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संख्या 15-6(82)/98-ओ एंड एम -II

स्पीड पोस्ट/दस्ती
दिनांक: 13 जुलाई, 2016

No.

प्रेषक

From

मुख्य सतर्कता अधिकारी
Chief Vigilance Officer

To

सीएसआईआर के सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के निदेशक/प्रधान
The Directors/Heads of all National Labs./Instts. of CSIR

Sub.: Issue of prosecution sanction under PC Act, 1988 - reg.

विषय: पी.सी. एक्ट, 1988 के अंतर्गत अभियोजन चलाने की मंजूरी देने के संबंध में।

Sir/महोदय,

उपरोक्त विषय पर केंद्रीय सतर्कता आयोग, भारत सरकार, द्वारा प्रेषित दिनांक 01.06.2016 के कार्यालय आदेश सं. 06/06/16 (016/VGL/021) की एक प्रति सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अद्योषित कर रहा हूँ। कृपया सभी सम्बन्धित अधिकारियों के संज्ञान में लाया जाए।

I am to forward herewith a copy of the Office Order No. 06/06/16 (016/VGL/021) dated 01.06.2016 of the Central Vigilance Commission, Govt. of India, on the subject cited above for information, guidance and necessary action. Please bring it to the notice of all concerned.

भवदीया/Yours faithfully,

(इंदु भास्कर /Indu Bhaskar)

मुख्य सतर्कता अधिकारी/Chief Vigilance Officer

संलग्नक: यथोपरि

प्रतिलिपि :

1. महानिदेशक, सीएसआईआर का कार्यालय
2. संयुक्त सचिव (प्रशासन), सीएसआईआर का कार्यालय
3. वित्तीय सलाहकार, सीएसआईआर का कार्यालय
4. सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के वरिष्ठ प्रशा. नियंत्रक /प्रशा. नियंत्रक/प्रशा. अधिकारी
5. सीएसआईआर मुख्यालय/कॉम्प्लैक्स के वरिष्ठ उप सचिव / उप सचिव
6. प्रमुख आईटी प्रभाग इस पत्र को सीएसआईआर वेबसाइट पर उपलब्ध कराने हेतु

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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सं./No. 016/VGL/021

दिनांक / Dated 01/06/2016

Circular No.06/06/16

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

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

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

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

[J. Vinod Kumar]
Director

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