

No. 372/6/2017-AVD-III  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

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North Block, New Delhi  
Dated 02<sup>nd</sup> December, 2020.

**OFFICE MEMORANDUM**

**Subject: Adherence to Guidelines issued by DoPT regarding grant of sanction for prosecution-regarding.**

The Department of Personnel & Training had formulated guidelines for grant of sanction for prosecution and issued the same vide this Department's various OMs inter-alia, dated 06.11.2006, 20.12.2006, 31.01.2012 and 01.03.2019 (to be read with OM dated 18.07.2019).

2. These guidelines clearly prescribe the situations under which consultation with CVC is required by the concerned DAs while considering the requests of CBI for grant of Sanction of Prosecution, which inter-alia, include that:

- (i) The CBI would forward its final report of investigation to the CVC and also simultaneously endorse a copy of the report to the Administrative Ministry/Department concerned and the Competent Authority shall within three weeks formulate its tentative view regarding the action to be taken and seek the advice of CVC in the matter.
- (ii) In cases in which the sanction for prosecution is required to be accorded in the name of the President, the CVC will advise the Ministry/ Department concerned and it would be for that Ministry/ Department to consider the advice of the CVC and to take a decision as to whether or not the prosecution should be sanctioned;
- (iii) In cases in which an authority other than the President is competent to sanction prosecution, and that authority does not propose to accord such sanction, it is required to report the case to the CVC and take further action after considering the CVC's advice.

3. Recently, CVC has observed that some Ministries/Department, specifically CPSUs and Public Sector Banks, are not following the said guidelines/instructions in true spirit. Further, in certain cases the Competent Authority formally declined the sanction for prosecution and then referred the matter to the CVC for advice.

4. As once the Competent Authority takes a decision and communicates it to the CBI, the matter of grant of sanction for prosecution cannot be reviewed, it is important that the requisite consultation with CVC, etc. is completed before the Competent Authority takes a decision in such matters.

5. In view of the above, all Ministries/Departments are advised to ensure strict adherence to the afore-said instructions of DoP&T in this regard.
6. This issues with the approval of the Competent Authority.

  
(Manmeet Kaur)

**Under Secretary to the Government of India**

To

Secretary, all Ministry/Department (As per standard list).

Copy to:

1. Secretary, Central Vigilance Commission, Satarkata Bhawan, New Delhi.
2. Prime Minister's Office, South Block, New Delhi.
3. Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.