

**Government of Haryana
Vigilance Department**

No. 4/4/90-1Vig. II

From

The Chief Secretary to Government, Haryana.

To

1. All Divisional Commissioners in Haryana State.
2. All Heads of the Department in Haryana State.
3. The Registrar General, Punjab and Haryana High Court.
4. All Chief Administrators/Administrators/Managing Directors/Executive Heads of PSUs-Boards/Corporations/Statutory Bodies/Autonomous Bodies/Societies in the Haryana State.
5. All Deputy Commissioners in Haryana State.
6. All Additional Deputy Commissioners in Haryana State.
7. All Sub Divisional Officers (C) in Haryana State.

Date Chandigarh the, 12th January, 2022

Subject:- CONSTITUTION OF DISTRICT AND SUB-DIVISIONAL VIGILANCE COMMITTEES, THEIR ASSIGNMENTS & MATTERS RELATING THERETO.

Sir/Madam,

I am directed to state that in supersession of previous Instructions issued by this Department bearing even No., dated 30.07.1990, 28.11.1991 and 21.09.2021 the Government has decided to review this issue comprehensively and accordingly a three-tier Vigilance Mechanism has been set up with the Constitution of Sub-Divisional Vigilance Committees, District Vigilance Committees and State Level Monitoring Committee with the objective and details thereof as following.

1. OBJECTIVE

The objective of the Prevention of Corruption Act is to eradicate the corruption in various government agencies and public sector businesses by combating against them. However, it is not only limited to taking measures to prevent corruption in government departments but also involves prosecuting and punishing the public servants involved in activities of corruption. For effective fight against corruption, the requisite administrative machinery should be made functional and responsible through detailed Standard Operating Procedure. Further, it is found, after analysis of various complaints received through different forums, that many of the complaints are embezzlement upto one crore. So, there is need for delegation of power under section 17A of Prevention of Corruption Act to the Deputy Commissioners with respect to group B, C and D employee of any department of State Government as well as Sarpanch, member of PRIs /ULBs in matter of corruption upto one crore enquired/inquired or investigated by state

vigilance police . To give impetus to the drive against corruption and bring about efficiency and effectiveness in administration, District Vigilance Committee shall be constituted in every district along with Sub-Divisional Vigilance Committees with a special focus on exercising preventive vigilance aimed at adopting measures to improve systems and procedures to reduce lapses and eliminate corruption. The idea is to make the administrative machinery more effective by inspecting/checking the various works/activities of the departments.

2. ORGANISATION STRUCTURE & CONSTITUTION

- a. A vigilance team called '*District Vigilance Committee*' shall be constituted in every District, comprising of the following officers:
 - i. Additional Deputy Commissioner as Chairperson,
 - ii. Executive Engineer nominated by Deputy Commissioner but from department other than concerned department,
 - iii. A DSP nominated by the DG Vigilance,
 - iv. Officer of the department concerned as Member,
 - v. Account Officer nominated by Deputy Commissioner.
- b. A sub-team shall be constituted at every Sub-Division called '*Sub-Divisional Vigilance Committee*' comprising of the following officers:
 - i. Sub-Divisional Officer (Civil) of the concerned Sub-Division as Chairperson,
 - ii. Sub-Divisional Engineer nominated by Deputy Commissioner but from department other than concerned department,
 - iii. Officer of the department concerned as Member,
 - iv. Accountant nominated by Deputy Commissioner.
- c. The District and Sub-Divisional Committee shall be officially constituted by the Districts within 10 days from the issuance of these instructions.

3. SCOPE OF OPERATION, JURISDICTION AND POWERS OF THE VIGILANCE COMMITTEES

- a. The *Vigilance Committees* shall have the authority to make surprise visits/checks on the work and conduct of any department/ public office of the Government of Haryana. The authority shall also extend to any private entity discharging functions akin to government functions or as an extension or on behalf of the government. For example, transport department services being offered by private entities at dealer point, stall tests, etc.
- b. Major scope/areas of operation of such checks by the *Vigilance Committees* shall be as outlined below:
 - i. Checking acts and omissions of various officers and officials which may amount to misconduct/negligence of duties particularly in Schools, PHCs and other Health Facilities, Revenue Department Offices, Urban Local Bodies, Development & Panchayats Offices, Transport Department, Police Stations and other places of frequent public dealing.

- ii. Checking civil works and execution of other works including works under any tender of the engineering departments, including engineering wing of ULBs. The *Vigilance Committees* shall have the discretion to associate any technical officer from any Government Department for the purposes of inspection. The Committees shall also have the authority to collect samples for testing and the procedure laid down in Instructions No. 64/9/2001-2Vig-II dated 12.05.2015 (Annexure-A) shall be followed.
 - iii. Checking and preventing acts of hoarding and black-marketing of essential commodities.
 - iv. Conducting inspection and physical verification of food grain mandis during crop procurement seasons.
 - v. Checking acts violating food safety standards such as adulteration, substandard quality, etc. The Committee has to associate Food Safety Officer and CMO/SMO, may collect samples for testing and seize items which appear to be in contravention of food safety standards.
 - vi. Enquire into complaints of embezzlement of government funds in any department, bribery, and corruption among all classes of government employees. The Committee may conduct inspection; however in all such cases the prescribed procedure, as per law/rules shall be followed.
 - vii. Conducting local audit of any public office with the aid of auditors with a view to audit the initial accounts maintained in offices on the spot. The scope of the audit shall include checking whether the initial accounts are maintained in proper form, whether the financial rules are properly observed, verifying the accuracy and completeness of accounts, etc.
 - viii. Enquire into any other complaint or alleged irregularity which is causing or has the potential to cause damage to public health, public property, the environment, general public interest or loss to the public exchequer.
 - ix. The corruption cases upto Rs. One crore involving Group B, C & D employees shall be taken by the District Vigilance Committee and other cases shall be referred to the Chief Secretary (in Vigilance Department).
- c. The Vigilance Committees should place special focus on exercising preventive vigilance aimed at adopting measures to improve systems and procedures to reduce occurrence of lapses.
- d. The Jurisdiction of the Vigilance Committees shall be as follows:
- i. The District Committee shall have the authority in the whole of the District.
 - ii. The authority of Sub-Divisional Committee shall be co-terminus within the limits of the Sub-Division.
 - iii. The Deputy Commissioner may authorize Sub-Divisional Committee of one sub-division to carry out its operation in another sub-division. The Chairperson of Sub-Divisional Committee may also apply for such authorization.
- e. The Vigilance Committees shall have the following powers:
- i. The Chairperson of the Vigilance Committees may call for attendance of any person or production of any document/other things belonging to any department which

is considered necessary for carrying out Committee's functions effectively. Such orders must be complied with within seven days and any unreasonable delay shall be viewed as an act/omission amounting to misconduct.

- ii. The Deputy Commissioner may require any officer of any other department within the Committee's jurisdiction to accompany the Committee during its visits. It shall be obligatory for the officer so required to do so and denial by such officer shall be viewed as an act amounting to misconduct.

However, if the Sub-Divisional Committee needs the help of any officer posted outside the concerned sub-division then the Chairperson of the Sub-Divisional Committee shall forward a formal request to the Chairperson of the District Committee for approval.

4. CONDUCT OF CHECKS, INSPECTIONS AND OPERATIONS

- a. The District Committee shall conduct surprise checks at least once in a fortnight and Sub-Divisional Committee shall conduct surprise checks at least once a week.
- b. The Chairperson shall have the prerogative to keep the destination of the surprise visit a secret.
- c. Proper procedure and all the relevant laws, rules, regulations, instructions and directions of the Government must be followed in letter and spirit during the checks. The Chairperson shall also ensure that competent authority to take action under the law accompanies the team.
- d. The Committee, as provided above, may collect samples during inspection of civil works for quality testing. The Chairperson shall have discretion to choose the testing lab among the prescribed ones to which the sample shall be sent.

5. REPORTING AND ACTION

- a. Inspection Report:
 - i. Chairperson of the District Committee shall formulate the format of the inspection report which shall be used by the District and Sub-Divisional Committees to report their findings and recommend action.
 - ii. The Committee shall record its findings and recommendations in the prescribed format on the same day:
 - District Committee shall send a copy of the inspection report to the Deputy Commissioner.
 - Sub-Divisional Committee shall also send a copy of the inspection report to the Deputy Commissioner.
- b. Action on the reported findings:
 - i. On Site Action: Where action needs to be taken during the visit, such as seizure of any article, then the competent

authority to take action under the law accompanying the team shall take immediate action.

ii. Departmental Action:

- Once report is submitted by District Vigilance Committee or Sub-Divisional Vigilance Committee to Deputy Commissioner and if Deputy Commissioner thinks that only department action is required than the report may be sent to the competent authority to take necessary action regarding disciplinary proceedings within one month. Any unreasonable delay in submitting Action Taken Report shall be viewed as neglect of duty amounting to misconduct.
- In cases where the competent authority of the Department does not agree with the findings and recommendations of the Vigilance Committees, the concerned shall state reasons in writing.

iii. Criminal Proceedings: Where criminal proceedings are necessary, the Deputy Commissioner will give permission under section 17A of Prevention of Corruption Act, 1988 as per DoPT-Government of India-Instructions dated 03.09.2021 and State Government Instructions issued from time to time (Annexure-B) with respect to group-B, C and D employee of any department of State Government as well as Sarpanch, member of PRIs /ULBs in matter of corruption upto one crore and send permission to the Deputy Superintendent of Police who will register FIR under the relevant law. In case of group-B, C and D employee of Board /Corporation etc in matter of corruption upto Rs. one crore, the Deputy commissioner will take permission from appointment authority of employee and send it to Deputy Superintendent of Police who will register FIR under the relevant law. In other matters, the Deputy Commissioner will send the recommendation to Chief Secretary (Vigilance Department).

iv. The Prosecution Sanction in respect of Group-C and D officials, where amount involved is less than Rupees one crore, shall be granted by the Deputy Commissioner.

6. REVIEW AND REPORTING BY DEPUTY COMMISSIONERS

- a. Deputy Commissioners shall send a monthly report in prescribed Performa (Annexure C) of the activities carried out by the Distt. Vigilance Committees and Sub-Divisional Vigilance Committees to the Vigilance Department by 7th of every month.
- b. The Deputy Commissioners shall also conduct a monthly review meeting to review the activities of the District Vigilance Committee and Sub-Divisional Vigilance Committees and progress of action taken on inspection reports. Minutes of the meeting shall also be sent to the Vigilance Department.

7. State Level Monitoring Committee.

The State Level Monitoring Committee shall consist of Chief Secretary to Govt. Haryana as its Chairperson and Director General State Vigilance Bureau as member to review and examine the monthly reports sent by the DCs concerned. This Committee shall meet once in a quarter and comprehensively review and monitor the reports as such and shall give suitable recommendations/report to the Government for taking requisite action especially in view of Section 17 A of the Prevention of Corruption Act, 1988.

It is, therefore, impressed upon that these Instructions may be brought to the notice of all concerned and strict and meticulous compliance therewith may be ensured as any laxity in this respect shall be viewed very seriously.

Yours faithfully,


Deputy Secretary, Vigilance,
for the Chief Secretary to Govt. Haryana.

No. 4/4/90-1Vig.II

Dated Chandigarh, the 12.01.2022

A copy is forwarded for information and necessary action to all of the Administrative Secretaries to Govt. Haryana.


Deputy Secretary, Vigilance,
for the Chief Secretary to Govt. Haryana.

No. 64/9/2001-2V g.II

From

The Chief Secretary to Government Haryana.

To

1. All Administrative Secretaries to Government Haryana.
2. All the Heads of Departments.
3. Commissioners, Ambala, Hisar, Gurgaon & Rohtak Divisions.
4. The Registrar, Punjab & Haryana High Court, Chandigarh.
5. All the Deputy Commissioners in the State of Haryana.
6. The Managing Directors/Chief Administrators of all the Boards/Corporations in Haryana State.
7. The Registrars of all the Universities in the State of Haryana.

15/05/15

Dated Chandigarh, the 12th May, 2015.

Subject:- Procedure to be adopted for Special checking of the civil works of Engineering Departments by the State Vigilance Bureau Haryana/ Vigilance Wings of various Departments/Boards/Corporations of the Government of Haryana.

Sir,

I am directed to refer to Haryana Govt. letter No. 46/41/91-4Vig.II, dated 16/22.7.2009 on the subject noted above and to say that after reviewing the inputs received from the various departments and as per decision taken in the meeting on 9.4.2015, it has been decided to follow the following guidelines for sampling, re-sampling and re-testing of Civil Engineering structures by the State Vigilance Bureau and Vigilance Wings of the various Departments/ Boards/ Corporations of the Government of Haryana while checking of various civil works :-

I. General

- (i) As per instructions issued by Chief Secretary to Government, Haryana, vide No. 46/41/91-4Vig.II dated 16/22.7.2009, various Engineering departments were directed to send list of ongoing civil works each costing Rs. 15 Lacs or above for special checking to State Vigilance Bureau, Haryana twice a year

All departments will, henceforth, send consolidated list of ongoing works each costing more than Rs. 1 Crore instead of Rs. 15 Lacs after every six months i.e. from January to June and July to December every year. The list should reach the Director General, State Vigilance Bureau, Haryana for the period ending 30th June and 31st December by 15th July and 15th January respectively by e-mail (E-mail ID : xensvb1-hry@nic.in) as well as by post. Government instructions issued by Chief Secretary to Government Haryana vide letter No. 46/41/91-4Vig.II, dated 16/22.7.2009 be treated as modified to the extent indicated above.

Subscribed
SVB PKL

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- (ii) Director General, State Vigilance Bureau, Haryana will select works for special checking from consolidated list of ongoing works sent by various departments and on complaints received by State Vigilance Bureau. The State Vigilance Bureau, Haryana will also technically check the works on the complaints sent by any other competent authority/A.D

II. Frequency of samples for various items to be taken for technical audit.

A. For Road Works:-

The quality audit shall always start with a careful visual inspection to assess the quality of road work. The number of samples for road work is to be taken/ decided as described below:-

- (i) For the road length upto 5 K.M:- At least three number samples of each major item of road work should be taken at three different locations depending upon the quantum of work and as per site condition.
- (ii) For the road length more than 5 K.M:- For every additional 5 KM or part thereof of road length, one sample in addition to three samples should be taken for each major item of road work depending upon the quantum of work and as per site condition.

B. For Building Works & RCC structures:-

The quality audit should start with careful visual inspection of site and sample should be taken in such a way that no damage is caused to load bearing structural members.

- (i) Building works costing more than Rs.1.00 Crore:- In case of works costing more than Rs. 1.00 Crore at least three number samples should be taken for each major item such as Cement Concrete, Bricks, Cement Mortar, Cement Plaster etc. depending upon the quantum of work and as per site condition.
- (ii) Building works costing upto Rs.1.00 Crore: - In case of works costing upto Rs.1.00 Crore minimum one number sample should be taken for each major item of work such as Cement Concrete, Bricks, Cement Mortar, Cement Plaster etc. depending upon the quantum of work and as per site condition.
- (iii) RCC Structures: - In case of major RCC Structures non-destructive methods of testing such as Rebound Hammer Test and Ultrasonic Pulse Velocity Test, may be adopted. At least five number tests should be carried out for non-destructive methods of testing of RCC Structures.

C. For Canal Lining:-

- (i) Area upto 2500 Sqm of lining: - Minimum three number samples of each major item should be taken at three different locations depending upon the quantum of work and as per site condition.
- (ii) Area more than 2500 Sqm of lining:- For every additional 5000 sqm of lining or part thereof, one sample, in addition to three samples, should be taken for each major item of lining work depending upon the quantum of work and as per site condition. As far as possible, samples should be taken uniformly considering the entire length.
- (iii) For Mass Concrete of Irrigation works: - In case of Irrigation Structure like concrete foundation, floors of various irrigation structures. For chemical analysis, at least three number samples with core cutting machine should be taken depending upon the quantum of work and as per site condition.

III. Methodology to be adopted while taking samples for chemical analysis in case of executed civil works such as RCC structures, brick masonry and suggestions for taking samples and location of samples.

For post technical audit, methods for quality audit of executed masonry work are not well established for testing. The location of sample is to be decided by the officer conducting technical audit after careful visual physical inspection so as to cause minimum damage to the structure as per site condition in each case. Samples in building works for chemical analysis of cement in cement mortar/cement plaster/cement concrete/brick work should be taken with the help of suitable equipments. For all types of Civil Works two sets of sample of each item i.e. bricks/mortar/cement plaster/cement concrete, etc. should be extracted from various points to avoid much damage to the structure. One of these sets is sent to the laboratory for testing and the other set be kept in the custody of Vigilance Unit for future use and reference. There is no need to take third set of samples.

The non-destructive methods such as Rebound Hammer Test and Ultrasonic Pulse Velocity Test may be carried out for testing RCC structures so as to cause minimum damage to the structure. However, in case of building work/RCC frame work, the destructive methods for testing RCC structure such as core cutting should be rarely adopted for post construction technical audit.

IV.

Criteria to be adopted for various re-assessment, re-sampling and re-testing for technical audit of executed civil works.

For post technical audit re-sampling should not be done as sample set in duplicate is taken for quality audit. While one set is sent to the laboratory for testing, the second set is kept in the custody of Vigilance Unit.

Re-assessment and re-testing shall be done in exceptional cases on the request of affected party, when the variation in the results is more than 50% of the desired norms, with the approval of competent authority on the condition that the cost of re-testing of sample shall be borne by the affected party. In such cases of re-assessment and re-testing, the result received after re-testing shall be considered for technical audit.

V.

Procedure to be adopted for sealing of samples, for testing during quality audit and the requirement of presence of officials of the department and contractual agency during quality audit.

For post technical audit, samples should be taken in the presence of officer conducting technical audit, officer/official of Vigilance Unit, officers of concerned department presently posted and concerned agency and sealed in the presence of all these officers/officials. The concerned staff who have executed the work may also be informed in advance so that they are also present, if possible.

VI.

Variation in quantity/quality, to be allowed in case of executed civil works due to compaction, abrasion, wear and tear, weather conditions, flow of traffic etc. with the passage of time.

Variation in quantity/quality should be followed as per various Ministry of Shipping, Road Transport & Highways (MORTH) specifications, Indian Standard (IS) Codes and PWD specifications related to each item of work. Variation in test results should be allowed keeping in view site conditions of the work. As in the case of gradation of aggregates, 10% variation in grading in sieve analysis may be allowed for intermediate sieves. No relaxation in gradation may be allowed with respect to the specified sieves for upper and lower set of sieves.

VII.

Suggested period after completion of work after which quality audit may not be made

As the life span decreases and behavior of material changes with the passage of time, for post technical audit, it is recommended that in case of road works and hydraulic structures, sampling may not be done after five

years and in case of building works and RCC structures sampling may not be done after ten years

VIII.

Empanelment of Government Institutes in addition to Forensic Science Laboratory, Haryana, for testing of materials for quick disposal of enquiries/cases.

At present samples for testing of material are being sent to Forensic Science Laboratory, Madhuban, Karnal, Haryana. However, equipments required for all types of tests for technical audit are not available in Forensic Science Laboratory, Haryana. Hence, in case of post technical audit, for early disposal of Special Checking and enquiry cases, empanelment of some other Government Institutes is necessary.

It is now decided that National Institute of Technology, Kurukshetra, National Institute of Technical Teachers Training & Research, Chandigarh, Punjab Engineering College, Chandigarh, IIT Delhi, YMCA Faridabad, Delhi College of Engineering, NSIT Delhi should also be empanelled for conducting tests.

In this regard it was decided that equipments not available for carrying out test for technical audit including non-destructive methods of testing such as Rebound Hammer Test, Ultrasonic Pulse Velocity Test should be procured by Forensic Science Laboratory, Haryana within a reasonable time and installed for use by state agencies and departments.

2. The above guidelines/ instructions shall be effective from 1.4.2015. Please ensure strict compliance of these instructions.

12/5/15
Deputy Secretary Vigilance,
for Chief Secretary to Government Haryana.

Annexure B/h

No. 428/07/2021 - AVD.IV(B)
Bharat Sarkar/ Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi
The 3rd September, 2021

To,

The Chief Secretaries of all State Governments/
Union territory Administrations
(As per standard Mailing List)

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

Sir/ Madam,

The undersigned is directed to state that the Prevention of Corruption Act, 1988 was amended by the Prevention of Corruption (Amendment) Act, 2018 and after the Presidential assent thereto has been brought into force from the 26th July, 2018. It may be recalled that the amendments inter alia, include insertion of a new section 17A which reads as follows:

"17A. Enquiry or Inquiry or Investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties.—

No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval—

(a) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government;

(b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed;

Provided that no such approval shall be necessary for 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:

Provided further that the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month".

2. So as to standardise and operationalise procedures with a view to achieving uniform and effective implementation for prior approval processes under section 17A of the Act, a set of SOPs are hereby conveyed.

3. The SOPs provide for –

- i. Stage-wise processing of information received by a Police officer;
- ii. Specifying the rank of police officer to seek prior approval under section 17A in respect of different categories of public servants;
- iii. Consideration of the proposals under section 17A of the Act by the Appropriate Government or Authority;
- iv. Laying down of single window procedure to specify receipt stage of the proposal; and
- v. Check List for submitting proposals under section 17A.

4. All Administrative Authorities, including Ministries and Departments of the Central and the State Governments and the Investigating Agencies are requested to take note of the SOPs, as appended herewith and bring the same to the notice of all concerned, including subordinate and autonomous statutory bodies and PSEs/ PSBs under their respective control for strict compliance.

Encl: as above

Yours faithfully

Deepti U

(Deepti Umashankar)

Additional Secretary to the Government of India

Copy to:

1. Secretaries, All Ministries/ Departments with the request that these SOPs may be given wide publicity and may be circulated to all concerned including all subordinate and attached offices and organisations under the administrative control of respective Ministries/ Departments/ Organisations for compliance.
2. Director, CBI with the request that all field Units may kindly be apprised of these SOPs for strict compliance.
3. Central Vigilance Commission.
4. Secretaries, GAD with the request that these SOPs may be given wide publicity and may be circulated to all concerned including all subordinate and attached offices and organisations under the administrative control of respective Ministries/ Departments/ Organisations for compliance.

STANDARD OPERATING PROCEDURES FOR HANDLING INFORMATION IN RESPECT OF A PUBLIC SERVANT, ALLEGING OFFENCES UNDER PREVENTION OF CORRUPTION ACT, 1988
 – SEEKING OF PREVIOUS APPROVAL FOR CONDUCT OF ENQUIRY OR INQUIRY OR INVESTIGATION UNDER SECTION 17A OF THE ACT

The information received by a police officer alleging offences under Prevention of Corruption Act (hereinafter referred to as the Act), against public servants will be processed in the manner as laid down by the Standard Operating Procedures (SOPs) hereunder.

2. It may be emphasized here that the provisions of section 17A stipulate a mandatory requirement for a Police Officer to seek previous approval for conducting any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under the Prevention of Corruption Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties.

3. **PROCESSING OF INFORMATION RECEIVED BY A POLICE OFFICER**

3.1. A Police Officer upon receipt of such information shall verify, whether the same –

- (a) pertains to or the information avers to the allegation of the commission of an offence(s) by a public servant under provisions of the Act;
- (b) prima facie reveals actual commission of an offence under the Act;
- (c) contains information to identify –
 - i. the public servant(s) against whom the offence has been alleged;
 - ii. the present status of such public servant against whom an offence under the Act has been alleged so as to determine the rank of appropriate Police Officer for seeking previous approval for conducting enquiry, inquiry or investigation under section 17A of the Act. For this purpose, in case the person who has ceased to be public servant the position/office last held by him shall be determined;
 - iii. specific act(s) of commission or omission attributable to such public servant(s);
 - iv. whether such act(s) are relatable to the official function or duty discharged by such public servant(s) specific to the office/post held at the time of commission of the alleged offence;
 - v. the specific recommendation(s) made or decision taken by such public servant(s); and
 - vi. deriving of an undue advantage for self or any other person to fulfil the ingredients of offences alleged against a public servant.

3.2. Deriving of an undue advantage by the public servant for self or for others is a key ingredient for establishing an offence against him and in absence of fulfilment of this condition any act of omission or commission amounts to an administrative misdemeanour only.

3.3. The Police Officer in receipt of an information shall place the matter before the Police Officer of Appropriate Rank for seeking previous approval under section 17A of the Act, by such Police Officer of Appropriate Rank.

3.4. The Police Officer of Appropriate Rank who shall make a proposal to the Appropriate Government/Authority under Section 17A of the Act, in respect of a person who is or has been a public servant, will be as specified in **Annexure-I**. Specifying ranks of police officers for seeking previous approval shall ensure due diligence for the purpose of processing proposals under section 17A of the Act.

4. PROCESSING OF 'INFORMATION' RECEIVED BY A POLICE OFFICER OF APPROPRIATE RANK

4.1. The Police Officer of Appropriate Rank as referred to above shall decide upon whether information received, merits to be –

- a) enquired; or
- b) inquired into; or
- c) investigated

4.2. "Enquiry" for the purposes of these SOPs, means any action taken, for verifying as to whether the information pertains to commission of an offence under the Act.

4.3. The proposal of the Police Officer of Appropriate Rank shall contain the following information -

- i. the office held by the public servant(s) when the offence was alleged to have been committed;
- ii. the present rank and status of the public servant; or
- iii. the post/ office last held by the person who ceases to be a public servant; and
- iv. the appropriate Government or Authority, before whom the proposal of previous approval is to be made in accordance with the provisions of clauses (a) to (c) of section 17A of the Act.

4.4. The Police Officer of Appropriate Rank shall make a proposal to the Appropriate Government or Authority, as the case may be, through the single window procedure as laid down by these SOPs and shall ensure that the proposal is in accordance with the requirements laid down in the Check List and encloses clear, legible and authenticated documents, as may be required.

4.5. Separate proposals shall be submitted for enquiry, inquiry or investigation, as the case may be.

4.6. Separate proposals shall be made in respect of each public servant, where a composite offence is alleged against more than one public servant.

4.7. The complete proposal shall be submitted in a sealed cover in accordance with the Check List as attached at **Annexure II**.

4.8. The Police Officer of Appropriate Rank shall submit the proposal for previous approval under section 17A of the Prevention of Corruption Act, 1988 to the officer designated by the Appropriate Government or Authority for the said purpose.

5. ACTION TO BE TAKEN ON PROPOSAL UNDER SECTION 17A OF THE ACT BY THE APPROPRIATE GOVERNMENT OR AUTHORITY – SINGLE WINDOW PROCEDURE

5.1. “Appropriate Government or Authority” means the Central or the State Government or an authority competent to remove a public servant from his office as stipulated by clauses (a) to (c) of section 17A.

5.2. The Central or the State Government may, by a general or special order, delegate powers for consideration of matters under section 17A in respect of public servants of different rank or status, as may be specified by such Government.

5.3. Appropriate Government or Authority shall designate an officer, serving such Government or Authority, not below the rank of an Under Secretary for receiving the proposals relating to previous approval under section 17A of the Act.

5.4. Incomplete proposals shall be returned for removing inadequacies and deficiencies for being addressed by the Police Officer of the Appropriate Rank within a reasonable period of time and expeditious submission of the complete proposal.

5.5. The statutory timelines for processing of the proposal shall be from the date of receipt of complete proposal duly acknowledged by the designated officer.

5.6. All appropriate measures shall be taken by the Appropriate Government or Authority for completing the examination of the proposal within the statutory timelines.

5.7. Legal consultations, if required, will be undertaken in accordance with procedures of the Appropriate Government or Authority. The Appropriate Government or Authority shall take due diligence to maintain secrecy at all stages including the legal consultation process.

5.8. The Appropriate Government or the Authority, as the case may be, shall examine the proposal, by independent application of mind and take an appropriate decision under section 17A of the Act, for being conveyed to the Police Officer of Appropriate Rank.

RANKS OF POLICE OFFICER FOR SEEKING PREVIOUS APPROVAL UNDER SECTION 17A IN RESPECT OF DIFFERENT CATEGORIES OF PUBLIC SERVANTS

S. No.	Designation/ Rank or equivalent	Rank and Status of persons who are or have been Public Servants
1.	Director General of Police or equivalent	i. Union Ministers ii. Appointees carrying the rank equivalent to Cabinet Ministers/Minister of State iii. Members of Parliament iv. Chief Ministers of State Governments v. Ministers of State Governments vi. Members of State Legislature vii. Judges of the Supreme Court and High Court viii. Public Servants at the level 16 as per the Seventh Pay Commission and above and their equivalent ix. Chairpersons/ Managing Directors of Public Sector Enterprises (both Central and State) and Public Sector Banks (Board level)
2.	Director General of Police or Addl. Director General of Police or equivalent	i. Public servants drawing pay at level 14 and 15 as per the Seventh Pay Commission and its equivalent ii. Board level (Directors), Senior Management level appointees, (Pay level E 7 to E 9) viz. General Managers, Senior Managers, Executive Directors, Deputy Managing Directors of Public Sector Enterprises (both Central and State) and Public Sector Banks and their equivalent
3.	Inspector General of Police or equivalent	i. Public servants drawing pay at level 11 to 13 and 13A as recommended by the Seventh Pay Commission and its equivalent. ii. Middle management level officers of Public Sector Enterprises (Pay level E3 to E 6) (both Central and State) and Public Sector Banks and their equivalent
4	Deputy Inspector General of Police, SSP, SP or ASP	i. Public servants drawing pay below level 11 as recommended by the Seventh Pay Commission and its equivalent. ii. Junior management level officers of Public Sector Enterprises (Pay level E0 to E 2) (both Central and State) and Public Sector Banks and their equivalent. iii. All other staff of Public Sector Enterprises and Public Sector Banks and their equivalent. iv. All other public servants.

NOTE: Persons authorised to investigate will not be below the rank of officers as stipulated under section 17 of the Act.

**CHECK LIST OF ITEMS FOR MATTERS RELATING TO SECTION 17A OF THE
PREVENTION OF CORRUPTION ACT, 1988**

S. No.	Head	Yes/No	Folder No./ Page No.
1.	Name, designation or office held by the public servant against whom the allegation of an offence under the Prevention of Corruption Act, 1988 has been made. If the person has ceased to be a public servant, the post or office last held by such person may also be indicated.		
2.	The post or office held by such public servant at the time of alleged commission of offence under the Prevention of Corruption Act. Please furnish the details of the Appropriate Government or Authority the public servant was serving at the relevant point of time.		
3.	(i) Whether the request is based on a complaint received? Please enclose a copy thereof. (ii) If yes, please enclose an authenticated translation thereof where the original complaint has been made in a vernacular language.		
4.	Whether the complaint prima facie reveals deriving of an undue advantage by a public servant for self or any other person? Please furnish details.		
5.	Whether any information is available in respect of the bribe giver? If so, please furnish details.		
6.	Mention clearly, the offences under specific provisions of the Prevention of Corruption Act, 1988 as alleged against the person who is or has been a public servant.		
7.	Please provide specific details of the recommendation made or decision taken by a public servant, which is relatable to the offence alleged against the public servant.		
8.	In case any preliminary enquiry/ inquiry was undertaken at any earlier stage, please enclose the findings thereof and it may also be confirmed as to whether prior approval was sought for such PE/ inquiry?		

S. No.	Head	Yes/No	Folder No./ Page No.
9.	Whether any criminal offences under the Indian Penal Code or offences under any other law have also been alleged against the public servant? If so, please furnish details thereof.		
10.	Any other information which is considered to be relevant for consideration of the proposal.		
11.	Name, designation and contact details of person authorized by the Police Officer of Appropriate Rank to rectify inadequacies and deficiencies in the proposal seeking Previous Approval, as pointed out by the Officer designated to receive the proposal by Appropriate Government or Authority.		

Signature _____

Date: _____

Name of Police officer authorised
to seek prior approval
(in Block letters) _____

Designation _____

Telephone No. _____

email ID _____

Haryana Government
Vigilance Department

No. 4/2/2021-1VII

From

The Chief Secretary to Govt. Haryana

To

All Administrative Secretaries in Haryana.

The Commissioners of Ambala, Hisar, Rohtak, Gurugram, Karnal & Faridabad Divisions.

All Heads of Departments/CAs/MDs of Boards/Corporations/Organizations in Haryana.

The Registrar General, Punjab and Haryana High Court, Chandigarh.

All Deputy Commissioners in Haryana.

Date Chandigarh the, 7th January 2022

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

Sir/Madam,

The Govt. of India (Deptt. of Personnel & Training- Ministry of Personnel, Public Grievances and Pension) vide its Letter bearing No. 428/07/2021-AVD.IV(B), dated 03.09.2021 addressed to the Chief Secretaries to all of the State Governments/Union Territory Administrations has sent detailed Standard Operating Procedures (SOPs) on the above mentioned subject. These Instructions were examined in detail by the State Governments and it has been decided to implement the same keeping in view its administrative structure.

Accordingly, I am directed to state that that the Preventions of Corruption Act, 1988 was amended by the Preventions of Corruption (Amendment) Act, 2018 and after the Presidential assent thereto has been brought into force from 26th July, 2018. It may be recalled that the amendments inter alia, include insertion of a new section 17A which reads as follows:

"17A. Enquiry or Inquiry or Investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties:-

No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision take by such

public servant in discharge of his official function or duties, without the previous approval -

- (a) In the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government.
- (b) In the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of State, of that Government.
- (c) In the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed.

Provided that no such approval shall be necessary for 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.

Provided further that the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month".

2. So as to standardize and operationalise procedure with a view to achieving uniform and effective implementation for prior approval process under Section 17A of the Act, a set of SOPs are hereby conveyed.

3. The SOPs provide for:

- i. Stage-wise processing of information received by a Police Officer.
- ii. Specifying the rank of police officer to seek prior approval under Section 17A in respect of different categories of public servants.
- iii. Consideration of the proposals under Section 17A of the Act by the Appropriate Government of Authority.
- iv. Laying down of single window procedure to specify receipt stage of the proposal; and
- v. Check List for submitting proposals under Section 17A.

4. For the removal of doubt it is clarified that in case the complaint relating to Enquiry/Inquiry/Investigation is being dealt with by the State Vigilance Bureau, Haryana against a Haryana Govt. employee the term "Government" as referred to in Clause (b) of the provision of Section 17A *ibid* shall be the "Vigilance Department" of the Government of Haryana and in case the complaint relating to Enquiry/Inquiry/Investigation is being dealt with by an Agency other than State Vigilance Bureau, Haryana against the Haryana Govt. employee the term "Government" as referred to in Clause (b) of the provision of Section 17A *ibid* shall be

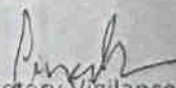
the "Concerned Administrative Department" of the Government of Haryana to which the under question Public Servant would belong.

5. The Administrative Department shall be empowered to delegate the powers, as enjoined to them by virtue of instant SOPs, to their subordinate Heads of Departments in terms of Class-III and Class IV employees, as mentioned in detail in the herein attached Annexure but the overall responsibility of proper compliance with the instant SOPs shall be of Administrative Departments concerned and any laxity at the end of their subordinate Heads of Departments shall be considered laxity at their end also.

6. It is further clarified that in the matters of Enquiry/Inquiry/Investigation against the Public Servant other than the Haryana Govt. Employees to be dealt with either by the State Vigilance Bureau, Haryana and/or by any other Agency the Authority competent to remove them from Service shall be the competent authority for the purpose of Section 17A ibid.

7. All Administrative Authorities, including Departments of the State Governments, PSUs, Societies, Organizations, Local Bodies, Autonomous Bodies, Statutory Authorities and all of Units, Instrumentalities that are under the administrative control of State Govt. and the Investigating Agencies are requested to take note of the SOPs, as appended herewith and bring the same to the notice of all concerned under their respective control for strict compliance.

Yours Faithfully

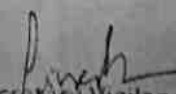

Deputy Secretary Vigilance
for the Chief Secretary to Government Haryana.

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

Date: 07.01.2022

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

1. All of the Additional Deputy Commissioners in Haryana.
2. All of the Sub Divisional Officers (Civil) in Haryana.


Deputy Secretary Vigilance
for the Chief Secretary to Government Haryana.

STANDARD OPERATING PROCEDURES FOR HANDLING INFORMATION IN RESPECT OF A PUBLIC SERVANT, ALLEGING OFFENCES UNDER PREVENTION OF CORRUPTION ACT, 1988 – SEEKING OF PREVIOUS APPROVAL FOR CONDUCT OF ENQUIRY OF INQUIRY OR INVESTIGATION UNDER SECTION 17A OF THE ACT.

The information received by a police officer alleging offences under Prevention of Corruption Act (hereinafter referred to as the Act), against public servants will be processed in the manner as laid down by the Standard Operating Procedures(SOPs) hereinunder.

2. It may be emphasized here that the provisions of Section 17A stipulate a mandatory requirement for a Police Officer to seek previous approval for conducting any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under the Prevention of Corruption Act, where the alleged offence is relatable to nay recommendation made or decision taken by such public servant in discharge of his official functions or duties.

3. PROCESSING OF INFORMATION RECEIVED BY A POLICE OFFICER

3.1. A Police Officer upon receipt of such information shall verify, whether the same: -

- (a) Pertains to or the information avers to the allegation of the commission of an offences(s) by a public servant under provisions of the Act;
- (b) prima facie reveals actual commission of an offence under the Act.
- (c) Contains information to identify: -
 - i. the public servant(s) against whom the offence has been alleged.
 - ii. The present status of such public servant against whom an offence under the Act has been alleged so as to determine the rank of appropriate Police Officer for seeking previous approval for conducting enquiry, inquiry or investigation under Section 17A of the Act. For this purpose, in case the person who has ceased to be public servant the position/office last held by him shall be determined;
 - iii. Specific act(s) of commission or omission attributable to such public servant(s);
 - iv. Whether such act(s) are relatable to the official function or duty discharged by such public servant

(s) specific to the office/post held at the time of commission of the alleged offence;

v. The specific recommendation(s) made or decision taken by such public servant(s);

vi. Deriving of an undue advantage for self or any other person to fulfill the ingredients of offences alleged against a public servant.

3.2 Deriving of an undue advantage by the public servant for self or for others is a key ingredient for establishing an offence against him and in absence of fulfillment of this condition any act of omission or commission amounts to an administrative misdemeanor only.

3.3 The Police Officer in receipt of an information shall place the matter before the Police Officer of Appropriate Rank for seeking previous approval under Section 17A of the Act, by such Police Officer of Appropriate Rank.

3.4 The Police Officer of Appropriate Rank who shall make a proposal to the Appropriate Government/Authority under Section 17A of the Act, in respect of a person who is or has been a public servant, will be as specified in Annexure-I. Specifying ranks of police Officers for seeking previous approval shall ensure due diligence for the purpose of processing proposals under Section 17A of the Act.

4. PROCESSING OF INFORMATION RECEIVED BY A POLICE OFFICER OF APPROPRIATE RANK

4.1 The Police Officer of Appropriate Rank as referred to above shall decide upon whether information received, merits to be:-

- a) enquired or
- b) inquired into; or
- c) investigated

4.2 "Enquiry" for the purpose of these SOPs, means any action taken, for verifying as to whether the information pertains to commission of an offence under the Act.

4.3 The proposal of the Police Officer of Appropriate Rank shall contain the following information:-

- i. the office held by the public servant(s) when the offence was alleged to have been committed.

- 6 -
- ii. The present rank and status of the public servant; or
 - iii. The post/office last held by the person who ceases to be a public servant; and
 - iv. the appropriate Government or Authority, before whom the proposal and previous approval is to be made in accordance with the provisions of clauses(a) to (c) of section 17A of the Act.

4.4 The Police Officer of Appropriate Rank shall make a proposal to the Appropriate Government or Authority, as the case may be, through the single window procedure as laid down by these SOPs and shall ensure that the proposal is in accordance with the requirements laid down in the Check List and encloses clear, legible and authenticated documents, as may be required.

4.5 Separate proposals shall be submitted for enquiry, inquiry or investigation, as the case may be.

4.6 Separate proposals shall be made in respect of each public servants, where a composite offence is alleged against more than one public servant.

4.7 The complete proposal shall be submitted in a sealed cover in accordance with the Check List as attached at Annexure II.

4.8 The Police Officer of Appropriate Rank shall submit the proposal for previous approval under Section 17A of the Prevention of Corruption Act, 1988 to the officer designated by the Appropriate Government or Authority for the said purpose.

5. ACTION TO BE TAKEN OR PROPOSAL UNDER SECTION 17A OF THE ACT BY THE APPROPRIATE GOVERNMENT OR AUTHORITY-SINGLE WINDOW PROCEDURE

5.1 "Appropriate Government or Authority" means the Vigilance Department or the Administrative Department of the State Government, as the case may be, or an authority competent to remove a public servant from his office as stipulated by clauses(b) and (c) of Section 17A.

5.2 The Administrative Department concerned if they deem it more convenient to delegate the powers for consideration of matters under Section 17A in respect of Class III and IV public servants to their concerned Head of Departments/their Appointing Authorities, as the case may be, they may do so by issuing proper delegation orders. However, the responsibility for

7-

compliance with these SOPs shall be of Administrative Department concerned and for any laxity at the end of delegated authority the Administrative Department concerned shall be equally responsible.

5.3 Administrative Departments shall designate an officer, serving not below the rank of an Under Secretary for receiving the proposals relating to previous approval under Section 17A of the Act. In case of Vigilance Department the Deputy/Under Secretary shall be the Nodal Officer. In case of delegation of powers to the Head of the Departments, no Officer below the level of Addl./Joint Director shall be appointed Nodal Officer. In case of other authorities, as referred to in Clause (c) of Section 17 ibid the Officer of higher stature, preferably next below to the Head of Authority, shall be the Nodal Officer.

5.4 Incomplete proposals shall be returned for removing inadequacies and deficiencies for being addressed by the Police Officer of the Appropriate Rank within a reasonable period of time and expeditious submission of the complete proposal.

5.5 The statutory timelines for processing of the proposal shall be from the date of receipt of complete proposal duly acknowledged by the designated officer.

5.6 All appropriate measures shall be taken by the Administrative Department or the Authority concerned, as the case may be, for completing the examination of the proposal within the statutory timelines.

5.7 Legal consultations, if required, will be undertaken in accordance with the prescribed procedures. The Administrative Department or the concerned Authority, as the case may be, shall take due diligence to maintain secrecy at all stages including the legal consultation process.

5.8 The Administrative Department or concerned Authority, as the case may be, shall examine the proposal, by independent application of mind and take an appropriate decision under section 17A of the Act, for being conveyed to the Police Officer of Appropriate Rank.

Annexure-I

RANKS OF POLICE OFFICER FOR SEEKING PREVIOUS APPROVAL UNDER SECTION 17A IN RESPECT OF DIFFERENT CATEGORIES OF PUBLIC SERVANTS

S. No.	Designation/Rank or equivalent	Rank and Status of persons who are or have been Public Servants
1.	Director General of Police or equivalent	i. Union Ministers ii. Appointees carrying the rank equivalent to Cabinet Ministers/Minister of State iii. Members of Parliament iv. Chief Ministers of State Governments v. Ministers of State Governments vi. Members of State Legislature vii. Judges of the Supreme Court and High Court viii. Public Servants at the level 16 as per the Seventh Pay Commission and above and their equivalent ix. Chairpersons/Managing Directors of Public Sector Enterprises (both Central and State) and Public Sector Banks (Board level)
2.	Director General of Police or Addl. Director General of Police or equivalent	i. Public servants drawing pay at level 14 and 15 as per the Seventh Pay Commission and its equivalent ii. Board level (Directors), Senior Management level appointees, (Pay level E7 to E9) viz. General Managers, Senior Managers, Executive Directors, Deputy Managing Directors of Public Sector Enterprises (both Central and State) and Public Sector Banks and their equivalent
3.	Inspector General of Police or equivalent	i. Public servants drawing pay at level 11 to 13 and 13A as recommended by the Seventh Pay Commission and its equivalent. ii. Middle management level officers of Public Sector Enterprises (Pay level E3 to E6) (both Central and State) and public Sector Banks and their equivalent
4.	Deputy Inspector General of Police, SSP, SP or ASP	i. Public servants drawing pay below level 11 as recommended by the Seventh Pay Commission and its equivalent. ii. Junior management level officers of Public Sector Enterprises (Pay level E0 to E2) (both Central and State) and Public Sector Banks and their equivalent.

		iii. All other staff of Public Sector Enterprises and Public Sector Banks and their equivalent.
		iv. All other public servants.

NOTE: Persons authorized to investigate will not be below the rank of officers as stipulated under section 17 of the Act.

ANNEXURE-II

CHECK LIST OF ITEMS FOR MATTERS RELATING TO SECTION 17A OF THE PREVENTION OF CORRUPTION ACT, 1988.

Sr. No.	Head	Yes/No	Folder No./ Page No.
1.	Name, designation or office held by the public servant against whom the allegation of an offence under the Prevention of Corruption Act, 1988 has been made. If the person has ceased to be a public servant, the post or office last held by such person may also be indicated.		
2.	The post of office held by such public servant at the time of alleged commission of offence under the Prevention of Corruption Act. Please furnish the details of the Appropriate Government or Authority the public servant was serving at the relevant point of time.		
3.	(i) Whether the request is based on a complaint received? Please enclose a copy thereof. (ii) If yes, please enclose an authenticated translation thereof where the original complaint has been made in a vernacular language.		
4.	Whether the complaint prima facie reveals deriving of an undue advantage by a public servant for self or any other person? Please furnish details.		
5.	Whether any information is available in respect of the bribe given? If so, please furnish details.		
6.	Mention clearly, the offence under specific provisions of the Prevention of Corruption Act, 1988 as alleged		

	against the person who is or has been a public servant.		
7.	Please provide specific details of the recommendation made or decision taken by a public servant, which is relatable to the offence against the public servant.		
8.	In case any preliminary enquiry/inquiry was undertaken at any earlier stage, please enclose the findings thereof any it may also be confirmed as to whether prior approval was sought for such PE/inquiry?		
9.	Whether any criminal offences under the Indian Penal Code or offences under any other law have also been alleged against the public servant? If so, please furnish details thereof.		
10.	Any other information which is considered to be relevant for consideration of the proposal.		
11.	Name, designation and contact details of person authorized by the Police Officer of Appropriate Rank to rectify inadequacies and deficiencies in the proposal seeking Previous Approval, as pointed out by the Officer designated to receive the proposal by Appropriate Government or Authority.		

Signature _____

Date _____

Name of Police Officer authorised
to seek prior approval
(in Block letters) _____

Designation _____

Telephone No. _____

Email ID _____

ANNEXURE-C

District Vigilance Committee

Name of District ----- Report of Month ----- Year -----

1	2	3	4	5	6	7		
No. of complaints received till end of previous month.	No. of complaints received during the month.	Total complaints received (Total of Column 1+2)	Enquiry completed till previous month	Enquiry completed during the month	Total enquiry completed (Total of Column 4+5)	Action recommended by Committee/DC.		
						No. of cases where Departmental action recommended.	No. of cases where Criminal case recommended.	Cases referred to State Government.