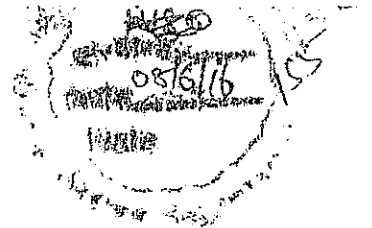


सूचना का आणखी अनुभाग
CS Confidential Cell
पत्र क्र. (P.D) No. 4552
दिनांक 20/05/16
Terminal Responsibility
Disposal by date.....

No.142/4/2012-AVD.I
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & training



North Block, New Delhi

Dated : 20.05.2016

The Chief Secretaries of
All State Governments/
Union Territory Administration
(As per standard list)

CS
AS(VI) 7/6/16

copy may be forwarded to
the D (P&T) -
EAB

Subject : Strict adherence of Single Window System for accepting proposal for sanction for prosecution under Prevention of Corruption Act, 1988.

Sir/Mada n.

I am directed to refer to instructions issued by this department regarding introduction of Single Window System for receiving proposals for sanction for prosecution under Prevention of Corruption Act, 1988 vide letter of even number dated 28th July 2014 (enclosed). The single window system was introduced with the intention to avoid delay in processing of proposals for sanctions for prosecution due to procedural information/shortcomings/ discrepancies in the same.

2. However, it has been observed that the said guidelines have not been adhered to while submitting such proposals. This department has also been receiving incomplete proposal through dak and not as per aforesaid instructions. It is reiterated that as per the judgement of Hon'ble Supreme Court in Vineet Narain's Case a strict timeline of three months has been laid down for considering the proposals of sanction for prosecution against IAS officers under the Prevention of Corruption Act, 1988.

3. Therefore, it is once again requested that the below mentioned instructions be strictly followed while submitting proposals seeking sanction for prosecution.

(i) No proposal of sanction for prosecution will be accepted by DAK.

R.D. No. 142/4/2012-AVD.I
Office of Personal Wing
Ministry of Personnel & Training

Dr. P. S. Mishra
7/6

(ii) Under Secretary (AVD-I/C), DoPT will be the nodal officer for receiving the proposals for sanctions for prosecution. Proposals for sanctions for prosecution will be received in Room No. 171-D, North Block, New Delhi. DSP of the concerned investigating agency/ Under Secretary of the concerned State Gov/Administrative Ministry will submit the proposal in person to this department.

(iii) The representative of Investigating Agency, Central or State Government may contact AVD I/C desk for submitting the proposal at email ID: rajkishanvatsa@yahoo.in or the phone number 011-23040381 before coming for submission of the proposal.

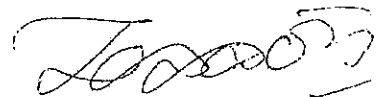
(iv) The proposal alongwith requisite supporting documents should be complete in all respects. The check list of the proposal should be signed by an officer not below the rank of the joint Secretary to the Government of India or Secretary of the concerned State Government.

(v) While submitting the proposal through the single window system the pre-requisites of the proposal will be ascertained by the accepting officer as per check list in the presence of the submitting officer of the agency State Government/Ministry. Incomplete proposals as per the check list will be returned forthwith. The date of the proposal will be counted from date, it is received in the Department complete in all respects.

(vi) Staff of Secretary (P)/Additional Secretary/Joint Secretary will not accept the proposal submitted in person or by mail and will return the same to the sender immediately.

This issues with the approval of the Hon'ble Minister of State (PP)

Yours faithfully



(Rajkishan Vatsa)

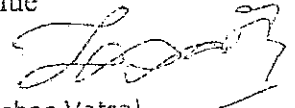
Under Secretary (AVD.I/C)
Telephone No: 011-23040381

Encls: as above

154

Copy to :

1. All Ministries/Departments of Government of India (as per standard mailing list)
2. All CVOs with the request to instruct all organizations for compliance with these guidelines.
3. Secretary, Central Vigilance Commission, Satrakta Bhawan, New Delhi-110001
4. Joint Director (Policy and Coordination), Central Bureau of Investigation
5. Principal Secretaries (GAD)/Home Department of the State Governments for due circulation amongst investigating units for due compliance.



(Rajkishan Vatsa)
Under Secretary (AVD./C)

No.142/4/2012-AVD.I
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training

New Delhi dated the 28th July, 2014.

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

Subject: Introduction of Single Window System in Department of Personnel & Training for receiving proposals for Sanction for prosecution under the Prevention of Corruption Act, 1988- regarding

Sir / Madam,

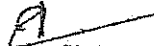
1. You are directed to say that proposals for Sanction for prosecution under the Prevention of Corruption Act, 1988 are received from State Governments and Investigating Agencies including the CBI seeking such sanction in respect of Group 'A' officers whose cadre control vests in the Central Government. In order to avoid delay in processing of such proposals due to procedural infirmities/shortcomings/discrepancies in the proposals, DOP&T has decided to switch over to Single Window System for accepting the proposals as per Check List enclosed.

2. Henceforth, all Administrative Authorities/Investigating Agencies are required to authorize a representative not below the level of Under Secretary to come to DOP&T's office in person for handing over the proposal for Sanction for prosecution under the Prevention of Corruption Act, 1988, complete in all respect, with all the relevant documents/ records. In the DOP&T, Under Secretary (AVD-I(C), Room No. 27), DoPT, North Block, (through Gate No.4) will receive such proposals referred by Administrative Authorities/Investigating Agencies between 11.00 am to 1 pm on all working days. The proposals received would initially be scrutinized in terms of information sought and in consonance with the prescribed Check List. Incomplete cases would be returned after pointing out deficiencies. Cases, which are complete in all respect as per the Checklist, shall only be accepted for further detailed scrutiny and examination. The Single Window System is to be introduced from 1st August, 2014.

3. All Administrative Authorities/Investigating Agencies are requested to take note of the Single Window System being introduced in the DOP&T w.e.f. 1.4.2014 and bring the same to the notice of all concerned. It may also be ensured that the Check List is countersigned by an officer not below the rank of Secretary in the State Government/Joint Secretary in the Government of India/ Investigating Agencies concerned.

Encl: Check List

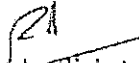
Yours faithfully,


(Anshu Sinha)
Director (Vigilance - I)

153

Copy to:

- 1 All Ministries/Departments of Government of India (as per standard mailing list)
- 2 All CVOs with the request to instruct all organisations for compliance with these guidelines.
- 3 Secretary, Central Vigilance Commission, Satarkta Bhawan, Old GPO Complex, Block - A, INA, New Delhi with the request that keeping in view the observations in this communication, steps may be taken for revising the internal processing mechanism of the Commission.
- 4 Joint Director (Policy and Coordination), Central Bureau of Investigation, North Block, New Delhi, with the request that the above guidelines may please be circulated amongst the investigating units for due compliance
- 5 Principal Secretaries (GAD)/Home Department of the State Governments for due circulation amongst investigating units for due compliance.


(Anshu Sinha)
Director (Vigilance - I)

CHECK LIST OF ITEMS IN PROSECUTION CASES FOR THE INVESTIGATING AGENCIES

(I) Cases referred by Central Bureau of Investigation (CBI)

[to be filled in by the CBI at the time of forwarding of proposal simultaneously to: (a) the competent authority i.e. cadre controlling authority (Ministry/Department concerned in the Central Government) competent to accord sanction for prosecution; and (b) the Central Vigilance Commission; and required to be checked and verified by the recipient organisation on receipt of such proposal so as to ensure its completeness]

S. No.	Head	Yes/No	Folder No./Page no.
1.	Name of the administrative authority under whose administrative domain the officer was serving at the time of alleged commission of offence.		
2.	Whether the proposal has been sent to the administrative authority for its comments/ views. If so, date of submission of proposal.		
3.	Whether a separate set of proposal with complete case records has been submitted to the Central Vigilance Commission? If so, date of submission of proposal.		
4.	Whether approval of the competent authority in CBI for seeking sanction of prosecution obtained?		
5.	Whether the proposal contains the complete Investigation Report including the copy of the FIR? If the Investigation Report is in Hindi or any other language, whether a gist in English thereof has been attached?		
6.	Whether any Executive Summary of the Investigation Report enclosed?		
7.	Whether authenticated copies of complete case records essential and relevant for determining the culpability of officer(s) for alleged offence under the Prevention of Corruption Act, 1988 enclosed?		
8.	Whether Legal advice of Legal Wing/Prosecution Wing of CBI enclosed?		
9.	Whether the Report clearly spells out the offences specifically alleged against the officer(s), both under the P.C. Act and under the other statutes?		
10.	Whether list of relevant documentary evidence has been attached?		
11.	Whether list of relevant oral evidence has been		

152

	attached - specifying as to whether such statements have been recorded before the IO or before a Magistrate u/s 164 Cr. PC?		
12.	Whether the Investigation Report specifically identifies and reflects the relevant documentary and oral evidence against the officer(s) concerned which would be material for being considered for offences qua the officer (s)?		
13.	Whether version of the accused officer(s) and comments of IO to rebut his contentions enclosed?		
14(a)	Whether the IO had received any representation from the officer? If so, whether the same has been taken into consideration?		
14(b)	Whether copies of such representation and views of IO thereon have been enclosed?		
15.	Whether any criminal offences under the Indian Penal Code or other statutory provisions have been alleged, which require according of sanction under the provisions of section 197 of the Code of Criminal Procedure?		
16.	If answer to point No. 15 above is "yes", whether such sanction has been sought by the investigating agency from the concerned administrative authority? If so the details thereof.		
17.	If answer to point No. 15 above is "No", whether reasons for not seeking such sanction enclosed?		
18.	Whether Comments of the administrative authority have been obtained and enclosed?		
19.	If answer to point No. 18 above is "No", whether reasons for not enclosing such comments enclosed?		

**Signature _____
Name of officer signing this statement

(in Block letters) _____
Designation _____
Telephone No. _____
Date: _____

**To be signed by an officer not below the rank of Joint Secretary to the Government of India

II. Cases of State Investigating Agencies forwarded by the State Governments

[to be filled in by the concerned authorities/State Government at the time of forwarding of proposal to the competent authority i.e. cadre controlling authority (Ministry/Department concerned in the Central Government) alongwith their views and recommendations in respect of the public servant and checked and verified by such Ministry/Department in the Central Government on receipt of views of the above named authorities]

S No.	Head	Yes/No/Details	Folder No./Page no.
1	Date of receipt of proposal from the investigating agency.		
2	Whether the complete case records, were received from the investigating agency? If not, the date of receipt of complete proposal.		
3	Whether any additional information was sought from the investigating agency? If yes, details thereof.		
4	Whether such additional documents have been included in the proposal?		
5	Whether the complete case records, including additional documents sought) above, have been forwarded alongwith the proposal?		
6	Whether the proposal contains the complete Investigation Report including the copy of the FIR? If the Investigation Report is in Hindi or any other language, whether a gist in English thereof has been attached?		
7	Whether any Executive Summary of the Investigation Report enclosed?		
8	Whether authenticated copies of complete case records essential and relevant for determining the culpability of officer(s) for alleged offence under the Prevention of Corruption Act, 1988 enclosed?		
9	Whether the Report clearly spells out the offences specifically alleged against the officer(s), both under the P.C. Act and under the other statutes?		
10	Whether list of relevant documentary evidence has been attached?		
11	Whether list of relevant oral evidence has been attached - including as to whether such statements have been recorded before the IO or before a Magistrate u/s 164 Cr. PC?		
12	Whether the Investigation Report specifically identifies and reflects the relevant documentary and oral evidence against the officer(s) concerned which would be material		

	for being considered for offences qua the officer (s)?		
13	Whether version of the accused officer (s) and comments of IO to rebut his contentions as prescribed vide guidelines dated 27.10.1999 enclosed?		
14(a)	Whether the IO had received any representation from the officer? If so, whether the same has been taken into consideration?		
14(b)	Whether copies of such representation and views of IO thereon have been enclosed?		
15	Whether the State Government has obtained the approval of the competent authority with respect to the recommendation being made in respect of the proposal?		
16	Whether the copies of such processing by the State Government have been enclosed?		
17	Whether a specific sanction has been sought by the investigating agency under the provisions of section 197 of the Code of Criminal Procedure?		
18	Whether the State Government has obtained any legal opinion in the matter?		
19	If so, whether the copy of such legal opinion, if any, has been enclosed?		
20	Whether, the sanction u/s 197 of the Cr. P.C., if sought by the investigating agency, has been accorded by the State Government?		
21	Whether such sanction is unequivocal and clear without any riders?		
22	Date and number of the sanction so accorded/denied by the State Government.		
23	Whether the State Government/administrative authority has informed the investigating agency of having examined and made recommendations to the cadre controlling authority in favour or against the sanction?		

**Signature _____
Name of officer signing this statement

(in Block letters) _____
Designation _____
Telephone No. _____
Date: _____

**To be signed by an officer not below the rank of Secretary to the State Government (General Administration Department)/Joint Secretary to the Government of India.

