

No.428/10/2021-AVD-IV(B)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
AVD(AVD-IV (B))

North Block, New Delhi
Dated 18 October, 2024

OFFICE MEMORANDUM

Subject:- Checking delays in grant of sanction for prosecution in respect of a public servant under Section 19 of the Prevention of Corruption Act 1988 as amended in 2018.

To

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

Subject: Checking delays in grant of sanction for prosecution in respect of a public servant under Section 19 of the Prevention of Corruption Act, 1988 (as amended in 2018) – Regarding.

Sir/ Madam,

1. I am directed to state that instructions have been issued from time to time for streamlining processes for checking delays in processing of cases for grant of sanction for prosecution under Section 19 of the Prevention of Corruption Act, 1988 (as amended in 2018).

2. The Prevention of Corruption Act, 1988 was amended by the Prevention of Corruption (Amendment) Act, 2018 and after the Presidential assent thereto has been brought into force from the 26th July 2018. It may be recalled that the amendments inter alia, include amendment to the provisions of section 19 of the Act. The salient aspects of the amendment to the aforesaid provision are as follows:

(a) Sanction for prosecution shall also be required in respect of persons who have ceased to be public servants or those who cease to hold the positions held by them when the offence is alleged to have been committed, i.e., those who have retired, resigned or have been transferred;

(b) Sanction for prosecution can also be sought by a person other than a police officer or an officer of an investigating agency i.e., a private person, after following the due procedure as laid down under first and second provisos of the amended section 19 of the Act;

(c) The third proviso under the amended section 19 mandates that the appropriate Government or any competent authority, shall, after the receipt of the proposal requiring sanction for prosecution of a public servant, endeavour to convey the decision on such proposal within a period of three months from the date of its receipt and further the fourth proviso thereunder allows for extension of such period by one month where, for the purpose of grant of sanction for the prosecution, legal consultation is required and for which reasons are required to be recorded in writing;

3. The amended law also spells out the requirement for having in place guidelines as may be considered necessary for the purpose of sanction for prosecution and hence in order to bring in better clarity to the existing instructions and enable uniform implementation, an effort has been made to review, consolidate at one place and reiterate the instructions as have been issued so far on the subject.

4. The consolidated instructions as contained herein broadly cover the following aspects:-

- i. Action points in respect of the Investigating agency;
- ii. Format of Investigation Report;
- iii. Laying down of single window procedure;
- iv. Check List for submitting proposals under Section 19;
- v. Action points and processing stages in respect of competent Government or Authority for processing requests for sanction for prosecution;
- vi. Legal Consultation;
- vii. Issuance of Speaking Order; and
- viii. Requests for sanction for prosecution by private persons.+

5. All Administrative Authorities, including Ministries and Departments of the Central and the State Governments and the Investigating Agencies are requested to take note of these consolidated instructions, as appended herewith and bring the same to the notice of all concerned, including subordinate and autonomous statutory bodies and PSEs/ PSBs under their respective control for compliance.

Encl: as above (as per Annexure)

Yours faithfully,

Sd/ xxx

(A.P.Das Joshi)

Additional Secretary to the Government of India

Copy to:

1. Secretaries to the Government of India, All Ministries/ Departments with the request that these consolidated instructions may be given wide publicity and may be circulated to all concerned including all subordinate and attached offices and organisations under the administrative control of respective Ministries/ Departments/ Organisations for compliance;

2. Director, CBI with the request that all field Units may be apprised of these consolidated instructions for compliance;

3. Central Vigilance Commission;

4. Secretaries, GAD, of all State Governments/Union Territories, with the request that these consolidated instructions may be given wide publicity and may be circulated to all concerned including all subordinate and attached offices and organisations under the administrative control of respective Ministries/ Departments/ Organisations for compliance.

Link: <https://documents.doptirculars.nic.in/D2/D02ser/InstructionsxE7rA.pdf>

(Sign of Authority)
A.P. Das Joshi
Additional Secretary
24010569

Annexure - 1

[View Annexure \(PDF\)](#)