

Haryana Government  
Vigilance Department

No. 4/2/2021-1VII

From

The Chief Secretary to Govt. Haryana

To

1. All Administrative Secretaries in Haryana.
2. All Heads of Departments/CAs/MDs of Boards/Corporations/Organizations in Haryana.
3. The Divisional Commissioners of Ambala, Hisar, Rohtak, Gurugram, Karnal & Faridabad Divisions.
4. The Registrar General, Punjab and Haryana High Court, Chandigarh.
5. All Deputy Commissioners in Haryana.

Date Chandigarh the, 26 July, 2022

**Subject:- Standard Operating Procedures (SOPs) for processing of cases under Section 17A of the Prevention of Corruption Act, 1988-regarding.**

Sir/Madam,

I have been directed to invite your attention to this Department letter of even No., dated 07.01.2022 on the subject noted above and to state that the issue of obtaining previous approval by a Police Officer for conducting enquiry, inquiry or investigation of offences relating to recommendations made or decision taken by public servant in discharge of official functions or duties has been reconsidered in the light of Judgment dated 14.09.2019 of Hon'ble Supreme Court in Review Petition (Crl.) No. 46 of 2019 in W.P. (Crl.) No. 298 of 2018 titled as "Yashwant Sinha Versus CBI" and other connected petitions.

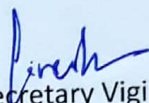
After comprehensive consideration as such the legal mandate of Section 17A of the Prevention of Corruption Act, 1988 comes out is that a Police Officer is mandated to obtain previous approval of the Government/Competent Authority for conducting enquiry, inquiry, investigation of offences relating to any recommendation made or decision taken by a public servant in discharge of his official functions or duties.

Keeping in view the need to further streamline the vigilance function in the State, the Vigilance Bureau and Police Department, as the case may be, shall ensure meticulous compliance of the newly inserted provision of Section 17 of the PC Act and

seek prior approval, except in trap cases or when the alleged act of the public servant is ex-facie criminal and the competent authority shall convey the decision thereon to the investigating agencies within 15 days. It is clarified that "trap cases" means cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person. It is further clarified that "ex-facie criminal act or any act which constitutes an offence" means offence under various provision of IPC such as Forgery (Section 465 IPC); Cheating (Section 420 IPC); Misappropriation (Section 403 IPC); Fraud (Section 421 IPC); etc., if any doubt arises same shall be referred to the competent authority for decision.

These Instructions be brought to the notice of all concerned for strict compliance.

Yours Faithfully

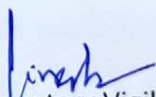
  
Deputy Secretary Vigilance  
for Chief Secretary to Govt. Haryana

Endst. No. 4/2/2021-1VII

Date: 26.07.2022

A copy is forwarded to the following for information and necessary action:-

1. The Director General of Police, Haryana, Panchkula.
2. The Director General State Vigilance Bureau, Haryana, Panchkula.

  
Deputy Secretary Vigilance  
for Chief Secretary to Govt. Haryana