

Implications of the Prevention of Corruption (Amendment) Act, 2018: A New Outlook

Bombay Chamber of Commerce and Industry organised a Webinar on Implications of the Prevention of Corruption (Amendment) Act (POCA), 2018: A New Outlook on September 23, 2020. Ms. Usha Maheswari, Executive Director, Bombay Chamber, started the webinar by welcoming delegates and gave a brief about the Chamber.

Ms. Savithri Parekh, Joint Company Secretary and Compliance Officer, Reliance Industries delivered a theme address and set the context of the webinar. She stated that India ranked 95 out of 180 countries in Corruption Perception Index check done in 2011 and 81st in 2017. In 2018 amendment act was put off to bring it line the international practices mainly in line with the United Nations Convention against Corruption (UNCAC). Further she stated that this amendment seeks to address the supply side of bribery and corruption. She also emphasized the responsibility of corporate houses such as what adequate procedures they need to follow, what are guiding principles, how you implement laws, how you work on introducing an anti-bribery corruption framework in an organization etc.

Ms. Attreyi Mukherjee, Senior Corporate Counsel, Tata Industries Limited spoke and explained about the key feature of the amendment act.

1. Supply side prosecution introduced
2. Commercial organisations are brought within the ambit of the Act.
3. Definition of 'undue advantage' is very broad and would include all kinds of favours
4. Time bound completion of trial (within 2 years but extendable to 4 years)
5. Prior Approval needed
6. Power of confiscation

She also spoke about Corporate Liability, corruption in the context of commercial organisation. She also touched upon key judicial pronouncements prior to amendment and post amendment. At the end she highlighted checks & balances which are there in our system as well as check and balances we need to have within an organisation.

Mr. Neville Gandhi, Vice President, Compliance, Siemens Ltd. spoke about compliance requirements. He states that the focus of the Act is change from bribe taker to bribe giver. He explained in detail various the amended provision and its impact on commercial organizations. What safeguards and remedial measures need to take and what are internal measures to be adopted by an organization.

Mr. Prasad Chandran, Independent Director on the Board at Coromandel International Limited; Chairman – SEEGOS and Mentor of Corporate Governance Committee of Bombay Chamber delivered closing remarks. He stated that time has come that the corporate sector and professionals in the corporate sector have to stand up against corruption and bring good governance.

The webinar concluded with an interactive Q&A session where the participants interacted actively and exchanged their views and suggestions with the speakers. 15 participants from various sectors had attended the webinar and the overall feedback was encouraging. At the end Ms. Usha Maheshwari delivered a vote of thanks to the speakers and delegates.