

No.3(v)/99/13
Government of India
Central Vigilance Commission

Satarkata Bhavan, Block "A",
GPO Complex, I.N.A.,
New Delhi - 110 023.
Dated the 28th September 2000

Subject: - Effective punishment of the corrupt through traps.

It has been provided in the instructions issued by the Commission, vide its communication No. 3(v)/99/10 dated 01.12.1999, that the disciplinary authorities, the CVOs, as well as those who are hurt by the conduct of corrupt employees, can arrange for traps against corrupt public servants and that the local police or CBI can be contacted for arranging the traps.

2. In terms of Section 17 of the Prevention of Corruption Act, 1988, an offence punishable under the PC Act can be investigated by a police officer not below the rank of an Inspector of Police in the case of Delhi Special Police Establishment, an Assistant Commissioner of Police in the Metropolitan areas of Mumbai, Calcutta, Chennai and Ahmedabad and a DSP or a police officer of equivalent rank elsewhere. Further, every person, aware of the commission of, or of the intention of any other person to commit any offence, punishable under various sections of IPC including Sections 7 to 12 of the PC Act, in the absence of any reasonable excuse, is required to give information to the nearest Magistrate or Police Officer of such commission or intention in terms of Section 39 of the Cr.PC.

3. The Commission has observed that the number of traps conducted by the police officials, under the provisions of PC Act, do not commensurate with the level of corruption perceived in the country. This could be because (i) there may not a branch of the CBI in the near vicinity of the complainant and (ii) the people, at large, have reservations in approaching the local police. Therefore, keeping in view the above provisions of Law, and in order to implement the Commission's instructions referred to in para 1 supra, the Commission desires the CVOs to take the initiative in arranging a trap if a person gives a written complaint or a source information to him about the alleged demand of bribe by an official in his organisation. For that purpose, he may take on record the complaint, approach the local police or the CBI for assistance in conducting a trap, coordinate closely between the police authorities and the complainant, and ensure secrecy of the entire exercise so that it does not end in a fiasco. Further action in the matter may, however, be taken in terms of the

Commission's instructions dated 01.12.1999, i.e the CBI and the Police may complete the documentation within a period of two months and make available legible, authorised photocopies of all the documents to the disciplinary authorities for the purpose of departmental proceedings. The CBI or the local Police may, if they so desire, launch criminal proceedings against the concerned employee separately.

4. These instructions are available on the CVC's website <http://cvc.nic.in>


(N. VITTAL) 28.9.2000
CENTRAL VIGILANCE COMMISSIONER

To

1. The Secretaries of all Ministries/Departments of Government of India
2. The Chief Secretaries to all Union Territories
3. The Comptroller & Auditor General of India
4. The Chairman, Union Public Service Commission
5. The Chief Executives of all PSEs/Public Sector Banks/ Insurance Companies/Autonomous Organisations/ Societies
6. The Chief Vigilance Officers in the Ministries/Departments/PSEs/ Public Sector Banks/Insurance Companies/Autonomous Organisations/ Societies
7. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO
8. Director, CBI
9. Department of Personnel & Training, North Block, New Delhi