

F.No. 6-32/2022-Sch.6  
Government of India  
Ministry of Education  
(Department of School Education & Literacy)  
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Shastri Bhawan, New Delhi  
22<sup>nd</sup> July, 2022

To

The Director, NCERT,  
NCERT Campus,  
Sri Aurobindo Marg,  
New Delhi -16.

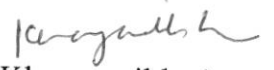
**Subject: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution -reg.**

Sir,

I am directed to forward herewith a copy of OM No. C.15011/01/2021-Vig. dated 19.07.2022 alongwith its enclosures received from Vigilance Section of this Ministry on the subject cited above, which is self-explanatory for strict compliance.

Encl: As above.

Yours faithfully,



(Khamngaihlun)

Under Secretary to the Govt. of India

Tel: 23381434



F.No. C.15011/01/2021-Vig.  
Government of India  
Ministry of Education  
Department of Higher Education  
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Room No. 106-C, Shastri Bhawan,  
New Delhi dated 19.07.2022

## OFFICE MEMORANDUM

Subject: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution- regarding.

The undersigned is directed to enclose herewith DoPT's O.M. No. 372/6/2017-ADV-III dated 01.03.2019 having guidelines for dealing with disagreement between Disciplinary Authority and CVC in cases of granting Sanction for Prosecution.

2. In the aforesaid O.M. dated 01.03.2019, guidelines have been provided for mandatory consultation with CVC and DoPT in the cases/situation as elaborated in the para 2.2 of the said DoPT O.M.

3. It is being observed that Autonomous bodies/organisation under the administrative control of the Bureaus in the Ministry of Education are not adhering to the guidelines contained in the aforesaid O.M. of DoPT. While dealing with the request of CBI for grant of Sanction for Prosecution, especially where there is a difference of opinion between the CBI and the administrative/disciplinary authorities. It is observed that Administrative/Disciplinary Authority conveys their decision directly to CBI without consulting the CVC in violation of the guidelines of DoPT.

4. Therefore, all Bureaus in the Ministry of Education are requested to educate the Disciplinary Authority of Autonomous bodies/organisation under the administrative control of the respective Bureaus to adhere to the guidelines contained in DoPT's O.M. No. 372/6/2017-ADV-III dated 01.03.2019 while dealing with the cases of Sanction for Prosecution. Para 1.3.3(b) & (c) of Vigilance Manual 2021 may also be followed.

5. For the vigilance related matter, Central Vigilance Commission has brought out Vigilance Manuals comprising of compilation of various rules, instructions and guidelines on vigilance administration. The latest edition of Vigilance Manual, **Vigilance Manual 2021** is available on CVC website <https://cvc.gov.in/>.

6. All Bureaus in the Ministry are also requested to convey the EC/BoM/Disciplinary Authority under their administrative control to follow Vigilance Manual of CVC while dealing with vigilance related matters so that no procedural lapses occur in future.

*Sanjay Kumar*  
(Sanjay Kumar)

Under Secretary to the Government of India

To,  
All Bureau Heads,  
Ministry of Education,  
Shastri Bhawan, New Delhi.

FTSI- 1095494/22

45(24)

21/7/2022  
21/7/2022  
50(24-4)

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 1<sup>st</sup> March, 2019OFFICE MEMORANDUM

**Subject:** Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution - regarding

In supersession of this Department's OM No. 134/2/85-AVD-I dated 15/17-10-1986, the following guidelines are laid down for strict compliance while dealing with disagreement between the Disciplinary Authority (DA) and the Central Vigilance Commission (CVC) in cases of granting Sanction for Prosecution.

2. The work relating to according of Central Government's sanction for the prosecution of any person in a case investigated by the Central Bureau of Investigation (CBI) which was centralised in the Department of Personnel and Training, has since been decentralised and vested in the Ministry/Department concerned vide Cabinet Secretariat's Notification No. CD-826/86, dated the 30<sup>th</sup> September, 1986.

2.1 The CBI recommends prosecution of persons only in those cases in which they find sufficient justification for the same as a result of the investigation conducted by them. There are adequate internal controls within CBI to ensure that a recommendation to prosecute is taken only after a very careful examination of all the facts and circumstances of the case. Hence, any decision not to accord sanction for prosecution in such cases should, therefore, be for very valid reasons.

2.2 The following guidelines may be kept in view while dealing with cases of sanction of prosecution:

- (i) In cases in which 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;
- (ii) 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, vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13<sup>th</sup> April, 1984;

Contd...2/-

(2)

- (iii) In a case falling under (i) above, if the CVC advises grant of sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice, the case should be referred to this Department for final decision;
- (iv) In a case falling under (i) above, if the CVC declines sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice and proposes to grant sanction for prosecution, the case should be referred to this Department for a final decision.
- (v) In a case falling under (ii) above, if the CBI has sought sanction for prosecution and the CVC has recommended grant of sanction, and yet the competent authority proposes not to grant sanction, the case should be referred to this Department for final decision;
- (vi) Where two or more Government servants belonging to different Ministries/Departments, or under the control of different cadre controlling authorities are involved, the CBI will seek sanction from the respective Ministries/Departments or the respective competent authorities in accordance with the procedure laid down in the above paragraphs. Where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to this Department for resolution of the conflict, if any, for final decision.
3. This issues with the approval of Competent Authority.

*M. Manmeet*  
(Manmeet Kaur)

Under Secretary to the Govt. of India  
Tel No. 2309 4541

To:

1. All Ministries/Departments of the Government of India as per standard list
2. Prime Minister's Office, South Block, New Delhi
3. NIC, DoPT for uploading on the website of this Department

Copy to:

1. Secretary, CVC, Satarkta Bhawan, New Delhi
2. Director, CBI, North Block, New Delhi
3. Other as per standard list.

कार्मिक एवं प्रशिक्षण विभाग Deptt. of Personnel & Trg. प्राप्ति और निगम अनुभाग Receipt & Issue Section
5 MAR 2019
जारी किया/ISSUED हस्ताक्षर/Sig.

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 18<sup>th</sup> July, 2019

CORRIGENDUM

**Subject:** Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution – regarding

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Reference is invited to this Department's OM of even number dated 01.03.2019 on the subject mentioned above.

2. In Para 2.2(ii) of the aforementioned OM, the phrase, "...after considering the CVC's advice, vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13.4.1984" may be read as "...after considering the CVC's advice, in terms of the Section 8(1)(g) of CVC Act, 2003."

  
(Manmeet Kaur)

Under Secretary to the Govt. of India  
Tel No. 2309 4541

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