



KAMARAJ IAS ACADEMY
Only IAS Academy by Grandson of "Perunthalaivar Kamarajar"

Prevention of Corruption Act, 1988 (PCA)

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Context: The Supreme Court of India held that State investigative agencies—including State Anti-Corruption Bureaus (ACBs) and State police—are competent to register and investigate offences under the Prevention of Corruption Act, 1988, even when the accused is a Central Government employee.

Key Clarifications by the Court

- **No prior permission of the CBI is required** for State police/ACBs to:

o Register an FIR

o Conduct investigation

o Proceed under the PCA against Central Government employees

- The **Delhi Special Police Establishment (DSPE) Act, 1946** governs the jurisdiction of the **CBI**, but it **does not bar State police** from exercising their **general policing powers** under the Code of Criminal Procedure (CrPC).
- Corruption offences under the PCA are **cognizable offences**, enabling State police to act **without prior approval**.

Constitutional & Federal Significance

- Reinforces the principle of **cooperative federalism**.
- Prevents creation of **exclusive investigative monopoly** of the CBI.
- Strengthens **State-level anti-corruption enforcement**.

About the Prevention of Corruption Act, 1988

Objective

- To **consolidate and amend laws** relating to the prevention of corruption.
- To provide a **comprehensive legal framework** to combat corruption in **public offices**.

Key Features

- Applies to **public servants** at:

o Union level

o State level

o Public sector undertakings (PSUs)

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oGovernment-controlled bodies

Major Offences Criminalised

1. **Bribery** (giving or receiving undue advantage)
2. **Criminal misconduct**
3. **Misappropriation of public funds**
4. **Possession of disproportionate assets**
5. **Abuse of official position for personal gain**

Important Amendments

- **PCA (Amendment) Act, 2018:**

oRedefined bribery offences

oIntroduced **time-bound sanction for prosecution**

oPenalised **bribe-givers** as well

oProvided protection to honest public servants from vexatious prosecution