

No. 012/VGL/020
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
INA New Delhi- 110023
the, 29th March, 2012

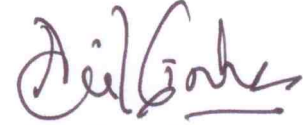
Circular No. 08/03/12

Sub: Sanction for prosecution requests under the PC Act, 1988 against All India Service Officers – procedure regarding.

It has been brought to the notice of the Commission that the investigating agencies while sending their proposals seeking previous sanction for prosecution of All India Service Officers (AIS) under Section 19 of PC Act, 1988, are not following the prescribed guidelines as contained in the DoPT's Circular No. 107/8/99-AVD.1 dated 27.10.1999, addressed to All Chief Secretaries of State Governments/UT Administrations. It is often found that such prosecution proposals/requests are not accompanied with complete set of relied upon documents/evidences etc., due to which the Competent Authorities are not in a position to take a view in such matters. Further, in respect of members of the All India Services, serving in connection with the affairs of the State Government, such sanction in terms of Section 19(1) of PC Act, 1988 is required to be accorded by the Central Government; i.e. Department of Personnel and Training in respect of IAS officers, Ministry of Home Affairs in respect of IPS officers and the Ministry of Environment and Forests in respect of IFS officers. When such sanction under the PC Act is required against an IAS/IPS/IFS officer by the State Government and the concerned officer is serving in connection with the affairs of the State Government, the Competent Authority under the State Government is required to examine the case on the basis of evidence on records and forward the documents to the Central Government along with their views/recommendation thereon and also enclosing the sanction, if any, issued by the State Government under Section 197(1) of the Cr.PC.

2. The Commission under Section 8(1) (f) of the CVC Act, 2003 has been empowered to review the progress of applications pending for sanction for prosecution under the PC Act, 1988. In this context, it has been observed that processing requests of sanction for prosecution by the State Governments and the Central Government gets inordinately delayed. The Supreme Court in Vineet Narain Vs. Union of India, has prescribed a time limit of three months, which needs to be strictly adhered to and an additional time of one month is allowed where consultation is required with the Attorney General or any Law Officer in the AG's office. Recently, the Supreme Court in CA No. 1193 of 2012 has reiterated the above time limits prescribed for the Competent Authorities to decide sanction for prosecution matters. Delays in issuing the sanction hold up the launching of prosecution leading to delay in conclusion of the proceedings. Such delays also adversely affect the morale of the public servants.

3. In view of the above, all investigating agencies, Competent Authorities in the State Governments and Cadre Controlling Authorities in the Central Government while dealing and processing matters of prosecution sanction of AIS officers under Section 19(1) of PC Act, 1988 or Section 197(1) of Cr.PC are advised to strictly adhere to the guidelines issued vide DoPT's Circular No. 107/8/99-AVD.1 dated 27.10.1999, and should also ensure that sanction for prosecution requests received are processed timely and decided in accordance with the time limits laid down by the Apex Court.



(Anil K. Sinha)
Additional Secretary

To,

- (i) All Chief Secretaries of State Governments/UT Administrations
- (ii) Secretary, Department of Personnel and Training
- (iii) Secretary, Ministry of Home Affairs
- (iv) Secretary, Ministry of Environment and Forests
- (v) Director, CBI