

No. 372/19/2011-AVD-III(Pt.I)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training

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New Delhi, the 26th September, 2011

OFFICE MEMORANDUM

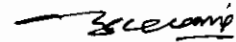
Subject: Permission to initiate investigation by the CBI in respect of officers of the rank of Joint Secretary and above serving the Central Government – Provisions of section 6A of the Delhi Special Police Establishment (DSPE) Act, 1946 – recommendations of the Group of Ministers – regarding

The undersigned is directed to state that the provision of section 6A of the DSPE Act, 1946 provides for safeguarding senior public officials against undue and vexatious harassment by the investigating agency. It had been observed that the requests being made by the investigating agency under said provision were not being accorded due priority and the examination of such proposals at times lacked objectivity. The matter was under consideration of the Group of Ministers constituted to consider measures that can be taken by the Government to tackle Corruption.

The Government has accepted the following recommendation of the Group of Ministers, as reflected in para 25 of the First Report of the Group of Ministers:-

- (a) The competent authority shall decide the matter within three months of receipt of request accompanied with relevant documents
- (b) The competent authority will give a Speaking Order, giving reasons for its decision
- (c) In the event a decision is taken to refuse permission, the reasons thereof shall be put up to the next higher authority for information within one week of taking the decision
- (d) Since section 6A specifically covers officers of the Central Government, above the rank of Joint Secretary, the competent authority in these cases will be the Minister in charge in the Government of India. In such cases, intimation of refusal to grant permission along with reasons thereof, will have to be put up to the Prime Minister.

The above decision of the Government is brought to the notice of all Ministries/Departments for due adherence and strict compliance.



(V.M. Rathnam)

Deputy Secretary to the Government of India

Tel. No. 23094637

1. Secretaries, all Ministries/Departments – as per standard Mailing list
2. Secretary, Central Vigilance Commission, Satarkata Bhawan, INA, New Delhi
3. Joint Director, CBI, North Block New Delhi
4. CVOs of all Ministries/Departments.
5. NIC, DoP&T for uploading on the website of the Department.

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