



# 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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o Government-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:**

o Redefined bribery offences

o Introduced **time-bound sanction for prosecution**

o Penalised **bribe-givers** as well

o Provided protection to honest public servants from vexatious prosecution