

No.009/VGL/018
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 1st April 2009

Circular No.8/4/09

Subject: Preparation of charge-sheets for RDA in CBI cases.

Consequent upon discontinuation of the longstanding practice of appending drafts of charge-sheets/imputations to the SP's reports in those cases where RDA is recommended by the CBI, a number of references have been received by the Commission from various CVOs soliciting intervention for the re-introduction of the earlier practice.

2. While the Commission has taken up the issue, separately, with the CBI (for getting the earlier practice revived), it is for the information of all concerned that as on date, CBI's decision to discontinue the earlier practice stands. That would mean that it is for the organisations/disciplinary authorities concerned to prepare the charge-sheets/imputations (as also the lists of exhibits and prosecution witnesses) in those cases where the CBI recommended departmental proceedings and where CBI's recommendation is accepted by the disciplinary authority.

3. Since the SP's reports are, generally speaking, exhaustive and self-contained, preparation of the charge-sheets/imputations should not ordinarily be a problem, per se, for the internal Vigilance Departments/functionaries. In fact, all that is required here is a careful application of mind. When charge-sheets are prepared by the vigilance functionaries themselves in departmentally-investigated cases, one finds no reason why this cannot be done in respect of the cases investigated by the CBI where, as mentioned above, the reports are well-structured and well made out. Nonetheless, if the organisation concerned faces a real/genuine problem or difficulty in preparing charge-sheets in a particular case, the same can be taken up with the CBI appropriately. Needless to say that such instances/exceptions should be a few and far between i.e. exceptions only.

4. CBI had also since dispensed with the practice of sparing their officials for appointment as Presenting Officers in departmental proceedings. Here also, one finds no reason why a departmental (i.e. Vigilance) functionary cannot present a case before an Inquiry Officer in a CBI-investigated case when it is the organisation's own official who is appointed as Presenting Officer in a departmentally investigated case.

5. In short, thus, as of today, it is the responsibility of the individual organisations concerned to prepare charge-sheets/imputations and lists of exhibits

and witnesses in CBI-investigated cases where disciplinary action (as distinct from criminal prosecution) has been agreed upon. Similarly, it is for the organisation concerned to appoint, in such cases, an officer from within as the Presenting Officer. Organisations can also arrange for imparting (if need be) some training to their personnel in these areas. Officers of the Commission and/or the CBI can also be associated with such training programmes/workshops as faculty members, if the organisation so desires. It also needs to be ensured that follow up actions on CBI reports are not delayed or held up on account of either non-availability of 'draft' charge-sheets or because the CBI is in no position to spare its official for appointment as Presenting Officer.

6. All CVOs are requested to make note of the above for compliance/necessary action.

SD/-
(Shalini Darbari)
Director

To

All Chief Vigilance Officers

Copy to The Director, CBI, North Block, New Delhi