

No. VD-BE0POLC/1/2023-3BE(E450410)/638

**Government of Punjab
Department of Vigilance
(Budget and Establishment Branch)**

To

1. All the Special Chief Secretaries, Additional Chief Secretaries, Financial Commissioners, Principal Secretaries, Administrative Secretaries in Punjab.
2. All Heads of Departments/ Boards/Corporations/ Organisations of Punjab.
3. The Commissioners of All Divisions.
4. The Registrar, Punjab & Haryana High Court Chandigarh.
5. All Deputy Commissioners of Punjab.

Dated, Chandigarh: 27.04.2026

Subject:- Instructions regarding Grant of Sanction for Prosecution in respect of Corruption Cases within statutory time limit.

Sir,

I have been directed to invite your attention on the subject noted above and to say that the Hon'ble Punjab and Haryana High Court in CWP-8972-2026 in case titled as Manjit Singh Vs State of Punjab and Others vide its order dated 27.03.2026 has observed as under:-

"It is evident that Authorities, at the most, can withhold sanction for 120 days from the date of receipt of proposal. In the present case, proposal was received on 12.01.2024 and 120 days expired on 12.05.2024. There was deemed sanction under Section 218 BNSS though under Section 19 of PC Act there was no deemed sanction. The Government under Section 19 of PC Act has been asked to endeavour to grant sanction within 3 months, however, provision is not mandatory and consequences are not prescribed. In any case, the said three months period cannot be stretched for years which has happened in the present case."

2. in compliance with the above orders of Hon'ble Punjab and Haryana High Court and in continuation of earlier instructions regarding Prosecution Sanction vide letter no. VD-BE0ESTB(VD)/8/2022-5BE/183-187, dated 10.04.2023 (copy attached) issued by this department, it is directed to inform you that there have been serious delays in according sanction for prosecution under section 19 of the P.C. Act by the competent authorities. The statutory time limit prescribed for grant of Prosecution Sanction under section 19 of The Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 must be adhered to by the competent authorities.

Section 19 of The Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 contains the following provisions regarding the time limit for according Prosecution Sanction:-

"Provided also that the appropriate Government or any competent authority shall, after the receipt of the proposal requiring sanction for prosecution of a public servant under this sub-section, endeavour to convey the decision on such proposal within a period of three months from the date of its receipt."

Provided also that in case where, for the purpose of grant of sanction for prosecution, legal consultation is required, such period may, for the reasons to be recorded in writing, be extended by a further period of one month."

3. It is requested to ensure meticulous compliance of statutory time limit of three months (extendable by one more month for legal consultation) as prescribed by section 19 of The Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018.
4. These instructions may be brought to the notice of all concerned.

Monika
Deputy Secretary, Vigilance(M)

Ends. NO. VD-BE0POLC/1/2023-3BE(E450410)/639

Dated, Chandigarh:-27.4.2026

A Copy of the above is forwarded to the Chief Director, Vigilance Bureau, Punjab for information and necessary action .

Monika
Deputy Secretary, Vigilance(M)

Ends. NO. VD-BE0POLC/1/2023-3BE(E450410)/640

Dated, Chandigarh:-27.04.2026

A Copy of the above is forwarded to the Advocate General, Punjab with reference to their D.O. No. 751 dated 02-04-2026 for information.

Monika
Deputy Secretary, Vigilance(M)

**Government of Punjab
Department of Vigilance
(Budget and Establishment Branch)**

To

1. All the Additional Chief Secretaries, Financial Commissioners, Principal Secretaries, Administrative Secretaries in Punjab.
2. All Heads of Departments/ Boards/Corporations/ Organisations of Punjab.
3. The Commissioners of All Divisions.
4. The Registrar, Punjab & Haryana High Court Chandigarh.
5. All Deputy Commissioners of Punjab.

Dated, Chandigarh: 10/4/2023

Subject:- Guidelines/Instructions regarding Grant of Sanction for Prosecution in respect of Corruption Cases within statutory time limit.

Sir,

I have been directed to invite your attention on the subject noted above and to say that the Hon'ble Punjab and Haryana High Court in CRM-M-40556-2022 in case titled as Kuldip Singh Walia Vs State of Punjab vide its order dated 15.12.2022 has observed as under:-

" The delay in initiation of the proceedings affects both sides i.e. complainant and accused. In case under the Prevention of Corruption Act where more often public servants are involved and due to their official status, the issue of delay has multi facet ramifications. The way the cases consumed for applying and deciding the grant of sanction to prosecute needs to be looked into at Secretary Level. It would be desirable if the guidelines are framed prescribing the time frame in which the sanction to prosecute is applied for and decided thereafter."

In compliance with the above orders of Hon'ble Punjab and Haryana High Court and in continuation of earlier instructions regarding Prosecution Sanction vide letter no.19/4/99-3BE/617090/1 dated 28-10-2015 issued by this department, It is directed that the statutory time limit prescribed for grant of Prosecution Sanction under section 19 of The Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 must be adhered to by the competent authorities.

Section 19 of The Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 contains the following provisions regarding the time limit for according Prosecution Sanction:-

" Provided also that the appropriate Government or any competent authority shall, after the receipt of the proposal requiring sanction for prosecution of a public servant under this sub-section, endeavour to convey the decision on such proposal within a period of three months from the date

Sanjeet Singh
10/4/2023

of its receipt.

Provided also that in case where, for the purpose of grant of sanction for prosecution, legal consultation is required, such period may, for the reasons to be recorded in writing, be extended by a further period of one month."

2. Hon'ble Supreme Court of India in case titled as **Vijay Rajmohan Versus State represented by the Inspector of Police, CBI, ACB, Chennai, Tamil Nadu 2022 AIR (Supreme Court) 4974** vide its judgment dated 11.10.2022 has considered the timelines prescribed in Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 for grant of prosecution sanction.

3. The Hon'ble Supreme Court of India in the above said judgment has clarified that the period of three months (extendable by one more month for legal consultation) under Section 19 of the Prevention of Corruption Act, 1988 for the Appointing Authority to decide upon a request for sanction is **mandatory**. Further, it has been held that **the competent authority shall be accountable for the delay and be subject to judicial review and administrative action**. It is requested to ensure meticulous compliance of statutory time limit of three months (extendable by one more month for legal consultation) as prescribed by section 19 of The Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018 in view of the order of Hon'ble Supreme Court in the above judgement.

4. These instructions may be brought to the notice of all concerned.

Harjeet Singh
Under Secretary, Vigilance 10/4/2023

Ends. NO.VD-BE0ESTB(VD)/8/2022-5BE 188

Dated: Chandigarh, 10/4/2023

A Copy of the above is forwarded to the Chief Director, Vigilance Bureau, Punjab, Chandigarh with a direction to ensure completion of the Investigation within three months time, within which a reference should go to the concerned Administrative Department seeking grant of sanction for prosecution.

Harjeet Singh
Under Secretary, Vigilance 10/4/2023

ਨੰ:19/4/99-3ਬਅ/ 617090/1

ਪੰਜਾਬ ਸਰਕਾਰ

ਚੌਕਸੀ ਵਿਭਾਗ

(ਬਜਟ ਅਤੇ ਅਮਲਾ ਸ਼ਾਖਾ)

ਸੇਵਾ ਵਿਖੇ,

ਪੰਜਾਬ ਰਾਜ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ,
ਰਜਿਸਟਰਾਰ, ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ,
ਪੰਜਾਬ ਰਾਜ ਦੇ ਬੋਰਡਾਂ/ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਦੇ ਚੇਅਰਮੈਨ/ਮੈਨੇਜਿੰਗ
ਡਾਇਰੈਕਟਰ/ਕਾਰਜਕਾਰੀ ਡਾਇਰੈਕਟਰ,
ਮੰਡਲਾਂ ਦੇ ਕਮਿਸ਼ਨਰ, ਜਿਲ੍ਹਾ ਅਤੇ ਸੈਸ਼ਨ ਜੱਜ,
ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਉਪ ਮੰਡਲ ਮੈਜਿਸਟਰੇਟ।
ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ 28 ਅਕਤੂਬਰ, 2015

ਵਿਸ਼ਾ: ਚੌਕਸੀ ਵਿਭਾਗ ਦੀਆਂ ਸਮਾਇਤ ਮੰਨਜੂਰੀ ਸਬੰਧੀ ਹਦਾਇਤਾਂ ਨੂੰ ਸੰਕਲਿਤ ਕਰਨ ਬਾਰੇ।

ਸ਼੍ਰੀਮਾਨ ਜੀ,

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਮੈਨੂੰ ਇਸ ਵਿਭਾਗ ਦੇ ਪੱ:ਨੰ: 19/1/98-4ਵੀ(1)/3900-4050, ਮਿਤੀ 6-3-2000, ਨੰ: 19/4/99-4ਵੀ(1)/1029, ਮਿਤੀ 16-1-2002 ਅਤੇ ਪੱ:ਨੰ: 19/2/2005-3ਬਅ/20204-20208, ਮਿਤੀ 21-12-2005 ਰਾਹੀਂ ਜਾਰੀ ਸਮਾਇਤ ਮੰਨਜੂਰੀ ਸਬੰਧੀ ਹਦਾਇਤਾਂ ਵੱਲ ਧਿਆਨ ਦਿਵਾਉਣ ਅਤੇ ਇਹ ਸੂਚਿਤ ਕਰਨ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਇਹਨਾਂ ਹਦਾਇਤਾਂ ਵਿੱਚ ਕਰਮਵਾਰ ਹੋਰਾਂ ਤੋਂ ਇਲਾਵਾ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਉਪਬੰਧ ਹੈ:-

(ੳ) ਚੌਕਸੀ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਨੰ: 19/1/98-4ਵੀ(1)/3900-4050, ਮਿਤੀ 6-3-2000 ਰਾਹੀਂ ਜਾਰੀ ਹਦਾਇਤਾਂ ਵਿੱਚ ਹੋਰਾਂ ਤੋਂ ਇਲਾਵਾ ਸਮਾਇਤ ਮੰਨਜੂਰੀ ਸਬੰਧੀ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਉਪਬੰਧ ਹੈ:-

11. Sanction for prosecution

- (a) The Vigilance Bureau / the Investigating Officer shall complete the investigation within THREE months time, within which a reference should go to the concerned Administrative Department seeking grant of sanction for prosecution.
- (b) The competent authority shall decide within two months from the date of the reference made to them by the Vigilance Department the issue regarding grant of sanction for prosecution. The competent authority shall normally rely upon the material/documents made available by the Investigating Officer(s).
- (c) The competent authority shall not hold any parallel or field enquiry for the purpose of granting prosecution.
- (d) In cases where the sanction for prosecution has been delayed/refused, the matter shall be placed before the respective committee for information.
- (e) The cases referred to respective competent authority for grant of sanction for prosecution will be monitored/followed up by the Secretary Vigilance directly with the concerned Administrative Department.

ਚਲਦਾ.....

(f) The Chief Vigilance Officer designated in each department, shall ensure that sanction for prosecution is granted within the time period specified. In this behalf, the Chief Vigilance Officer shall represent the Secretary Vigilance in respective departments.

(ਅ) ਚੌਕਸੀ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਨੰ: 19/4/99-4ਵੀ(1)/1029, ਮਿਤੀ 16-1-2002 ਰਾਹੀਂ ਸਮਾਇਤ ਮੰਨਜੂਰੀ ਸਬੰਧੀ ਜਾਰੀ ਹਦਾਇਤਾਂ ਵਿੱਚ ਹੇਰਾਂ ਤੋਂ ਇਲਾਵਾ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਉਪਬੰਧ ਹੈ:-

- 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 stock 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.

(ੲ) ਪੱਤਰ ਨੰ: 19/2/2005-3ਬਅ/20204-20208, ਮਿਤੀ 21-12-2005 ਰਾਹੀਂ ਜਾਰੀ ਕੀਤੀਆਂ ਹਦਾਇਤਾਂ ਵਿੱਚ ਹੇਰਾਂ ਤੋਂ ਇਲਾਵਾ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਉਪਬੰਧ ਹੈ:-

“ In this connection it is necessary to reiterate that the judgment of the Supreme Court in the case of Superintendent of Police. CBI Vs Deepak Chaudhary, [1996(1)SL J SC 171] has clarified that grant of sanction is only an administrative function where the evidence collected during investigation has to be placed before the competent authority which is then to prima facie satisfy itself as to whether or not the relevant facts constitute an offence . In this view of the matter, there is no occasion for launching of parallel departmental enquiries or for granting personal hearings before the competent

authority reaches its conclusion. Accordingly, It is once again reiterated that such practices need to be dispensed with in order to ensure early decision on cases where sanction for prosecution has been sought by the Vigilance Bureau."

2. ਇਸ ਤੋਂ ਇਲਾਵਾ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਵੱਲੋਂ ਕਰੀਮੀਨਲ ਅਪੀਲ ਨੰ: 1838 ਆਫ 2013-ਸੀ. ਬੀ. ਆਈ. ਬਨਾਮ ਅਸ਼ੋਕ ਕੁਮਾਰ ਅਗਰਵਾਲ ਵਿੱਚ ਦਿੱਤੇ ਫੈਸਲੇ ਦੇ ਆਧਾਰ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਵੱਲੋਂ ਸਮਾਇਤ ਮੰਨਜ਼ੂਰੀ ਸਬੰਧੀ ਕੇਸਾਂ ਦੇ ਨਿਪਟਾਰੇ ਸਬੰਧੀ ਨਿਮਨਲਿਖਤ ਅਨੁਸਾਰ ਗਾਈਡਲਾਈਨਜ਼ ਜਾਰੀ ਕੀਤੀਆਂ ਗਈਆਂ ਹਨ:-

- (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.

3. ਚੌਕਸੀ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਨੰ: 19/4/99-4ਵੀ(1)1029, ਮਿਤੀ 16-1-2002 ਰਾਹੀਂ ਜਾਰੀ ਹਦਾਇਤਾਂ ਜਿਹਨਾਂ ਦਾ ਜਿਕਰ ਪੰਨਾ 2 ਦੇ ਲੜੀ ਨੰ: 'ਅ' ਤੇ ਕੀਤਾ ਗਿਆ ਹੈ, ਦੇ ਲੜੀ ਨੰ: 4 ਤੇ ਅੰਕਿਤ ਨੁਕਤਿਆਂ ਦੀ ਪਾਲਣਾ ਦਾ ਜਿਕਰ ਤਫਤੀਸ਼ੀ ਅਫਸਰ ਵੱਲੋਂ ਸਮਰੱਥ ਅਧਿਕਾਰੀ ਨੂੰ ਸਮਾਇਤ ਮੰਨਜ਼ੂਰੀ ਪ੍ਰਾਪਤ ਕਰਨ ਲਈ ਭੇਜੇ ਜਾਣ ਵਾਲੇ ਦਸਤਾਵੇਜ਼ਾਂ ਵਿੱਚ ਕੀਤਾ ਜਾਵੇ। ਸਮਾਇਤ ਮੰਨਜ਼ੂਰੀ ਦਾ ਕੇਸ ਭੇਜਣ ਤੋਂ ਬਾਅਦ ਜੇਕਰ ਸਮਰੱਥ ਅਥਾਰਟੀ ਨੂੰ ਕਿਸੇ ਨੁਕਤੇ ਤੇ ਸਪਸ਼ਟੀਕਰਨ ਦੀ ਜ਼ਰੂਰਤ ਹੋਵੇ ਤਾਂ ਤਫਤੀਸ਼ੀ ਅਫਸਰ ਸਬੰਧਤ ਸਮਰੱਥ ਅਥਾਰਟੀ ਪਾਸ ਜਾ ਕੇ ਸਬੰਧਤ ਮੁੱਦਾ ਸਪਸ਼ਟ ਕਰੇਗਾ।

ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਕਤ ਗਾਈਡਲਾਈਨਜ਼ ਆਪਣੇ ਅਧੀਨ ਆਉਂਦੇ ਅਧਿਕਾਰੀਆਂ/

ਚਲਦਾ.....

ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਇਨ੍ਹਾਂ ਦੀ ਪਾਲਣਾ ਕਰਨ ਹਿੱਤ ਧਿਆਨ ਵਿੱਚ ਲਿਆ ਦਿੱਤੀਆਂ ਜਾਣ।

ਗੁਰਮ ਸਿੰਘ
ਸੰਯੁਕਤ ਸਕੱਤਰ ਚੌਕਸੀ

ਉਤਾਰਾ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰਾਂ, ਸਮੂਹ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰਾਂ/ ਪ੍ਰਮੁੱਖ
ਸਕੱਤਰਾਂ/ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰਾਂ ਨੂੰ ਸੂਚਨਾਂ ਅਤੇ ਅਗਲੇਰੀ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਗੁਰਮ ਸਿੰਘ
ਸੰਯੁਕਤ ਸਕੱਤਰ ਚੌਕਸੀ

ਸੇਵਾ ਵਿਖੇ,

ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ, ਸਮੂਹ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ/ ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ/

ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ।

ਪਿ:ਅੰ:ਨੰ: 19/6/2002-3ਬਅ/ 617090/2 ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ 28 ਅਕਤੂਬਰ 2015

ਪਿ:ਅੰ:ਨੰ: 19/6/2002-3ਬਅ/ 617090/3 ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ 28 ਅਕਤੂਬਰ 2015

ਉਤਾਰਾ ਮੁੱਖ ਡਾਇਰੈਕਟਰ, ਚੌਕਸੀ ਬਿਊਰੋ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ ਨੂੰ ਸੂਚਨਾਂ ਅਤੇ ਅਗਲੇਰੀ
ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਗੁਰਮ ਸਿੰਘ
ਸੰਯੁਕਤ ਸਕੱਤਰ ਚੌਕਸੀ