

OFFICE OF THE CHIEF SECRETARY
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भारत सरकार / Government of India
गृह मंत्रालय / Ministry of Home Affairs
सतर्कता एकक / Vigilance Cell

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New Delhi, dated the 28 January, 2022

To

1. The DGPs of States/UTs
2. All CVOs of attached/subordinate offices of MHA

01 FEB 2022

20/1/22

Sub: Standard Operating Procedures (SOPs) for processing of cases under section 17A of the Prevention of Corruption Act, 1988 - regarding.

Sir,

I am directed to say that the provision of section 17A of Prevention of Corruption Act, 1988 requiring a police officer to seek prior approval of the competent government / authority for initiating any enquiry/inquiry or investigation against the public servants for a corruption offence relating to recommendations made or decision taken in discharge of official functions or duty. For standardizing the processing of such cases, DoPT has already circulated a set of SOPs to all States/UTs. In this connection, a copy of D.O. letter No.428/07/2021-AVD.IV(B) dated 27.12.2021 received from DoPT is now forwarded herewith together with its enclosure for effective implementation and strict compliance by all Police Authorities and their field formations.

Encl: As above

OFFICE OF THE SECRETARY
(Science, Technology & Environment)
No.: 13/SS (Home) / A/22
Received on 8 FEB 2022
Despatched on



Yours faithfully,

(Devendra Prasad)
Under Secretary to the Govt. Of India
Tel: 23093094

Email: devendra.prasad@nic.in

Copy to:

1. Chief Secretaries of all States/UTs
2. All Divisional Heads of MHA

प्रदीप कुमार त्रिपाठी
सचिव
P. K. TRIPATHI
Secretary

आजादी का
अमृत महोत्सव



भारत सरकार
कार्मिक और प्रशिक्षण विभाग
कार्मिक लोक शिकायत तथा पेंशन मंत्रालय
Government of India
Department of Personnel & Training
Ministry of Personnel, Public Grievances and Pensions

D.O. No. 428/07/2021 - AVD.IV(B)

Dear Sir,

As you are aware the Prevention of Corruption Act, 1988 was amended in 2018. The amendments include the provision of section 17A requiring a police officer to seek prior approval of the competent government / authority for initiating any enquiry/inquiry or investigation against the public servants for a corruption offence relatable to recommendations made or decision taken in discharge of official functions or duty.

2. For standardizing the processing of such cases, a set of Standard Operating Procedures (SOPs) for processing of cases while adhering to the statutory timelines under section 17A of the Prevention of Corruption Act, 1988 were formulated and circulated vide this Department's letter of even no. dated 03.09.2021 (copy enclosed). It may not be out of place to mention here that Secretary, Department of Financial Services, has also circulated the said SOPs vide his DO letter dated 29.11.2021 and supplemented the same by Staff Accountability Framework for NPA Accounts. A copy of the said DO is also enclosed for ready reference.

3. As the Ministry of Home Affairs is the nodal Ministry for various law enforcing agencies and with a view to ensure that the SOPs already circulated are strictly adhered to in all cases, I would request you to issue necessary directions for giving wider publicity to the amended provision of section 17A as also the SOPs issued for effective implementation and strict compliance of the said provision by all police authorities and their field formations.

With regards,

Yours sincerely,

(P.K. Tripathi) 27/12

Shri Ajay Bhalla,
Home Secretary
Ministry of Home Affairs,
North Block,
New Delhi.

Encl: as above.



सूचना का
अधिकार

(14)

No. 428/07/2021 - AVD.IV(B)
Bharat Sarkar/ Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi
The 3rd September, 2021

To,

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

Subject: Standard Operating Procedures (SOPs) for processing of cases under section 17A of the Prevention of Corruption Act, 1988 - regarding

Sir/ Madam,

The undersigned is directed to state that 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 insertion of a new section 17A which reads as follows:

“17A. Enquiry or Inquiry or Investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties.—

No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval—

(a) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government;

(b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed:

Provided that no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person:

Provided further that the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month”.

2. So as to standardise and operationalise procedures with a view to achieving uniform and effective implementation for prior approval processes under section 17A of the Act, a set of SOPs are hereby conveyed.

3. The SOPs provide for –

- i. Stage-wise processing of information received by a Police officer;
- ii. Specifying the rank of police officer to seek prior approval under section 17A in respect of different categories of public servants;
- iii. Consideration of the proposals under section 17A of the Act by the Appropriate Government or Authority;
- iv. Laying down of single window procedure to specify receipt stage of the proposal; and
- v. Check List for submitting proposals under section 17A.

4. All Administrative Authorities, including Ministries and Departments of the Central and the State Governments and the Investigating Agencies are requested to take note of the SOPs, 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 strict compliance.

Encl: as above

Yours faithfully

Deepti

(Deepti Umashankar)

Additional Secretary to the Government of India

Copy to:

1. Secretaries, All Ministries/ Departments with the request that these SOPs 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 kindly be apprised of these SOPs for strict compliance.
3. Central Vigilance Commission.
4. Secretaries, GAD with the request that these SOPs 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.