

ਪੰਜਾਬ ਸਰਕਾਰ  
ਚੌਕਸੀ ਵਿਭਾਗ  
ਬਜਟ ਅਤੇ ਅਮਲਾ ਸ਼ਾਖਾ

ਸੇਵਾ ਵਿਖੇ

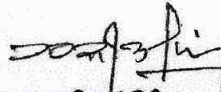
ਮੁੱਖ ਡਾਇਰੈਕਟਰ,  
ਚੌਕਸੀ ਬਿਓਰੋ, ਪੰਜਾਬ  
ਚੌਕਸੀ ਭਵਨ, ਐਸ.ਏ.ਐਸ. ਨਗਰ

ਮੀਮੋ ਨੰ: VD-BEO POLC (VD) | 1/2019-3BE/15  
ਮਿਤੀ: ਚੰਡੀਗੜ੍ਹ, 10/01/2023

ਵਿਸ਼ਾ: Compliance of provisions of section 17A of the Prevention of Corruption Act, 1988 as amended by PC (Amendment) Act, 2018.

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ।

2. ਵਿਸ਼ਾ ਅੰਕਿਤ ਮਾਮਲੇ ਸਬੰਧੀ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਆਫ ਇੰਡੀਆ ਵਲੋਂ ਮਿਤੀ 08.08.2019 ਰਾਹੀਂ ਕੀਤੇ ਗਏ ਹੁਕਮਾਂ ਦੀ ਕਾਪੀ ਆਪਣੇ ਭੇਜਦੇ ਹੋਏ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹੁਕਮਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ ਜੀ।
3. ਇਹ ਪੱਤਰ ਸਮਰੱਥ ਅਧਿਕਾਰੀ ਦੀ ਪ੍ਰਵਾਨਗੀ ਉਪਰੰਤ ਜਾਰੀ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

  
(ਹਰਜੀਤ ਸਿੰਘ) 10/1/2023

o/c ਅਧੀਨ ਸਕੱਤਰ ਚੌਕਸੀ



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5166/2010

VEENA KUMARI

Appellant(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

WITH

Diary No(s). 5998/2019 (II-B)

O R D E R

CIVIL APPEAL NO.5166/2010

A writ petition was filed before the Punjab & Haryana High Court seeking quashing of the impugned Circular dated 6.3.2000 by the State Government with an avowed object of streamlining the Vigilance machinery as being violative of the statutory provisions of the Criminal Procedure Code, 1973.

The Writ Petition was dismissed by the impugned order dated 15.05.2006.

An affidavit on behalf of the State of Punjab affirmed on 07.08.2019 has been placed before us in Court in pursuance of our orders of the same date which is taken on record. We would like to extract the relevant portion of the said affidavit:

"4. That it is hereby submitted that those clauses of the Circular dated 06.03.2000, which are violative of the provisions of the Code of Criminal Procedure (CrPC) are not being applied/followed by the Vigilance Bureau of the State of Punjab. Hence, to that effect, the Circular dated 06.03.2000 is not being followed by the State of Punjab.

5. That during the pendency of the present Appeal, the

Signature Not Verified  
Digitally signed by  
ASHA SUNDERYAL  
Date: 2019.08.17  
13:06:16 IST  
Reason:



Parliament of India, vide amendment notified in the Official Gazette dated 26.07.2018, has amended the Prevention of Corruption Act, 1988 and inserted Section 17A to the said Act, which reads as follows:

"17A.(1) 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."



6. That in compliance of the aforestated amendment in the Prevention of Corruption Act, 1988, any enquiry (or inquiry or investigation) into any offence alleged to have been committed by a public servant related to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, are being conducted as per the Section 17A and other provisions of the Prevention of Corruption Act, 1988 and not as per the circular dated 06.03.2000.

7. That hence, notwithstanding anything contained in the circular dated 06.03.2000, in case of any conflict between the provisions of the Prevention of Corruption Act, 1988 and the circular dated 06.03.2000, the Vigilance Bureau is conducting inquiries strictly as per provisions of the Prevention of Corruption Act, 1988. In particular, the provisions contained in para no.2 of the circular dated 06.03.2000 are not being implemented, instead the definition of Public Servant as provided in the Prevention of Corruption Act, 1988 is being followed. Similarly, instead of provisions contained in para 4,6 and 8(a) of the circular dated 06.03.2000, the provisions of section 17A of the Prevention of Corruption Act, 1988 are being followed.

8. That hence the Vigilance Department is following the provisions of the Code of Criminal Procedure and Prevention of Corruption Act, 1988 in letter and spirit."

In our view, the aforesaid affidavit does not leave any grievances surviving, if at all, of the appellant and it is abundantly clear that the Clauses of the Circular insofar as they conflict with the provisions of the said Code are not being followed and that in view of the amendment to the provisions of the Prevention of Corruption Act, the scheme of Section 17A is being followed both "in letter and spirit".



We thus, dispose of the appeal taking the said stand of the State Government on record. The State Government will remain bound by it.

Parties to bear their own costs.

Diary No(s). 5998/2019

In view of what we have recorded in the order dated 07.08.2019, the case of Diary No.5998/2019 be de-tagged.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[K.M. JOSEPH]

NEW DELHI;  
AUGUST 08, 2019.

ITEM NO.102

COURT NO.11

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5166/2010

VEENA KUMARI

Appellant(s)

VERSUS

THE STATE OF PUNJAB & ORS.

Respondent(s)

(PART-HEARD BY HON'BLE SANJAY KISHAN KAUL AND HON'BLE K.M. JOSEPH , JJ. )

WITH

Diary No(s). 5998/2019 (II-B)

(IA No.36264/2019-CONDONATION OF DELAY IN FILING and IA

No.36267/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 08-08-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

Counsel for the parties:-

Mr. Aman Panwar, AAG

Ms. Uttara Babbar, AOR

Mr. Sudhir Walia, Adv.

Mr. Abhishek Atrey, AOR

Mr. Kuldip Singh, AOR

Mr. Vivek Pratap Singh, Secy.,Vigilance, Punjab

UPON hearing the counsel the Court made the following  
O R D E R

Civil Appeal No.5166/2010

The appeal is disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

Diary No(s). 5998/2019

Diary No.5998/2019 be de-tagged in terms of the signed order.

(ASHA SUNDRIYAL)  
COURT MASTER (SH)

(BEENA JOLLY)  
BRANCH OFFICER

[Signed order is placed on the file]