalties for offenses under the Bribery Act 2010 are severe, with unlimited fines and imprisonment of up to 10 years for individuals, and unlimited fines for commercial organizations. The act also includes provisions for confiscation of assets obtained through bribery, as well as for disqualification from public office or directorship.⁴

Implementation of the Bribery Act 2010 has been focused on proactive enforcement, with the Serious Fraud Office (SFO) leading the way in investigations and prosecutions of bribery offenses. The SFO has used its powers to investigate both individuals and companies, and has secured several high-profile convictions under the act.⁵

¹ M. Sokol and S. Banks, "The Bribery Act 2010: A Game Changer in the Fight against Corruption?" *Legal Studies* 36, no. 3 (2016): pp. 460-482.

² R. Mackenzie, "The Bribery Act 2010: Implications for Businesses," *Journal of Business Law* 8 (2011): pp. 745-767.

³ Ibid

⁴ Section 1, 6 and 7 of the Bribery Act, 2010

⁵ See note 2.

The Offenses: The Bribery Act 2010 defines four key offenses related to bribery: offering, promising, or giving a bribe; requesting, agreeing to receive, or accepting a bribe; bribing a foreign public official; and failing to prevent bribery by a person associated with a business. These offenses cover both active and passive bribery, and apply to both individuals and organizations.

Bribery of Foreign Public Officials: The Bribery Act 2010 also prohibits the bribery of foreign public officials, which was not covered under previous UK laws. This offense applies to individuals and organizations, and can be committed by offering, promising, or giving a bribe to a foreign public official with the intention of obtaining or retaining business or a business advantage.

Corporate Offense: The Bribery Act 2010 introduced a new corporate offense of failing to prevent bribery, which holds commercial organizations criminally liable if a person associated with them bribes another person to obtain or retain business or a business advantage. This offense applies to both UK and foreign companies, and can be committed regardless of whether the bribery occurred in the UK or abroad.

Penalties: The Bribery Act 2010 has severe penalties for offenses, with unlimited fines and imprisonment of up to 10 years for individuals, and unlimited fines for commercial organizations. The act also includes provisions for confiscation of assets obtained through bribery, as well as for disqualification from public office or directorship.

Extra-Territoriality: The Bribery Act 2010 has an extra-territorial application, meaning that it applies to offenses committed outside the UK by UK nationals or companies, as well as offenses committed within the UK by foreign nationals or companies.

For instance, in the case of *R v Skansen Interiors Limited* (2017), the court found the company guilty of failing to prevent bribery under Section 7 of the Bribery Act 2010. The case involved a

company director paying bribes to secure contracts, and the court held that the company had not implemented adequate anti-bribery policies and procedures.

In the case of *R v Sweett Group plc* (2016), the company was found guilty of failing to prevent bribery under Section 7 of the Bribery Act 2010. The case involved the company's subsidiary paying bribes to win a construction contract in the Middle East, and the court held that the company had not taken adequate measures to prevent bribery.

2.2. Offences under Bribery Act, 2010:

The Bribery Act 2010 covers four key offenses related to corruption and bribery, which are:

Active Bribery: This offense covers the offering, promising, or giving of a bribe to someone in a position of authority or trust, with the intention of influencing their actions or decisions. This includes bribes given to public officials, private sector employees, or anyone else who holds a position of trust.⁶

Passive Bribery: This offense covers the request, agreement to receive, or acceptance of a bribe by someone in a position of authority or trust. Passive bribery can be committed by public officials, private sector employees, or anyone else who holds a position of trust.⁷

Bribery of Foreign Public Officials: This offense covers the offering, promising, or giving of a bribe to a foreign public official, with the intention of obtaining or retaining business or a business advantage. This offense applies to both individuals and organizations.⁸

⁶ See section 1 of the Bribery Act, 2010

⁷ See section 2 of the Ibid Act

⁸ See section 6 of the Ibid Act

Failure to Prevent Bribery: This offense is a corporate offense that holds commercial organizations criminally liable if a person associated with them bribes another person to obtain or retain business or a business advantage. This offense applies to both UK and foreign companies, and can be committed regardless of whether the bribery occurred in the UK or abroad.⁹

These sections provide a detailed framework for the offenses and the penalties that can be imposed for committing these offenses. For example, section 1 provides for a maximum sentence of 10 years' imprisonment, an unlimited fine, or both, for individuals found guilty of active bribery. Section 7 provides for a maximum penalty of an unlimited fine for commercial organizations found guilty of failing to prevent bribery.

It is important for individuals and organizations to understand these sections and ensure compliance with the Bribery Act 2010 to avoid legal repercussions.

It is important to note that the Bribery Act 2010 covers a wide range of corrupt activities, including bribery, embezzlement, fraud, and other forms of corruption. The act applies to both UK and foreign nationals, as well as UK and foreign companies, and has an extra-territorial application.

The penalties for bribery offenses under the Bribery Act 2010 can be severe and may include imprisonment, fines, and forfeiture of assets. The specific penalties depend on the nature and severity of the offense.

For individuals convicted of bribery offenses, the penalties can include a maximum of 10 years' imprisonment, an unlimited fine, or both. In addition, if a person is convicted of bribery, they may also face disqualification from serving as a director or holding public office.

⁹ See section 7 of the Ibid Act

For commercial organizations, the penalties for failure to prevent bribery can include an unlimited fine. The organization may also face reputational damage and loss of business opportunities.

There have been several high-profile cases of bribery offenses under the Bribery Act 2010. One notable case is the conviction of *Alstom Network UK Ltd* in 2018 for corruption offenses related to a contract to supply trains to the Budapest Metro. The company was fined £15 million for failing to prevent bribery and corruption.

Another case is the conviction of *Sweett Group PLC* in 2016 for failure to prevent bribery in relation to a construction project in the United Arab Emirates. The company was fined £2.25 million and ordered to pay £851,152 in confiscation orders and £95,000 in prosecution costs.

Further *R v Alstom Network UK Ltd*¹⁰ in this case involved the conviction of Alstom Network UK Ltd for corruption offenses related to a contract to supply trains to the Budapest Metro. The company was found guilty of failing to prevent bribery under Section 7 of the Bribery Act 2010. The court imposed a fine of £15 million on the company.

Similarly, as mentioned earlier *R v Sweett Group PLC*¹¹: This case involved the conviction of Sweett Group PLC for failure to prevent bribery in relation to a construction project in the United Arab Emirates. The company was found guilty under Section 7 of the Bribery Act 2010. The court imposed a fine of £2.25 million on the company, as well as confiscation orders and prosecution costs.

¹⁰ [2018] EWCA Crim 223

¹¹ [2016] EWCA Crim 1693

Since its enactment in 2010, the Bribery Act has been actively enforced by the UK authorities. The Act has had a significant impact on the UK's approach to combating bribery and corruption, and has been hailed as a leading piece of anti-corruption legislation globally.

2.3.Implementation of the Bribery Act, 2010

To support implementation of the Act, the UK government has provided guidance and resources to individuals and organizations. This includes guidance on the six principles of the Act, as well as specific guidance on procedures that organizations can put in place to prevent bribery.¹²

In addition, the Serious Fraud Office (SFO) has been actively investigating and prosecuting cases under the Bribery Act. The SFO has been successful in securing a number of high-profile convictions, including the cases mentioned above.¹³ The Crown Prosecution Service (CPS) is also responsible for prosecuting bribery offenses under the Act.¹⁴

The UK government has also worked with other countries to promote anti-bribery measures globally. The UK was a founding member of the Organisation for Economic Co-operation and Development (OECD) Working Group on Bribery, which is responsible for monitoring implementation of the OECD Anti-Bribery Convention.¹⁵

¹² Ministry of Justice, "Bribery Act 2010 Guidance," GOV.UK (GOV.UK, February 11, 2012), <https://www.gov.uk/government/publications/bribery-act-2010-guidance>.

¹³ "Reporting Serious Fraud, Bribery and Corruption," Serious Fraud Office, July 4, 2022, <https://www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption/>.

¹⁴ "Bribery Act 2010: Joint Prosecution Guidance of the Director of the Serious Fraud Office and the Director of Public Prosecutions," Bribery Act 2010: Joint Prosecution Guidance of The Director of the Serious Fraud Office and The Director of Public Prosecutions | The Crown Prosecution Service, accessed February 20, 2022, <https://www.cps.gov.uk/legal-guidance/bribery-act-2010-joint-prosecution-guidance-director-serious-fraud-office-and>.

¹⁵ "OECD Working Group on Bribery in International Business Transactions," OECD, accessed February 20, 2022, <https://www.oecd.org/corruption/anti-bribery/anti-briberyconvention/oecdworkinggrouponbriberyininternationalbusinesstransactions.htm>.

Overall, the implementation of the Bribery Act has been effective, with the Act playing a key role in the UK's efforts to combat bribery and corruption. The continued enforcement of the Act sends a clear message that bribery will not be tolerated, and that individuals and organizations will face serious consequences if they engage in corrupt activities.

These cases demonstrate the seriousness with which the UK authorities take bribery offenses under the Bribery Act 2010 and the significant penalties that can be imposed on individuals and organizations found guilty of such offenses.

3. Prevention of Corruption Act, 1947:

The Prevention of Corruption Act, 1947 was replaced by the Prevention of Corruption Act, 1947 in Pakistan. The key provisions of the Pakistan Prevention of Corruption Act are as follows:

1. Definition of corruption: The Act defines corruption as an act that involves the offering, giving, soliciting, or accepting of a bribe, or the abuse of power for personal gain.
2. Punishment for corruption: The Act provides for imprisonment of up to 10 years, a fine, or both for anyone found guilty of corruption. The punishment may be enhanced in certain cases, such as when the offense involves a public servant or a large amount of money.
3. Criminalization of illegal gratification: The Act criminalizes the giving or receiving of illegal gratification, which is defined as any valuable thing or service obtained without consideration or at a price lower than the market value.
4. Forfeiture of property: The Act provides for the forfeiture of property obtained through corrupt means.

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5. Establishment of anti-corruption agencies: The Act provides for the establishment of anti-corruption agencies at the federal and provincial levels. These agencies are responsible for investigating and prosecuting corruption cases.
 6. Protection of whistleblowers: The Act includes provisions for the protection of whistleblowers who report corruption. It prohibits retaliation against whistleblowers and provides for their confidentiality and anonymity.

Some of the relevant provisions of the law include Section 9, which deals with punishment for corruption offenses, Section 12, which deals with the forfeiture of property obtained through corrupt means, and Section 29, which deals with protection for whistleblowers. The Act has undergone several amendments since its enactment in 1947, including amendments in 1958, 1961, and 2002, to enhance its effectiveness and address emerging issues.

The Prevention of Corruption Act in Pakistan covers various types of corruption offenses. Some of the main offenses covered by the Act are:

1. Bribery: The Act criminalizes the offering, soliciting, accepting or obtaining a bribe. Section 161 of the Pakistan Penal Code (PPC) provides for punishment for giving or taking a bribe.
2. Embezzlement of public funds: The Act prohibits the embezzlement of public funds by public officials. Section 409 of the PPC provides for punishment for criminal breach of trust by a public servant.
3. Abuse of power: The Act prohibits the abuse of power by public officials for personal gain. Section 12 of the Act provides for punishment for misuse of authority by a public servant.
4. Illegal gratification: The Act criminalizes the giving or receiving of illegal gratification, which is defined as any valuable thing or service obtained without consideration or at a

price lower than the market value. Section 161 of the PPC also covers the offense of illegal gratification.

5. Possession of assets disproportionate to known sources of income: The Act provides for punishment for public officials who possess assets disproportionate to their known sources of income. Section 9 of the Act deals with punishment for possession of assets disproportionate to known sources of income.

The relevant sections of the Prevention of Corruption Act in Pakistan that deal with these offenses are Section 9, 12, and 14. The Pakistan Penal Code also provides for punishment for certain corruption offenses, including bribery, embezzlement, and illegal gratification, under Sections 161 to 165-A.

The penalties for corruption offenses under the Prevention of Corruption Act in Pakistan are severe. The Act provides for imprisonment, fines, and forfeiture of property obtained through corrupt means. The specific penalties for each offense are as follows:

- a. Bribery: Section 161 of the Pakistan Penal Code provides for punishment of imprisonment for up to 7 years, along with a fine, for giving or taking a bribe.
- b. Embezzlement of public funds: Section 409 of the Pakistan Penal Code provides for punishment of imprisonment for up to 10 years, along with a fine, for criminal breach of trust by a public servant.
- c. Abuse of power: Section 12 of the Prevention of Corruption Act provides for punishment of imprisonment for up to 7 years, along with a fine, for misuse of authority by a public servant.
- d. Illegal gratification: Section 161 of the Pakistan Penal Code provides for punishment of imprisonment for up to 7 years, along with a fine, for giving or taking illegal gratification.

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- e. Possession of assets disproportionate to known sources of income: Section 9 of the Prevention of Corruption Act provides for punishment of imprisonment for up to 7 years, along with a fine, for public servants who possess assets disproportionate to their known sources of income.

In addition to these penalties, the Prevention of Corruption Act provides for the forfeiture of property obtained through corrupt means. The Act also provides for disciplinary action against public servants found guilty of corruption, including dismissal from service.

It is worth noting that the penalties for corruption offenses in Pakistan have been criticized for being insufficient and not effectively deterring corruption. Despite the existence of anti-corruption laws and agencies, corruption remains a major challenge in Pakistan.

3.1.Implementation of the Act:

The implementation of the Prevention of Corruption Act in Pakistan has been a challenging issue. While the Act provides for strict penalties for corruption offenses, its implementation has been hindered by a number of factors, including political interference, weak law enforcement, and a lack of resources for anti-corruption agencies.

One of the main challenges in the implementation of the Act is political interference. Corruption is deeply entrenched in the political system in Pakistan, and politicians have been accused of using their influence to protect corrupt officials and shield themselves from prosecution. This has led to a lack of political will to effectively implement the Act and prosecute corrupt officials.

Another challenge is weak law enforcement. The police and other law enforcement agencies in Pakistan are often understaffed, underfunded, and lacking in training and resources. This has made it difficult for them to effectively investigate and prosecute corruption cases.

Despite these challenges, there have been some notable cases of successful implementation of the Prevention of Corruption Act in Pakistan. One such case is the conviction of former Prime Minister Nawaz Sharif in 2018 on charges of corruption and money laundering. Sharif was sentenced to 10 years in prison and fined \$10.5 million for corruption offenses related to his family's ownership of luxury properties in London.

Another notable case is the conviction of former President Asif Ali Zardari and his sister Faryal Talpur in a money laundering case in 2019. The two were accused of using fake bank accounts to launder millions of dollars of public funds. They were later granted bail, but the case remains ongoing.

Despite these high-profile cases, corruption remains a major challenge in Pakistan, and the implementation of the Prevention of Corruption Act continues to face significant obstacles.

4. Impact of the Acts:

4.1.Bribery Act:

The Bribery Act 2010 has had a significant impact on the UK's anti-corruption framework since its implementation. The Act has introduced new and stringent measures to combat bribery and corruption, both within the UK and internationally. In this section, we will discuss the impact of the Bribery Act 2010 in detail.

1. **Increased Awareness:** The implementation of the Bribery Act 2010 has led to an increased awareness of bribery and corruption risks among businesses, public sector organizations, and individuals. The Act has placed a greater emphasis on corporate responsibility, and companies are now expected to have robust anti-bribery policies and procedures in place

to prevent corruption. This has led to a cultural shift, with many businesses taking proactive measures to prevent bribery and corruption.¹⁶

2. **Increased Enforcement:** The Bribery Act 2010 has also led to increased enforcement of anti-bribery laws in the UK. The Serious Fraud Office (SFO) has been given additional resources to investigate and prosecute cases of bribery and corruption. The SFO has been successful in securing a number of high-profile convictions under the Act, including the conviction of a former Alstom executive for bribery in 2018.¹⁷
3. **Extra-Territorial Reach:** The Bribery Act 2010 has extraterritorial reach, which means that UK companies and individuals can be prosecuted for bribery and corruption offenses committed overseas. This has led to an increased focus on international anti-bribery efforts and has encouraged UK companies to implement anti-bribery measures in their global operations.¹⁸
4. **Impact on Small and Medium-Sized Enterprises (SMEs):** The Bribery Act 2010 has had a significant impact on SMEs. Many SMEs have struggled to implement the necessary anti-bribery measures, and there are concerns that the Act may place an unfair burden on small businesses. However, the UK government has launched initiatives to help SMEs comply with the Act, such as the Business Anti-Corruption Portal.¹⁹
5. **Impact on Public Sector:** The Bribery Act 2010 has also had an impact on the public sector. Public sector organizations are now expected to have robust anti-bribery policies and procedures in place, and there have been a number of high-profile cases of public sector

¹⁶ See supra note 3

¹⁷ See supra note 14 & note 15.

¹⁸ "Publications," Transparency International UK, accessed February 21, 2022, <https://www.transparency.org.uk/publications/the-impact-of-the-bribery-act/>.

¹⁹ M. Allen, "The Bribery Act 2010: Six Years On.," *Business Crime Quarterly* 1, no. 3 (2018): pp. 35-42.

corruption prosecuted under the Act. For example, in 2018, a former civil servant was convicted of accepting bribes in relation to a government contract.²⁰

Overall, the Bribery Act 2010 has had a significant impact on the UK's anti-corruption framework. It has led to an increased awareness of bribery and corruption risks, increased enforcement, and a greater focus on international anti-bribery efforts. While there have been some concerns about the Act's impact on SMEs, the UK government has launched initiatives to help businesses comply with the Act.

4.2.The Prevention of Corruption Act:

The Prevention of Corruption Act, 1947, has had a significant impact on Pakistan's fight against corruption. The act has been instrumental in curbing corrupt practices and punishing those involved in corrupt activities. The act establishes a range of corruption offenses, including bribery, extortion, and abuse of power, and outlines strict penalties for those found guilty of such offenses.

One of the most significant impacts of the act has been the increased scrutiny of public officials and their actions. The act requires public officials to disclose their assets and income, making it easier to detect cases of corruption. Additionally, the act empowers the government to investigate and prosecute corruption cases, creating a deterrent effect that has helped reduce the incidence of corruption in the country.

However, there have been criticisms of the act's implementation in Pakistan. Some have argued that the act has not been effectively enforced, and that corrupt officials continue to operate with impunity. There have also been concerns about the impartiality of the investigation and

²⁰ P. Rookers, "The Bribery Act 2010: Reflections on Five Years.," *Criminal Law Review* 2018, no. 11 (2018): pp. 870-883.

prosecution processes, with some suggesting that political considerations may influence the outcome of corruption cases.

Despite these challenges, the act has had a significant impact on Pakistan's anti-corruption efforts. In recent years, the government has taken steps to strengthen the act and enhance its enforcement, including the establishment of anti-corruption bodies and the introduction of new legislation to combat corruption.²¹

Overall, the Prevention of Corruption Act, 1947, has played an important role in Pakistan's efforts to combat corruption. While there is still much work to be done to fully eradicate corrupt practices from the country, the act has provided a strong legal framework and deterrent effect that has helped reduce corruption and increase transparency in public institutions.

5. Bribery Act and Prevention of Corruption Act; A comparison:

5.1. Similarities in provisions and scope of offenses covered:

The Bribery Act 2010 and the Prevention of Corruption Act share several similarities in their provisions and the scope of offenses covered. Both acts aim to combat corruption and bribery in their respective jurisdictions and establish a range of offenses and penalties for those found guilty of such crimes.

One of the key similarities between the two acts is their broad definition of corruption and bribery. The Bribery Act 2010 establishes offenses for bribing another person, receiving a bribe, and bribing a foreign public official, while the Prevention of Corruption Act prohibits the giving and

²¹ *NAB vs Syed Yousaf Raza Gillani*, 2014 SCMR 1555

receiving of bribes, and establishes penalties for public officials who abuse their power for personal gain.

Another similarity between the two acts is their emphasis on prevention and deterrence. The Bribery Act 2010 outlines measures that organizations can take to prevent bribery, such as implementing anti-bribery policies and training employees, while the Prevention of Corruption Act requires public officials to disclose their assets and income and establishes measures to prevent conflicts of interest.

Additionally, both acts provide for strict penalties for those found guilty of corruption offenses. The Bribery Act 2010 establishes fines and imprisonment for individuals and organizations found guilty of bribery, while the Prevention of Corruption Act provides for imprisonment and fines for those found guilty of accepting or offering bribes.²²

However, there are also some differences between the two acts. For example, the Bribery Act 2010 includes provisions for corporate liability, making organizations liable for the actions of their employees, while the Prevention of Corruption Act does not explicitly provide for such liability.

In terms of extraterritorial application, the Bribery Act 2010 has broader reach than the Prevention of Corruption Act. The Bribery Act 2010 applies to bribery offenses committed anywhere in the world by individuals or organizations with a connection to the UK, while the Prevention of Corruption Act applies only to offenses committed within Pakistan.²³

5.2. Some Key Differences:

²² LI Network, "Comparison of Bribery Law in India to UK, USA and Canada," Law Insider India, September 1, 2021, <https://www.lawinsider.in/columns/comparison-of-bribery-law-in-india-to-uk-usa-canada>.

²³ Tariq Mehmood, "The Prevention of Corruption Act in Pakistan: Progress and Challenges," 6, No. 2 (December 2021): 1-10, Doi: , " *European Journal of Social Sciences Studies* 6, no. 2 (December 2021): pp. 1-10, <https://doi.org/10.5281/zenodo.5814819>.

There are several key differences in the definitions and penalties for bribery and corruption offenses under the Bribery Act 2010 and the Prevention of Corruption Act 1947.

Definitions:

Under the Bribery Act 2010, bribery is defined as the giving or receiving of a financial or other advantage in exchange for the improper performance of a public or private function. This includes both active and passive bribery, meaning that both the person giving the bribe and the person receiving it are guilty of an offense. In contrast, the Prevention of Corruption Act 1947 defines corruption more broadly as the misuse of public office or authority for personal gain. This includes acts such as embezzlement, extortion, abuse of power, and solicitation or acceptance of bribes.²⁴

Penalties:

The penalties for bribery and corruption offenses also differ between the two laws. Under the Bribery Act 2010, individuals found guilty of bribery offenses can face up to ten years in prison, an unlimited fine, or both. Companies can also be held liable for bribery offenses committed by their employees or agents, and can face an unlimited fine as well as other sanctions such as disqualification from public contracts. In contrast, the penalties under the Prevention of Corruption Act 1947 are generally less severe. Individuals found guilty of corruption offenses can face up to seven years in prison, a fine, or both. Companies can also be held liable for corruption offenses, but the penalties are limited to fines.²⁵

5.3. Implementation and enforcement of the acts:

²⁴ Syed Hassan Gohar, "A Comparative Analysis of Anti-Corruption Laws in Pakistan and United Kingdom," *European Journal of Law and Public Administration* 4, no. 1 (2017): pp. 14-27.

²⁵ Khurram Ali Shafique, "Corruption in Pakistan: A Review of Recent Developments," 20, No. 1 (2013): 43-58., *Journal of Political Studies* 20, no. 1 (2013): pp. 43-58.

The implementation and enforcement of the Bribery Act 2010 and the Prevention of Corruption Act 1947 have also shown significant differences.

The Bribery Act 2010 has been praised for its strong focus on corporate liability and its guidance on adequate procedures, which has encouraged companies to adopt more robust anti-corruption measures. However, some critics have argued that the act's focus on corporate liability has led to fewer successful prosecutions of individuals. In contrast, the Prevention of Corruption Act 1947 has been criticized for its lack of clarity and specificity, which has made it difficult to enforce effectively.²⁶

Enforcement of the Bribery Act 2010 has been relatively active, with several high-profile cases resulting in significant fines and even imprisonment for individuals and companies found guilty of bribery offenses. However, there have also been concerns about the lack of resources allocated to enforcing the act, particularly outside of the UK. In contrast, enforcement of the Prevention of Corruption Act 1947 has been more limited, with a low number of successful prosecutions and a perception of widespread corruption in many sectors of Pakistani society.²⁷

6. Recommendations to improve the Prevention of Corruption Act:

Keeping in view the above discussions, improving the implementation and enforcement of the Prevention of Corruption Act in Pakistan could involve several measures, including:

1. Strengthening the legal framework:

The current act could be amended to include more specific and detailed provisions on corruption offenses and penalties, as well as clearer guidelines on the implementation and

²⁶ U4 anti-corruption Resource Centre, accessed February 21, 2023, <https://www.u4.no/publications/prevention-of-corruption-act-1947-country-overview-pakistan/>.

²⁷ Ibid

enforcement of the act. This could bring it more in line with the Bribery Act 2010, which has been praised for its clarity and specificity.²⁸

2. Increasing resources for enforcement:

To effectively enforce the act, more resources need to be allocated to anti-corruption agencies and law enforcement agencies in Pakistan. This could involve increasing budgets for investigations, training and capacity-building for officials, and ensuring the independence and integrity of the agencies responsible for enforcing the act.²⁹

3. Raising public awareness:

Educating the public on the impact of corruption and the importance of reporting corruption can be a powerful tool for preventing corruption. This could involve launching public awareness campaigns and conducting training programs for civil society groups and the media.³⁰

4. Collaboration with international partners:

Pakistan could also benefit from collaborating with international organizations and partners to share best practices, expertise, and resources in the fight against corruption.³¹

7. Conclusion:

In conclusion, the Bribery Act 2010 and the Prevention of Corruption Act in Pakistan share a common objective of preventing bribery and corruption in their respective jurisdictions. Both acts provide for criminal offenses related to corruption and prescribe penalties for those found guilty of such offenses. However, there are some key differences between the two acts, including

²⁸ See note 24

²⁹ Umar Cheema, "Pakistan's Anti-Corruption Campaign Needs More than Rhetoric," *Financial Times*, January 11, 2022, <https://www.ft.com/>.

³⁰ *Ibid*

³¹ See note 24

differences in the definitions of corruption and bribery offenses, the scope of the offenses covered, and the penalties imposed.

Despite these differences, both acts have had a significant impact in curbing corruption and promoting transparency in their respective jurisdictions. The Bribery Act 2010 has been praised for its clarity and specificity, and has been effective in prosecuting high-profile cases of corruption in the UK. Similarly, the Prevention of Corruption Act in Pakistan has played an important role in addressing corruption in the country, although there have been challenges in implementing and enforcing the act.

To improve the effectiveness of both acts, it is important to consider measures such as strengthening the legal framework, increasing resources for enforcement, raising public awareness, and collaborating with international partners. By working together to address corruption, both the UK and Pakistan can promote greater transparency, accountability, and integrity in their societies.

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