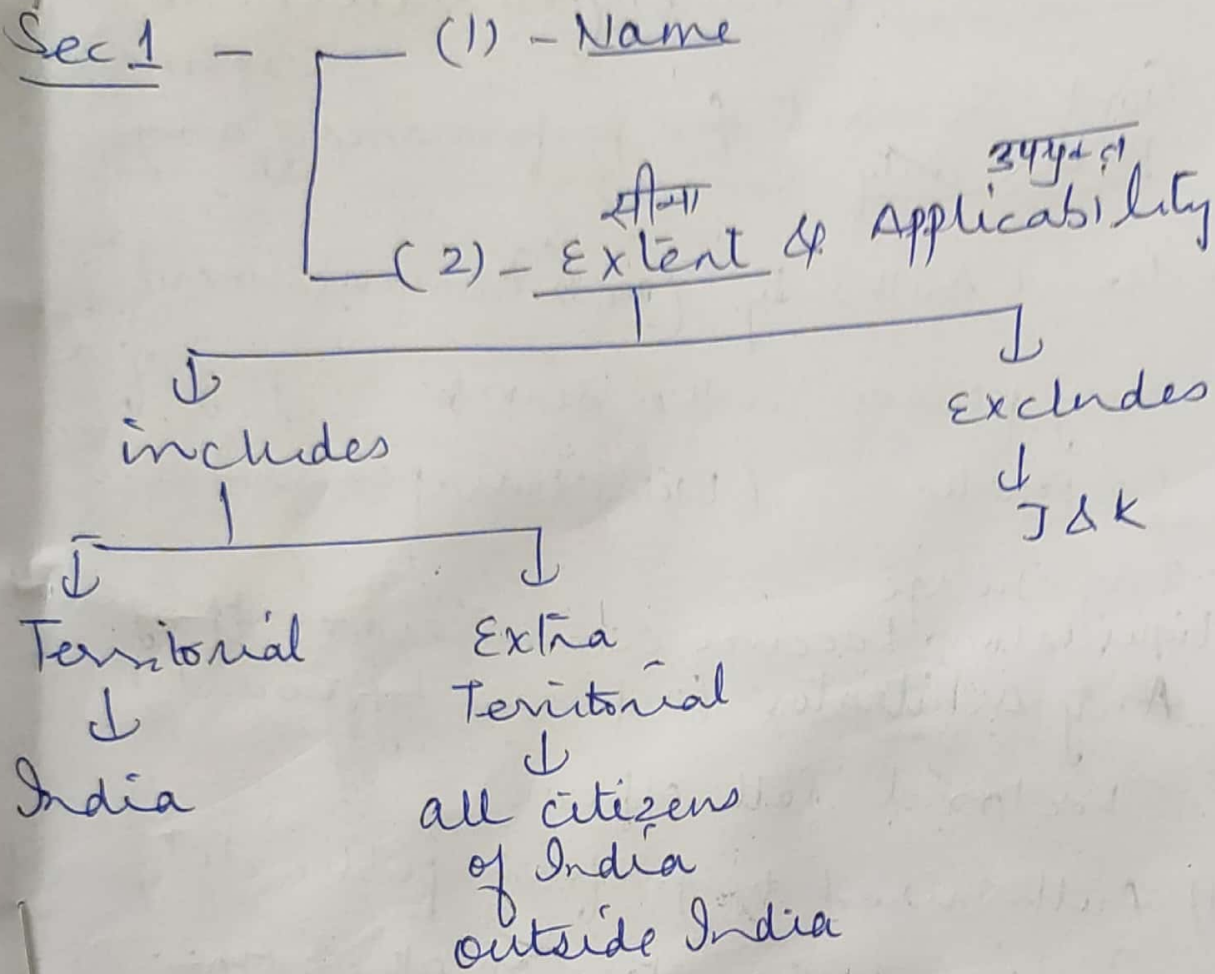


Prevention of Corruption Act, 1988  
Amendment in 2018



Total 31 sections

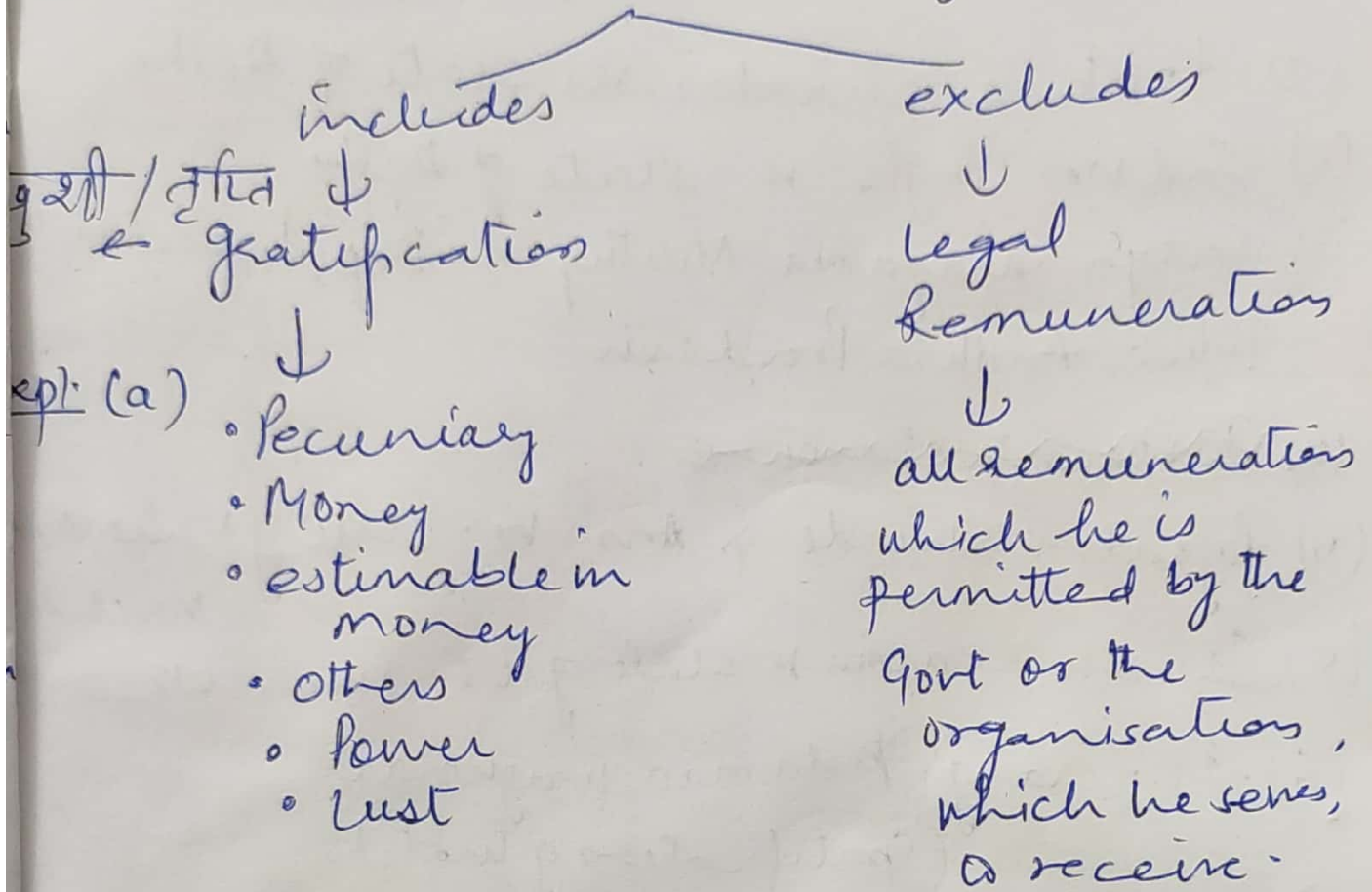
- Santhanam Committee
- PCA, 1947 amended in 1968 based on
- Chapter IX IPC

## Sec 2 - Def<sup>n</sup>

- (c) Public Servant (xii clauses & 2 explanatory)
- (i) Govt. Servant for performance of any Public duty - Sec 2(b)
  - (ii) local Authority (MCD <sup>eg.</sup> Commissioner)
  - (iii) any person in the service or pay of a corporation (LIC chairperson)
  - (iv) any Judge
  - (v) liquidator, Receiver, Commissioner app. by court
  - (vi) Any Arbitrator (referred by court)
  - (vii) Electoral Roll officer
  - (viii) Authorized to perform public duty
  - (ix) President, Secretary or other office bearer of co-operative society
  - (x) Chairman of any commission, board for the conduct of any examination or making ~~such~~ any selection
  - (xi) Vice-chancellor, Professor, Reader, Lecturer, teacher, employee of any University whose services have been received in connection with holding or conducting examinations.
  - (xii) office-bearer or an employee of educational, scientific, social, cultural or other institution



## Sec 2(d) — Undue Advantage



### Meaning of Gratification case law

1) Pushpa Nath v. CBI (2018 SCC)  
Gauhati High Court

### Essentials of Sec 7 & w. Sec 2(d)

- (i) Demand of gratification in consideration of doing some favour; and
- (ii) Acceptance of gratification by the person, who demanded.

Sec 2(d) is to be read with Sec 7 & 13

- (1) Krishna chander v. State of Delhi
- (2) Satvir Singh v. State of Delhi
- (3) Satyanarayana Murthy v. Dep. Inspector of Police Andhra Pradesh

~~(4) Unknown v. State of UP~~

(4) Jayendra Shinde & Ans. v. State of Maharashtra

(5) Ganesh Sharma v. State of UP March 2019

(6) Shrinang Yadavnao Waghmare  
(participation of Inst)

(7) Unknown v. M. Selvam (Madurai Bench)  
March 2019  
(convicted)  
(accused)

Sec 3 - Power to appoint special Judges



(1) Central state govt

1) for any offence U this Act and conspiracy to commit or any attempt to commit or an abetment of any of the offence under this Act

(2) Qualification to become a special Judge

- Session Judge
- Additional session Judge
- Assistant session Judge



Sec 4 - cases triable by Special Judge

- (1) - Special Judge only
- (2) - Jurisdiction - Territorial
- (3) - Additional pena to charge for an offence under Cr. P.C.
- (4) - Limitation for the conclusion of trial is 2 yrs. (day to day basis)  
extensions - 6 months  
Total - 4 yrs. (Trial must be concluded)  
Aggregate

Sec 7 - offence relating to public servant  
being bribed

UNDUE ADVANTAGE - Sec 2(d)

↓ "Abuse of Power"  
a) positions (b)

obtains /  
accepts /  
Attempts

As a reward  
for

(c)

Performs /  
Induces  
another  
public  
servant to

PERFORMANCE  
of public duty

- do -

- do -

IMPROPERLY or  
DISHONESTLY  
or

To FORBEAR

or

Cause forbearance

either by himself  
or  
another public  
servant

"Influence of Power"  
Position

Punishment - Imprisonment for a term  
which may extend to 7 yrs.  
and fine

Sec 12 - Punishment for abetment  
of offences U/s 7 or 11

3 yrs - 7 yrs + fine

Sec 13 - Criminal Misconduct

(a) Dishonestly  
fraudulently  
misappropriate  
or otherwise  
converts for his  
own use any  
property entrusted  
to him or any  
property

(b) Intentionally  
enriches  
himself  
illicitly  
during the  
period of his  
office

↓  
shall be  
investigated

by SP (As per Sec 17)

↓ Possession of  
pecuniary resources  
Property disproportionate  
to his known source  
of income (means lawful  
source)

Punishment - 1 yr - 7 yrs + fine

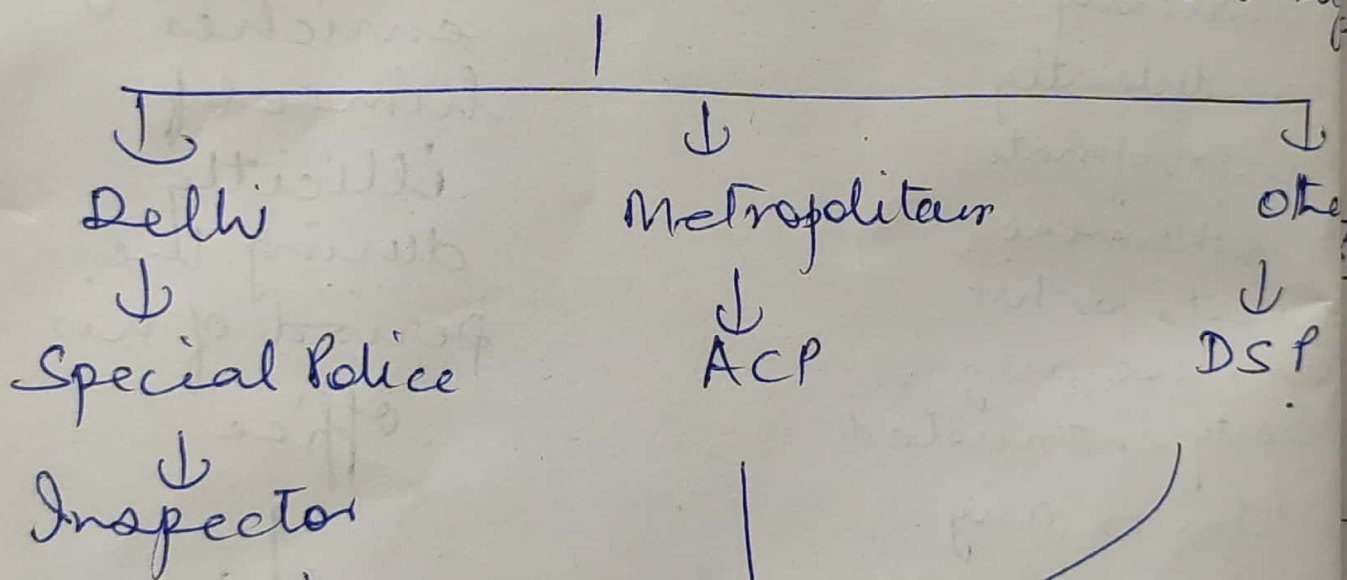


Sec 14 - Habitual offender

Punishment - not less than 5 yrs  
10 yrs + fine

Sec 15 - Punishment for attempt  
3 yrs + fine

Sec 17 - Persons authorized to investigate



shall investigate any offence without order of Magistrate (MM, 1st class)

(OR)

make arrest therefor without a warrant