सत्यमेव जयते

केंद्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

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सं. / No. 024/VGL/017-5

दिनांक / Dated 27.07.2026

Master Circular No. : 05/MC/2026

Subject: Procedure for Processing request for Sanction for Prosecution under Section 19 of Prevention of Corruption Act, 1988.

The Central Vigilance Commission as part of its mandate of effective superintendence over the vigilance administration of the organisations covered under its advisory jurisdiction, has issued a number of guidelines, circulars etc. from time to time, about the procedure for processing request for sanction for prosecution under Section 19 of the Prevention of Corruption Act, 1988 (PC Act, 1988).

2. The Commission, in order to ensure ease of reference about the procedure for processing request for sanction for prosecution under Section 19 of the PC Act, 1988, has consolidated, updated and revised the earlier guidelines, circulars etc. issued by it on this subject. The same have been compiled in the form of Master Circular No 05/MC/2026 titled **'Procedure for Processing request for Sanction for Prosecution under Section 19 of Prevention of Corruption Act, 1988'** which is enclosed to this Office Memorandum. With the issuance of this Master Circular, all earlier guidelines, circulars etc. issued by the Commission on the above mentioned subject, stand superseded.

3. The Commission welcomes suggestions and inputs on the Master Circular. Any communication or clarifications sought in this regard may be addressed to 'The Secretary, Central Vigilance Commission'.

4. This Master Circular is available on the website of the Commission, i.e. www.cvc.gov.in under the head 'Publications' and sub-head 'Master Circulars'.

Encl: As above.

(**Trishaljit Sethi**)
Secretary

To

(i) The Secretaries of all Ministries/Departments of GoI
(ii) All Chief Executives of Central Public Sector Enterprises / Public Sector Banks / Public Sector Insurance Companies /Autonomous Bodies etc.
(iii) All CVOs of Ministries / Departments of GoI / CPSEs / Public Sector Banks / Public Sector Insurance Companies / Autonomous Bodies etc.
(iv) Website of Central Vigilance Commission.

Master Circular No. : 05/MC/2026

MASTER CIRCULAR
ON
PROCEDURE FOR PROCESSING REQUEST FOR SANCTION FOR PROSECUTION UNDER SECTION 19 OF PREVENTION OF CORRUPTION ACT 1988

CENTRAL VIGILANCE COMMISSION

CONTENTS

Procedure for Processing Request for Sanction for Prosecution under Section 19 of the Prevention of Corruption Act, 1988

SHORT TITLE, APPLICABILITY & COMMENCEMENT

This circular shall be referred to as the 'Master Circular on Procedure for Processing Request for Sanction for Prosecution under Section 19 of the Prevention of Corruption Act, 1988'. This circular shall be applicable to all ministries, departments and organisations of the Central Government, covered under the jurisdiction of the Central Vigilance Commission (hereinafter called as the Commission) and shall come into effect from the date of its issuance.

2. PURPOSE

This circular is being issued in supersession of all earlier Circulars / Guidelines / Office Orders / letters etc. issued by the Commission from time to time regarding 'Procedure for Processing Request for Sanction for Prosecution under Section 19 of the Prevention of Corruption Act, 1988 [as amended vide the Prevention of Corruption (Amendment Act, 2018)]' and is aimed at bringing clarity about the same.

3.0 PRIOR SANCTION FOR PROSECUTION UNDER THE PREVENTION OF CORRUPTION ACT- 1988

3.1 On receipt of complaint or information about offences alleged to have been committed by public servants, punishable under the Prevention of Corruption (PC) Act -1988 [as amended by The Prevention of Corruption (Amendment) Act, 2018 w.e.f. 26.07.2018 and The Jammu and Kashmir Reorganisation Act, 2019 w.e.f. 31.10.2019], Delhi Special Police Establishment (DSPE), commonly known as Central Bureau of Investigation (CBI), may register a First Information Report (FIR) and conduct investigation into such allegations.

3.2 Section 19 of the Prevention of Corruption Act, 1988 lays down that no court shall take cognizance of an offence punishable under Sections 7,11,13 and 15 of the Prevention of Corruption Act, 1988, alleged to have been committed by a public servant, except with the previous sanction of the Competent Authority (CA) [1].

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[1] **Competent Authority is defined under clause (a) (b) and (c) of subsection (1) of Section 19 of PC Act, 1988.**

3.3 Since the amendment in 2018, prior sanction of the CA is required under the provisions of the PC Act, 1988, in respect of those public servants also, who have retired, superannuated or have ceased to be in the service of the organisation concerned.

3.4 As per Section 19 (2) of the PC Act, 1988, in case of doubt about the authority competent to grant sanction for prosecution, "such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed".

4.0 GUIDELINES FOR THE COMPETENT AUTHORITY FOR SANCTION FOR PROSECUTION UNDER SECTION 19 OF PC ACT-1988

4.1 As per proviso to Section 19 (1) of the PC Act-1988, on receipt of a request from CBI for granting sanction for criminal prosecution, the CA shall endeavour to convey the decision on such a proposal, within a period of three months from the date of receipt of the proposal. Wherever legal consultation is required, the period may be extended by one more month, with reasons to be recorded in writing.

4.2 Sometimes, there is a delay on the part of the CA in taking decision for grant or denial of sanction for prosecution. Such a delay may be partly attributable to lack of appreciation of what the CA is required to do, while considering the request for sanction for prosecution. The Hon'ble Supreme Court of India in its various decisions[1] has laid down guidelines to be followed by the CA while considering the request for sanction for prosecution. The guidelines / directions of Hon'ble Supreme Court are summarised below:

(i) Sanction for prosecution is an administrative act. The purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. The question of giving opportunity to the public servant at that stage does not arise. The CA has only to see whether the facts would prima-facie constitute the offence.

(ii) On some occasions, the accused person may file representation before the CA. In such cases, CA cannot embark upon an inquiry to judge the truth of the allegations by asking the Investigating Officer to offer his comments or

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[1] (i) Jagjit Singh Vs. State of Punjab, 1999 Cr. LJ. 2962.
(ii) State of Bihar Vs. P.P. Sharma, AIR 1991 SC 1260.
(iii) Superintendent of Police (CBI) Vs. Deepak Chowdhary, AIR 1996 SC 186.
(iv) Vineet Narain Vs. Union of India, AIR 1998 SC 889.

to further investigate the matter in the light of representation made by the accused person. Also, the CA cannot hold a parallel investigation / enquiry by calling for the record / report of his organisation.

(iii) When an offence alleged to have been committed under the PC Act- 1988 has been investigated by CBI, the report of the Investigating Officer is invariably scrutinised by senior officers of CBI. The matter is further scrutinised by the Law Officer(s) concerned in CBI. After the matter has been investigated by such a specialised agency and the report has been scrutinised so many times at such high levels, there will hardly be any case where the CA would find it difficult to disagree with the request for sanction.

(iv) The accused person has the liberty to file representations when the matter is pending investigation. When the representations so made have already been considered and the comments of the Investigating Officer are already before the CA, there is no need for further comments of Investigating Officer on any further representation.

(v) A representation subsequent to completion of the investigation, is not known to law, as the law is well established that the material to be considered by the CA is the material which was collected during investigation and was placed before the CA.

(vi) However, if in any case, the CA, after consideration of the entire material placed before it, entertains any doubt on any point, the CA may specify the doubt with sufficient particulars and may request the authority who has sought sanction, to clear the doubt. However, it would be only to clear the doubt in order that the CA may apply its mind properly, and not for the purpose of considering the representation(s) of the accused. Such representation(s) from the accused, may be filed while the request for sanction for prosecution is pending with the CA.

(vii) If the CA seeks the comments of the Investigating Officer, while the request for sanction for prosecution is pending before it, it will almost be impossible for the CA to adhere to the time limit prescribed for considering request for grant for sanction for prosecution.

4.3 The Hon'ble Supreme Court in its judgment dated 31.01.2012[1], has also observed that the guidelines, as quoted in Para 4.2 above, are in conformity with the law laid down by the Apex Court. The Hon'ble Supreme Court also observed that "*while considering the issue regarding grant or refusal of sanction, the only thing which the Competent Authority is required to see is whether the material placed by the complainant or the Investigating Agency prima-facie discloses commission of an offence. The Competent Authority cannot undertake a detailed inquiry to decide whether the allegations made against the public servant are true.*"

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[1] **Dr. Subramanian Swamy Vs. Dr. Manmohan Singh & another (Civil Appeal No. 1193 of 2012)**

4.4 The Hon'ble Supreme Court of India in its judgement dated 31.10.2013[1], observed that "*there is an obligation on the sanctioning authority to discharge its duty to give or withhold sanction only after having full knowledge of the material facts of the case. Grant of sanction is not a mere formality. Therefore, the provisions in regard to the sanction must be observed with complete strictness keeping in mind the public interest and the protection available to the accused against whom the sanction is sought. Sanction lifts the bar for prosecution. Therefore, it is not an acrimonious exercise but a solemn and sacrosanct act which affords protection to the Government servant against frivolous prosecution. Further, it is a weapon to discourage vexatious prosecution and is a safeguard for the innocent, though not a shield for the guilty*".

4.5 The Hon'ble Supreme Court of India in Para 8 of its judgment quoted in Para 4.4 above, has issued further guidelines / directions to be followed by the CA while considering request for sanction for prosecution. The same are stated as below:-

(i) The prosecution must send the entire relevant record to the CA including the FIR, disclosure statements, statements of witnesses, recovery memos, draft charge-sheet, and all other relevant material. The record so sent should also contain the material / document, if any, which may tilt the balance in favour of the accused and on the basis of which, the CA may refuse sanction.

(ii) The CA itself has to do complete and conscious scrutiny of the whole records so produced by the prosecution, independently applying its mind and taking into consideration all the relevant facts before grant of sanction while discharging its duty to grant or deny prosecution sanction.

(iii) The power to grant sanction for prosecution is to be exercised strictly keeping in mind the public interest and the protection available to the accused against whom the sanction is sought.

(iv) The order of sanction should make it evident that the CA had been aware of all relevant facts / materials and had applied its mind to all the relevant material.

(v) In each individual case, the prosecution has to establish and satisfy the court by leading evidence that all the relevant facts had been placed before the CA and it had applied its mind on the same and that the sanction had been granted in accordance with law.

4.6 While considering and deciding requests for sanction for prosecution, CA is required to comply with the above guidelines of the Hon'ble Supreme Court of India.

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[1] **CBI Vs. Ashok Kumar Aggarwal (Criminal Appeal No. 1838 of 2013)**

4.7 It may also be noted that the Department of Personnel & Training (DoPT) vide their Office Memorandum (OM) dated 18.10.2024[1] have issued guidelines for processing of requests for sanction for prosecution under Section 19 of PC Act-1988. The same are also to be kept in view by the authorities concerned while considering proposals received from CBI.

5.0 CASES REQUIRING ADVICE OF THE CENTRAL VIGILANCE COMMISSION FOR GRANT OF SANCTION FOR PROSECUTION

5.1 The Commission, under the provisions contained in Section 8 (1) (f) and (g) of CVC Act-2003 is mandated to review the progress of applications pending with the competent authorities for sanction of prosecution under the PC Act, 1988 and to tender advice to the Central Government, corporation established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it by that Government, said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise.

5.2 DoPT, vide their OM dated 01.03.2019[2] has issued guidelines about the categories of officials for whom the Commission is to be approached for advice by the CA, before taking a decision to either grant or deny the sanction for prosecution.

5.3 As per DoPT's aforementioned guidelines, in those cases where sanction for prosecution is required to be accorded in the name of the President, the Commission is to be approached for advice by the organisation / authority concerned. A decision to grant or deny the sanction for prosecution would be taken after considering the advice of the Commission.

5.4 In those cases, where the authority competent to grant sanction for prosecution is other than the President, the Commission is to be approached for advice, if that authority does not propose to accord prosecution sanction, as sought by CBI. Further action by the CA would be taken after considering the advice of the Commission.

5.5 In case the CA (whether President or other than the President), does not propose to accept the advice tendered by the Commission for grant or denial of sanction of prosecution, the matter is to be referred to DoPT for their consideration.

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[1]DoPT's OM No. 428/10/2021-AVD-IV(B) dated 18.10.2024 on the 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", refers, which may have been amended from time to time.

[2]DoPT's OM No.372/6/2017-AVD-III dated 01.03.2019 on the subject "Guidelines for dealing with disagreement between Disciplinary Authority and Central Vigilance Commission in cases for granting sanction for prosecution", refers, as may be amended from time to time.

5.6 In case, more than one official belonging to different organisations or under the control of different CAs are involved in a case where sanction for prosecution is sought by CBI against them, the procedure as stated in para 5.3 to 5.5 is to be followed by the respective CA in respect of each individual official.

5.7 The CA shall endeavour to formulate its tentative views on the request from CBI for sanction for prosecution and approach the Commission for advice, within three weeks of such a request. In case, the views of the CA are not received within three weeks' time, the Commission may tender advice, on the basis of CBI's investigation report and records / documents, as available with it.

5.8 It is noted in certain cases that the CA formally declines the sanction for prosecution and then refers the matter to the Commission for advice. Once the CA takes a decision and communicates it to the CBI, the matter of grant of sanction for prosecution cannot be reviewed. It may be noted that the Commission / DoPT are to be approached for advice in accordance with the procedure mentioned in Paras 5.2 to 5.6 above, before a final decision is taken by the CA on CBI's request for grant of sanction for prosecution. Hence, the guidelines as contained in DoPT's OM dated 01.03.2019[1], as stated in Para 5.2 above, should be observed in letter and spirit.

5.9 It may be noted that the Commission, as an integrity institution which has been established for the purposes of inquiring into the commission of offences under the PC Act-1988 by a certain category of public servants and for matters incidental thereto, has no role in the prosecution of offences under the Prevention of Money Laundering Act (PMLA)-2002. Hence, the opinion or advice of the Commission is not necessary while considering the issue of according sanction under Section 218 of Bhartiya Nagrik Suraksha Sanhita-2023 (earlier Section 197 of Code of Criminal Procedure-1973) for prosecuting an offence under the PMLA-2002.

5.10 After the advice of the Commission, the CA concerned sometimes sends the matter either to their administrative ministry or DoPT for final decision, without intimation to the Commission or CBI. In order to keep the Commission and CBI informed of the stage at which the case is pending, the CA is required to mark a copy of their communications with DoPT / administrative ministry, to the Commission and CBI.

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[1]DoPT's OM No.372/6/2017-AVD-III dated 01.03.2019 on the subject "Guidelines for dealing with disagreement between Disciplinary Authority and Central Vigilance Commission in cases for granting sanction for prosecution" refers, as may be amended from time to time.

ACRONYM / ABBREVIATION

Acronym	Full Form
CA	Competent Authority
CBI	Central Bureau of Investigation
CVO	Chief Vigilance Officer
DOPT	Department of Personnel & Training
DSPE	Delhi Special Police Establishment
FIR	First Information Report
IO	Investigating Officer
OM	Office Memorandum
PC Act	Prevention of Corruption Act
PMLA	Prevention of Money Laundering Act

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CENTRAL VIGILANCE COMMISSION

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