

GOVERNMENT OF TAMIL NADU

Abstract

PUBLIC SERVICES - Corruption cases registered and investigated by the Directorate of Vigilance and Anti-corruption - Sanction of prosecution - Procedure to be followed - Revised instructions - Issued.

Personnel & Administrative Reforms (N) Department

G.O. Ms. No. 43

Dated : 30.1.1996

Read :

1. G.O. Ms. No. 1988, Public (Ser-B), dated 23.10.69
2. G.O. Ms. No. 73, Personnel & Administrative Reforms (Per-N), dated 24.11.76.

ORDER:

In G.O. Ms. No. 1988, Public (Services-B), dated 23.10.69, the Government directed inter-alia that the Director of Vigilance and Anti-corruption shall forward final reports of investigation, in respect of cases in which sanction for prosecution is required to Government through the Vigilance Commission so that the Vigilance Commission may advise whether prosecution may be sanctioned.

2. Later in G.O. Ms. No. 73, Personnel & Administrative Reforms Department, dated 24.11.76, the following revised procedure was ordered to be followed:-

“(i) The Director of Vigilance and Anti-corruption, Madras will send to the Vigilance Commission reports of investigation where sanction for prosecution will have to be accorded by the Government.

(ii) In respect of other cases where the authority competent to sanction prosecution is other than the Government, the Director of Vigilance and Anti-corruption, will forward the investigation report to such authority for sanction of prosecution under the intimation to the Vigilance Commission and to the Administrative Department of Secretariat. If such authority does not propose to

accord the sanction sought for by the Director of Vigilance and Anti-corruption, it will forward the case together with its view and the reasons therefor and other relevant records to the Vigilance Commission for advice through the Department of the Secretariat concerned. Further, actions will be taken by the authority concerned after considering the advice of the Vigilance Commission.

(iii) In respect of all other reports, the Director of Vigilance and Anti-Corruption, Madras shall send them to the Vigilance Commission and it will be disposed of in accordance with the procedure laid down in Memo. No. 5150/65-1, Public (Services.N) Department, dated 8.11.65."

3. In respect of Director of Vigilance and Anti-corruption reports suggesting departmental action in all cases including where the disciplinary authority is an authority subordinate/or other than Government, the Director of Vigilance and Anti-corruption sends his report only to the Vigilance Commissioner who then forwards those reports to the concerned Secretary to Government with his recommendation. When such is the position in respect of

reports suggesting departmental action, it is considered that the orders in G.O. Ms. No. 73, Personnel and Administrative Reforms, dated 24.11.76, contain an anomaly since it enables the Director of Vigilance and Anti-corruption to send reports direct to the authority other than the Government proposals for sanction of prosecution. This anomaly has to be removed. The Government accordingly direct that, with immediate effect the following procedure shall be adopted for sanction of prosecution in cases arising out of enquiry by the Director of Vigilance and Anti-corruption:

Where Sanction For Prosecution has to be accorded by Government

The Director of Vigilance and Anti-corruption will send to the Vigilance Commission the reports of investigation for being forwarded to the concerned Department of Government with the recommendations of the Vigilance Commissioner.

Other cases where the authority competent to sanction prosecution is other than the Government

In these cases also the Director of Vigilance and Anti-corruption will send his reports of investigation to the Vigilance Commission and the Vigilance

Commission will communicate its decision to the Director of Vigilance and Anti-corruption under intimation to Government in the Administrative Department concerned and the Head of Department concerned. The Director will then approach the Competent Authority for sanction of prosecution”.

(By Order of the Governor)

N. HARIBHASKAR
Chief Secretary to Government.