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Prosecution
16-1-02
No. 19/4/99-4V(1)/1029

GOVERNMENT OF PUNJAB
DEPARTMENT OF VIGILANCE
(Vigilance-1 Branch)

To

All Heads of Departments,
Commissioners of Divisions and
Deputy Commissioners in the State.

Dated, Chandigarh. 16-1-2002

Subject:-

Streamlining of Vigilance Machinery in the
State of Punjab-Guidelines for the grant and
refusal of prosecution sanction by Administ-
rative Departments.

Sir,

I am directed to invite your attention to
para-11(a) to (f) of this Department, circular letter
No. 19/1/98-4V(1)/3900-4050 dated 6.3.2000 on the subject
noted above and to say that it has been noticed that in
many cases, the Vigilance Department is unable to present
a challan in the Court due to delay in the grant of prosecu-
tion sanction. Cases relating to prosecution sanction
need to be pursued in a time bound manner so that Govern-
ment can take effective and prompt action against the
corrupt officials. Also it has been noticed that the
competent authority holds a parallel investigation and decides
the issue of grant of prosecution sanction on the basis
of the findings of their enquiry. The instructions issued
by the Vigilance Department from time to time regarding
non holding of parallel enquiry by Administrative Deptt.

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when cases are sent to them for prosecution sanction need to be adhered to. Therefore in continuation of the above referred instructions the following clarification/guidelines are issued on the subject.

1. The decision to grant or not to grant prosecution sanction should be taken on the basis of record and result of investigation sent to the Administrative Department by the investigating Agency/Vigilance Department. However the competent authority may grant personal hearing to the accused in the matter.
2. The competent authority should pass detailed and speaking orders while refusing or granting prosecution sanction.
3. The cases should not be delayed at the level of Administrative Department when sent for prosecution sanction. Generally, the cases should be decided within two months time from the date, the reference is made by the Vigilance Department.
4. Although the grant or refusal of prosecution sanction is a matter with in the sole discretion of the competent authority. However the authority can refuse to grant prosecution sanction for reasons such as:
 - a) If the shadow-witness is a stick-witness of the police or vigilance.
 - b) That complainant is not a person of good repute.
 - c) Where the joining of two gazetted officers or one gazetted officer in accordance with

Instructions of the Vigilance Department
No. 19/1/98-4V(1)/3900-4050 Dt. 6.3.2000
has not been adhered to.

- d) Where the recovery on the whole appears to be doubtful.
- e) If there is clear evidence that there was a motive to falsely implicate the alleged accused or there was some grudge which the complainant was nursing against the employee prior to the date of the trap/raid.
- f) If the amount of bribe demanded appears to be irrational.

5. It is requested that the above guidelines may be brought to the notice of all the Officers/ Officials working under your control for meticulous compliance.

Yours faithfully,

R. Khan
Special Secretary, Vigilance.

A copy is forwarded to all Financial Commissioners, Principal Secretaries and Administrative Secretaries to Government Punjab for information and necessary action.

2. It is also requested that these instructions/guidelines may also be brought to the notice of Heads of Public Sector undertakings, Corporations, Boards, Universities etc. under their Administrative control.

R. Khan
Special Secretary, Vigilance.

All the Financial Commissioners,
Principal Secretaries and
Administrative Secretaries to Govt. Punjab.

I.D.No. 19/4/99-4V(1)/ 1030

Dt. Chandigarh 16/12/00

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