

2
95/2016

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. 2012/V-1/CBI/1/2

New Delhi, dated 30/06/2016

The General Manager (Personnel),
All Indian Railways

Chief Vigilance Officers,
All PUs/PSUs

The General Manager (Vigilance),
Zonal Railways, CORE/ALD,
NF(CONST), METRO/Kolkata

CAO/COFMOW,
DMW/Patiala

Sub: Issue of prosecution sanction under PC Act, 1988

345

Please find enclosed a circular no. 06/06/16 dated 01/06/16 issued by the CVC advising all the Administrative Authorities to ensure that sanctions for prosecution are issued under the signature of competent authority of the delinquent/suspected public servant or such other authority who is competent to sign on behalf of the competent authority.

The circular of the CVC may be brought to the notice of all concerned administrative authorities.

DA. As above

(Priya GopataKshnan)
Deputy Director Vigilance -1
Railway Board

Copy to:

- i) Secretary/RB
- ii) All Officers in Vigilance Directorate/RB

18/7/16

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स/Fax : 24651186

3
35/2016



सत्यमेव जयते

21.06.16

केन्द्रीय सतर्कता आयोग

CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए. नई दिल्ली-110023

Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

016/VGL/021

सं./No.....

दिनांक / Dated..... 01/06/2016

Circular No.06/06/16

Subject:- Issue of prosecution sanction under PC Act, 1988 – regarding.

The Commission is mandated under Section 8 (1) (f) of CVC Act, 2003 to review the progress of the applications pending for sanction for prosecution under PC Act, 1988 with the Competent Authorities. In exercise of these powers, the Commission has been emphasising the need for quick and expeditious decisions on request of sanction for prosecution received from CBI / other investigating agencies under the PC Act, 1988. The Commission has also, from time to time, advised all concerned Competent Authorities to adhere to the time limits for processing requests for prosecution sanction under Section 19 of PC Act as laid down by the Apex Court in letter and spirit.

2. CBI has brought to the notice of the Commission that a number of cases were struck down by Courts due to prosecution sanction having been issued by authorities not competent to issue the same. Such inappropriate sanction order issued by the Administrative Authorities undermine the investigations conducted by the investigating officer, etc., and results in a futile exercise. Under section 19(1) of the Prevention of Corruption Act, 1988, the authority competent to sanction prosecution will normally be a) in the case of a Central Government servant who is employed in connection with the affairs of the Union and is removable from his office by the Central Government – Central Government; b) in the case of a State Government servant who is employed in connection with the affairs of the State and is removable from his office by the State Government - State Government; c) in the case of any other public servant - authority competent to remove him from his office.

3. The Commission would therefore, advise that all Administrative Authorities may ensure that sanctions for prosecution issued are under the signature of the appropriate Competent Authority of the delinquent / suspected public servant or such other authority who is competent to sign on behalf of the competent authority and the decision has been taken by the competent authority so that any such issues questioning the validity of sanction do not arise at a later stage in matters of sanction for prosecution.

[J. Vinod Kumar]
Director

1. All Secretaries of Ministries/Departments.
2. All CMDs/Heads of CPSUs/Public Sector Banks/Organisations.
3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/Organisations.