

Prosecution:
Need to grant sanction to—

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Resolution No. CDR-2080/1930/428/XI

Mantralaya, Bombay 400 032, dated the 15th February, 1982

Read.—(1) Government Resolution, General Administration Department, No. VGC-1066/C-10544-D-I, dated 14th December 1966.

(2) Government Resolution, General Administration Department, No. CDR-2080/1930/428/XI, dated 16th October 1980.

RESOLUTION.—In order to curtail delay in according sanction to prosecute Government servants, procedure for submission of the prosecution proposals by the Anti-Corruption Bureau to the Secretary, Home Department (L & O) by name and laying down time-limit of one month for sanctioning prosecution was prescribed *vide* Government Resolution, General Administration Department, No. CDR-2080/1930/428/XI, dated 16th October 1980. In view of certain practical difficulties encountered in following the revised procedure, Government has reconsidered the matter and in supersession of the Government Resolution, General Administration Department, No. CDR-2080/1930/428/XI, dated the 16th October 1980 is pleased to lay down the following revised procedure which should be followed for sanctioning prosecution of Gazetted Officers for whom Government is the appointing authority :—

(i) The Anti-Corruption Bureau should forward the report with a draft order sanctioning prosecution, to be issued by the appointing authority, to the Secretary, Home Department (L & O) by name.

(ii) The Secretary, Home Department (L & O), should scrutinise the proposal personally within a period of two weeks and refer the case to the Secretary of the Administrative Department, concerned.

(iii) The Secretary of the Administrative Department concerned, after scrutinising the proposal within one week should refer it to the Remembrancer of Legal Affairs for scrutiny from the legal point of view. The Remembrancer of Legal Affairs should return the case within a period of one week to the Secretary of the Administrative Department concerned.

(iv) The Secretary of the Department concerned will obtain orders of the Chief Minister, through the Chief Secretary and Minister-in-Charge of the Department, within a period of two weeks.

2. There are certain Gazetted Officers for whom Head of Department—and not Government—is the appointing authority e.g., the Inspector-General of Police is the appointing authority for Inspectors of Police. In the cases of such Gazetted Officers and non-gazetted Class III and Class IV employees, the Director, Anti-Corruption and Prohibition Intelligence Bureau should forward his report to the concerned Head of Department or Head of Office who is the appointing authority. In case the appointing authority considers that sanction to prosecute a Government servant under its control should not be accorded, he should, within two weeks of the date of receipt of report from the Director, Anti-Corruption Bureau, forward the papers to the Secretary to Government of the Administrative Department, in the Mantralaya by name, indicating the reasons why he considers that the recommendations of the Director, Anti-Corruption Bureau should not be accepted. The Secretary to Government will obtain the orders of the Minister concerned thereon within period of 2 weeks.

[P.T.O.]

3. In the cases of both Gazetted Officers and non-gazetted Government servants, the appointing authorities should ensure that sanction to prosecute is issued within six weeks of the receipt of the recommendation from the Director, Anti-Corruption Bureau.

By order and in the name of the Governor of Maharashtra,

S. B. UNDE,
Deputy Secretary to Government.

To

The Secretary to the Governor, Bombay,

The Secretary to the Chief Minister, Bombay,

The Private Secretaries/Personal Assistants to all Ministers/Ministers of State,

*The Registrar, High Court, Appellate Side, Bombay,

*The Prothonotary and Senior Master, High Court, Bombay,

*The Registrar, Office of Lok Ayukta and Upa-Lok Ayukta, Bombay,

All Commissioners of Divisions,

All Collectors,

The Inspector-General of Police, Maharashtra State, Bombay,

The Director, Anti-Corruption and Prohibition Intelligence Bureau, Bombay,

All other Heads of Departments and Heads of Offices under the several Departments of the Mantralaya,

The Home Department,

All other Departments of the Mantralaya.

*By letter.
