

Vig Com 31011

CONFIDENTIAL

No. C. 31011/2/98-CVO
GOVERNMENT OF PONDICHERRY
CONFIDENTIAL AND CABINET DEPARTMENT
(CHIEF VIGILANCE OFFICE)

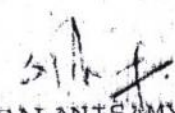
Pondicherry, the 26.3.98.

I. D. NOTE / MEMORANDUM

20-4-98

Sub: Sanction for prosecution.
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A copy of the Office Memorandum No. 142/10/97/AVD.I, dated 14.1.98 received from the Ministry of personnel, Public Grievances and pensions, New Delhi is forwarded herewith for information and strict compliance.


(S. PALANISAMY)
UNDER SECRETARY TO GOVERNMENT

Encl: As above.

To

All Secretaries to Government.
All Secretariat Departments/
Heads of Departments/

Train 142

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CONFIDENTIAL
142/10/97/AVD I
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
DEPARTMENT OF PERSONNEL AND TRAINING
NEW DELHI

Dated the 14th January, 1998.

OFFICE MEMORANDUM

Subject: Sanction for prosecution

Under Section 19 of the Prevention of Corruption Act, 1988 as also Section 197 of the Cr.P.C, it is necessary for the prosecuting authority to have the previous sanction of the competent authority for launching prosecution against a public servant in order that the Court concerned can take cognizance of the matter.

2. The Supreme Court in WP(Criminal) No.340-343 of 1993 Vineet Narain and Others vs. Union of India and another, has, inter alia given the following direction vide judgement dated 18.12.97:-

" Time limit of 3 months in grant of sanction for prosecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General or any other Law Officer in the AG's office. "

3. The above direction of the Supreme Court is hereby brought to the attention of all Ministries and Departments for the purpose of strict compliance and with the request that it may similarly be brought to the attention of all Organisations under the Ministries and Departments vested with the authority of sanction for prosecution under the Prevention of Corruption Act, 1988 and the Code of Criminal Procedure, 1973. It is further emphasized that while the Supreme Court has laid down the maximum limit, the effort should be to convey the decision regarding such requests as early as possible in each case.

sd/-
(Arvind Varma)
Secretary(P)

Secretaries to all Ministries/Departments (By name).

Copy for information to:

1. Cabinet Secretary
2. Principal Secretary to the Prime Minister
3. Secretary to the President.
4. Secretary, CVC.

/ COPY /

(M. JANAKIRAMAN)
SUPERINTENDENT GRADE-I