

No. 09/37/2019-6V1  
Government of Haryana  
Chief Secretary's Office  
General Administration Department  
(Vigilance-1 Branch)

To

- ✓1. All Administrative Secretaries to Government Haryana,
- ✓2. All Heads of Departments.
- ✓3. Registrar General, Punjab and Haryana High Court, Chandigarh.
- ✓4. Commissioners, Ambala, Hisar, Gurugram, Karnal, Faridabad and Rohtak Divisions.
- ✓5. All Chief Administrators/Administrators/Managing Directors/Executive Heads of PSUs-Boards/Corporations/Statutory Bodies/Autonomous Bodies/Societies in Haryana State.
- ✓6. All Deputy Commissioners in Haryana State.
- ✓7. Registrars of all the Universities in Haryana.

Dated Chandigarh, the: 22<sup>nd</sup> November, 2024


**Subject: Guidelines to be followed by the authorities competent to accord sanction for prosecution under section 19 of the PC Act.**

\*\*\*\*\*

Sir/Madam,

I am directed to invite your attention on the subject noted above and to enclose herewith a copy of Chapter 6.7.1. to 6.7.8. of the Central Vigilance Commission's Vigilance Manual and their instructions bearing No. 005/VGL/11 dated 12.05.2005, 28.03.2012 & 25.05.2015 for clarity and uniformity in decision making, to accord sanction for prosecution under section 19 of the PC Act.


Yours faithfully,

  
Joint Secretary to Government Haryana,  
Vigilance-I. q

Dated Chandigarh the, 22.11.2024

Endst. No. 09/37/2019-6V1

A copy of above is forwarded to the Additional Director General of Police, Anti Corruption Bureau, Haryana w.r.t. his letter No. 5836/Secret/ACB (H) dated 15.02.2024 for information.

  
Joint Secretary to Government Haryana,  
Vigilance-I.



6.6.1.3 In cases in which preliminary inquiry / investigation reveals that there is no substance in the allegations, the CBI may decide to close the case. Such cases pertaining to category "A" officers will be reported to the Central Vigilance Commission as also to the authorities to whom copies of the F.I.Rs / PEs registration reports were sent. In other cases, the decision to close a case will be communicated by the CBI to the administrative authorities concerned.

6.6.2 ***Cases where prosecution recommended:***

On completion of investigation, if the C.B.I. comes to a conclusion that sufficient evidence is available for launching a criminal prosecution, they shall forward its Report to the Central Vigilance Commission if previous sanction for prosecution is required under Prevention of Corruption Act, 1988 to be issued in the name of the President and also to the authority competent to sanction prosecution, through the CVO concerned. In other cases, the report will be forwarded to the authority competent to sanction prosecution, through the CVO concerned. The report, which may be accompanied by the draft sanction order, should give the rank and designation of the authority competent to dismiss the delinquent officer from service and the law or rules under which that authority is competent to do so.

(CVC Circular No. 005/VGL/11 dated 12.05.2005, 28.03.2012 and 25.05.2015)

6.7 **PREVIOUS SANCTION FOR CRIMINAL PROSECUTION**

6.7.1 ***Requirement of sanction:*** Section 19 of the Prevention of Corruption Act, 1988 lays down that no court shall take cognizance of an offence punishable under sections 7, 11, 13 and 15 of Prevention of Corruption Act, 1988 alleged to have been committed by a Public Servant, except with the previous sanction of the authority competent to remove him from his office.

It may be noted that the requirement of previous sanction under section 19 of Prevention of Corruption Act, 1988 was earlier necessary only in

<sup>6</sup> Para substituted in the light of PC (Amendment) Act, 2018.



respect of serving public servants, however, with amendment of the *Prevention of Corruption Act, 1988* in 2018, sanction is also required in respect of retired public servants under the PC Act.

- 6.7.2 ***Guidelines for the Sanctioning authorities:*** On receipt of a request for grant of previous sanction necessary for prosecution under *section 19 of Prevention of Corruption Act, 1988* from the CBI or other investigating agencies and while processing such requests, all the Ministries / Departments / Organisations shall take decisions expeditiously and in accordance with the guidelines issued by the Commission vide *CVC Circular No. 005/VGL/11 dated 12.05.2005, 28.03.2012 and 25.05.2015*.

The Hon'ble Supreme Court has in its judgements in various cases, particularly in the cases of *Vineet Narain & others Vs Union of India, 1997 [1 SCC 226]*, and *CBI Vs Ashok Kumar Agarwal, 2013 [(2014) AIR SC 827]*, laid down detailed guidelines to be observed while considering request for grant of sanction for prosecution. Commission vide *Circular No. 005/VGL/11 dated 12.05.2005, 28.03.2012 and 25.05.2015* has summarised the Supreme Court's guidelines which are to be observed by the administrative authorities while considering request for grant of sanction for prosecution.

As per the directions of the Apex Court, a time limit of 3 months has been fixed for grant or refusal of sanction for prosecution and 4 months where the opinion of Attorney General or of any other law officer in AG's office is sought.

The Commission in terms of its powers and functions under *section 8(1)(f) of the CVC Act, 2003* directs all administrative authorities to scrupulously follow the guidelines while considering and deciding requests for sanction for prosecution.

- 6.7.3 The guidelines as summarised in the *CVC Circular No. 005/VGL/11 dated 12.05.2005* are hereunder: -
- (i) Grant of sanction is an administrative act. The purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. The question of giving opportunity to the





public servant at that stage does not arise. The sanctioning authority has only to see whether the facts would prima facie constitute the offence.

- (ii) The competent authority cannot embark upon an inquiry to judge the truth of the allegations on the basis of representation which may be filed by the accused person before the Sanctioning Authority, by asking the I.O. to offer his comments or to further investigate the matter in the light of representation made by the accused person or by otherwise holding a parallel investigation / enquiry by calling for the record / report of his Department.
- (iii) When an offence alleged to have been committed under the P.C. Act has been investigated by the SPE, the report of the IO is invariably scrutinised by the DIG, IG and thereafter by DG (CBI). Then the matter is further scrutinised by the concerned Law Officers in CBI.
- (iv) When the matter has been investigated by such a specialized agency and the report of the IO of such agency has been scrutinised so many times at such high levels, there will hardly be any case where the Government would find it difficult to disagree with the request for sanction.
- (v) The accused person has the liberty to file representations when the matter is pending investigation. When the representations so made have already been considered and the comments of the IO are already before the Competent Authority, there can be no need for any further comments of IO on any further representation.
- (vi) A representation subsequent to the completion of investigation is not known to law, as the law is well established that the material to be considered by the Competent Authority is the material which was collected during investigation and was placed before the Competent Authority.
- (vii) However, if in any case, the Sanctioning Authority after consideration of the entire material placed before it, entertains any doubt on any point the competent authority may specify the doubt with sufficient particulars and may request the Authority who has sought sanction to clear the doubt. But that would be only to clear the doubt in order that the authority



may apply its mind proper, and not for the purpose of considering the representations of the accused which may be filed while the matter is pending sanction.

6.7.4 The guidelines issued vide Commission's Circular No. 005/VGL/11 dated 25.05.2015 are hereunder: -

- (a) The prosecution must send the entire relevant record to the sanctioning authority including the FIR disclosure statements, statements of witnesses, recovery memos, draft charge-sheet 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 protection available to the accused against whom the sanction is sought.
- (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.
- (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.

6.7.5 ***Commission's advice in cases where Previous Sanction for Prosecution is sought:*** Para 2 (vii) of GoI Resolution dated 11.02.1964 and the guidelines issued by <sup>7</sup>DoPT vide OM No. 372/6/2017-AVD-III dated 01.03.2019, provide that the Commission tenders advice in cases of prosecution for

<sup>7</sup> Substituted vide DoPT OM dated 01.03.2019.



Presidential appointees. In cases in which the CBI or other Investigating Agency considers that prosecution should be launched and the previous sanction for such prosecution is required under any law to be issued in the name of the President, the Commission will tender advice, after considering the comments received from the concerned administrative authority, as to whether or not prosecution should be sanctioned. In terms of Commission's instructions issued vide Letter No. 98/VGL/7 dated 12.03.1998, the time limit for furnishing comments by the administrative authorities on the CBI report is 30 days. Further, in terms of the DoPT OM No.399/33/2006-AVD-III dated 06.11.2006 & 20.12.2006 and No. 118/2/2011 dated 31.01.2012 the administrative authorities are required to formulate their tentative views on the report of the CBI within three weeks. In case the comments of Ministry / Department / Undertaking are not received within three weeks in respect of cases where sanction for prosecution has been recommended, the Commission would tender its advice suo motu. Comments received after three weeks but before 31 days, the Commission would treat it as a reconsideration request. Any comments received after expiry of 31 days shall not be entertained by the Commission and would be referred to DoPT.

(CVC Circular No. 33/09/10 dated 28.09.2010)

- 6.7.6 ***Request for Reconsideration of Commission's advice:*** In terms of para 2. (ii) & (iii) of DoPT OM No. 399/33/2006-AVD-III dated 06.11.2006 & 20.12.2006, the Ministry / Department shall formulate their view on the advice of the Commission within seven days and may refer the case to the Commission for reconsideration of its advice only in exceptional cases when new facts have come to light. The Commission would render appropriate advice to the competent authority within a fortnight.

In case, the Commission on reconsideration, advises for grant of sanction, the concerned Ministry / Department will issue the requisite orders immediately. However, if the concerned Ministry / Department proposes not to accept the reconsidered advice of the Commission, the case will be referred to the Department of Personnel and Training as per<sup>8</sup> DoPT OM

<sup>8</sup> Substituted vide DoPT OM dated 01.03.2019.





No. 372/6/2017-AVD-III dated 01.03.2019. The DoPT shall decide the case within three weeks and convey its decision to the concerned Ministry / Department.

- 6.7.7 ***Resolving difference of opinion between the CBI or other Investigating Agency and the Competent authority:*** In terms of the DoPT<sup>9</sup> guidelines issued vide OM No. 372/6/2017-AVD-III dated 01.03.2019, in cases where an authority other than the President is competent to sanction prosecution under section 19 of Prevention of Corruption Act, 1988 and the authority does not propose to accord the sanction sought for by the CBI, or the other investigating agency, as the case may be, the case will be reported to the Commission and the authority will take further action after considering the Commission's advice.

In cases recommended by the CBI for Departmental action against such employees as do not come within the normal advisory jurisdiction of the Commission, the Commission will continue to resolve the difference of opinion, if any, between the CBI and the competent administrative authorities as to the course of action to be taken.

6.7.8 ***Reference to DoPT:***

- (i) In cases falling under the categories mentioned in para 6.7.5 and 6.7.6 above and where the administrative authorities do not propose to accept the advice of the Commission for grant of sanction for prosecution, the cases should be referred to DoPT.

<sup>10</sup>[DoPT OM No. 372/6/2017-AVD-III dated 01.03.2019]

- (i)(a) In cases falling under the categories mentioned in para 6.7.5 and 6.7.6 above and where the administrative authorities do not propose to accept the advice of the Commission declining grant of sanction for prosecution, the cases should be referred to DoPT.

<sup>11</sup>[DoPT OM No. 372/6/2017-AVD-III dated 01.03.2019]

<sup>9</sup> Substituted vide DoPT OM dated 01.03.2019.

<sup>10</sup> Inserted.

<sup>11</sup> Inserted.



- (ii) Where two or more Government servants belonging to different Ministries / Departments, or under the control of different cadre controlling authorities are involved, the CBI will seek Sanction from the respective Ministries / Departments or the respective competent authorities in accordance with the procedure laid down in the <sup>12</sup>DoPT OM No. 372/6/2017-AVD-III dated 01.03.2019. Where Sanction is granted in the case of one of the Government servants but Sanction is refused in the case of the other or others, the CBI will refer the case to the DoPT for resolution of the conflict, if any.

<sup>13</sup>*Deleted reference*

<sup>14</sup>(DoPT OM No. 372/6/2017-AVD-III dated 01.03.2019)

## 6.8 GRANT OF IMMUNITY / PARDON TO APPROVERS

If during an investigation, the SPE finds that a public servant, against whom the Commission's advice is necessary, has made a full and true disclosure implicating himself and other public servants or members of the public and that such statement is free from malice, the IG / SPE may send its recommendation to the Commission regarding grant of immunity / leniency to such person from the Departmental action or punishment. The Commission will consider the recommendation in consultation with the administrative Ministry / Department / Organisation concerned and advise that authority regarding the course of further action to be taken.

## 6.9 ASSISTANCE AND COOPERATION TO CBI IN ENQUIRY / INVESTIGATION

- (a) The administrative authorities and the individual public servants should extend full cooperation to the CBI during the course of investigation.

The Directive on "Investigation of cases by the SPE Division of the CBI and facilities and cooperation to be extended by Administrative Authorities" were issued vide MHA OM NO 371/13/66-AVD.II dated 25.06.1969 and DoPT OM No. 371/5/73-AVD.III dated 05.09.1975. A

<sup>13</sup> Deleted being superseded by DoPT OM dated 01.03.2019.

<sup>14</sup> Inserted.



No. 005/VGL/11  
Central Vigilance Commission  
Coordination I

\*\*\*\*\*

Satarkta Bhawan, Block 'A'  
INA, New Delhi-110023  
The, 12<sup>th</sup> May, 2005.

**OFFICE ORDER NO. 31/5/05**

**Sub:- Guidelines to be followed by the authorities competent to accord sanction for prosecution u/s. 19 of the PC Act.**

\*\*\*\*\*

The Commission has been concerned that there have been serious delays in according sanction for prosecution under section 19 of the PC Act and u/s 197 of CrPC by the competent authorities. The time limit prescribed by the Hon'ble Supreme Court for this is 3 months generally speaking. The Commission feels this delay could be partly due to the lack of appreciation of what the competent authority is expected to do while processing such requests.

There have been a number of decisions of the Supreme Court in which the law has been clearly laid down on this issue:-

1. Jagjit Singh Vs. State of Punjab, 1996 Cr.L.J. 2962.
2. State of Bihar Vs. P.P. Sharma, AIR 1991 SC 1260.
3. Superintendent of Police (CBI) Vs. Deepak Chowdhary, AIR 1996 SC 186.
4. Vineet Narain Vs. Union of India, AIR 1998 SC 889.

**2. The guidelines to be followed by the sanctioning authority, as declared by the Supreme Court are summarized hereunder:-**

- i) Grant of sanction is an administrative act. The purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. **The question of giving opportunity to the public servant at that stage does not arise. The sanctioning authority has only to see whether the facts would prima-facie constitutes the offence.**
- ii) The competent authority cannot embark upon an inquiry to judge the truth of the allegations on the basis of representation which may be filed by the accused person before the Sanctioning Authority, by asking the I.O. to offer his comments or to further investigate the matter in the light of representation made by the accused person or by otherwise holding a parallel investigation/enquiry by calling for the record/report of his department.
- iii) When an offence alleged to have been committed under the P.C. Act has been investigated by the SPE, the report of the IO is invariably scrutinized by

the DIG, IG and thereafter by DG (CBI). Then the matter is further scrutinized by the concerned Law Officers in CBI.

- iv) When the matter has been investigated by such a specialized agency and the report of the IO of such agency has been scrutinized so many times at such high levels, there will hardly be any case where the Government would find it difficult to disagree with the request for sanction.
- v) **The accused person has the liberty to file representations when the matter is pending investigation.** When the representations so made have already been considered and the comments of the IO are already before the Competent Authority, there can be no need for any further comments of IO on any further representation.
- vi) **A representation subsequent to the completion of investigation is not known to law, as the law is well established that the material to be considered by the Competent Authority is the material which was collected during investigation and was placed before the Competent Authority.**
- vii) However, if in any case, the Sanctioning Authority after consideration of the entire material placed before it, entertains any doubt on any point the competent authority may specify the doubt with sufficient particulars and may request the Authority who has sought sanction to clear the doubt. But that would be only to clear the doubt in order that the authority may apply its mind proper, and not for the purpose of considering the representations of the accused which may be filed while the matter is pending sanction.
- viii) If the Sanctioning Authority seeks the comments of the IO while the matter is pending before it for sanction, it will almost be impossible for the Sanctioning Authority to adhere to the time limit allowed by the Supreme Court in Vineet Narain's case.

**The Commission has directed that these guidelines as at para 2(i)-(vii) should be noted by all concerned authorities for their guidance and strict compliance.**

Sd/-  
(Sujit Banerjee)  
Secretary

To

Secretaries of All Ministries/Departments  
CMDs/CEOs of all PSEs/PSUs/PSBs/Financial Institutions  
Autonomous Organisations  
All CVOs

No. 005/VGL/011/170096  
Central Vigilance Commission  
\*\*\*\*\*

Satarkta Bhawan, Block 'A'  
INA, New Delhi- 110023  
the, 28<sup>th</sup> March, 2012

Circular No. 07/03/12

Sub: Guidelines for checking delay in grant of sanction for prosecution

The Central Vigilance Commission has been emphasising the need for prompt and expeditious disposal of requests of sanction for prosecution received from CBI/other investigating agencies under the Prevention of Corruption Act, 1988. It may be recalled that the Supreme Court had in the case of Vineet Narain & Ors. Vs. Union of India in its judgment dated 18.12.1997, issued directions to the effect that "Time limit of three months for grant of sanction for prosecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General (AG) or any other Law Officer in the AG's office".

2. The Central Vigilance Commission under the CVC Act, 2003 has been empowered to review the progress of applications pending with the Competent Authorities for sanction of prosecution under the PC Act, 1988. Taking into account delays involved and the lack of appreciation on the part of Competent Authorities as to what is to be done while processing such requests, the Commission had prescribed detailed guidelines based on various decisions of the Supreme Court including the Vineet Narain case, to be followed strictly by the Competent Authorities while processing requests for sanction for prosecution vide its office order No. 31/5/05 dated 12.05.2005.

3. In the recent judgment of the Supreme Court, dated 31.01.2012, in the matter of Dr. Subramanian Swamy Vs. Dr. Manmohan Singh & another (Civil Appeal No. 1193 of 2012) while reiterating the time limits prescribed for grant or otherwise of sanction for prosecution, the Apex Court, also observed that the guidelines laid down by the Central Vigilance Commission in its office order dated 12.05.2005 (copy enclosed) are in conformity with the law laid down by the Apex Court. The grant of sanction is an administrative act and the purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. The question of giving opportunity to the public servant at that stage does not arise and the sanctioning authority has only to see whether the facts would prima facie constitute the offence.

4. In view of the above, the Commission would reiterate its guidelines dated 12.05.2005 and also advise all concerned Competent Authorities that while processing requests of sanction for prosecution under Section 19 of PC Act, 1988, the time limits laid down by the Apex Court are adhered to in letter and spirit.

  
(Anil K. Sinha)  
Additional Secretary

Encl: as above.

To

- (i) All the Secretaries of Ministries/Departments
- (ii) All CMDs of Public Sector Undertaking/Public Sector Banks/Insurance Companies/Organisations/Societies and Local authorities etc.
- (iii) All Chief Vigilance Officers of Ministries/Departments/Public Sector Undertaking/Public Sector Banks/Insurance Companies/Organisations/ Societies and Local authorities etc.
- (iv) Department of Personnel and Training [Joint Secretary (S&V)]
- (v) CBI [Joint Director (Policy)]



Telegraphic Address :  
"SATARKTA: New Delhi

E-Mail Address  
cen.igil@nic.in

Website  
www.cvc.nic.in

EPABX  
24600200

फैक्स/Fax : 24651186



सत्यमेव जयते

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

सं./No. 005/VGL/011

दिनांक / Dated 25<sup>th</sup> May, 2015

**CIRCULAR No.08/05/15**

Sub: Guidelines to be followed by the administrative authorities competent to accord sanction for prosecution u/s.19 of the PC Act - 1988 - Hon'ble Supreme Court Judgment in Criminal Appeal No. 1838 of 2013 - reg.

Ref: CVC Office Order No.31/5/05 dated 12.05.2005  
CVC Circular No.07/03/12 dated 28.03.2012

The Commission has been emphasising the need for quick and expeditious decisions on requests of sanction for prosecution received from CBI/other investigating agencies under the PC Act, 1988 and also to strictly adhere to the time limit of three months for grant or otherwise of sanction for prosecution laid down by the Hon'ble Supreme Court in Vineel Narain & Ors. Vs Union of India (AIR 1998 SC 889) Despite these instructions and close monitoring of such pending matters the Commission has been concerned with the serious delays persisting in processing requests for sanction for prosecution by the Competent Authorities.

2. The Commission had earlier vide its Office Order No. 31/5/05 dt. 12/05/2005 brought to the notice of all competent authorities guidelines to be followed by the sanctioning authorities. Subsequently, the Apex Court in the matter of Dr.Subramanian Swamy Vs. Dr Manmohan Singh & another (Civil Appeal No. 1193 of 2012) referred to the above guidelines of CVC, and observed that "the aforementioned guidelines are in conformity with the law laid down by this Court that while considering the issue regarding grant or refusal of sanction, the only thing which the Competent Authority is required to see is whether the material placed by the complainant or the investigating agency prima facie discloses commission of an offence. The Competent Authority cannot undertake a detailed inquiry to decide whether or not the allegations made against the public servant are true". Thereafter, the Commission vide circular No.07/03/12 dated 28/03/2012 reiterated its guidelines dated 12/05/2005 and 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.

3. The Hon'ble Supreme Court has recently in Criminal Appeal No. 1838 of 2013 in the matter of CBI Vs. Ashok Kumar Aggarwal, in para 7 of the judgment observed that "there is an obligation on the sanctioning authority to discharge its duty to give or withhold sanction only after having full knowledge

141

64

of the material facts of the case. Grant of sanction is not a mere formality. Therefore, the provisions in regard to the sanction must be observed with complete strictness keeping in mind the public interest and the protection available to the accused against whom the sanction is sought. Sanction lifts the bar for prosecution. Therefore, it is not an acrimonious exercise but a solemn and sacrosanct act which affords protection to the Government servant against frivolous prosecution. Further, it is a weapon to discourage vexatious prosecution and is a safeguard for the innocent, though not a shield for the guilty".

4. In para 8 of the above judgment, the Court has issued guidelines to be followed with complete strictness by the Competent Authorities while considering grant of sanction as below:-

a. The prosecution must send the entire relevant record to the sanctioning authority including the FIR, disclosure statements, statements of witnesses, recovery memo, draft charge-sheet 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.

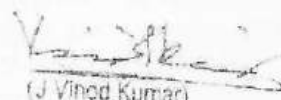
b. The authority itself has to do complete and conscious scrutiny of the whole record so produced by the prosecution independently applying its mind and taking into consideration all the relevant facts before grant of sanction while discharging its duty to give or withhold the sanction.

c. The power to grant sanction is to be exercised strictly keeping in mind the public interest and the protection available to the accused against whom the sanction is sought.

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.

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.

5. The Commission, would therefore, in terms of its powers and functions under Section 8(1) (f) of the CVC Act, 2003 direct all administrative authorities to scrupulously follow the guidelines contained in para 2 (i) to (vii) of Commission's circular No 31/5/05 dated 12/05/2005 and the recent explicit guidelines laid down for compliance by the Hon'ble Supreme Court at para 4 above, while considering and deciding requests for sanction for prosecution. Since non-compliance of the above guidelines vitiates the sanction for prosecution, therefore, competent sanctioning authorities should discharge their obligations with complete strictness and would be held responsible for any deviation / non-adherence and issues questioning the validity of sanction arising at a later stage in matters of sanction for prosecution.

  
(J Vinod Kumar)

Officer on Special Duty

All Secretaries to the Ministries/Departments of Government of India  
All CVOs of Ministries/Departments, CPSEs/Public Sector Banks/ Insurance Companies /Organizations / Societies and Local Authorities etc

Copy for information to:-

- i) The Secretary, Department of Personnel & Training, North Block, New Delhi
- ii) The Director, Central Bureau of Investigation, Lodhi Road, New Delhi