

TABLE OF CONTENTS

ARTICLES/BOOK CHAPTERS

1.	Pradeep Kumar Singh, <i>Tackling of Corruption in India by Recently Enacted Penal Laws</i> , 7 ATHENS J.L. 297 (2021)	2
2.	Jyothi Vishwanath & Chinmayanandan E.P.B., <i>Judicial Approach towards Corruption in India: An Analysis</i> , 4(1) Indian Journal of Law and Human Behaviour 61 (2018)	22
3.	Narender Nagarwal & Anit Kumar, <i>Prevention of Corporate Corruption in India: Judicial Response and the Rule of Law - A Critical Analysis</i> , 7 INDIAN J.L. & JUST. 77 (2016).	28
4.	Arghya Sengupta, <i>Anti-Corruption Litigation in the Supreme Court of India</i> (New York: Open Society Institute., 2016)	43
5.	C. Raj Kumar, <i>Corruption in India: A Violation of Human Rights Promoting Transparency and the Right to Good Governance</i> , 49 U.C.D. L. REV. 741 (2015)	58
6.	Justice P. Sathasivam, <i>Speedy Disposal of Corruption and Vigilance Cases</i> , Lecture Delivered at Tamil Nadu State Judicial Academy on 23.02.2013	110
7.	Gangotri Chakraborty, <i>Legal Framework for Prevention of Corruption in India: An Overview</i> , 4 INDIAN J.L. & JUST. 12 (2013)	122
8.	Rathin Bandyopadhyay & Alope Kumar Chakraborty, <i>Role of the Supreme Court in Curbing the Menace of Corruption in India: An Introspection</i> , 3 INDIAN J.L. & JUST. 20 (2012)	146
9.	Dr. Ashok Dhamija, <i>Chapter IV - Investigation into cases under the Act</i> , in PREVENTION OF CORRUPTION ACT, COMPREHENSIVE COMMENTARY ON THE PREVENTION OF CORRUPTION ACT, 1988. DELHI SPECIAL POLICE ESTABLISHMENT ACT, 1946, LAW RELATING TO ACCOMPLICES, SPECIMEN PRE-TRAP AND POST TRAP PANCHNAMA ETC, pp. 867-917 (Wadhwa & Company Nagpur, Reprint Edition, 2007)	157
10.	Dr. Ashok Dhamija, <i>Chapter V – Sanction for prosecution and Other Miscellaneous Provisions</i> , in PREVENTION OF CORRUPTION ACT, COMPREHENSIVE COMMENTARY ON THE PREVENTION OF CORRUPTION ACT, 1988. DELHI SPECIAL POLICE ESTABLISHMENT ACT, 1946, LAW RELATING TO ACCOMPLICES, SPECIMEN PRE-TRAP AND POST TRAP PANCHNAMA ETC, pp. 918-1183 (Wadhwa & Company Nagpur, Reprint Edition, 2007)	210
11.	<i>Chapter IV - An Analysis Of The Prevention Of Corruption Act, 1988</i> , Retrieved from: https://lokayukta.mizoram.gov.in/uploads/attachments/18f5ed336fce0efa9fb80ca59966b635/analysis-of-pca-1988.pdf	501

CASE LAW

1.	<p><i>State of Karnataka v. S. Subbegowda, 2023 SCC OnLine SC 911</i></p> <p>The question with regard to the validity of sanction should be raised at the earliest stage of the proceedings, however could be raised at the subsequent stage of the trial also - The stages of proceedings at which an accused could raise the issue with regard to the validity of the sanction would be the stage when the Court takes cognizance of the offence, the stage when the charge is to be framed by the Court or at the stage when the trial is complete i.e., at the stage of final arguments in the trial - Competence of the court trying the accused also would be dependent upon the existence of</p>
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	<p>the validity of sanction, and therefore it is always desirable to raise the issue of validity of sanction at the earliest point of time - In case the sanction is found to be invalid, the trial court can discharge the accused and relegate the parties to a stage where the competent authority may grant a fresh sanction for the prosecution in accordance with the law.</p> <p>Findings recorded by the Special Judge could not have been and should not have been reversed or altered by the High Court in the petition filed by the accused challenging the said order of the Special Judge, in view of the specific bar contained in sub-section (3) of Section 19, and that too without recording any opinion as to how a failure of justice had in fact been occasioned to the respondent-accused as contemplated in the said subsection (3).</p>
2.	<p><i>A. Sreenivasa Reddy v. Rakesh Sharma, (2023) 8 SCC 711</i></p> <p>A Special Court under the Prevention of Corruption Act 1988 (PC Act) can proceed against an accused for offences under the Indian Penal Code 1860 even if sanction for prosecution has not been granted in respect of PC Act offences as per Section 19 of the said Act.</p>
3.	<p><i>Soundarajan v. State Rep. By The Inspector Of Police Vigilance Anticorruption Dindigul, 2023 SCC OnLine SC 424</i></p> <p>To attract Section 7 of the PC Act, the demand for gratification has to be proved by the prosecution beyond a reasonable doubt. The word used in Section 7, as it existed before 26th July 2018, is 'gratification'. There has to be a demand for gratification. It is not a simple demand for money, but it has to be a demand for gratification. If the factum of demand of gratification and acceptance thereof is proved, then the presumption under Section 20 can be invoked, and the Court can presume that the demand must be as a motive or reward for doing any official act. This presumption can be rebutted by the accused.</p>
4.	<p><i>P. Sarangapani (Dead) v. State of A.P., 2023 SCC OnLine SC 1200</i></p> <p>Presumption where public servant accepts any undue advantage - Once the undue advantage i.e., any gratification whatever, other than the legal remuneration is proved to have been accepted by the accused, the Court is entitled to raise the presumption under Section 20 that he accepted the undue advantage as a motive or reward under Section 7 for performing or to cause performance of a public duty improperly or dishonestly. No doubt, such presumption is rebuttable. Thus, once it is proved public servant received gratification beyond legal remuneration, statutory presumption operates. However, such presumption is rebuttable.</p>
5.	<p><i>State of Chhattisgarh v. Aman Kumar Singh, (2023) 6 SCC 559</i></p> <p>It is desirable that High Courts maintain a "hands-off" approach and not quash FIRs relating to corruption cases at investigation stage-This is because, it is difficult to form an opinion conclusively at the stage of reading a first information report that the public servant is either in or not in possession of property disproportionate to the known sources of his/her income. It would all depend on what is ultimately unearthed after the investigation is complete -The considerations that could apply to quashing of first information reports pertaining to offences punishable under general penal statutes <i>ex proprio vigore</i> may not be applicable to a P.C. Act offence.</p>
6.	<p><i>Jitendra Kumar Rode v. Union of India, 2023 SCC OnLine SC 485</i></p> <p>Right to appeal includes an opportunity for the person filing an appeal to question the conclusions drawn by the trial court. Thus, the mandates of Section 385 of the CrPC can only be followed when the record lower court is available with the Court of Appeal.</p>
7.	<p><i>State through C.B.I. v. T. Gangi Reddy, (2023) 4 SCC 253</i></p> <p>Default bail granted under Section 167(2) CrPC to an accused may be cancelled on merits after filing of charge sheet and not by mere filling of charge sheet.</p>
8.	<p><i>State through C.B.I. v. Hemendhra Reddy, 2023 SCC OnLine SC 515</i></p> <p>Section 13(1)(e) - Second proviso is in the nature of additional safeguard for the public servant who</p>

	are accused of the offence punishable under Section 13(1)(e) of the 1988 Act against an investigation by a police officer without the knowledge and consent of superior police officer not below the rank of Superintendent of Police. A superior police officer of the rank of Superintendent of Police or any officer higher in rank is required to pass an order before an investigation, if any, for such offence is commenced. It is needless to point-out that, before directing such investigation, the Superintendent of Police or an officer superior to him is required to apply his mind to the information and come to an opinion that the investigation on such allegations is necessary.
9.	<i>Jagtar Singh v. State of Punjab, 2023 SCC OnLine SC 320</i> Demand and recovery both must be proved to sustain conviction under the Act. Conviction was therefore set aside as demand was not proved.
10.	<i>Neeraj Dutta v. State (NCT of Delhi), (2023) 4 SCC 731</i> Even in the absence of direct evidence of the complainant, demand of illegal gratification may be proved through circumstantial evidence, direct evidence of other witnesses or documentary evidence. The proof of demand is a sine qua non for an offence to be established under Sections 7, 13(1) (d) (i) and (ii) of the Act. Thus, mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof in the absence of proof of demand would not be sufficient to bring home the charge under Sections 7, 13(1)(d)(i) and (ii) of the Act.
11.	<i>CBI v. Vikas Mishra, (2023) 6 SCC 49</i> The period of police custody does not lapse if due to certain exigencies the police was unable to exercise the right of interrogation for the full period of police custody remand.
12.	<i>Mahdoom Bava v. CBI, 2023 SCC OnLine SC 299</i> Supreme court questioned the practice followed by courts to remand the accused to custody as soon as they appear in response to the summoning order. It was thus decided that appellants remanded to custody are entitled to be released on bail, subject to such terms and conditions as may be imposed by the Special Court, including the condition for the surrender of the passport, in the event of the Court choosing to remand them to custody, when they appear in response to the summoning order.
13.	<i>State of T.N. v. R. Soundirarasu, (2023) 6 SCC 768</i> Principles clarified re “known sources of income” under S. 13(1) (e) PC Act, 1988, and stage at which onus to account satisfactorily for the money to be discharged by accused.
14.	<i>CBI v. R.R. Kishore, 2023 SCC OnLine SC 1146</i> The Bench held that <i>Dr. Subramanian Swamy v Director, Central Bureau of Investigation</i> which struck down Section 6A, will have a retrospective effect. This means that public officials do not have protection from arrest for offences committed before Subramanian Swamy.
15.	<i>State of Gujarat v. Mansukhbhai Kanjibhai Shah, (2020) 20 SCC 360</i> The Supreme Court observed that evidently, the language of Section 2(b) of the PC Act indicates that any duty discharged wherein State, the public or community at large has any interest is called a public duty.
16.	<i>Vinod Kumar Garg v. State (Government of National Capital Territory of Delhi), (2020) 2 SCC 88</i> If an investigation was not conducted by a police officer of the requisite rank and status required Under Section 17 of the Act, such lapse would be an irregularity, however unless such irregularity results in causing prejudice, conviction will not be vitiated or be bad in law. Therefore, the lack of sanction was found not to be a ground for quashing of the proceedings.
17.	<i>Yashwant Sinha and Ors. v. Central Bureau of Investigation and Ors., (2020) 2 SCC 338</i> In terms of Section 17A, no Police Officer is permitted to conduct any enquiry or inquiry or conduct investigation into any offence done by a public servant where the offence alleged is relatable to any recommendation made or decision taken by the public servant in discharge of his public functions without previous approval, inter alia, of the authority competent to remove the public servant from his

	Office at the time when the offence was alleged to have been committed. In respect of the public servant, who is involved in this case, it is Clause (c), which is applicable. Unless, therefore, there is previous approval, there could be neither inquiry or enquiry or investigation.
18.	<p><i>Asian Resurfacing of Road Agency (P) Ltd. v. CBI, (2018) 16 SCC 299</i></p> <p>Section 19(3) (b) subsumes all grounds which are relatable to sanction granted. This is clear from the word “any” making it clear that whatever be the error, omission or irregularity in sanction granted, all grounds relatable thereto are covered. The words “in the sanction granted by the authority” contained in Sub-clause (b) are conspicuous by their absence in sub-clause(c), showing thereby that it is the proceedings under the Act that are referred to. The expression “on any other ground”, therefore, refers to and relates to all grounds that are available in proceedings under the Act other than grounds which relate to sanction granted by the authority.</p> <p>Section 19(3)(c) became necessary to make it clear that proceedings under the Act can be stayed only in the eventuality of an error, omission or irregularity in sanction granted, resulting in failure of justice, and for no other reason. It was for this reason that it was also necessary to reiterate in the language of Section 397(2) of the Code of Criminal Procedure, that in all cases, other than those covered by Section 19(3)(b), no court shall exercise the power of revision in relation to interlocutory orders that may be passed. It is also significant to note that the reach of this part of Section 19(3)(c) is at every stage of the proceeding, that is inquiry, trial, appeal or otherwise, making it clear that, in consonance with the object sought to be achieved, prevention of corruption trials are not only to be heard by courts other than ordinary courts, but disposed of as expeditiously as possible, as otherwise corrupt public servants would continue to remain in office and be cancerous to society at large, eating away at the fabric of the nation.</p>
19.	<p><i>Rajiv Kumar v. State of U.P., (2017) 8 SCC 791</i></p> <p>A perusal of Sections 13(1) (d) (i), (ii) and (iii) (prior to substitution) makes it clear that if the elements of any of the three subclauses are met, the same would be sufficient to constitute an offence of ‘criminal misconduct’ under Section 13(1) (d). Undoubtedly, all the three wings of clause (d) of Section 13(1) are independent, alternative and disjunctive.</p>
20.	<p><i>Vasant Rao Guhe v. State of M.P., (2017) 14 SCC 442</i></p> <p>The Supreme Court held that a public official accused of criminal misconduct cannot be expected to explain the absence of evidence to support the claim that he had property or money that was out of proportion to his known sources of income. The bench ruled that the prosecution must prove beyond a reasonable doubt that the public servant, either directly or indirectly through another person, had at any point during his employment had pecuniary resources or property that was out of proportion to his known sources of income. If the prosecution fails to prove this burden, the prosecution will only be able to prove criminal misconduct. Thus, a public servant facing charge of criminal misconduct, cannot be comprehended to furnish any explanation in absence of the proof of the allegation of being in possession by himself or through someone else, of pecuniary resources or property disproportionate to his known sources of income. The bench held that the primary burden to bring home the charge of criminal misconduct is indubitably on the prosecution to establish beyond reasonable doubt that the public servant either himself or through anyone else had at any time during the period of his office been in possession of pecuniary resources or property disproportionate to his known sources of income and it is only on the discharge of such burden by the prosecution, if he fails to satisfactorily account for the same, he would be in law held guilty of such offence.</p>
21.	<p><i>C.B.I. v. Ramesh Gelli, (2016) 3 SCC 788</i></p> <p>The managing director and chair of a private banking company were held to be “public servants” for the purposes of prosecution under the Prevention of Corruption Act 1988. The court reasoned that the objectives of the PCA clearly specified that the statute was to ‘make the anti-corruption law more effective and widen its coverage.’ After conjointly reading the provisions of the PCA with Section</p>

	46A of the BRA, the court harmoniously constructed them to determine in the affirmative that officers of a private banking company would fall under the definition of a public servant as defined in the PCA. Therefore, the matter was remanded back to the trial court to take cognisance of the offences punishable under the PCA.
22.	<i>N. Sunkanna v. State of Andhra Pradesh, (2016) 1 SCC 713</i> It is settled law that mere possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7, since demand of illegal gratification is sine qua non to constitute the said offence. The above also will be conclusive insofar as the offence under Section 13(1) (d) is concerned as in the absence of any proof of demand for illegal gratification the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be established. It is only on proof of acceptance of illegal gratification that presumption can be drawn under Section 20 of the Act that such gratification was received for doing or forbearing to do any official act. Unless there is proof of demand of illegal gratification proof of acceptance will not follow.
23.	<i>Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke & Ors., (2015) 3 SCC 123</i> The Supreme Court held that sanction u/s 19(1) of prosecution cannot be granted if the prosecution is simply vexatious nor the court can issue a positive direction to the sanctioning authority to give sanction for prosecution.
24.	<i>Selvaraj v. State of Karnataka, (2015) 10 SCC 230</i> The allegation of bribe taking should be considered along with other material circumstances. Demand has to be proved by adducing clinching evidence. Recovery of tainted money is not sufficient to convict the accused. There has to be corroboration of the testimony of the complainant regarding the demand of bribe. The prosecution has to prove the charge beyond reasonable doubt like any other criminal offence and the accused should be considered innocent till it is proved to the contrary by proper proof of demand and acceptance of illegal gratification, which is the vital ingredient to secure the conviction in a bribery case.
25.	<i>P. Satyanarayana Murthy v. District Inspector Of Police, State Of Andhra Pradesh, (2015) 10 SCC 152</i> The proof of demand for illegal gratification, thus, is the gravamen, of the offence u/s 7 and 13(1) (d) (i) and (ii) of the Act and in the absence thereof, unmistakably, the charge, therefore, would fail. Mere acceptance of any amount, allegedly by way of illegal gratification or recovery thereof, dehors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under the two sections of the Act. Thus, to convict the accused it is necessary to have adequate proof of demand and acceptance of illegal gratification by the public servants U/s 7 and 13 of the Prevention of Corruption Act, 1988. It also laid down that without the proof of demand by the accused, mere possession and recovery of currency notes would not establish the offence U/s 7 and 13(1)(d)(i) and (ii) of the Act.
26.	<i>CBI v. Ashok Kumar Aggarwal, (2014) 14 SCC 295</i> The Supreme Court summarized the role of the prosecution and the sanctioning authority before according sanction U/s 19 of the P. C. Act, 1988 as under : a. The prosecution must send the entire relevant record to the sanctioning authority including the FIR, disclosure statements, recovery memos, draft charge-sheet, statements of witnesses and all other relevant material. The record so sent should also contain the material/document, if any, which may tilt the balance in favour of the accused and on the basis of which, the competent authority may refuse sanction. b. The authority itself has to do complete and conscious scrutiny of the whole record so produced by the prosecution independently applying its mind and taking into consideration all the relevant facts before grant of sanction while discharging its duty to give or withhold the sanction. c. The power to grant sanction is to be exercised strictly keeping in mind the public interest and the

	<p>protection available to the accused against whom the sanction is sought.</p> <p>d. The order of sanction should make it evident that the authority had been aware of all relevant facts/materials and had applied its mind to all the relevant material.</p> <p>e. In every individual case, the prosecution has to establish and satisfy the Court by leading evidence that the entire relevant facts had been placed before the sanctioning authority and the authority had applied its mind on the same and that the sanction had been granted in accordance with law.</p>
27.	<p><i>Manish Trivedi v. State of Rajasthan, (2014) 14 SCC 420</i></p> <p>The Supreme Court held that a member of the Municipal Board or a Municipal Councillor per se may not come within the definition of 'public servant' as defined under section 21 of IPC but this does not mean that they cannot be brought in the category of 7 public servant by any other enactment. In the present case, the Municipal Councillor or the Member of the Board does not come within the definition of 'public servant' U/s 21 of IPC, but in view of the legal fiction created by section 87 of the Rajasthan Municipalities Act, 1959 they come within its definition. Thus, power u/s 19 of the P.C. Act, 1988 of sanction to prosecute cannot be delegated by the competent authority. Sanction cannot be granted on the basis of report given by some other officer or authority.</p>
28.	<p><i>B. Jayaraj v. State of A.P., (2014) 13 SCC 55</i></p> <p>In so far as the offence under Section 7 is concerned, it is a settled position in law that demand of illegal gratification is sine qua non to constitute the said offence and mere recovery of currency notes cannot constitute the offence under Section 7 unless it is proved beyond all reasonable doubt that the accused voluntarily accepted the money knowing it to be a bribe. In so far as the presumption permissible to be drawn under Section 20 of the Act is concerned, such presumption can only be in respect of the offence under Section 7 and not the offences under Section 13(1)(d)(i)(ii) of the Act. In any event, it is only on proof of acceptance of illegal gratification that presumption can be drawn under Section 20 of the Act that such gratification was received for doing or forbearing to do any official act. Proof of acceptance of illegal gratification can follow only if there is proof of demand.</p>
29.	<p><i>Subramanian Swamy v. CBI, (2014) 8 SCC 682</i></p> <p>The classification which is made under Section 6-A, DPSE Act, 1946 on the basis of status in government service is not permissible in Article 14 as it defeats the purpose of finding prima facie truth into the allegations of graft, which amount to an offence under the PC Act, 1988.</p>
30.	<p><i>State of Maharashtra v. Mahesh G. Jain, (2013) 8 SCC 119</i></p> <p>The Supreme Court held that grant of sanction u/s 19 (1) of the P.C. Act, 1988 for prosecution is administrative function. Only prima facie satisfaction of the sanctioning authority is needed.</p>
31.	<p><i>Anil Kumar v. M.K. Aiyappa, (2013) 10 SCC 705</i></p> <p>Special Judge cannot order registration of FIR u/s 156(3) CrPC for offences under P.C. Act, 1988 without prior sanction order of competent authority U/s 19 (1) of the P.C. Act, 1988.</p>
32.	<p><i>Subramanian Swamy v. Manmohan Singh, (2012) 3 SCC 64</i></p> <p>The Apex Court issued guidelines in following terms with an observation that Parliament should consider the Constitutional imperative of Article 14 enshrining the rule of law wherein 'due process of law' has been read into by introducing a time limit in Section 19 of the P.C. Act 1988 for its working in a reasonable manner:</p> <ol style="list-style-type: none"> a. All proposals for sanction placed before any Sanctioning Authority, empowered to grant sanction for the prosecution of a public servant under Section 19 of the PC Act must be decided within a period of three months of the receipt of the proposal by the concerned authority b. Where consultation is required with the Attorney General or the Solicitor General or the Advocate General of the State, as the case may be, and the same is not possible within the three months mentioned in clause (a) above, an extension of one month period may be allowed. But the request

	<p>for consultation is to be sent in writing within the three months mentioned in (a) above. A copy of the said request will be sent to the prosecuting agency or the private complainant to intimate them about the extension of the time limit</p> <p>c. At the end of the extended period of time limit, if no decision is taken, sanction will be deemed to have been granted to the proposal for prosecution, and the prosecuting agency or the private complainant will proceed to file the charge sheet/complaint in the court to commence prosecution within 15 days of the expiry of the aforementioned time limit.</p>
33.	<p><i>State of Punjab v. Mohd. Iqbal Bhatti, (2009) 17 SCC 92</i></p> <p>Although the State in the matter of grant or refusal to grant sanction exercises statutory jurisdiction, the same, however, would not mean that power once exercised cannot be exercised once again. For exercising its jurisdiction at a subsequent stage, express power of review in the State may not be necessary as even such a power is administrative in character. It is, however, beyond any cavil that while passing an order for grant of sanction, serious application of mind on the part of the concerned authority is imperative. The legality and/or validity of the order granting sanction would be subject to review by the criminal courts. An order refusing to grant sanction may attract judicial review by the Superior Courts. Validity of an order of sanction would depend upon application of mind on the part of the authority concerned and the material placed before it. All such material facts and material evidences must be considered by it. The sanctioning authority must apply its mind on such material facts and evidences collected during the investigation. Even such application of mind does not appear from the order of sanction, extrinsic evidences may be placed before the court in that behalf. While granting sanction, the authority cannot take into consideration an irrelevant fact nor can it pass an order on extraneous consideration not germane for passing a statutory order. It is also well settled that the Superior Courts cannot direct the sanctioning authority either to grant sanction or not to do so. The source of power of an authority passing an order of sanction must also be considered.</p>
34.	<p><i>C.M. Girish Babu v. CBI, (2009) 3 SCC 779</i></p> <p>It is well settled that the presumption to be drawn under Section 20 is not an inviolable one. The accused charged with the offence could rebut it either through the cross-examination of the witnesses cited against him or by adducing reliable evidence. It is equally well settled that the burden of proof placed upon the accused person against whom the presumption is made under Section 20 of the Act is not akin to that of burden placed on the prosecution to prove the case beyond a reasonable doubt.</p>
35.	<p><i>Parkash Singh Badal and Another. v. State Of Punjab And Ors., (2007) 1 SCC 1</i></p> <p>The Supreme Court held if a public servant received compensation for persuading another public servant to perform or refrain from performing any official act, he would be subject to the provisions of Sections 8 and 9 of the Prevention of Corruption Act. In the same case, the Supreme Court determined that satisfaction might be of any form for Sections 8 and 9 while investigating the relationship between offences under Sections 8 and 9 and Section 13(1)(d) indicating that the scope of their applicability was broad. It was further observed that ‘gratification’ is not restricted to pecuniary gratification. The expression is very wide and would also cover public servants accepting gratification as a motive or reward for inducing any other public servant by corrupt or illegal means. Restricting the operation of the expression by curtailing the ambit of Sections 8 and 9 and confining to private persons would not reflect the actual legislative intention.</p>
36.	<p><i>Romesh Lal Jain v. Naginder Singh Rana & Ors., (2006) 1 SCC 294</i></p> <p>The Supreme Court held that an order granting or refusing sanction must be preceded by application of mind on the part of appropriate authority on material placed before it. Test to determine for sanction order to amount to a composite order, there must be an immediate or proximate connection between the P.C. Act and the IPC offences for which accused is charged. The test to be applied in such a case would be whether the offences under IPC are also required to be prove in relation to the offences under the P.C. Act, 1988.</p>

37.	<p><i>Hindustan Petroleum Corpn. Ltd. v. Sarvesh Berry, (2005) 10 SCC 471</i></p> <p>The Supreme Court held that where a public servant was being tried for offence u/s. 13 of the P.C. Act, 1988 and a departmental enquiry was also going on against him in respect of the same act, it has been held by the Supreme Court that the departmental enquiry and the criminal trial can go on simultaneously except where departmental enquiry would seriously prejudice the delinquent in his defence at the criminal trial and no strait-jacket formula can be laid down in this behalf as each case has to be decided on its facts.</p>
38.	<p><i>M.P. Special Police Establishment v. State of M.P. & Ors., (2004) 8 SCC 788</i></p> <p>The Supreme Court held that no sanction u/s 19 of the P.C. Act, 1988 for prosecution of a Minister, after his resignation, for offences committed by him during his tenure as Minister is required.</p>
39.	<p><i>Kendriya Vidyalaya Sangathan v. Subhas Sharma, (2002) 4 SCC 145</i></p> <p>The officials of the Kendriya Vidyalaya have also been covered under the definition of 'Public servant'. It was held that since the institution is being fully financed by the Central Government, it cannot be said that the employee of the institution are not public servants.</p>
40.	<p><i>Subash Parbat Sonvane v. State of Gujarat, (2002) 5 SCC 86</i></p> <p>The Supreme Court held that to be found guilty under Section 13(1) (d), there must be proof that the subject of the investigation, i.e. the person under investigation, obtained something valuable or financially advantageous for himself or another person through dishonest or illegal means, by abusing his position as a public servant, or by obtaining something valuable or financially advantageous for another person without any consideration of the public interest. It was observed that words like "accepts" and "obtains" has been especially used by the legislature in Sections 7 and 13(1)(a) and (b) of the Act but in Section 13(1)(d) there is withdrawal from the word "accepts" and importance is placed on the word "obtains".</p>
41.	<p><i>State of Maharashtra & Anr. v. Prabhakar Rao & Anr., (2002) 7 SCC 636</i></p> <p>The Supreme Court held that the definition of 'Public Servant' under section 21 of IPC is of no relevance under the Prevention of Corruption Act, 1988.</p>
42.	<p><i>M. Narsinga Rao v. State of A.P., (2001) 1 SCC 691</i></p> <p>Where receipt of gratification is proved, the court is under a legal obligation to presume that such gratification was accepted as a reward for doing the public duty.</p>
43.	<p><i>State of M.P. v. Ram Singh, (2000) 5 SCC 88</i></p> <p>The Supreme Court held that the object of the Prevention of Corruption Act, 1988 was to make effective provisions for prevention of bribe and corruption amongst public servants. It has been further held that it is a social legislation to curb illegal activities of public servants and should be liberally construed so as to advance its object and not liberally in favour of the accused.</p>
44.	<p><i>P.V. Narasimha Rao v. State (CBI/SPE), (1998) 4 SCC 626</i></p> <p>Members of Parliament are Public Servants and are liable to prosecution under the Prevention of Corruption Act, 1988 and until the Prevention of Corruption Act, 1988 is suitably amended to name the competent authority to accord sanction for prosecution, and the prosecuting agency shall obtain the permission from the Presiding officer of the Legislative body concerned for launching prosecution.</p>
45.	<p><i>Vineet Narain and other v. Union of India and others, (1998) 1 SCC 226</i></p> <p>The Supreme Court issued directions to establish institutional and other arrangements aimed at insulating the Central Bureau of Investigation (CBI) from outside influences. These directions included giving a statutory status to the Central Vigilance Commission (CVC); entrusting the CVC with the responsibility of exercising superintendence over the CBI; prescribing procedures for appointment to the post of Director CBI; giving a minimum secure tenure of two years to Director CBI etc. The judgement also declared the Single Directive null and void on the ground that it violated</p>

	the principle of equality of all before laws.
46.	<i>C.K. Damodaran Nair v. Govt. of India, (1997) 9 SCC 477</i> [A]ccept means to take or receive with a consenting mind ... It cannot be said, therefore, as an abstract proposition of law, that without a prior demand there cannot be acceptance
47.	<i>State through Anti-Corruption Bureau, Government of Maharashtra, Bombay v. Krishanchand Khushalchand Jagtiani, (1996) 4 SCC 472</i> The Supreme Court held that the requirement of obtaining sanction is to ensure that no public servant is unnecessarily harassed. Such protection is however not absolute or unqualified – while a public servant should not be subjected to harassment, genuine charges and allegations should be allowed to be examined by court.
48.	<i>M. Krishna Reddy v. State, Deputy Superintendent of Police, Hyderabad, (1992) 4 SCC 45</i> The Supreme Court held that to substantiate a charge u/s 13(1) (e) of the P.C. Act 1988 (prior to substitution), the prosecution must prove the following ingredients: a. the prosecution must prove that the accused is a public servant; b. the nature and extent of the pecuniary resources or property which are found in his possession; c. it must be proved as to what were his known sources of income i.e. known to the prosecution; d. it must prove quite objectively that the resources or property found in possession of the accused were disproportionate to his known source of income.
49.	<i>K. Veeraswamy v. The Union of India and Others, (1991) 3 SCC 655</i> It was held that though the Prevention of Corruption Act applied to the judges of the Supreme Court and High Courts, no criminal case could be registered against them without the consent of the Chief Justice of the Supreme Court.
50.	<i>R.S. Nayak v. A.R. Antulay, (1984) 2 SCC 183</i> The Supreme Court held that if the public servant has ceased to be a public servant on the date of cognizance of the offence by the court, sanction for his prosecution is not required.
51.	<i>M. Karunanidhi v. Union of India, (1979) 3 SCC 431</i> The Chief Minister and the Ministers are public servants as they hold public office and get salary from the Government funds for the public duty performed by them.
52.	<i>Om Prakash Gupta v. State of U.P., AIR 1957 SC 458</i> The Supreme Court held that the offence of criminal misconduct punishable u/s 5 (2) of the Prevention of Corruption Act, 1947 (which is equivalent to sec. 13(1) (e) of the Prevention of Corruption Act, 1988, prior to substitution) is not identical in essence, import and content with an offence u/s 409 of the Indian Penal Code. The offence of criminal misconduct is a new offence created by that enactment and it does not repeal by implication or abrogate s. 409 of the Indian Penal Code.